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Title 3—The President

EXECUTIVE ORDER 11852

Creating an Emergency Board To Investigate a Dispute Between the Carriers Represented by the National Railway Labor Conference and Certain of Their Employees

A dispute exists between the carriers represented by the National Railway Labor Conference designated in lists attached hereto and made a part hereof, and certain of its employees represented by the Brotherhood of Railway, Airline, and Steamship Clerks, Freight Handlers, Express and Station Employees, a labor organization;

This dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

This dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board of three members, to be appointed by me, to investigate this dispute. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The board shall report its finding to the President with respect to the dispute within 30 days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for 30 days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which the dispute arose.

Gerald R. Ford

THE WHITE HOUSE,
April 16, 1975.

RAILROADS REPRESENTED BY THE NATIONAL RAILWAY LABOR CONFERENCE

Akron, Canton & Youngstown Railroad
@Alameda Belt Line
Alton & Southern Railway
*Ann Arbor Railroad
Atchison, Topeka and Santa Fe Railway
Atlanta and West Point Rail Road—The Western Railway of Alabama
Atlanta Joint Terminals
#Baltimore and Eastern Railroad
Baltimore and Ohio Railroad
Baltimore and Ohio Chicago Terminal Railroad
Bangor and Aroostook Railroad
#Bauxite and Northern Railway
Belt Railway Company of Chicago
Bessemer and Lake Erie Railroad
*Boston and Maine Corporation
Boston Terminal Corporation
Brooklyn Eastern District Terminal
Buffalo Creek Railroad
Burlington Northern Inc.
Freight Forwarding System Board of Adjustment
Timber Treating Plants at Brainerd, Minnesota and Paradise, Montana
Ore Docks at Allouez (Superior), Wisconsin
Butte, Anaconda & Pacific Railway
Camas Prairie Railroad
Canadian National Railways—
Great Lakes Region, Lines in the United States
St. Lawrence Region, Lines in the United States
#Canadian Pacific Limited
Central of Georgia Railroad
*Central Railroad Company of New Jersey
New York & Long Branch Railroad
General Vermont Railway, Inc.
Chesapeake and Ohio Railway
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway
Chicago and North Western Transportation Company
Chicago and Western Indiana Railroad
Chicago Heights Terminal Transfer Railroad
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago Produce Terminal Company
Chicago River and Indiana Railroad
Chicago, Rock Island and Pacific Railroad
Chicago South Shore and South Bend Railroad
Chicago Union Station Company
Chicago, West Pullman and Southern Railroad
Cleveland Union Terminals Company
Clinchfield Railroad
Colorado and Southern Railway
Colorado & Wyoming Railway
Davenport, Rock Island and North Western Railway
Dayton Union Railway
Delaware and Hudson Railway
Denver and Rio Grande Western Railroad
Denver Union Terminal Railway
Des Moines Union Railway
#Detroit and Mackinac Railway
Detroit and Toledo Shore Line Railroad
Detroit, Toledo and Ironton Railroad
@Duluth, Missabe and Iron Range Railway
Duluth, Winnipeg and Pacific Railway
Elgin, Joliet and Eastern Railway
*Erie Lackawanna Railway
Fort Worth and Denver Railway
Georgia Railroad
Grand Trunk Western Railroad
Green Bay and Western Railroad
Houston Belt and Terminal Railway
Illinois Central Gulf Railroad
Illinois Terminal Railroad
Indiana Harbor Belt Railroad
Indianapolis Union Railway
Jacksonville Terminal Company
@Joint Railway Agency of South St. Paul

Joint Texas Division of the CRI&P RR. and FW&D Ry.
Kansas City Southern Railway
@Joplin Union Depot Company
Kansas City Terminal Railway
Kentucky & Indiana Terminal Railroad
#Lake Superior and Ishpeming Railroad
Lake Superior Terminal and Transfer Railway
@Lake Terminal Railroad
*Lehigh and Hudson River Railway
Lehigh and New England Railway
*Lehigh Valley Railroad
Los Angeles Junction Railway
Louisiana & Arkansas Railway
Louisville and Nashville Railroad
Maine Central Railroad
  Portland Terminal Company
Minneapolis, Northfield and Southern Railway
Minesota and Manitoba Railroad
Minnesota Transfer Railway
Missouri-Kansas-Texas Railroad
Missouri Pacific Railroad
  Missouri-Illinois Railroad
Monongahela Railway
Montour Railroad
@Newburgh and South Shore Railway
New Orleans Public Belt Railroad
New Orleans Union Passenger Terminal
New York, Susquehanna and Western Railroad
Norfolk and Portsmouth Belt Line Railroad
Norfolk and Western Railway
Northwestern Pacific Railroad
Ogden Union Railway and Depot Company
**Penn Central Transportation Company
Pennsylvania-Reading Seashore Lines
Peoria and Pekin Union Railway
@Peoria Terminal Company
Pittsburgh and Lake Erie Railroad
Pittsburgh, Chartiers & Youghiogheny Railway
Portland Terminal Railroad Company
Port Terminal Railroad Association
@Railroad Perishable Inspection Agency
*Reading Company
Richmond, Fredericksburg and Potomac Railroad
River Terminal Railway
St. Joseph Terminal Railroad
St. Louis-San Francisco Railway
St. Louis Southwestern Railway
Saint Paul Union Depot Company
San Diego and Arizona Eastern Railway
Seaboard Coast Line Railroad
Soo Line Railroad
Southern Pacific Transportation Company—Pacific Lines
Texas and Louisiana Lines
Southern Railway
  Alabama Great Southern Railroad
  Cincinnati, New Orleans and Texas Pacific Railway
  Georgia Southern and Florida Railway
  New Orleans Terminal Company
@Norfolk Southern Railway
  St. Johns River Terminal Company
@Southwestern Freight Bureau
Spokane International Railroad
Staten Island Railroad Corporation
Terminal Railroad Association of St. Louis
Texarkana Union Station Trust Company
Texas and Pacific Railway
  Abilene and Southern Railway
  Fort Worth Belt Railway
  Weatherford, Mineral Wells & Northwestern Railway
Texas Mexican Railway
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans
Toledo, Peoria and Western Railroad
Toledo Terminal Railroad
@Trans-Continental Freight Bureau, Weighing and Inspection Department, South Pacific Coast Territory

Union Pacific Railroad
Walla Walla Valley Railway
Washington Terminal Company
Western Maryland Railway
Western Pacific Railroad
Western Warehousing Company
@Western Weighing and Inspection Bureau
Wichita Terminal Association
Wichita Union Terminal Railway
Yakima Valley Transportation Company
@Youngstown and Northern Railroad
Youngstown & Southern Railway

NOTES:

*—Subject to the approval of the Courts.
**—Subject to the approval of the Trustees of the Property and to the approval of the Courts. The Trustees have approved.
#—Authorization is confined to negotiation of the organization's August 1, 1974 notice.
@—Authorization is confined to negotiation of the organization's notices dated June 1, 1974, July 1, 1974 and July 8, 1974.

[FR Doc.75-10347 Filed 4-16-75;3:39 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

Action

Section 213.3359 is amended to show that the position of Director, Evaluation Division, Office of Policy and Program Development, is no longer excepted under Schedule C. This section is further amended to show the change in title from Special Assistant to the Assistant Director for Policy and Program Development to Special Assistant to the Assistant Director for Policy and Planning.

Effective April 18, 1975, § 213.3359(m) is revoked and (o) is added as set out below.

§ 213.3359 ACTION.

* * * * *

(m) [Revoked]

* * * * *

(o) One Special Assistant to the Assistant Director for Policy and Planning.

((5 U.S.C. 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.75–10200 Filed 4–17–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Air Force

Section 213.3209 is amended to show that positions assigned to Air Force Communications Intelligence Activities are no longer excepted under Schedule B.

Effective April 18, 1975 § 213.3209(a) is revoked as set out below.

§ 213.3209 Department of the Air Force.

(a) [Revoked].

* * * * *

((15 U.S.C. 3301, 3302); E.O. 10577, 3 CFR 1954–1958 Comp. p. 218)

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

[FR Doc.75–10201 Filed 4–17–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Congressional Liaison Officer is reestablished under Schedule C.

Effective April 18, 1975, § 213.3314 (q)(9) is amended as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(9) Two Congressional Liaison Officers.

* * * * *

((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.75–10202 Filed 4–17–75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that the following positions are no longer excepted under Schedule C: Deputy Under Secretary for Monetary Affairs, Assistant to the Secretary for Legislative Affairs, Deputy Assistant Secretary for Industrial Nations Finance and Special Assistant to the Secretary, Office of the Secretary.

§ 213.3305 [Amended]

Effective April 18, 1975, §§ 213.3305(a) (5), (23), (29), and (44) are revoked.

((5 U.S.C. §§ 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.75–10204 Filed 4–17–75;8:45 am]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one additional position of Special Assistant to the President and Chairman is reestablished under Schedule C.

Effective April 18, 1975, § 213.3342(d) is amended as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(d) Two Special Assistants to the President and Chairman.

* * * * *

((5 U.S.C. 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.75–10203 Filed 4–17–75;8:45 am]

PART 213—EXCEPTED SERVICE

Veterans Administration

Section 213.3327 is amended to show that four Confidential Assistants are being transferred to the Office of the Assistant Deputy Administrator and one Confidential Assistant is being transferred to the Office of the Administrator.

Effective April 18, 1975, §§ 213.3327(a) (6), (a)(8), and (a)(10) are amended as set out below.

§ 213.3327 Veterans Administration.

(a) *Office of the Administrator.* * * *

(6) Four Confidential Assistants to the Administrator.

* * * * *

(8) Four Confidential Assistants to the Assistant Deputy Administrator.

* * * * *

(10) One Confidential Assistant to the Deputy Administrator.

* * * * *

(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.75–10205 Filed 4–17–75;8:45 am]

Title 7—Agriculture

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

[Lemon Reg. 688]

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 April 20–26, 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.

§ 910.988 Lemon Regulation 688.

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

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons on all grades and sizes opened easier this week. Average f.o.b. price was $5.98 per carton the week ended April 12, 1975, compared to $5.66 per carton the previous week. Track and rolling supplies at 109 cars were up 2 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the curent week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 15, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 20, 1975, through April 26, 1975, is hereby fixed at 250,000 cartons.

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

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

Dated: April 16, 1975.

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

[FR Doc.75-10375 Filed 4-17-75;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Released From Quarantine

This amendment excludes a portion of Suffolk County in New York from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, paragraph (a) (1) (i) relating to Suffolk County in the State of New York, is deleted.

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

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

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 14th day of April, 1975.

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

[FR Doc.75-10121 Filed 4-17-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 75-335]

OPERATIONS AND LIMITATIONS OF GOLD

Member Bank Regulations

APRIL 10, 1975.

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

I. Present Regulations

None.

II. Proposed Regulations.

A. *Liquidity.*

1. Gold would not be considered "cash".

2. Gold-related general obligations of States and their subdivisions would not be considered liquid assets.

B. *Federal Home Loan Banks.*

1. FHLBanks could not have any involvement with gold or gold-related instruments.

C. *Advances.*

1. Gold and gold-related instruments would be ineligible as collateral for advances.

D. *Advertising Rates of Return.*

1. No advertisement could state that interest is payable in:

a. Gold,

b. Gold-related instruments, or

c. An amount of money determined in a manner involving gold.

E. *Effect and Interpretation of 31 U.S.C. § 463 (Board Ruling).*

1. 31 U.S.C. § 463 provides that contracts requiring payment in gold are against public policy.

2. The Board is of the view that 31 U.S.C. § 463 remains in effect.

3. The Board interprets 31 U.S.C. § 463(a) as prohibiting the payment of interest or principal in: gold, gold-related instruments, or an amount of money determined in a manner involving gold.

III. Final Regulations.

Same as proposal except that final regulations:

A. Revise proposed Board Ruling to interpret 31 U.S.C. § 463 as prohibiting member institutions from agreeing to pay principal in gold, gold-related instruments or in an amount of money determined in a manner involving gold; and

B. Provide by regulation that member institutions may not pay rates of return in gold, gold-related instruments or in an amount of money determined in a manner involving gold.

IV. Reason for Amendments.

A. Enactment of Pub. L. 93-373.

By Resolution No. 74-1420, dated December 3, 1974, and published in the FEDERAL REGISTER on January 7, 1975 (40 FR 1277-78), for comment until January 22, 1975, the Federal Home Loan Bank Board proposed to amend Parts 523, 524, 525 and 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Parts 523, 524, 525 and 526) and to add a new Part 532 thereto (12 CFR Part 532). The Board proposed these amendments as a result of the enactment of Pub. L. 93-373 and after consulting with the other Federal financial regulatory agencies. Pub. L. 93-373 states in effect that no provision of any law in effect on September 21, 1973, and no rule, regulation or order in effect on December 31, 1974 "may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold in the United States or abroad." The Board considers it desirable to adopt the amendments as proposed except with respect to Parts 526 and 532, as discussed below.

Part 523—which, inter alia, sets forth liquidity requirements applicable to institutions which are members of the Federal Home Loan Bank System—is amended by revising §§ 523.10(a) and 523.10(g)(6) thereof. Section 523.10(a) defines the term "cash", in connection with the liquidity requirements imposed by Part 523, to mean "cash on hand and unpledged demand deposits in a Federal Home Loan Bank, an insured bank, or the Bank for Savings and Loan Associations, Chicago, Illinois." Section 523.10(a) is amended by adding the following sentence thereto: "[t]he term 'cash' does not include gold in any form." Section 523.10(g) defines the term "liquid assets" to include "general obligations of any State, territory, or possession of the United States, or political subdivision of any of the foregoing" (1) if such obligations have been given a certain minimum rating by a nationally recognized rating service, or (2) if such obligations were issued by a public housing agency and are backed by the full faith and credit of the United States. The description in § 523.10(g)(6) of the types of general obligations which will be considered liquid assets in connection with the liquidity requirements imposed by Part 523 is amended to exclude general obligations which are "gold-related."

Part 524, captioned "Operations of the Banks", is amended by adding a new § 524.14 thereto. Said new § 524.14 provides that (notwithstanding any other provision of Part 524) "no Bank may engage, as trustee or otherwise, in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities." The Board believes that proposed new § 524.14 is consistent with Pub. L. 93-373. If the Federal Home Loan Bank Act (12 U.S.C. 1421 *et seq.*) does not authorize Federal Home Loan Banks to deal with gold and if Pub. L. 93-373 does not contain any authorization for them to deal with gold, then the Board lacks statutory authority to permit Federal Home Loan Banks to deal with gold. On the other hand, if the Federal Home Loan Bank Act authorizes Federal Home Loan Banks to deal with gold, or if Pub. L. 93-373 authorizes Federal Home Loan Banks to deal with gold, or if Pub. L. 93-373 authorizes them to deal with gold, then the Board believes that either authorization is subject to the Board's regulatory authority under sections 12 and 17 of the Federal Home Loan Bank Act.

Part 525, captioned "Advances", is amended by adding a new § 525.7 thereto. Said new § 525.7 provides that (notwithstanding any other provision of Part 525) no Bank may (1) make an advance to a member institution secured by gold or gold-related instruments or securities, or (2) accept gold or gold-related instruments or securities from a member institution as security for any obligation.

Part 526, captioned "Limitations on Rate of Return", is amended by revising § 526.6 thereof, captioned "Advertising of interest or dividends on savings accounts." Said § 526.6 provides that every advertisement, announcement, or solicitation relating to interest or dividends paid on savings accounts in member institutions shall be governed by eight rules. A new ninth rule (new § 526.6(i)) provides that no such advertisement, announcement or solicitation may state that all or any portion of the interest or dividends on any type of savings account is payable (1) in gold (including any type of gold coin), (2) in gold-related instruments or securities, or (3) in an amount of money determined in any manner involving or having reference to gold. The third of these provisions prohibits member institutions from, for example, advertising the payment of an interest rate to be determined by the price of gold on the date such interest is due.

New § 526.9 would prohibit member institutions from paying all or any portion of the interest or dividends on any type of savings account (1) in gold (including any type of gold coin), (2) in gold-related instruments or securities, or (3) in an amount of money determined in any manner involving or having reference to gold. New § 526.9 supplements a new Board Ruling which interprets 31 U.S.C. § 463 as prohibiting member institutions from agreeing to pay principal on savings accounts in this manner.

Accordingly, the Board hereby amends Part 523 by revising § 523.10 thereof, Part 524 by adding a new § 524.14 thereto, Part 525 by adding a new § 525.7 thereto, Part 526 by revising § 526.6 thereof and by adding a new § 526.10 thereto, and Subchapter B by adding a new Part 532 thereto, as set forth below, effective April 18, 1975.

Since publication of these amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board be contrary to the public interest, the Board hereby provides that said amendments shall become effective as set forth below.

PART 523—MEMBERS OF BANKS

1. Part 523 is revised by amending § 523.10(a) and (g)(6) thereof.

§ 523.10 Definitions.

For the purposes of this section, § 523.11 and § 523.12:

(a) The term "cash" means cash on hand and unpledged demand deposits in a Federal Home Loan Bank, an insured bank, or the Bank for Savings and Loan Associations, Chicago, Illinois. The term "cash" does not include gold in any form.

* * * * *

(g) The term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to a repurchase agreement):

* * * * *

(6) General obligations (other than gold-related obligations) of any State, territory, or possession of the United States, or political subdivision of any of the foregoing, if:

* * * * *

PART 524—OPERATIONS OF BANKS

2. Part 524 is revised by adding a new § 524.14 thereto.

§ 524.14 Gold and gold-related transactions.

Notwithstanding any other provision of this Part, no Bank may engage, as trustee or otherwise, in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities.

PART 525—ADVANCES

3. Part 525 is revised by adding a new § 525.7 thereto.

§ 525.7 Gold and gold-related securities ineligible as collateral.

Notwithstanding any other provision of this Part, no Bank may (a) make an advance to a member institution which is secured by gold or gold-related instruments or securities, or (b) accept gold or gold-related instruments or securities from a member institution as security for any obligation.

PART 526—LIMITATIONS ON RATES OF RETURN

4. Part 526 is revised by adding § 526.6(i) thereof and by adding a new § 526.9 thereto.

§ 526.6 Advertising of interest or dividends.

Every advertisement, announcement or solicitation relating to the interest or dividends paid on savings accounts in member institutions shall be governed by the following rules:

* * * * *

(i) No such advertisement, announcement, or solicitation shall state that all or any portion of the interest or dividends on any type of savings account is payable in gold (including any type of gold coin), in gold-related instruments or securities, or in an amount of money determined in any manner involving or having reference to gold.

§ 526.9 Payment of interest or dividends in gold or its equivalent.

No member institution shall pay all or any portion of the interest or dividends on any type of savings account (a) in gold (including any type of gold coin), (b) in gold-related instruments or securities, or (c) in an amount of money determined in any manner involving or having reference to gold.

5. Subchapter B is revised by adding a new Part 532 thereto.

PART 532—BOARD RULINGS

§ 532.1 Payment in gold or its equivalent.

Section 463(a) of 31 U.S.C. provides, in part, that "[e]very provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or in an amount of money of the United States measured thereby, is declared to be against public policy; and no such provision shall be contained in or made with respect to any obligation [incurred after June 5, 1933]." The Board is of the view that 31 U.S.C. 463 remains in effect notwithstanding that Public Law 93–373 invalidated laws prohibiting persons from purchasing, holding, selling, or otherwise dealing with gold, effective December 31, 1974. The Board interprets 31 U.S.C. § 463 as prohibiting member institutions from agreeing to pay in gold (including any type of gold coin) or gold-related instruments or securities all or any portion of principal with respect to any type of savings account in a member institution. The Board also interprets 31 U.S.C. § 463 as prohibiting member institutions from agreeing to pay such principal in an amount of money determined in any manner involving or having reference to gold.

(Sec. 17, 47 Stat. 736, as amended; (12 U.S.C. 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

(Secs. 5A, 5B, 10, 11, 12, 17, 47 Stat. 727, 731, 733, 735, 736, as amended; (12 U.S.C. 1425a, 1430, 1431, 1432, 1437). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

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

[FR Doc.75-10221 Filed 4-17-75;8:45 am]

[No. 75-337]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

PART 556—STATEMENTS OF POLICY

Restrictions on Gold Activities

APRIL 10, 1975.

Summary. The following summary of the amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the regulations.

I. Present Regulations.

None.

II. Proposed Regulations.

A. *Federal Associations.*

1. Federal associations can not engage in any transaction involving gold or gold-related instruments.

B. *Service Corporations in which Federals May Invest.*

1. Federal associations should not invest in any service corporation which engages in transactions involving gold or gold-related instruments because gold-related transactions are not preapproved and service corporation applications to engage in such transactions will not be approved. (Statement of Policy.)

III. Final Regulations.

Same as proposal.

IV. Reason for Amendments.

1. Enactment of Pub. L. 93-373

By Resolution No. 74-1422, dated December 3, 1974, and published in the FEDERAL REGISTER on January 7, 1975 (40 FR 1278-9) for comment until January 22, 1975, the Federal Home Loan Bank Board proposed to amend Parts 545 and 556 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 545 and 556). The Board proposed these amendments as a result of the enactment of Pub. L. 93-373 and after consulting with the other Federal financial regulatory agencies. Pub. L. 93-373 states in effect that no provision of any law in effect on September 21, 1973, and no rule, regulation or order in effect on December 31, 1974 "may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold in the United States or abroad." The Board considers it desirable to adopt the amendments as proposed.

Part 545 is amended by adding a new § 545.11-1 thereto. Said new § 545.11-1 provides that "[n]o Federal association may engage in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities." The Board believes that proposed new § 545.11-1 is consistent with Pub. L. 93-373. If the Home Owners' Loan Act of 1933 (12 U.S.C. 1461 *et seq*) does not authorize Federal associations to deal with gold and if Pub. L. 93-373 does not contain any authorization for Federal associations to deal with gold, then the Board lacks statutory authority to permit Federal associations to deal with gold. On the other hand, if the Home Owners' Loan Act authorizes Federal associations to deal with gold, or if Pub. L. 93-373 authorizes them to deal with gold, then the Board believes that either authorization is subject to the Board's general regulatory authority under section 5(a) of the Home Owners' Loan Act.

Part 556, captioned "Statements of Policy", is amended by adding a new § 556.7 thereto, captioned "Service corporation involvement with gold or gold-realted transactions." Said new § 556.7 points out that § 545.9-1 authorizes Federal associations to invest in service corporations which engage in certain preapproved activities and any other activities which the Board approves on application. Section 556.7 then states that Federal associations should not invest or maintain an investment in a service corporation if such service corporation engages in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities. Federal associations should refrain from investing or maintaining an investment in such service corporations because engaging in such transactions or activities is not presently preapproved and the Board will not approve an application to engage in any such transaction or activity.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545 by adding a new § 545.11-1 there and Part 556 by adding a new § 556.7 thereto, as set forth below, effective April 18, 1975.

Since publication of these amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board be contrary to the public interest, the Board hereby provides that said amendments shall become effective as hereinbefore set forth below.

1. Part 545 is amended by adding a new § 545.11-1 thereto.

§ 545.11-1 Gold and gold-related transactions.

No Federal association shall engage in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities.

2. Part 556 is amended by adding a new § 556.7 thereto.

§ 556.7 Service corporation involvement with gold or gold-related transactions.

Section 545.9–1 authorizes Federal associations to invest in service corporations engaging in certain preapproved activities and any other activities which the Board approves upon application. Federal associations should not invest or maintain an investment in a service corporation if such service corporation engages in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities, because engaging in such transactions or activities is not presently preapproved and the Board will not approve an application to engage in any such transaction or activity.

(Sec. 5, 48 Stat., 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

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

[FR Doc.75-10220 Filed 4-17-75;8:45 am]

[No. 75-336]

PART 571—STATEMENTS OF POLICY

PART 588—STATEMENTS OF POLICY

Private Institution Regulations Pertaining to Gold

APRIL 10, 1975.

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

I. Present Regulations.

None.

II. Proposed Regulations.

A. *State-chartered Insured Institutions and Their Service Corporations.* (Statement of Policy).

1. The authority to deal with gold primarily is a matter of State law.

2. The Corporation will carefully scrutinize those institutions and service corporations which engage in transactions involving gold or gold-related instruments.

3. The Corporation will regulate or prohibit any such transaction which it determines to be unsafe or unsound.

B. *Multiple Holding Companies.* (Statement of Policy).

1. The Corporation will not approve applications by multiple holding companies or certain subsidiaries thereof to engage in transactions involving gold or gold-related instruments.

III. Final Regulations.

Same as proposals.

IV. Reason for Proposed Amendments.

A. Enactment of P.L. 93-373.

By Resolution No. 74-1421, dated December 3, 1974, and published in the FEDERAL REGISTER on January 7, 1975 (40 FR 1279–80) for comment until January 22, 1975, the Federal Home Loan Bank Board proposed to amend Part 571 of the Rules and Regulations for Insurance of Accounts and to add a new Part 588 to the Regulations for Savings and Loan Holding Companies (12 CFR Parts 571 and 588). The Board proposed these amendments as a result of the enactment of Pub. L. 93–373 and after consultation with the other Federal financial regulatory agencies. Pub. L. 93–373 states in effect that no provision of any law in effect on September 21, 1973, and no rule, regulation or order in effect on December 31, 1974 "may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold in the United States or abroad." The Board considers it desirable to adopt the amendments as proposed.

Part 571, which contains statements of policy applicable to insured institutions, is amended by adding a new § 571.10 thereto. Said new § 571.10 states that the authority of State-chartered insured institutions and their service corporations to engage in transactions and activities involving gold (including any type of gold coin) or gold-related instruments or securities is primarily a matter of State law. New § 571.10 makes clear, however, that the Corporation's supervisory and examining personnel will carefully scrutinize such transactions and activities by State-chartered insured institutions and their service corporations. The Corporation will regulate or prohibit any such transaction or activity if it determines that such transaction or activity is unsafe or unsound or otherwise inconsistent with the purposes of Title IV of the National Housing Act (12 U.S.C. 1724 et seq.), as amended.

New Part 588 of the Regulations for Savings and Loan Holding Companies sets forth statements of policy applicable to holding companies. New § 588.1 of said Part 588 points out that § 584.2–1 (b) authorizes multiple holding companies and their subsidiaries (other than subsidiary insured institutions and service corporation subsidiaries of such institutions) to engage in certain prescribed services and activities, subject to certain conditions. New § 588.1 also points out that multiple holding companies and their above-described subsidiaries may engage in other services and activities, as approved by the Corporation. New § 588.1 then makes clear that the Corporation will not approve an application to engage in any transaction or activity involving gold or gold-related instruments or securities.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 571 by adding a new § 571.10 thereto and Subchapter F by adding a new Part 588 thereto, as set forth below, effective April 18, 1975.

Since publication of these amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 555(d) prior to the effective date of said amendments would in the opinion of the Board be contrary to the public interest, the Board hereby provides that said amendments shall become effective as set forth below.

1. Part 571 is amended by adding a new § 571.10 thereto.

§ 571.10 Gold and gold-related transactions.

The authority of State-chartered insured institutions and their service corporations to engage in transactions and activities involving gold (including any type of gold coin) and gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities, is primarily a matter of State law. However, the Corporation's supervisory and examining personnel will carefully scrutinize such transactions and activities by insured institutions and their service corporations. The Corporation will regulate or prohibit any such transaction or activity if it determines that such transaction or activity constitutes an unsafe or unsound practice or is otherwise inconsistent with the purposes of Title IV of the National Housing Act, as amended.

2. Subchapter F is amended by adding a new Part 588 thereto.

§ 588.1 Applications involving gold or gold-related transactions.

Section 584.2–1(b) authorizes multiple holding companies and their subsidiaries, other than subsidiary insured institutions and service corporation subsidiaries of such institutions, to engage in certain prescribed services and activities, subject to certain conditions. Multiple holding companies and their above-described subsidiaries may engage in other services and activities, as approved by the Corporation pursuant to an application under § 584.2(b)(6). The Corporation will not approve an application under § 584.2(b)(6) to engage in any transaction or activity involving gold (including any type of gold coin) or gold-related instruments or securities, including buying, holding, selling or otherwise dealing with gold or gold-related instruments or securities.

(Sec. 408, 48 Stat. 1256, as amended; Sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

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

[FR Doc.75-10222 Filed 4-17-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-10-AD; Amdt. 39-2176]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna A185 and A188 Series Airplanes

There have been incidents of flexible engine induction air duct collapse resulting in engine power loss on Cessna A185 and A188 series airplanes. To correct this condition the manufacturer has issued Service Letter SE75-5 recommending the incorporation of an improved design flexible engine induction air duct and adapter on these airplanes. Since the condition described herein is likely to exist or develop in other airplanes of the same or similar type design, the agency is issuing an Airworthiness Directive (AD) applicable to certain serial numbers of Cessna A185 and A188 series airplanes making compliance with the aforementioned Service Letter mandatory.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

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

CESSNA. Applies to A185 series (Serial Numbers 18502008 through 18502650) airplanes and A188 series (Serial Numbers 18800833 through 18801374).

Compliance: Required as indicated, unless already accomplished.

To preclude the collapse of the existing flexible engine induction air duct, within the next 50 hours' time in service after the effective date of this AD, accomplish the following:

Replace the flexible engine induction air duct with a new flexible engine induction air duct (P/N 1650044-1); duct adapter (P/N 1652021-10); and drain line (P/N 0700147-82) (A185 only), in accordance with Cessna Service Letter SE75-5, dated February 7, 1975, or later approved revisions, or any alternate means of compliance approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective May 5, 1975.

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

Issued in Kansas City, Missouri, on April 9, 1975.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc.75-10100 Filed 4-17-75;8:45 am]

[Docket No. 75-NW-4-AD; Amdt. 39-2177]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 337 Series

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the pitot tube on Cessna Model 337 series aircraft modified in accordance with Robertson Aircraft Corporation STC SA1627WE was published in the FEDERAL REGISTER February 26, 1975 (39 FR 8217).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

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

CESSNA: Applies to the following Model 337 series aircraft modified in accordance with Robertson Aircraft Corporation STC SA1627WE, certificated in all categories.

337-0058	337-0728	337-0970	337-1154
337-0063	337-0732	337-0977	337-1159
337-0124	337-0741	337-0992	337-1162
337-0205	337-0817	337-0996	337-1175
337-0220	337-0822	337-1019	337-1177
337-0291	337-0836	337-1036	337-1180
337-0305	337-0880	337-1044	337-1192
337-0327	337-0882	337-1052	337-1210
337-0332	337-0896	337-1062	337-1232
337-0443	337-0916	337-1072	337-1258
337-0502	337-0925	337-1073	337-1262
337-0540	337-0929	337-1079	337-1274
337-0549	337-0938	337-1082	337-1276
337-0566	337-0942	337-1091	337-1303
337-0577	337-0946	337-1108	337-1307.
337-0585	337-0947	337-1118	
337-0695	337-0959	337-1124	
337-0726	337-0963	337-1139	

Compliance required as indicated unless already accomplished.

To prevent the possibility of unreliable airspeed indications due to ice formation in the pitot system, accomplish the following:

Unless already accomplished, within the next 100 hours of operation after the effective date of this AD, rework the extended pitot tube by installation of Robertson Kit No. 14-118-100 in accordance with Robertson modification instructions No. 14-118-10 dated January 23, 1975, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

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 Robertson Aircraft Corporation, 839 West Perimeter Road, Renton, Washington 98055. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 22, 1975.

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

Issued in Seattle, Washington on April 10, 1975.

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

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

[FR Doc.75-10101 Filed 4-17-75;8:45 am]

[Airspace Docket No. 75-RM-6]

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

Alteration of Transition Area

On March 7, 1975, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 FR 10692) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Laramie, Wyoming.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., August 14, 1975.

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

Issued in Aurora, Colorado, on April 18, 1975.

M. M. MARTIN,
Director,
Rocky Mountain Region.

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.

[FR Doc.75-10103 Filed 4-17-75;8:45 am]

[Airspace Docket No. 75-SW-9]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions is to alter the transition area at Baton Rouge, La.

On February 27, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 8360) stating the Federal Aviation Administration proposed to alter the transition area at Baton Rouge, La.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Baton Rouge, La., transition area is amended to read:

BATON ROUGE, LA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.); within 2 miles each side of the Baton Rouge ILS localizer southeast course extending from the 7-mile radius area to 7.5 miles southeast of Ryan Airport; within 5 miles northeast and 8 miles southwest of the Baton Rouge ILS localizer northwest course extending from the OM to 12 miles northwest; within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 7-mile radius area to the VORTAC; within 2 miles each side of the Baton Rouge 068° radial extending from the 7-mile radius area to 7.5 miles east of the airport and within a 5-mile radius of the False River Airpark (latitude 30°42'55" N., longitude 91°28'43" W.); within 2 miles each side of the 325° radial of the Baton Rouge VORTAC extending from the 5-mile radius area of the False River Airpark to the northwest ILS localizer extension.

(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 April 8, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-10104 Filed 4-17-75;8:45 am]

[Airspace Docket No. 75-SW-22]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke that part of the Palacios, Tex., transition area which was used solely by military aircraft in executing an approach into Madagorda Island AFB, Tex.

We have been advised that effective March 31, 1975, the military will no longer use the base. Consequently, instrument approach procedures, as well as the transition area serving the base, are being revoked.

In consideration of the foregoing, in § 71.181 (40 FR 441), the Palacios, Tex., transition area is amended as follows:

PALACIOS, TEX.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Palacios VORTAC 308° radial extending from the VORTAC to 8 miles northwest of the VORTAC.

(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 April 8, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-10106 Filed 4-17-75;8:45 am]

[Airspace Docket No. 75-SW-8]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Russellville, Ark., transition area.

On February 27, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 8360) stating the Federal Aviation Administration proposed to designate a transition area at Russellville, Ark.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 19, 1975, as hereinafter set forth.

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

RUSSELLVILLE, ARK.

That airspace extending upward from 700 feet above the surface within a 7.5-statute-mile radius of Russellville Municipal Airport, Russellville, Ark. (latitude 35°15'34" N., longitude 93°05'38" W.); and within 3.5 statute miles each side of the 186° bearing from Russellville NDB (latitude 35°15'34" N., longitude 93°05'40" W.), extending from the 7.5-mile-radius area to 11.5 statute miles south of the NDB; excluding that portion which overlies the Morrilton, Ark., 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 April 8, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-10105 Filed 4-17-75;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 35-18898]

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

Termination of Temporary Suspension of the Competitive Bidding Requirements of Rule 50

The Securities and Exchange Commission today announced that it will not continue beyond March 31, 1975, the temporary suspension of the competitive bidding requirements of Rule 50 (17 CFR 250.50) promulgated pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") with respect to the issuance and sale of common stock of registered holding companies. Common stock issues heretofore publicly announced by such companies on or before January 31, 1975, may be sold on or before April 30, 1975, without competitive bidding (39 FR 42678).

We adopted Rule 50 on April 8, 1941, requiring that securities issued by registered holding companies and their subsidiaries be sold by competitive bidding as set forth in the rule (Holding Company Act Release No. 2676). In addition to limited automatic exceptions, the rule itself provides for the granting of exceptions by order in special circumstances. Such exceptions have been granted sparingly.

Rule 50 was adopted partly because of our concern with undue concentration in the business of underwriting public utility issues. More generally, Rule 50 provides a pricing mechanism to carry out the statutory mandate under which we may authorize the issue and sale of a security by a registered holding company or its subsidiary provided that the price to the issuer and the underwriters' compensation is reasonable. Competitive bidding is uniquely suited to accomplish that purpose.

During the first four months of the suspension period, five registered systems sold common stock by negotiation.

[000's omitted]

Issue date	Holding company	Shares	Proceeds	Underwriters compensation	
				Percent	Amount
November 13	Delmarva Power & Light	1,500	$15,000	7.5	$1,125
January 21	Middle South Utilities	7,000	98,000	5.3	5,194
February 4	Central & Southwest	4,300	68,000	4.9	3,371
February 25	American Natural Gas	2,000	72,250	4.9	3,540
March 19	General Public Utilities	2,300	32,200	4.9	1,564
Total			285,450		14,794

In addition, four registered holding companies announced common stock issues to be sold by negotiation prior to April 30, 1975.

During approximately the same period, 23 negotiated common stock offerings of utility companies not subject to the Act were sold for an aggregate of about $706.5 million. The underwriters' compensation on these issues ranged from 7.3 percent to 4.8 percent. No utility common stocks were competitively sold during this period.

When we announced the temporary suspension of Rule 50 on November 7, 1974, we at the same time ordered a public hearing. The temporary suspension was only tentative, based upon market conditions which then appeared to impede the sale of utility shares. In ordering the public hearing, we noted explicitly that it was not our purpose "to debate the general proposition of whether or not the requirements of Rule 50 provide advantages which are superior to those obtainable through negotiated underwritings." Rather, we sought information to assist us in determining whether any specific enduring factors warranted further suspension of the competitive bidding requirements of Rule 50 or other relief.

The hearing was held on consecutive days from January 6 through January 9, 1975. Representatives of underwriting firms, registered holding companies, a public interest group, and a consultant retained by us appeared. The Department of Justice, several registered holding companies, and the American Gas Association submitted their views in writing.

Utility representatives and underwriters advocated continuance of the suspension. Some suggested further suspension to the end of 1975 with another review at that time. Others favored an indefinite suspension with periodic review.

The main points to which the parties addressed themselves were: (1) Competition among underwriters to become managers; (2) formation of underwriting groups and allocation of compensation among members; and (3) institutional investor interest in utility common stocks.

The underwriters assert that competition in seeking managerships is intense within the industry, but that competition is not based upon price. They acknowledge that it is generally difficult to wrest managerships from firms that have previously managed sales of common stock for a particular issuer. If the issuer is not persuaded to select a new manager, the alternatives are to join, if invited, the syndicate being formed to market the issue or to turn to other business. It is not the custom to submit a competing offer in such circumstances.

Syndication generally is tailored to the characteristics of the securities to be issued. The managers select the members who they believe will best market the issue. They may add to the group a firm suggested by the issuer. We are told that once the underwriting group is selected there is no inclination to add underwriters even if a firm originally selected withdraws from the contemplated offering.

Traditionally an underwriting syndicate consisted of a manager, a group of underwriters and a selling group. At one time these three functions, in major offerings, generally were performed by different firms. A major portion of the total commission was allocated, on a per share basis, to members of the selling group, and the balance divided between the manager and the underwriting group. In recent years firms with substantial distribution capabilities have broadened the scope of their activities, and the pattern of underwriting has changed to some extent. At present the selling group tends to be coincident with the underwriting group, and major retail firms seek to manage offerings or share in the management fees as comanagers. This has introduced some centrifugal elements that in particular circumstances may deter the broad distribution efforts that are generally claimed as the main attraction of a negotiated underwriting.

The underwriter's portion of the compensation is designed to cover the risks of market changes during the offering, including those incident to stabilization. Although the risks and the profits are shared by the entire underwriting group, the pertinent decisions rest primarily with the manager, and net profit or loss from the underwriting account depends largely on the manager's skill in assessing the market acceptance of the issue.

Specialized investment bankers without their own retail distribution network must rely on cooperating retail firms to dispose of a large part of their own underwriter's allotment. Retail comanagers thus earn a large portion of the gross underwriter's compensation through the selling concession. Conversely, specialized investment bankers remain dependent on the size of the management portion of the total charge except to the extent they can earn the selling concession by placing their allotted shares with institutions.

The selling concession also is a critical means of controlling participation in the underwriting. Dealers who are not selected as members of the group receive a selling concession or reallowance smaller than that allowed within the group. There is a wide variation in the reallowance which is liberal on issues that seem hard to place but, on issues which seem readily salable, is low compared with the commission that can be earned on purchase of the same shares in the secondary market. It is also the standard practice to reserve under the manager's control part of the issue for the account of all the underwriters. It is used, among other purposes, for sale to dealers who are not members of the group at the full selling concession rather than at the lesser reallowance. To this extent, orders secured by non-members, including those in an unsuccessful bidding group, need not be wasted if the selling group has itself not fully sold the issue. A negotiated underwriting is not essential for such auxiliary or complementary techniques of distribution.

One important factor in the suspension was the apparent lack of institutional demand for public utility common stocks in the fall of 1974. The hearing confirmed that insurance companies and mutual funds were on balance net sellers of such securities during this period. No useful data is available as to such other major investors as pension funds and bank trust departments. The lack of institutional demand at that time was largely accounted for by a number of factors affecting the volume of funds available for investment. Such factors included an unusually high level of policy loans by life insurance companies, net redemptions by mutual funds, a series of extraordinary casualty losses for insurers coupled with an erosion of reserves due to a general market decline of the value of their investments, and the availability of high yield short-term notes as alternative investments.

At present, sales to institutions again play a large role in offerings of public utility common stocks, and this may be expected to continue. Sales to institutional investors involve substantially less cost than sales of an equivalent volume of shares to small investors. Institutions are easier to canvass for the purpose of projecting the demand for a particular issue, and they are more accessible to investment bankers who do little or no retail business. Unlike purchases in the secondary markets, the purchase of an original issue involves no volume discount to institutions.

The hearing disclosed the prevalence of "swaps" between underwriters and their institutional clients. This arrangement requires one or more of the underwriters to sell in the secondary market securities which the institution no longer wants in its portfolio. Such reciprocal sales normally occur on the same day as the purchase of the new issue. But this practice may make published data with respect to underwriters' compensation unreliable when an attempt is made to determine a reasonable price for such services. In a negotiated sale the underwriter can fix his compensation on a cost plus basis to reflect any such additional risks. In competitive bidding the effect of such extraneous factors on the underwriter's compensation and on the price to the issuer is controlled or neutralized by the requirement that the successful bidder must offer a better price than his competitor.

It has been stated that competitive bidding is impractical because securities salesmen cannot be assured that the bidding group with which their firms are associated will be the successful bidder. That has not prevented competitive offerings in the 33 years since Rule 50 was adopted. The lack of such assurance has not deterred the formation of two or more competitive groups, each bidding for the issue and undertaking effective preselling exploration of the market.

The suggestion seems to be that competitive bidding is not likely to engage the full or undivided attention of the sales force when many common stock issues by public utilities not under our jurisdiction are offered on a negotiated basis.

We do not read these observations as implying that in present circumstances underwriters and retail firms would not organize or join potential bidding groups. We are entitled to assume that they are prepared to underwrite issues offered for competitive bidding and that organizational and marketing techniques will be properly and effectively employed to serve that purpose.

A negotiated underwriting, it should be added, is not free from critical uncertainties. These affect the distributors in their marketing efforts and leave the issuer in doubt as to what the terms will be until the definitive agreement is reached.

Although in a negotiated sale managers are selected by the issuer about six to eight weeks in advance of the retail distribution, their selection involves no commitment on the terms of sale. The agreement as to terms does not occur appreciably earlier than does the like agreement under competitive bidding. While it is styled a negotiated underwriting, the issuer has little bargaining power when the moment to fix the terms of the sale arrives.

In negotiated underwritings the selling concession, upon which the salesmen's commission is normally based, is not fixed until immediately prior to the public sale. Advance announcement to salesmen of their commission rate is reserved for issues considered difficult to market. The final allocation of shares among members of the group is also deferred until immediately before the public sale. In one case reviewed at the hearing tentative allotments were cut back sharply by the managers shortly before the offering in order to meet an unexpectedly large institutional demand, thereby leaving salesmen unable to fill further orders for an issue in high demand as a result of their efforts.

Finally, it should be emphasized that we did not suspend competitive bidding because of the depressed prices for utility common stocks. The price at which a new issue of common stock of a public utility company can be sold is governed by the price of its outstanding common stock in the secondary market, whether the new issue is sold to underwriters in competitive bidding or by negotiation. We adopted the suspension because holding companies under our jurisdiction had reason to believe that the marketing procedures incident to competitive bidding might be inadequate to reach enough potential purchasers to place the stock they needed to sell. There was at the time a distinct uncertainty and some pessimism concerning the outlook for utility stock in general, and, specifically, an apparent lack of interest by institutional investors in utility common stocks.

The facts developed at the hearing and our experience with the results of offerings of debt and equity securities of utility companies in recent months, whether sold by negotiation or competitive bidding, persuade us that common stock of registered holding companies can be marketed in the manner required by Rule 50. The temporary suspension has served its purpose. It need not be extended. The exemptive provisions of Rule 50 provide sufficient flexibility for an issuer under circumstances when the automatic exceptions provided in the rule are unavailable and the need for an exemption by order is clearly demonstrated.

§ 250.50 [Amended]

Commission action. Pursuant to the authority set forth in sections 6, 7, 12 and 20 of the Public Utility Holding Company Act of 1935, the Securities and Exchange Commission hereby restates its previous order that the temporary suspension appearing as a note at the end of § 250.50 of Chapter II of Title 17 of the Code of Federal Regulations lapses on March 31, 1975. Accordingly, § 250.50 of Chapter II of Title 17 of the Code of Federal Regulations becomes operative effective April 1, 1975, except that a common stock issue heretofore publicly announced by a registered holding company on or before January 31, 1975, may be sold on or before April 30, 1975, without competitive bidding. (39 FR 42678)

The Commission further finds that the publication and notice provisions of the Administrative Procedure Act, 5 U.S.C. 553(d) are not applicable to the reinstatement of § 250.50 of Chapter II of Title 17 of the Code of Federal Regulations because at the time that the temporary suspension was announced the Commission ordered that the suspension lapse on March 31, 1975.

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

By the Commission.

Dated: March 28, 1975.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-10165 Filed 4-17-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 635—CONSTRUCTION AND MAINTENANCE

Physical Construction Authorization

The existing regulations are hereby revised for clarification, to cite regulations instead of Federal Highway Administration directives and to renumber the sections to permit future expansion. The revisions are sufficiently extensive to warrant republication of the subpart in its entirety.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 552(a)(2), therefore, general notice of proposed rulemaking is not required. The revisions will become effective on the date of issuance.

Issued on April 10, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Part 635 Construction and Maintenance, is revised to read as set forth below:

Subpart C—Physical Construction Authorization

Sec.
635.301 Purpose.
635.303 Applicability.
635.305 Physical construction.
635.307 Coordination.
635.309 Authorization.

AUTHORITY: 23 U.S.C. 112; 113; 114; 117; 128 and 315; 42 U.S.C. 3334; 4231-4233; 4601 et seq; 49 CFR 1.48(b).

Subpart C—Physical Construction Authorization

§ 635.301 Purpose.

To prescribe the policies and procedures under which a State highway agency may be authorized to advance a Federal-aid highway project to the physical construction stage.

§ 635.303 Applicability.

The provisions of this subpart are applicable to all Federal-aid highway construction projects except projects constructed under an approved Certification Acceptance Plan.

§ 635.305 Physical construction.

For purposes of this subpart the physical construction of a project is considered to consist of the actual construction of the highway itself with its appurtenant facilities. It includes any removal, adjustment or demolition of buildings or major obstructions, and utility or railroad work that is a part of the contract for the physical construction.

§ 635.307 Coordination.

(a) The right-of-way clearance, utility, and railroad work are to be so coordinated with the physical construction that no unnecessary delay or cost for the physical construction will occur.

(b) All right-of-way clearance, utility, and railroad work performed separately from the contract for the physical construction of the project are to be accomplished in accordance with provisions of the following:

(1) 23 CFR, Part 140, Subpart I;
(2) 23 CFR, Part 646, Subpart B;
(3) 23 CFR, Part 713, Subpart C; and
(4) 23 CFR, Part 645, Subpart A.

§ 635.309 Authorization.

Authorization to advertise the physical construction for bids or to proceed with force account construction thereof shall normally be used as soon as, but not until, all of the following conditions have been met:

(a) The plans, specifications, and estimates (PS&E) therefor have been approved.

(b) A statement is received from the State, either separately or combined with the information required by § 635.305(c), that either all right-of-way clearance, utility, and railroad work has been completed or that all necessary arrangements have been made for it to be undertaken and completed as required for proper coordination with the physical construction schedules. Where it is determined that the completion of such work in advance of the highway construction is not feasible or practical due to economy, special operational problems and the like, there shall be appropriate notification provided in the bid proposals identifying the right-of-way clearance, utility, and railroad work which is to be underway concurrently with the highway construction.

(c) A statement is received from the State certifying that all individuals and families have been relocated to decent, safe and sanitary housing or the State has made available to relocatees adequate replacement housing in accordance with the provisions of the current Federal Highway Administration (FHWA) directive(s) covering the administration of the Highway Relocation Assistance Program and that one of the following has application:

(1) All necessary rights-of-way, including control of access rights when pertinent, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way but all occupants have vacated the lands and improvements and the State has physical possession and the right to remove, salvage, or demolish these improvements and enter on all land.

(2) Although all necessary rights-of-way have not been fully acquired, the right to occupy and to use all rights-of-way required for the proper execution of the project has been acquired. Trial or appeal of some parcels may be pending in court and on other parcels full legal possession has not been obtained but right of entry has been obtained, the occupants of all lands and improvements have vacated and the State has physical possession and right to remove, salvage, or demolish these improvements.

(3) (i) The circumstances with respect to acquisition or right of occupancy and use of a few parcels warrant proceeding with advertisement for bids or with force account construction on the basis it will be in the public interest to do so in advance of completion of the acquisition of the rights of the said few parcels. The physical construction, except for the removal or demolition of permanently vacated improvements, will not be permitted to proceed until the occupants of all residentially improved properties have vacated and specific dates for termination of operation of business have been established so as not to interfere in any way with construction operations. This certification may be resorted to only in very unusual circumstances. This exception should never be allowed to become the rule. When this certification is used, full explanation and reasons therefor must be given including identification of right-of-way parcels where right to physically occupy and use is not obtained. Estimated date for each parcel must be given when physical occupancy and use will be obtained and substantiation that such date is realistic. Appropriate notification shall be provided in the bid proposals in accordance with 23 CFR 635.107(h).

(ii) When justified, the requirements concerning the vacation of residentially improved properties and the establishment of specific dates for termination of business operations may be waived by the Federal Highway Administration (FHWA) Regional Administrator. Such waiver may be exercised only after contract award and only in cases where there is a definite finding by the highway agency and concurred in by the FHWA Regional Administrator that it is in the public interest to proceed with the physical construction.

(d) The State highway agency has satisfied the requirements of 23 CFR, Part 790 where applicable or, under alternate procedures which have been incorporated in an approved Action Plan, has submitted public hearing transcripts, certifications and reports pursuant to 23 U.S.C. 128.

(e) An affirmative finding of public interest has been made as required by 23 U.S.C. 112, in case construction by some method other than contract based on competitive bidding is contemplated.

(f) Minimum wage rates determined by the Department of Labor in accordance with the provisions of 23 U.S.C. 113, are in effect and will not expire before the end of the period within which it can reasonably be expected that the contract will be awarded.

(g) A statement has been received that right-of-way has been acquired or will be acquired in accordance with the current FHWA directive(s) covering the acquisition of real property or that acquisition of right-of-way is not required.

(h) A statement has been received that the steps relative to relocation advisory assistance and payments as required by the current FHWA directive(s) covering the administration of the Highway Relocation Assistance Program have been taken, or that they are not required.

(i) The FHWA Division Engineer has determined that appropriate measures have been included in the PS&E in keeping with approved guidelines, for minimizing possible soil erosion and water pollution as a result of highway construction operations.

(j) The FHWA Division Engineer has determined that requirements of 23 CFR, Part 771 have been fulfilled and appropriate measures have been included in the PS&E to ensure that conditions and commitments made in the development of the project to mitigate environmental harm will be met.

(k) Where utility facilities are to use and occupy the right-of-way, the State has demonstrated to the satisfaction of the FHWA Division Engineer that the provisions of 23 CFR 645.116(b) have been fulfilled.

(l) The FHWA Division Engineer has verified the fact that adequate replacement housing is in place and has been made available to all affected persons.

(m) Where applicable, areawide agency review has been accomplished as required by 42 U.S.C. 3334 and 4231–4233.

(n) The FHWA Division Engineer has determined that the PS&E provide for the erection of only those information signs and traffic control devices that conform with the standards developed by the Secretary of Transportation and do not include construction identification or other informational signs regarding such State matters as the identification of responsible State officials.

[FR Doc.75-10111 Filed 4-17-75;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Nursing Special Project Grants

Correction

In FR Doc. 75-7398 appearing at page 12791 in the issue for Friday, March 21, 1975, change the effective date which now reads: "April 21, 1975" to read "March 21, 1975".

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-379; 30866]

AUTHORITY DELEGATIONS

Miscellaneous Amendments

In the matter of amendments of the Commission's rules and regulations concerning delegations of authority to the Chief, Field Operations Bureau.

1. The Commission has completed its review of the delegations of authority to the Chief, Field Operations Bureau, and has concluded that there is a need to clarify and in some areas expand the present delegations as they appear in the rules. To accomplish this, § 0.311 is amended to allow matters of routine nature involving commercial radio operator license applications and petitions, and those not presenting novel questions of law or policy, to be processed at staff level in accordance with established policy and precedent unless, in the opinion of the staff, a particular matter warrants referral to the Commission.

These delegations should reduce the Commission's workload of routine cases, allowing more time to be spent on the larger issues of policy. It would, at the same time, afford more expeditious handling of the routine matters. Additional delegations are being afforded the Engineers in Charge of field offices, as established in § 0.314 of the rules as amended, to clarify the administration of suboffices and to provide procedures for appropriate handling of recent broadcast re-regulation.

2. In general, the new delegations grant the Chief, Field Operations Bureau authority with respect to procedural matters, consistent with those granted the other bureaus of the Commission, and new authority with respect to substantive case processing, where Commission policy has been clearly established.

3. The internal handling of petitions for reconsideration and applications for review will not vary from past practice. Specifically, petitions for reconsideration filed under section 405 of the Communications Act will continue to be acted on by the Commission en banc or by the "designated authority" within the Commission, whichever is appropriate, whereas all properly filed applications for review will, in accordance with section 5(d) of the Communications Act, continue to be acted on by the Commission en banc. Persons aggrieved by actions taken at any level within the Commission are thus assured that their right of access to the full Commission is in no way affected by the ordered changes.

4. Sections 0.111, 0.231, 0.485 and Appendix 1, Part 97 of the rules are likewise being modified to reflect the method by which the locations may be determined for amateur and commercial radio operator license examinations.

5. As the amendments in the attached Appendix are either editorial or relate to Commission organization, procedures, or practice, or restate existing requirements, prior notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

Accordingly, it is ordered, That, effective April 18, 1975, the Commission's rules and regulations are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303))

Adopted: April 1, 1975.

Released: April 14, 1975.

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

Parts 0, 1, 2, and 97 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 0—COMMISSION ORGANIZATION

1. Section 0.5(b) (4) (ii) is amended to read as follows:

§ 0.5 General description of Commission organization and operations.

* * * * *

(b) * * *

(4) * * *

(ii) The fifth operating bureau: The Field Operations Bureau maintains field offices and monitoring stations throughout the United States. It is responsible for detecting violations of regulations pertaining to the use of radio and, in this connection, monitors radio transmissions, periodically inspects stations, and investigates complaints of radio frequency interference. It issues violation notices to the station in question, thereby affording it an opportunity to take corrective measures. If formal enforcement action is appropriate, the proceedings are conducted by the staff unit which exercises primary responsibility over the station in question, usually one of the other operating bureaus. The Field Operations Bureau, in addition, exercises responsibility over commercial radio operator matters (see Part 13 of this Chapter), antenna structures (see Part 17), and the use of radio for purposes other than communication (see Part 18). It also conducts amateur operator examinations.

* * * * *

§ 0.41 [Amended]

2. In § 0.41, paragraph (o) is deleted and designated reserved.

§ 0.47 [Amended]

3. In § 0.47, paragraph (f) is deleted and designated reserved.

4. Section 0.111 is amended to read as follows:

§ 0.111 Functions of the bureau.

The Field Operations Bureau is responsible for all Commission engineering activities performed in the field relating to radio stations and wire facilities including enforcement activities (inspection, investigation, monitoring), radio operator examination and licensing designation of radio operator examination points, interference suppression, and communications user liaison. These programs include, among others: (a) On-the-air measurement of technical operating parameters of all classes of radio stations; (b) Monitoring of frequency occupancy and levels of violative activity; (c) Engineering projects concerning enforcement procedures and user activities; (d) Assistance to other federal agencies and local law enforcement organizations concerning illegal use of radio; (e) Full range of matters concerning licensing and activities of commercial radio operators as established in Part 13 of this Chapter, including the changing, deleting or modifying from time to time, as need may appear, the location of radio operator examination points, and issuing an appropriate public notice advising of location changes and time of examination; (f) Nationwide program of lighting and marking of antenna structures as established in Part 17 of this Chapter; (g) Local assistance to the public, government agencies and user organizations in their relationship with the Commission; (h) Participation in interagency and international meetings and conferences with respect to the Bureau's areas of responsibilities.

5. In § 0.121, items 2, 7, 9, 14, 18, 20 and 24 of paragraph (a) are amended; paragraph (b) is deleted; and the zip code for the Ft. Lauderdale Station shown in paragraph (c) is changed, to read as follows:

§ 0.121 Location of field installations.

(a) Field offices and suboffices are located at the following addresses:

Field office	Address of the engineer in charge	Territory within district	
		States	Counties
* * *	* * *	* * *	* * *
2	201 Varick St., New York, N.Y. 10014	* * *	* * *
* * *	* * *	* * *	* * *
7	Room 919, 51 Southwest First Ave., Miami, Fla. 33130. Suboffice, 738 Federal Office Bldg., 500 Zack St., Tampa, Fla. 33602.	* * *	* * *
* * *	* * *	* * *	* * *
9	* * *	* * *	* * *
	New Federal Office Bldg., 515 Rusk Ave., Room 5630, Houston, Tex. 77002. Suboffice, 323 Federal Bldg., 300 Willow St., Beaumont, Tex. 77701.		
* * *	* * *	* * *	* * *
14	3256 Federal Office Bldg., 915 Second Ave., Seattle, Wash. 98174.	* * *	* * *
* * *	* * *	* * *	* * *
18	Federal Bldg., Room 3935, 230 South Dearborn St., Chicago, Ill. 60604.	* * *	* * *
* * *	* * *	* * *	* * *
20	1305 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.	* * *	* * *
* * *	* * *	* * *	* * *
24	Room 411, 1919 M St. NW., Washington, D.C. 20554	* * *	* * *

(b) [Reserved]

(c) Monitoring stations are located at the following addresses:

* * * * *

Federal Communications Commission, Fort Lauderdale Monitoring Station, Post Office Box 22836, Fort Lauderdale, Florida 33316

* * * * *

6. Section 0.186(b) (1) and (8) are amended to read as follows:

§ 0.186 Emergency Relocation Board.

* * * * *

(b) * * *

(1) The Chief, Field Operations Bureau

* * * * *

(8) The Deputy Chief, Field Operations Bureau

* * * * *

§ 0.231 [Amended]

7. In § 0.231, paragraph (e) is deleted and designated reserved.

8. Section 0.282(a)(4) is amended to read as follows:

§ 0.282 Actions taken under delegated authority.

(a) * * *

(4) Requests for waiver of tower painting and lighting specifications—Field Operations Bureau

* * * * *

9. Section 0.311 is amended to read as follows:

§ 0.311 Authority delegated.

The performance of functions and activities described in § 0.111 is delegated to the Chief, Field Operations Bureau, provided that

(a) The following matters shall be referred by the Chief, Field Operations Bureau to the Commission en banc for disposition:

(1) Notices of proposed rule making and of inquiry and final orders in rule-making proceedings, inquiry proceedings, and non-editorial orders making rule changes with respect to Parts 13 and 17 of this chapter. (See § 0.231(d))

(2) Applications for review of actions taken pursuant to delegated authority. (See § 1.115 of this chapter).

(3) Petitions and other requests for waiver of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(4) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Any other petition, pleading, or request presenting new or novel questions of fact, law, or policy, which cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or offices.

(6) Any other complaint or enforcement matter presenting new or novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines after consultation with appropriate Bureaus or offices.

(b) The Chief and the Deputy Chief of the Field Operations Bureau are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of § 97.107 of this chapter with respect to the operation of amateur stations during a state of general communications emergency.

(c) Rulings and orders concerning radio operator matters in a hearing status shall not be made by the Chief, Field Operations Bureau.

10. In § 0.314 the caption, introductory text and paragraphs (c), (h), (i), (k), (q) are amended, and paragraph (u) is added, to read as follows:

§ 0.314 Additional authority delegated.

The Engineer in Charge at each field office is delegated authority to act upon applications, requests, or other matters, which are not in hearing status, and direct the following activities necessary to conduct investigations or inspections:

* * * * *

(c) On informal requests from broadcast stations to extend temporary authority for operation without monitors, plate ammeter, plate voltmeter, base current meter, common point meter, and transmission line meter from FM and television stations.

* * * * *

(h) Require special equipment and program tests during inspections or investigations to determine compliance with technical requirements specified by the Commission.

(i) Require stations to operate with pre-sunrise and nighttime facilities during daytime hours in order that an inspection or investigation may be made by an authorized Commission representative to determine operating parameters.

* * * * *

(k) Issue a Safety Radiotelegraphy Certificate or a Safety Radiotelephony Certificate in accordance with the terms of Regulations 12 and 13, chapter I, of the Safety Convention.

* * * * *

(q) Act on requests for waiver of the written examination requirements of §§ 13.21, 13.22 and 13.23 of this Chapter and to authorize oral examination in lieu thereof.

(r) To act on requests by blind applicants to appear at the appropriate field office for a radiotelephone license examination. (See §§ 13.11 and 13.23 of this chapter.)

* * * * *

(u) Where appropriate, to delegate to the supervisor of each suboffice within the field office area, such duties and responsibilities set forth in this section as is necessary to permit proper performance of the duties of the suboffice.

§ 0.315 [Deleted]

11. Section 0.315 is deleted

§ 0.316 [Deleted]

12. Section 0.316 is deleted

13. Section 0.317 is amended to read as follows:

§ 0.317 Record of action taken.

The application, authorization, and other appropriate central files of the Field Operations Bureau are designated as the Commission's official records of action taken pursuant to authority delegated under §§ 0.311 and 0.314, and shall constitute the official Commission minutes entry of such actions.

§ 0.385 [Deleted]

14. Section 0.385 is deleted

§ 0.386 [Deleted]

15. Section 0.386 is deleted.

16. Section 0.387(b) is amended to read as follows:

§ 0.387 Other defense and emergency preparedness delegations; cross reference.

* * * * *

(b) For authority of the Chief and Deputy Chief of the Field Operations Bureau to declare a general communications emergency, see § 0.311

17. Section 0.401(c) is amended to read as follows:

§ 0.401 Location of Commission offices.

* * * * *

(c) The locations of the field offices of the Field Operations Bureau are listed in § 0.121

* * * * *

18. Section 0.421 is amended to read as follows:

§ 0.421 Application forms.

All forms for use in submitting applications for radio authorization, together with instructions and information as to filing such forms, may be obtained at the Washington offices of the Commission or at any of the field offices listed in § 0.121. For information concerning the forms to be used and filing requirements, see Subparts D, E, F, and G, of Part 1 of this chapter and the appropriate substantive rules.

19. Section 0.431 is amended to read as follows:

§ 0.431 The FCC Service Frequency Lists.

Lists of frequency assignments to radio stations authorized by the Commission are recapitulated periodically by means of an automated record system. All stations licensed by the Commission are included, except the following: Aircraft, amateur, citizens (except class A), Civil Air Patrol, and disaster. The resulting documents, the FCC service frequency lists, consist of several volumes arranged by nature of service, in frequency order, including station locations, call signs and other technical particulars of each assignment. These documents are available for public inspection at each of the Commission's Field Operations Bureau field offices (see § 0.121) and, in Washington, D.C., in the offices of the Chief Engineer. Copies may be purchased from the Commission's duplicating contractor. See § 0.465(a).

20. Section 0.432 is amended to read as follows:

§ 0.432 The NARBA List.

Pursuant to the North American Regional Broadcast Agreement and the United States/Mexican Agreement, appropriate countries are notified of standards broadcast station assignments as they are made. The information thus supplied by notice includes frequency, station location, call letters, power and other technical particulars. Every 6 months, a recapitulative list containing this information for all existing standard

broadcast stations, arranged in frequency order, is prepared by the Commission. This is the so-called NARBA list. These lists are available for public examination at each of the Commission's Field Operations Bureau field offices (see § 0.121), and in Washington, D.C. Copies may be purchased from the Commission's duplicating contractor. See § 0.465(a).

21. Section 0.433 is amended to read as follows:

§ 0.433 The Radio Equipment Lists.

Lists of type approved and type accepted equipment (the radio equipment lists) are prepared periodically by the Commission. These documents are available for public inspection at each of the Commission's Field Operations Bureau field offices (see § 0.121) and in the offices of the Chief Engineer. Copies may be purchased from the Commission's duplicating contractor. See § 0.465(a).

22. Section 0.445(g) is amended to read as follows:

§ 0.445 Publication, availability and use of opinions, orders, policy statements, interpretations, administrative manuals, and staff instructions.

* * * * *

(g) There are two Commission staff manuals, the FCC Administrative Manual and the FOB Manual. The FCC Administrative Manual (excepting Part IX, concerning Civil Defense, which contains materials classified under E.O. 10501) is available for inspection in the Office of the Executive Director. Portions of the FOB Manual which pertain to administrative matters are available for inspection in the Field Operations Bureau. Portions of the FOB Manual which pertain to enforcement matters are not available for inspection. The Manuals are not indexed but are organized by subject, with tables of contents, and the materials contained therein can be located without difficulty.

* * * * *

23. Section 0.455(e)(1) is amended to read as follows:

§ 0.455 Other locations at which records may be inspected.

* * * * *

(e) *Field Operations Bureau.* (1) Commercial radio operator application files. See, however, § 0.457(f)(3).

* * * * *

24. Section 0.457(b)(3) is added to read as follows:

§ 0.457 Records not routinely available for public inspection.

* * * * *

(b) * * *

(3) All materials used in conducting radio operator examinations, including test booklets, Morse Code tapes, and scoring masks.

* * * * *

25. Section 0.485(c) is amended to read as follows:

§ 0.485 Amateur and commercial operator examination points.

* * * * *

(c) Examinations are also given at prescribed intervals in the cities in the Commission's current Examination Schedule, copies of which are available from the Federal Communications Commission, Regional Services Division, Washington, D.C. 20554, or any one of the Commission's field offices listed in § 0.121.

* * * * *

26. Section 0.487 is amended to read as follows:

§ 0.487 Applications for interim ship station licenses.

Formal applications for ship station licenses for use of radiotelephone or radar transmitting apparatus of both and applications for modification of such licenses shall, when accompanied by requests for interim ship station licenses, be filed in accordance with § 83.35 of this chapter and presented in person by applicants or their agents at the nearest field office of the Commission as shown in § 0.121 or at the Commission's main office in Washington, D.C.: Provided, That, as an alternative procedure, an applicant, in Alaska, for such a ship station license may submit an application by mail to the Commission's Field Office at Anchorage, Alaska, when accompanied by a written request for an interim ship station license. Applications for renewal of ship station licenses are not subject to the provisions of this section.

27. Section 0.491 is amended to read as follows:

§ 0.491 Applications for exemption from compulsory ship radio requirements.

Applications for exemption filed under the provisions of section 352(b) or 383 of the Communications Act; Regulation 4, Chapter I of the Safety Convention; Regulation 5, Chapter IV of the Safety Convention; Regulation 12(b), Chapter V of the Safety Convention; or Article IX of the Great Lakes Agreement, shall be filed at the Commission's offices in Washington, D.C.

28. Section 0.504 is amended to read as follows:

§ 0.504 Limitation of authority for original classification.

The Commission's authority for original classification of national security information or material under these regulations is limited to "Secret" and "Confidential." It shall be exercised only by (a) The Chief Engineer, (b) the Chief of the Field Operations Bureau, (FOB), and (c) the Executive Director. The Chief Engineer and the Chief, FOB shall exercise authority for original classification of information or material originated by their respective offices. The Executive Director shall exercise authority for the original classification of all other information or material originated by the FCC.

PART 1—PRACTICE AND PROCEDURE

29. Section 1.61(a) is amended to read as follows:

§ 1.61 Procedures for handling applications requiring special aeronautical study.

(a) Except for those services and in those areas being managed by the Spectrum Management Task Force, antenna surveys are conducted by the Antenna Survey Branch, Regional Services Division, Field Operations Bureau.

* * * * *

30. Section 1.547(a) is amended to read as follows:

§ 1.547 Application for permission to use lesser grade operators.

(a) Application for temporary permission to operate standard, FM and noncommercial educational FM broadcast stations with licensed operators of a lesser grade than normally required by the Commission's rules shall be submitted to the Engineer in Charge of the field office of the radio district in which the station is located. Such permission will be granted for periods not to exceed 60 days if a proper showing is made, as set forth in this section, and may be renewed upon request only upon the making of an adequate similar showing. A request for extension of the permission previously granted may be granted upon a showing setting forth what continuing efforts have been made to obtain licensed operators of a grade normally required. The Engineer in Charge may terminate this permission in the absence of a satisfactory showing in the written report that adequate efforts have been made to obtain such operators, or for other good reason in the judgment of the Engineer in Charge.

* * * * *

31. Section 1.549 is amended to read as follows:

§ 1.549 Requests for extensions of authority to operate without certain indicating instruments.

Requests for extension of authority to operate without an antenna monitor, a modulation monitor, a plate ammeter, or voltmeter, a base current meter, or common point meter, or a transmission line meter of standard, FM, noncommercial FM broadcast stations, and television stations, should be made by informal application to the Engineer in Charge of the field office in which the station is located. Such requests must contain information as to when and what steps were taken to repair or replace the defective instrument.

32. Section 1.927 is amended to read as follows:

§ 1.927 Application for ship radio inspection or periodical survey of ships subject to compulsory radio requirements.

(a) Applications for ship radio inspection and certification of the ship

radio license in accordance with the requirements of section 362(b) of the Communications Act, and/or issuance of a Safety Convention certificate in accordance with the terms of Regulations 12 and 13, Chapter 1 of the Safety Convention, should be submitted on FCC Form 801 entitled "Application for Ship Radio Inspection." This form should be forwarded to the Engineer in Charge of the field office nearest the desired port of inspection (see § 0.121 of this chapter).

(b) Applications for periodical survey as required by Article II of the Great Lakes Agreement, and certification prescribed by Articles 12 and 13 thereof, should be submitted on FCC Form 809, "Application for Periodical Survey (Great Lakes Agreement)." This form should be forwarded to the Engineer in Charge of the field office nearest the desired place of survey (see § 0.121 of this chapter).

(c) Applications for inspection of ship radio equipment and apparatus, for the purposes of Part II of Title III of the Communications Act of 1934, as amended, or the Great Lakes Agreement, on a Sunday or national holiday, or during other than the established working hours on any other day, should be submitted on FCC Form 808 entitled "Application for and Certificate of Overtime Service Involving Inspection of Ship Radio Equipment." This form should be forwarded to the Engineer in Charge of the field office nearest the desired port of inspection (see § 0.121 of this chapter.

(d) Application for periodical inspection and certification of vessels subject to Part III of Title III of the Communications Act pursuant to section 385 thereof should be submitted on FCC Form 812 entitled "Application for Periodical Inspection (Communications Act, Title III, Part III)." This form should be forwarded to the Engineer in Charge of the field office nearest the desired port of inspection (see § 0.121 of this chapter).

33. The introductory text of § 1.928 is amended to read as follows:

§ 1.928 Procedure with respect to applications for ship radio inspection or periodical survey.

After the following applications are accepted for filing, the Engineer in Charge of the field office in which the application is submitted makes the necessary examination and issues the appropriate certification:

* * * * *

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

34. Section 2.103(a)(1) is amended to read as follows:

§ 2.103 Government use of non-Government frequencies.

(a) * * *

(1) Government operation on non-Government frequencies shall conform with the conditions agreed upon by the Commission and the Office of Telecommunications Policy (the more important of which are contained in subparagraphs (2), (3), and (4) of this paragraph).

* * * * *

PART 97—AMATEUR RADIO SERVICE

35. Appendix 1 of the Appendices of Part 97 of the rules is revised to read as follows:

APPENDIX 1

EXAMINATION POINTS

Examinations for amateur radio operator licenses are conducted at the Commission's office in Washington, D.C., and at each field office of the Commission on the days designated by the Engineer in Charge of each office. Specific dates should be obtained from the Engineer in Charge of the nearest field office of the Commission.

Examinations are also given at prescribed intervals in the cities listed in the Commission's current Examination Schedule, copies of which are available from the Federal Communications Commission Regional Services Division, Washington, D.C. 20554, or from any one of the Commission's field offices listed in § 0.121.

[FR Doc.75-10131 Filed 4-17-75;8:45 am]

[Docket No. 19825; FCC 75-393]

PART 73—RADIO BROADCAST SERVICES

Dual-Language TV/FM Programing, Puerto Rico

In the matter of dual-language TV/FM programming in Puerto Rico.

1. On September 14, 1973, we released a notice of inquiry and proposed rule making in the above-captioned matter (FCC 73-951), which was duly published in the FEDERAL REGISTER on September 21, 1973 (38 FR 26464). Comment and reply dates, as extended, were December 7 and December 17, 1973, respectively.

2. The basic issue posed in this proceeding is whether, and to what extent, regular provision should be made in our rules to accommodate dual-language TV/FM programming in Puerto Rico, i.e., the telecasting of programs in one language with the simultaneous transmission, over the facilities of a participating FM broadcast station, of sound track translations (usually from Spanish into English) for the benefit of persons lacking comprehension of both languages. In recognition of Puerto Rico's uniqueness as an officially bilingual community—Title 1, section 51, L.P.R.A. (1965)—we indicated in the Notice that it was not our intention to consider at this time the possibility of such operations elsewhere.

3. On June 27, 1973, prior to the institution of rulemaking in this proceeding, we adopted a memorandum opinion and order extending the experimental authorization held by WAPA-TV Broadcasting Corporation (WAPA-TV) to engage, in conjunction with WPRM-FM, in dual-language operation in San Juan for periods not to exceed 10 hours per week pending outcome of rulemaking. 41 FCC 2d 960. At the same time, we deferred action, pending outcome of rulemaking, on WAPA-TV's companion proposal to extend its experimental operation into the Mayaguez and Ponce markets, as well as on a request by Ponce Television Corporation (WRIK-TV) to purchase time on WPRP-FM (Ponce), WQBS-FM (San Juan), and WORA-FM (Mayaguez) to provide a similar dual-language service in those communities.

4. A petition for partial reconsideration of the June 27 memorandum opinion and order was then filed by WRIK-TV, urging that "* * * comparable temporary authority be granted * * * so as to eliminate pro tanto the discrimination which otherwise is allowed to exist." In a responsive pleading, WAPA-TV waived any objection to the institution of dual-language programming by WRIK-TV on a Ponce FM station, but objected strongly to WRIK-TV's proposed use of a San Juan FM station "* * * until such time as a final decision is reached and WAPA-TV and other San Juan stations are entitled to serve Ponce and Mayaguez." There can be no final resolution of these matters outside the rulemaking process, which we now consider on its merits.

5. In the notice which initiated this proceeding, we alluded to certain questions which, we felt, bear on the ultimate question of whether the public interest would be served by regularizing dual-language TV/FM programming in Puerto Rico. For example, since persons tuned to the participating FM station do not receive a fully intelligible program without the companion video, a question arises as to whether the FM audio is "broadcasting" within the meaning of section 3(o) of the Communications Act, i.e., "* * * the dissemination of radio communications intended to be received by the public * * *" Moreover, what does dual-language programming portend for UHF channel 18 in San Juan, now vacant, in terms of inhibiting the possible establishment of a new source of English-language television in Puerto Rico? And, depending on how the service is sold, can it be squared with our policies concerning cross interests and joint rates and promotions? Finally, would the running translations be more appropriately distributed by means of TV or FM subcarrier multiplexing techniques, thereby avoiding the waste of spectrum space inherent in the use of FM stations' main channels for this purpose?

6. Comments in this proceeding were filed by or on behalf of the following parties: Commonwealth of Puerto Rico (Commonwealth); Ponce Television Corporation (WRIK-TV), licensee of television station WRIK-TV in Ponce; Suburban Broadcasting Corporation (Suburban), an applicant for UHF channel 18 in San Juan; Varian Associates (Varian), a manufacturer of communications equipment; Radio Station WKJB AM-FM, Inc. (WKJB-FM), licensee of FM station WKJB-FM in Mayaguez; WAPA-TV Broadcasting Corporation

(WAPA–TV), licensee of television station WAPA–TV in San Juan; Libby's International, Inc. (Libby), a food products manufacturer in Puerto Rico; and Corporation for Public Broadcasting (CPA), a quasi-governmental corporation established in 1967 to foster the development of educational broadcasting.

7. *Position of the Commonwealth of Puerto Rico.* The views and requirements of the Commonwealth government are obviously central to our consideration of dual-language programming, particularly in light of the uniqueness of Puerto Rico as an officially bilingual community and the establishment, in 1973, of an ad hoc advisory group to maximize Puerto Rico self-government and self-determination within the Commonwealth framework. In strongly endorsing the concept of dual-language broadcasting, Commonwealth cites its policy of "* * * encouraging opportunities for all its citizens to use both languages." Approximately 60,000 (or 3 percent) of the residents of Puerto Rico, Commonwealth asserts, speak English as a first language, and some 920,000 more (for a total of 38 percent) speak English with varying degrees of fluency. Commonwealth also asserts that educational broadcasting in Puerto Rico, now in its infancy, is positioned to make frequent use of dual-language programming "* * * in order to dub educational programs originating in English into Spanish." Commonwealth recognizes, however, that the excessive carriage of translated material by commercial FM stations might at some point "* * * interfere with [their] ability to adequately serve the listening audience," and concludes that any regulations adopted in this proceeding "* * * should be framed so as to permit the FM stations to perform their basic broadcast functions." This could be accomplished, Commonwealth says, by the establishment of more lenient guidelines for educational dual-language broadcasting than for its commercial counterpart.

8. *Other respondents favoring the continuation or expansion of TV/FM dual-language programming in Puerto Rico.* Comments favorable to regularizing and expanding dual-language broadcasting were filed by WRIK–TV, Ponce; WKJB–FM, Mayaguez; WAPA–TV, San Juan; Libby's International, and Corporation for Public Broadcasting (CPB). Proponents' positions are summarized below.

9. As an applicant for experimental authority of the type currently held by WAPA–TV, WRIK–TV urges the prompt adoption of rules permitting unrestricted dual-language broadcasting in Puerto Rico. It observes that WRIK–TV, WAPA–TV, and WKAQ–TV all head island-wide networks featuring large amounts of programming dubbed into Spanish, and that it is unlikely that any future English-language station could compete for the programs involved. Thus, WRIK–TV contends, denial of dual-language broadcast authority would "* * * render inaccessible the best of mainland television," irrespective of whether or not an English-language UHF service is ultimately reinstated in San Juan. With respect to the propriety of cross-interests of the type implied by dual-language programming, WRIK–TV points out that local news and public affairs would not normally be involved, and that in any event, since dual-language program offerings are addressed to essentially different audiences, participating stations cannot be faulted on any legal basis as violating cross-interest policies. The same reasoning, WRIK–TV suggests, applies to the problem of combination rates which, should the practice develop," * * * would be most analogous to that currently permitted for AM/FM stations with duplicative programming and should be allowed." Finally, WRIK–TV cites the abundance of aural services in Puerto Rico, and concludes that "* * * the market place itself provides the most appropriate means for structuring this service."

10. Radio station WKJB–FM, Mayaguez, stresses the popularity of dual-language programming in Puerto Rico and its potential value in the western part of the island, where there is a large English-speaking community. It is also seen as an important revenue supplement to FM broadcasting in Puerto Rico which, WKJB–FM claims, is generally not self-supporting.

11. As a long-standing holder of experimental authorizations for dual-language programming, WAPA–TV strongly endorses the concept and urges its expansion, both territorially and with respect to allowable hours. It asserts that experiments with multiplexing English-language material on its aural TV signal have proved to be unsatisfactory from a technical standpoint, and that the use of an FM sub-carrier is impractical because of the high cost of decoding equipment which would have to be acquired by the public. Hammett and Edison, engineering consultants retained by WAPA–TV to explore other technical possibilities, suggest the use of either vacant FM educational channels or unused television channels as a means of distributing English-language translations of Spanish-language television programs. Assuming these alternatives to be unacceptable, WAPA–TV advocates continuation and enlargement of the present (FM main channel) mode of distributing English-language translations for the following reasons: (a) widespread popular support for this practice, as documented in papers filed with the Commission in 1970; (b) minimal impact on FM broadcast services, based on the abundance of FM facilities in Puerto Rico and the fact that dual-language programming occurs mainly at night, when television audiences are large and FM audiences are small; and (c) financial benefits for financially marginal FM stations resulting from time purchases by television stations and the expected stimulation of FM receiver sales. No time limits are recommended, but should one be imposed, WAPA-TV recommends a 20-hour weekly limit (exclusive of live sports) with all television stations on the island having equal access to the dual-language audience. Because English-language broadcasts are economically feasible only in Puerto Rico's three major markets, there is no need, WAPA–TV insists, to limit dual-language programming in areas having limited FM service. WAPA–TV flatly asserts that dual-language programming does not violate the multiple ownership rules, citing Telesanjuan, Inc. et al., 14 FCC 2d 210 (1968), in which we said:

> * * * It is true that WAPA–TV has the equivalent of two aural channels. Nevertheless, it is equally true that only one program is being offered, albeit in two aural versions. Such operation does not violate our multiple ownership rules.

Participating FM licensees, WAPA–TV points out, are free to refuse to broadcast any material deemed to disserve the public interest, from which it infers that no real question of abdication of ownership or control is involved. Conceding that the eventual reinstatement of an English-language service on UHF channel 18 in San Juan may be a meritorious objective, WAPA–TV again cites our 1968 decision in Telesanjuan, in which we concluded that the then-licensee of channel 18 had failed to translate its claim of economic injury into a documented showing of injury to the public interest. In this connection, WAPA–TV believes that dual-language programming actually works to increase the demand for English-language programs and, therefore, should help rather than hinder the reestablishment of all-English television programming in San Juan. Finally, and as it has from the beginning, WAPA–TV disclaims any profit motive in connection with dual-language broadcasting, citing the narrowly based English-speaking audience in Puerto Rico coupled with high built-in costs for the production of English-language versions of Spanish-language commercials.

12. Libby endorses TV/FM dual-language broadcasting, stating that its marketing experience in Puerto Rico demonstrates that this mode of operation offers the only efficient way of reaching both Spanish and English-speaking consumers. Dual-language programming is also strongly supported by the Corporation for Public Broadcasting, which urges that permanent provision be made in our rules for this mode of operation in Puerto Rico and, if feasible, throughout the United States.

13. Varian Associates, a manufacturer of transmitters used in the Instructional Television Fixed and the Multipoint Distribution services, addresses the problem of "* * * the waste of scarce spectrum space and deletion of otherwise independently available FM programming during the period of simultaneous dual-language operation * * *," and states that research conducted to date indicates a "* * * distinct possibility" that a usable TV multiplexing technique can be developed requiring no additional bandwidth occupancy by the originating television station. This would be accomplished, Varian says, by special modulation applied at the TV transmitter. Special circuitry installed in TV receivers

would be necessary to decode the second audio channel, which would not be detected by conventional receivers. However, no design particulars or decoder cost estimates are included, and Varian concedes that this development program "* * * is not at this point completed." Perhaps for this reason, Varian does not flatly oppose the regularization of the existing mode of dual-language broadcasting in Puerto Rico.

14. *Opposing views.* The only party affirmatively opposing TV/FM dual-language broadcasting, as presently practiced in Puerto Rico, is Suburban Broadcasting Corporation (Suburban), an applicant for UHF channel 18 (San Juan) which was vacated in 1972 because of the financial problems of the then-licensee (Telesanjuan). Suburban's application, tendered for filing in September 1973, specifies an all-English format "* * * to serve the unique needs of the English-language monolingual population in Puerto Rico." Its objection to dual-language programming is premised on the following arguments: (a) The Anglo component in the Puerto Rican society is, like other minorities, entitled to programming which will satisfy its needs and interests; (b) these needs and interests are not met by entertainment programs alone, but must also include local public affairs and other non-entertainment programming; (c) Suburban's advertising appeal (and hence its prospective financial viability) would be impaired by an expansion of dual-language programming, thereby compromising its ability to render balanced programming to the English-speaking audience; and (d) the purchase by Spanish-language television stations of both English and Spanish-language rights to syndicated programs and feature films denies access by Suburban to program sources which might otherwise be available to it, thus "* * * further minimizing channel 18's * * * prospects for survival." On the broader issues posed by this proceeding, Suburban asserts that existing rules "* * * preclude privity between non-commonly owned AM and FM stations," and that therefore the joint promotion of TV/FM dual-language programming would be objectionable in principle. Finally, Suburban says that to condone the transmission of semi-intelligible (TV sound track) programming on FM broadcast channels might open the FM broadcast band to "* * * fleet taxi operators" and other uses unrelated to broadcasting.

15. *Analysis and conclusions.* Addressing ourselves first to Suburban's objections to TV/FM dual-language programming, it is apparent that Suburban has failed, as did Telesanjuan before it, to quantify its claims that this mode of programming constitutes a potentially fatal threat to the economic survival of an all-English format on channel 18 in San Juan. On the contrary, and as urged by WAPA–TV, dual-language programming may well stimulate rather than retard, the demand for English-language programming in Puerto Rico. In short, Suburban's economic argument is both speculative and premature: As a mere applicant, it is unable to show direct economic injury of a type that could be dispositive in this proceeding. Moreover, even if this showing could be made, Suburban would, as a prospective licensee, be free to reassess its situation and switch to Spanish-language programming on the basis of written justification and without the prior approval of this agency. In view of these considerations, it is neither realistic nor in the public interest to require that a protective shield be thrown around the Suburban application based on the twin assumptions that (a) its application will be granted, and (b) that it will forever thereafter provide an all-English television program service. In addition, the grade B service contour predicted by Suburban fails to reach the important English-speaking communities in Mayagues and western Puerto Rico. It follows that Suburban's proposed all-English service does not offer a true alternative to island-wide dual-language programming. Nor can Suburban validly assert that dual-language programming would discriminate against an all-English operation, since the dual-language principle could be utilized by Suburban in reverse; i.e., it would, under any rational set of dual-language groundrules, be able to purchase time on an FM broadcast station to carry Spanish-language sound tracks of English-language video material. Suburban's assessment of its limited financial ability to purchase syndicated programs and feature films vis-a-vis WAPA–TV and other Spanish-language stations seems to imply that market forces cannot be trusted, and will work against the public interest unless Suburban is given an artificial prop in the form of immunity from competition in acquiring and exhibiting an English-language product in Puerto Rico. We reject this argument as unsupported on the record before us.

16. Apart from what it conceives to be its own economic dilemma, Suburban raises two broadly based objections to dual-language programming: (a) Violation of Commission policies with respect to combination rates and joint promotion, and (b) the prospect that FM broadcast services in Puerto Rico will be degraded by the carriage of semi-intelligible material for long time segments during the broadcast day. With respect to combination rates and joint promotion, the mechanics of dual-language broadcasting, as outlined by WAPA–TV, consist of the purchase of time by a Spanish-language television station from an FM broadcast licensee, with the television licensee handling the acquisition of program material, program promotion, and the translation and packaging of commercial matter. Under section 1.613(d) of our rules, time brokerage agreements must be reduced to writing and retained for possible inspection by Commission representatives. Presumably, WAPA–TV is already complying with this requirement. Thus, the question becomes one of whether such agreements, per se, violate our policies concerning combination rates and joint promotion.

17. We have not heretofore considered this question, nor does it appear that the proposed use of two separately owned broadcast stations to present dual-language programming infringes our policy against combination rates in the ordinary sense.[1] The proposed arrangement involves the purchase of time on an FM station by a TV station, which is a time brokerage arrangement more directly involving the Commission's cross-interest policy promulgated under the duopoly rules. It may be acknowledged that the same principle underlies both the cross-interest policy and the combination rate policy, i.e., that full competition must be maintained between independent broadcasting stations.

18. On a previous occasion, we considered a time brokerage arrangement between two independent stations serving substantially the same area where, as here, there was simultaneous use of the two stations. See Declaratory Ruling to Station WWSM, Bay Minette, Alabama, 31 FCC 2d 584 (1971). In WWSM an AM station for several years had carried the predominately white Baldwin County High School (Baldwin) games which were of great interest to Bay Minette listeners. Subsequently, the station changed to an "ethnic" format to serve a large segment of black citizens. Thereafter, the black citizens requested the station to broadcast the predominantly black Blount High School (Blount) games. Both the Baldwin and the Blount games were played at night at about the same time. So that the station might serve both interests, it proposed to purchase 2½ hours of time weekly on a nearby FM station, the 1 mV/m contour of which completely encompassed Bay Minette. Station WWSM would then broadcast the Blount games on WWSM in keeping with its ethnic format, and broadcast the Baldwin games on the FM station to serve its city of license. The details of the operation, as set forth in the ruling, disclosed that the AM station would sell the FM time periods to Bay Minette sponsors, the AM station would feed the program to the FM station, the AM station would not be mentioned on the FM broadcasts, and the FM station would make its own station identification. On these facts, we ruled that the time brokerage proposal did not violate the duopoly rules or the cross-interest policy promulgated thereunder. The factors which influenced the ruling in WWSM bear much similarity to dual-language broadcasting, in that need for simultaneous programming exists and the public is served thereby. It should be noted that in WWSM, we

[1] The pending rule making proceeding in Docket No. 19789 regarding combination rates and other joint sales practices does not expressly deal with time brokerage arrangements between broadcast stations.

restricted the ruling to the specific facts of the proposal.

19. In view of the conclusions set out in paragraph 22, infra, we find that to the extent our cross-interest policy is a factor in this proceeding, it must be subordinated to the larger objectives of TV/FM dual-language broadcasting in Puerto Rico.

21. There are two noncommercial educational and seven commercial television stations operating in Puerto Rico, all of which are assigned to communities in or near the island's three principal population centers: The San Juan-Caguas SMSA in northeastern Puerto Rico (four stations); the Ponce SMSA on the southern coast (two stations); and the Mayaguez SMSA in western Puerto Rico (three stations), the latter devoting considerable air time to the rebroadcast of programming originated by WAPA-TV and WRIK-TV. Whether these SMSA's are in fact separate television "markets" is one of the issues under consideration in another rulemaking proceeding (Docket No. 19974). This need not concern us, however, in passing on the merits of dual-language programming in Puerto Rico. Of greater concern, in light of informal comments received from cable subscribers in Puerto Rico, is the effect of dual-language programming on CATV syndication protection, and specifically whether the regularization of dual-language programming might adversely affect the cable distribution of English-language programming originating in the Virgin Islands or the acquisition, by cable operators in Puerto Rico, of syndicated English-language film features. While these questions were not addressed by the cable industry in this proceeding, the import of the informal comments (all untimely filed) appears to be that once Puerto Rico broadcast stations commence extended dual-language broadcasting, cable systems would be prohibited, by contractual exclusivity rights, from purchasing English-language programming for cablecast use and, by the syndicated program exclusivity rules (§ 76.151 et seq.), from carrying English-language programming broadcast by stations in the Virgin Islands. While we are appreciative of the concern of those requesting that they not be deprived of programming in the English language that would otherwise be available to them on the cable television system, we do not believe it appropriate to try to resolve these matters in this proceeding. These are matters which have been considered and are still under consideration in specific cable television certificate of compliance applications. See Cable Television Company of P.R., FCC 74-497, ____ FCC 2d ____ (1974); reconsidered in part FCC 74-1096, ____ FCC 2d ____ (1974); reconsideration petitions pending. In any event, we do not believe it appropriate to give greater weight to whatever difficulties the cable system may experience as the result of dual-language broadcasts than to the benefits which such broadcasts offer to the public as a whole. As in the past, these difficulties will be dealt with on an ad hoc basis in response to specific proposals.

22. In addition to the television facilities described above, there are 33 FM broadcast stations in Puerto Rico, including eight in San Juan, three in Ponce, and four in Mayaguez. The relative abundance of FM stations in or near the population centers where dual-language broadcasting is apt to be attempted leads to the conclusion that a limited amount of TV/FM dual-language programming can be accommodated without substantial effect on existing FM program services. In light of the comments filed in this proceeding, we conclude that TV/FM dual-language programming serves the unique bilingual requirements of the Puerto Rican society, and that it should be available to television broadcast licensees throughout the island on an equal footing. We also find that reliance on multiplex transmission techniques involving the purchase of special decoding receivers would deprive low and middle-income viewers of the benefits of dual-language broadcasting and, even assuming it to be technically feasible in the present state of the art, cannot be justified in the public interest. On the other hand, we share the concern, expressed by Suburban, that an uncontrolled expansion of dual-language broadcasting in Puerto Rico might, in some circumstances, deprive the FM listener of the program diversity to which he is entitled as a matter of Commission policy. Therefore, the rules adopted herein place a limit of fifteen (15) hours per week, applicable both to television broadcast stations and to participating FM broadcast stations, as the amount of time which may be devoted to dual-language programming, with no more than three (3) hours of such programming being carried on any given day. The 15-hour formula should also be sufficient to accommodate the existing and foreseeable needs of educational broadcasting in Puerto Rico. However, in response to the views expressed by the Commonwealth of Puerto Rico, we stand ready to reconsider this limitation as the requirements of educational broadcasting in Puerto Rico become more sharply defined. In the meantime, the two noncommercial educational television stations licensed to the Commonwealth's Department of Education will be free to originate dual-language programming in conjunction with noncommercial educational FM stations in San Juan and Ponce and, in addition, to enter into dual-language affiliation arrangements with commercial FM broadcast stations with the understanding that the entire operation be conducted within the noncommercial and other constraints set forth in § 73.621 of our rules.

23. Authority for the adoption of this report and order is contained in sections 4(i), 303(b), 303(g), 303(r), and 313(a) of the Communications Act of 1934, as amended.

24. *Accordingly, it is ordered*, That WRIK-TV's Petition for Partial Reconsideration filed August 16, 1973, is dismissed as moot, together with WAPA-TV's responsive pleading of August 30, 1973, and all related pleadings addressed to our Memorandum Opinion and Order of June 27, 1973 (41 FCC 2d 960).

25. *It is further ordered*, That effective May 19, 1975, a new rule (§ 73.1210) is added as set forth below.

26. *It is further ordered*, That proceedings in Docket No. 19825 are hereby terminated.

(Secs. 4, 303, 313, 48 Stat., as amended, 1066, 1082, 1087; (47 CFR 154, 303, 313))

Adopted: April 1, 1975.

Released: April 14, 1975.

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

Part 73 of Chapter 1, Title 47, Code of Federal Regulations, is amended as follows:

Section 73.1210 is added to read as follows:

§ 73.1210 TV/FM dual-language broadcasting in Puerto Rico.

(a) For the purpose of this section, dual-language broadcasting shall be understood to mean the telecasting of a program in one language with the simultaneous transmission, on the main channel of a participating FM broadcast station, of companion sound track information in a different language.

(b) Television broadcast licensees in Puerto Rico may enter into dual-language time purchase agreements with FM broadcast licensees, subject to the following conditions:

(1) All such agreements shall be reduced to writing and retained by the licensee for possible Commission inspection, in accordance with § 1.613(d) of this chapter.

(2) All such agreements shall specify that the FM licensee will monitor sound track material with a view to rejecting any material deemed to be inappropriate or objectionable for broadcast exposure.

(3) No television or FM broadcast station may devote more than 15 hours per week to dual-language broadcasting, nor may more than three (3) hours of such programming be presented on any given day.

(4) The program logs of participating stations shall clearly reflect all time segments within which dual-language programming is presented.

(5) Noncommercial educational television broadcast stations using the facilities of commercial broadcast stations shall take all necessary precautions to assure that the entire operation is conducted on a noncommercial basis and otherwise in accordance with § 73.621 of this part.

[FR Doc.75-10130 Filed 4-17-75;8:45 am]

PART 73—RADIO BROADCAST SERVICES

[Docket No. 20017 RM-2093; FCC 75-395]

FM Broadcast Stations, Table of Assignments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Healdsburg, California)

1. The Commission has before it for consideration the Notice of Proposed

Rule Making adopted April 10, 1974 (39 FR 14227) proposing that the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) be amended by assigning Channel 225 to Healdsburg, California, and by substituting Channel 288A for unoccupied Channel 224A at Willows, California. The commenting parties are—petitioner, Wallace Heusser (Heusser); Redwood Empire Stereocasters (Redwood), licensee of KZST-FM, Santa Rosa, California; and KVRE, Inc., licensee of KVRE-AM and KVRE-FM, Santa Rosa, California.

2. Healdsburg, California, population 5,438,[1] is located 70 miles north of San Francisco in Sonoma County, population 204,885. Healdsburg has no local broadcast facility. Sonoma County is served by three FM stations operating at Santa Rosa, population 50,006, about 15 miles southeast of Healdsburg, California—Stations KZST-FM, Channel 261A, KVRE-FM, Channel 257A and KBBF-FM, educational Channel 206.

3. Petitioner urges that Channel 225 be assigned to Healdsburg in order to provide aural broadcast service to a large part of Sonoma County and the surrounding counties. The area is predominantly rural with mountainous terrain. Petitioner proposes a Class B assignment in order to provide a first FM service to 33,121 persons in an area of 1,800 square miles. Petitioner Heusser reaffirmed his intention to apply for a construction permit if the channel is assigned and to build the station promptly if he is granted authorization.

4. Redwood, licensee of KZST-FM, Santa Rosa, claims that Healdsburg is already served by its station's 1 mV/m coverage. Redwood disputes petitioner's population data for the rural areas proposed to be served, the predicted growth of that region, the need for another FM station in Sonoma County and the extent of the proposed first service area. Redwood's primary concern, however, appears to be the economic consequences that a new FM station with wide area coverage would pose to his station. A similar concern is expressed by KVRE, Inc., licensee of KVRE-FM, Santa Rosa, which also believes that Healdsburg is adequately served.

5. As petitioner correctly points out in his comments, the issue is whether a need for an FM station at Healdsburg, California, has been shown. The fact that signals are received in Healdsburg from other nearby stations does not diminish petitioner's showing of a large first FM service area. Moreover, any allegations as to economic impact which a Healdsburg channel assignment would have on a Santa Rosa station should be raised as a Carroll issue at the application stage.[2]

6. The Notice requested that petitioner submit the following: a more exact Roanoke Rapids, 9 FCC 2d 672 (1967), showing; information as to whether a Class A channel was available for assignment to Healdsburg; whether petitioner would be willing to apply for it if assigned; and the extent of a first service area if a Class A assignment were made.

7. In his comments, petitioner failed to express any intention to apply for a Class A channel if assigned, noting instead that a Class A station operating from the proposed site [3] would be incapable of providing a city grade signal to Healdsburg. Moreover, it was shown that a Class A station would provide a first FM service to 9,095 persons in an area of 480 square miles.

8. We believe that the proposed first FM service area is sufficient to demonstrate a need for a Class B channel. In addition, we note that such an assignment would bring Healdsburg its first local aural service. Remarks in opposition to the assignment have been unpersuasive. Since we have determined that a Class B assignment is technically feasible and the proposed transmitter would be located at a site which would alleviate any possible short-spacing, it is in the public interest to make the proposed assignment. Although it will be necessary to substitute Channel 288A for 224A at Willows, California, that channel is unoccupied and unapplied for and the substitution can be made consistent with our minimum mileage separation requirements.

9. Accordingly, in view of the foregoing, and pursuant to authority contained in sections 4(i), 303 (g) and (r), and 307 (b) of the Communications Act of 1934, as amended, *It is ordered*, That effective May 19, 1975, the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, is amended, as concerns Healdsburg, California and Willows, California, to read as follows:

City:	Channel No.
Healdsburg, Calif	225
Willows, Calif	288A

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: April 1, 1975.

Released: April 9, 1975.

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

[FR Doc.75-10141 Filed 4-17-75;8:45 am]

[1] Population figures are taken from the 1970 U.S. Census.

[2] Carroll Broadcasting Co. v. F.C.C. 256 F. 2d 440 (D.C. Cir. 1958).

[3] Petitioner proposes to construct his station 9 miles to the northeast in order to avoid short-spacing.

[Docket No. 20178; RM-2185; FCC 75-397]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations: Mauston, Wisconsin

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Mauston, Wisconsin).

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted August 29, 1974 (39 F.R. 33013), inviting comments on a proposal to assign Channel 221A to Mauston, Wisconsin, as a first FM assignment to the community. In order to make the assignment, Station WHRM, Wausau, Wisconsin, licensed to the State of Wisconsin Educational Communications Board (ECB) and presently operating on Channel 220, would be required to change its channel of operation to Channel 215.

2. This proceeding was instituted following the receipt of a petition filed by George S. Blum (Blum), licensee of daytime-only AM station WRJC in Mauston. Thereafter, a period of negotiation by correspondence ensued between Blum, ECB, and their representatives. Summarizing that correspondence (copies of which were provided to the Commission), Blum and ECB agreed that ECB would request modification of the license to operate WHRM, Wausau, Wisconsin, by specifying Channel 215 rather than Channel 220 as its assigned frequency. In return, Blum agreed to reimburse ECB for the reasonable expenses incurred in making the change in an amount not to exceed two-thousand, five-hundred dollars. The agreement was made contingent upon both Commission approval and the subsequent assignment of Channel 221A to Blum as licensee.

3. On August 28, 1974, ECB, in a letter to the Commission, reaffirmed its initial willingness to accommodate the Blum proposal, but noted that a recent engineering study disclosed the existence of an interference overlap in the proposed WHRM operation on Channel 215 which would violate § 1.573 (Note 1) (a) (2) (iii) of the Commission's rules and regulations. Specifically, the engineering report submitted by ECB described a potential interference involving overlap of the WLFM 1 mV/m contour of 1.289 miles by the WHRM interfering contour, creating an infringement upon the service contour of WLFM, Appleton, Wisconsin, operating on Channel 216.

4. In reply, Blum submitted a further engineering study which admitted the existence of the overlap, but categorized it as "extremely minimal." The study asserted the overlap involved three-tenths of one mile and attributed the variance in overlap descriptions to differing visual interpretations of the Commission's F (50,10) chart.

5. Comments were received from both parties following the adoption of the notice of proposed rule making. ECB, citing the Commission's determination in the notice that the interference problem was de minimus, stated it would no longer litigate that issue. Further, ECB indicated that it would abide by its previous offer to consent, asking only that the required modification be permitted to occur simultaneously with the construction of Channel 20 ETV facilities in Wausau.[1] ECB justified the request by explaining that the simultaneous installation would assist in minimizing both the costs and the difficulties associated with the Channel 215 changeover. Blum replied by reiterating the contents of the petition, affirming an intent to honor the modification-reimbursement agreement with ECB, and expressing concern over the effect of possible delays in the construction of the Channel 20 tower facility.

6. Mauston, Wisconsin, has a population of 3,446 and is the seat of Juneau County (population 18,455).[2] Local aural service is provided by daytime-only AM station WRJC. Neither Mauston nor Juneau County have a daily newspaper.

7. After careful review of the pertinent facts before us, we find that adoption of the proposed rule would be in the public interest. In reaching our decision, primary consideration was given to the fact that this proposal represents a first FM assignment to a small and isolated community presently without a full-time aural service. Our action in this matter conforms to the pertinent portions of our previously stated "Policy to Govern Requests for Additional FM Assignments."[3]

8. Considerable attention was devoted by the parties to the matter of "reimbursement" and its application in this proceeding. Our policy is that if, as here, a channel of an operating station must be changed in order to make possible another assignment in the table, the party benefitting from the assignment must reimburse the operating station for reasonable expenses in connection with the change. The concept is equitable in nature,[4] and is not codified in either the Communications Act of 1934, as amended, or the Commission's rules and regulations.[5] The reimbursement comes not from the party who successfully petitions the Commission for a channel assignment, but from a party who ultimately becomes the permittee or licensee of the station on that channel.[6] Pursuant to our policy, ECB should be reimbursed for the reasonable costs incurred in accomplishing the channel change,[7] and that reimbursement should come from whoever is granted the construction permit for the new Mauston assignment. Should Blum apply for and be granted a construction permit for operation of a station on Channel 221A, we would expect both Blum and ECB to consummate their earlier agreement as described above.

9. The final consideration involved the interference overlap discussed in paragraphs 3 and 4. Though the proposed reassignment of WHRM complies with the minimum separation requirements,[8] it does conflict with Note 1(a)(2)(iii) of § 1.573,[9] which sets forth signal interference restrictions applicable to noncommercial FM channels. ECB alleges the contours overlap to be approximately 1.3 miles. Blum places the amount of overlap at 0.3 mile, adding that only 255 people are projected as residents of that area. Accepting the interference infringement at its highest level, the earlier characterization of the interference area as de minimus remains accurate. The potential interference involving a station operating on Channel 215 is not of such a nature as to bar the greater public interest of providing both a community and a county with its first full-time local aural service on Channel 221. Our action in this proceeding, however, is not to be construed as precedent for future petitions where additional interference overlaps may be present.

10. In view of the above, we find that the public interest, convenience, and necessity would be served by assigning Channel 221A to Mauston, Wisconsin, as a first FM assignment to the community, and ordering noncommercial educational broadcast station WHRM, Wausau, Wisconsin, to change its channel of operation from Channel 220 to Channel 215.

11. *Accordingly, it is ordered*, that effective May 19, 1975, the FM Table of Assignments (section 73.202(b) of the Commission's rules and regulations) is amended to read as follows:

City:	*Channel No.*
Mauston, Wis.	221A

12. *It is further ordered*, That effective May 19, 1975, and pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license of the State of Wisconsin Educational Communications Board for Station WHRM, Wausau, Wisconsin, is modified, to specify operation on Channel 215 in lieu of Channel 220, subject to the following conditions:

(a) The licensee shall inform the Commission in writing no later than June 9, 1975, of its acceptance of the terms of this modification;

(b) Station WHRM, Wausau, Wisconsin, MAY CONTINUE TO OPERATE on Channel 220 until December 1, 1976[10] or 45 days after the grant of an application for a station on Channel 221A at Mauston, Wisconsin, whichever is later (assuming renewal of the WHRM license); or the licensee thereof may apply for temporary authority to operate on Channel 215 prior to December 1, 1976, subject to the following conditions:

(1) At least 30 days before operation on Channel 215, the licensee of Station WHRM shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 215;

(2) At least 10 days prior to commencing operation on Channel 215, the licensee of Station WHRM shall submit measurement data required of an applicant for an FM station license; and

(3) The licensee of Station WHRM shall not commence operation on Channel 215 without prior Commission authorization.

(c) If the licensee of WHRM requests and is granted authorization to operate on Channel 215 prior to termination of its license authorization, the Commission will view such request as a relinquishment of Channel 220 and a waiver of any rights it may have with regard to that channel.

13. *It is further ordered*, that the Secretary of the Commission IS DIRECTED to send a copy of this Report and Order by Certified Mail, Return Receipt Requested, to the State of Wisconsin Educational Communications Board, licensee of Station WHRM.

14. Authority for the actions taken here is found in Sections 4(i), 303 (g) and (r), 307(b), and 316(a) of the Communications Act of 1934, as amended.

15. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; sec. 12, 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316))

Adopted: April 1, 1975.

Released: April 11, 1975.

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

[FR Doc.75-10133 Filed 4-17-75;8:45 am]

[1] On April 24, 1973, ECB applied for a construction permit to operate a noncommercial educational television station on Channel 20 in Wausau, Wisconsin (BPET-456). That application was granted on January 22, 1975. The ETV antenna would be mounted on an antenna tower located on Rib Mountain near Wausau. WHRM proposes to side-mount a transmitting antenna for operation on Channel 215 during the construction of a Rib Mountain tower.

[2] Population figures cited from 1970 Census.

[3] 8 F.C.C. 2d 79 (1967).

[4] Lake City, S.C., 47 F.C.C. 2d 1067 at 1079.

[5] Ibid.

[6] Ibid. See also Circleville, Ohio, 8 F.C.C. 2d 149 (1967) at 163.

[7] Reimbursement should, however, be limited to those costs incurred had WHRM remained at its present facility. The permittee should not be burdened by ECB's coincidental decision to relocate its transmitting antenna at the Rib Mountain site.

[8] Section 73.504(g).

[9] Section 1.573 (Note 1(a)(2)(iii)) reads: "Objectionable interference will be considered to exist where, on the basis of curves referred to in this subparagraph, the undesired signal of a co-channel signal exceeds one-tenth of the desired signal, the undesired signal of a station 200 kHz removed exceeds one-half of the desired signal, the undesired signal of a station 400 kHz removed exceeds 10 times the desired signal, or the undesired signal of a station 600 kHz removed exceeds 100 times the desired signal."

[10] WHRM's license for operation on Channel 220 expires on December 1, 1976.

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Back Bay National Wildlife Refuge, Virginia

Correction

In FR Doc. 75-6904, appearing at page 12090 in the issue for Monday, March 17, 1975, the words in the heading reading "Black Bay National Wildlife Refuge" should read, "Back Bay National Wildlife Refuge".

Title 31—Money and Finance: Treasury

CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Imposition of Blocking Controls on Cambodia

The Foreign Assets Control Regulations are being amended to add Cambodia to the schedule of designated countries in § 500.201(d). At the same time, § 500.322(a)(5) is being amended to remove Cambodia from the list of countries included in the term "authorized trade territory".

§ 500.201 [Amended]

Section 500.201(d) is amended to read:

* * * * *

(d) The term "designated foreign country means a foreign country in the following schedule and the term "effective date" and the term "effective date of this section" means with respect to any designated foreign country, or any national thereof, 12:01 a.m., eastern standard time, of the date specified in the following schedule:

SCHEDULE

COUNTRY AND EFFECTIVE DATE

1. China: December 17, 1950.
2. North Korea, i.e., Korea north of the 38th parallel of north latitude: December 17, 1950.
3. North Viet-Nam, i.e., Viet-Nam north of the 17th parallel of north latitude: May 5, 1964.
4. Cambodia: April 17, 1975.

§ 500.322 [Amended]

Section 500.322(a)(5) is amended to read:

(a)(5) Afghanistan, Bhutan, Malaysia, Burma, Ceylon, Taiwan, Hong Kong, India, Iran, Iraq, Israel, Japan, Jordan, Kuwait, Laos, Lebanon, Macao, Muscat, and Oman, Nepal, Pakistan, Saudi Arabia, South Korea, Syrian Arab Republic, Thailand, South Viet-Nam, and Yemen:

* * * * *

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director, Office of Foreign Assets Control.

[FR Doc.75-10443 Filed 4-17-75;1:46 pm]

proposed rules

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

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRDS

Puerto Rico, Virgin Islands; Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), it is proposed to amend Part 20 of Title 50, Code of Federal Regulations. This notice is the first in a series of proposed rule making notices relating to the establishment of migratory bird hunting regulations for the United States for the 1975–76 season, and deals specifically with amendments affecting Puerto Rico and the Virgin Islands. Additional proposals will be published in the FEDERAL REGISTER for other migratory game bird hunting regulations as information becomes available, and public comment will be solicited. However, because of the late date at which necessary data becomes available, it is anticipated that the comment periods on hunting regulation frameworks pertaining to shore and upland migratory game birds and waterfowl will necessarily be abbreviated.

Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments are proposed to specify open season dates, certain closed seasons, shooting hours, and bag and possession limits for doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico, and for Zenaida doves and scaly-naped pigeons in the Virgin Islands, and are proposed to be published in the FEDERAL REGISTER for final adoption no later than July 1, 1975, to become effective on or about August 1, 1975.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. In this connection, a draft environmental impact statement regarding the issuance of annual regulations permitting the sport hunting of migratory birds has been available since February 11, 1975 (40 FR 6381, February 11, 1975) with a comment period open until April 14, 1975. Public hearings for comments on the draft EIS were also held during March in accordance with the published schedule (40 FR 6516, February 12, 1975). The EIS is scheduled to be published in final form on July 1, 1975.

The Director's final promulgation of migratory bird hunting regulations for Puerto Rico and the Virgin Islands for the 1975–76 season will take into consideration the comments and testimony he receives. Comments, testimony, and any additional information received may lead the Director to adopt final regulations that differ from the proposed frameworks contained herein.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director (FWS/MBM), U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. All relevant comments received no later than May 18, 1975, will be considered.

As part of the regulatory process leading to final rule making, general hunting season frameworks are proposed to the Puerto Rico Department of Natural Resources and the Virgin Islands Department of Conservation and Cultural Affairs from which they may select open season dates. The frameworks, setting forth the species to be hunted, the bag and possession limits, the shooting hours, the season length, the earliest opening and latest closing season dates, and special closures, are proposed to read as follows:

PROPOSED FRAMEWORKS FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN PUERTO RICO, 1975–76

(all dates inclusive)

DOVES AND PIGEONS

An open season of sixty (60) days between August 15, 1975, and January 15, 1976, may be selected for hunting Zenaida, mourning, and white-winged doves, and scaly-naped and white-crowned pigeons in Puerto Rico.

The daily bag and possession limit for doves of the species named herein is ten (10) singly or in the aggregate.

The daily bag and possession limit for pigeons of the species named herein is five (5) singly or in the aggregate.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

No open season is prescribed for pigeons on Mona Island in order to give the rapidly declining white-crowned pigeon (*Columba leucocephala*) population there a chance to recover.

No open season is prescribed for doves and pigeons on Culebra Island and in those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands lying east of Route 186 (from the town of El Verde in the north to the southernmost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one (1) kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest property line whether private or public lands.

SPECIAL CLOSURE FOR PROTECTION OF THE PLAIN PIGEON

The hunting of doves and pigeons of any species is prohibited in the Municipality of Cidra, Puerto Rico, said Municipality being composed of the following Wards: Bayamon, Arenas, Monte Llano, Sud, Beatriz, Ceiba, Rio Abajo, Rincon, Toita, Honduras, Rabanel, and Salto.

The purpose of this closure is to protect the Puerto Rican plain pigeon, locally known as Paloma Sabanero, which is known to be present in the Cidra area in small numbers and which is listed presently as an endangered species.

DUCKS, COOTS, GALLINULES, AND SNIPE

An open season of fifty-five (55) consecutive days from December 1, 1975, to January 31, 1976, may be selected for hunting ducks, coots, gallinules, and Wilson's snipe.

The limit for ducks is 4 daily and 8 in possession.

The limit for coots is 6 daily and 12 in possession.

The limit for gallinules is 6 daily and 12 in possession.

The limit for Wilson's snipe is 6 daily and 12 in possession.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

No open season for ducks, coots, gallinules, and snipe is prescribed on Culebra Island.

The season on Bahama pintail is closed by Commonwealth law.

PROPOSED FRAMEWORK FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN THE VIRGIN ISLANDS, 1975–76

(all dates inclusive)

DOVES AND PIGEONS

An open season of sixty (60) days between August 1, 1975, and January 15, 1976, may be selected for hunting Zenaida doves throughout the Virgin Islands and scaly-naped pigeons on the island of St. Thomas only.

The daily bag and possession limits are ten (10) Zenaida doves and five (5) scaly-naped pigeons.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

No open season is prescribed for waterfowl, ground or quail doves, or other pigeons in the Virgin Islands.

LOCAL NAMES FOR GAME BIRDS

Zenaidi dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Perdiz, Barbary dove (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaly pigeon.

This notice of proposed rule making is issued under the authority of the Migratory Bird Treaty Act (16 U.S.C. 704).

Dated: April 15, 1975.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.75-10237 Filed 4-17-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

INSPECTION AND APPROVAL OF WORK ORDER AND LINE EXTENSION CONTRACT CONSTRUCTION

Changes in Requirements

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue revised REA Bulletin 341-3, Engineering and Architectural Services and REA Bulletin 382-2, Construction of Telephone System Improvements and Extensions by Work Order or Line Extension Contract, to require REA telephone borrowers, who have 3000 or more subscribers, or are affiliated with companies whose total number of subscribers is 3000 or more, to have construction work which is done under the work order procedure or by the line extension contract method, inspected and certified to by a qualified licensed engineer or by a qualified engineer on the borrower's staff, where the borrower has been given REA approval to perform force account engineering (hereinafter called the borrower's staff engineer). Borrowers not in the 3000 subscribers and above category may also, if they so elect, have this type of construction inspected by a licensed engineer or the borrower's staff engineer.

Where these services are performed by a licensed engineer or the borrower's staff engineer, the inspection and certification will replace the inspection and approval by the REA field engineer as a prerequisite to approval of advance of REA loan funds to finance such construction. REA field engineers will continue to inspect and approve work order and line extension contract construction following present procedures, for telephone borrowers not required to employ an engineer for this purpose. REA field engineers will also inspect such construction for all new borrowers for approximately one year following completion of their initial systems while the work order procedures are being established.

A new short form of contract, REA Form 245, Engineering Services Contract for Special Services, has been developed, which REA borrowers may use to obtain this inspection service from consulting engineers. The contract is not subject to REA approval.

Copies of the revised bulletins and contract form may be secured in person or by written request from the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Persons interested in the revised bulletins and the new contract form may submit written data, views or comments to the Director, Telephone Operations and Standards Division, on or before May 19, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division, during regular business hours.

Dated: April 14, 1975.

C. R. BALLARD,
Assistant Administrator, Telephone.

[FR Doc.75-10224 Filed 4-17-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket 75-RM-11]

ALTERATION OF CONTROL ZONE AND TRANSITION AREA

Proposed Rule Making

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 Rock Springs, 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 May 19, 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.

New IFR procedures have been developed for Rock Springs-Sweetwater County Airport, Rock Springs, Wyoming. Revised procedures include development of a back course ILS approach, new transition routes and use of radar vectors to the final approach course. Controlled airspace is required to protect aircraft conducting these procedures.

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

In § 71.171 (40 FR 354) the description of the Rock Springs, Wyoming, control zone is amended to read:

ROCK SPRINGS, WYOMING

Within a 5.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N, longitude 109°04'00" W); within 3 miles each side of the Rock Springs ILS localizer east course, extending from the 5.5-mile radius zone to 9 miles east of the Thayer LOM (latitude 41°35'49" N, longitude 108°58'09" W); within 3.5 miles each side of the Rock Springs VORTAC 102° radial, extending from the 5.5-mile radius zone to 11.5 miles east of the VORTAC, and within 3 miles each side of the Rock Springs VORTAC 271° radial, extending from the 5.5-mile radius zone to 17.5 miles west of the VORTAC.

In § 71.181 (40 FR 441) the description of the Rock Springs, Wyoming, transition area is amended to read:

ROCK SPRINGS, WYOMING

That airspace extending upward from 700 feet above the surface within 9.5 miles north and 4.5 miles south of the 090° and 270° bearings from the Thayer LOM (latitude 41°35'49" N, longitude 108°58'09" W), extending from 8 miles west to 18.5 miles east of the LOM; within 1 mile north and 6 miles south of the Rock Springs VORTAC 102° radial, extending from the VORTAC to 18.5 miles east of the VORTAC; and that airspace extending upward from 1200 feet above the surface within a 23-mile radius of the Rock Springs VORTAC and within 4.5 miles each side of the Rock Springs VORTAC 117° radial extending from the 23-mile radius circle to 35 miles southeast of the VORTAC.

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

Issued in Aurora, Colorado, on April 18, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.75-10109 Filed 4-17-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-23]

ALTERATION OF TRANSITION AREA

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Duncan, Okla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Di-

vision, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 19, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

DUNCAN, OKLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Halliburton Field (latitude 34°28'-30" N., longitude 97°57'30" W.), and within 2 miles each side of the Duncan VOR 157° T (147° M) radial, extending from the 8.5-mile radius area to 7 miles southeast of the VOR.

Alteration of the transition area will provide controlled airspace for aircraft conducting revised instrument approach/departure procedures at the Halliburton Field Airport, Duncan, Okla.

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

Issued in Fort Worth, TX, on April 8, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-10107 Filed 4-17-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-18]

ALTERATION OF TRANSITION AREA

Proposed Rule Making

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Alma, Michigan.

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 May 19, 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.

A new standard instrument approach procedure has been developed for the Gratiot Community Airport, Alma, Michigan. Accordingly, it is necessary to alter the Alma transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

ALMA, MICHIGAN

That airspace extending upward from 700 feet above the surface within 6.5-mile radius of Gratiot Community Airport (Latitude 43°-19'15" N., Longitude 84°41'12" W.); within 4 miles either side of a 267° bearing from Gratiot Community Airport extending from the 6.5-mile radius area to 15 miles west of the airport.

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

Issued in Des Plaines, Illinois, on March 31, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.75-10108 Filed 4-17-75;8:45 am]

Federal Railroad Administration

[49 CFR Ch. II]

[Docket No. RSOR-4, Notice 1]

PROTECTON OF RAILROAD MAINTENANCE-OF-WAY-AND-STRUCTURE EMPLOYEES

Advance Notice of Proposed Rulemaking

The Federal Railroad Administration (FRA) is studying possible courses of action with respect to the development of safety regulations which would require railroads to take certain protective measures to prevent rail equipment from striking railroad maintenance-of-way-and-structure (M. W. & S.) employees engaged in the servicing, repairing or installing of track, track structures such as tunnels and bridges, and signal system components located on or near track and track structures. The regulations would apply to railroads that are part of the general railroad system of transportation and to railroads operating exclusively in rapid transit, commuter, or other shorthaul passenger service in a metropolitan or suburban area.

BACKGROUND

In November 1972, the FRA began to investigate all railroad accidents resulting in fatal injury to on-duty railroad employees, regardless of their crafts. Between that date and August 31, 1974, the FRA investigated 190 such accidents, which resulted in a total of 214 fatalities. In 19 of these accidents, 25 M. W. & S. employees (22 trackmen, 2 signal maintainers, and 1 bridge and building (B&B) carpenter) were fatally injured as a result of being struck by locomotives, trains, or cars. A common factor in the 25 fatalities appears to have been the unawareness of the M. W. & S. employees of the approach of the rail equipment that struck them. Significantly, many of these employees had been working under high noise-level conditions, poor visibility or weather conditions, or double- or multiple-track operations.

The Association of American Railroads' Standard Code of Operating Rules (AAR Code) is the foundation for the operating rules and practices of most railroads. Using the AAR Code as a guideline, each railroad issues, interprets and applies rules as it sees fit according to the conditions under which it operates. The primary purpose of the AAR Code is to provide recommended rules for the safe operation of trains.

In the section of the AAR Code entitled "Forms of Train Orders", there are several examples of various forms of train orders followed by related instructions. Examples V and W concern Speed Restricting Orders and Temporary Stop Sign Orders. The text of these examples reads as follows:

V

SPEED RESTRICTING ORDERS

(1) Do not exceed * * * MPH between * * * and * * *

(2) Do not exceed * * * MPH on No. * * * track between * * * and * * *. This order may be modified by adding: 7:01 a.m. and 4:01 p.m.

When speed limit signs cannot be installed immediately, train order should state speed signs not in service.

W

TEMPORARY STOP SIGN ORDER

(1) Between 8:01 a.m. and 5:01 p.m., July 10 men working on track between D and F. Temporary Stop Sign displayed in vicinity of MP 17 Pole 30 and MP 20 Pole 10.

Request for this order shall be addressed to the chief dispatcher. The request must clearly specify the time limits and date such protection is required; the location designated by mile post and pole numbers.

Before placing the yellow 'PROCEED PREPARED TO STOP' advance and temporary Stop signs or commencing work under this order, the foreman in charge must first confirm with the train dispatcher that the desired order

has been issued and verify the date and location designated by milepost and pole numbers and the time limits specified in the order.

This order will remain in effect for the time limits and date specified therein only, unless foreman in charge advises train dispatcher work is completed, Stop and yellow signs have been removed and track is safe for the passage of trains.

At locations specified in this form of train order, Maintenance of Way and Structures employees are not required to provide flag protection for roadway equipment or track.

When this order is in effect, an unattended red sign reading 'TEMPORARY STOP' will be displayed 1,000 feet before reaching the point where main track is obstructed or impassable. Trains must approach prepared to stop short of this sign unless orally authorized to proceed by foreman in charge of work or a proceed signal with a green flag is received. When proceed signal with a green flag is given, train must not exceed restricted speed until rear of train has passed the limit of restriction. A yellow sign reading 'PROCEED PREPARED TO STOP' will be displayed one and one-half (1½) miles before the red sign is reached.

Before orally authorizing a train to proceed, foreman must inform engineman the maximum speed permitted over restricted track.

A metal banner at right of track displaying green will indicate the leaving end of restriction shown in this order.

Either or both of these train order forms may be used for the protection of M. W. & S. employees.

In addition, Rule 14 of the AAR Code entitled "Engine Whistle or Horn Signals" prescribes a specific sound signal to warn employees when view is restricted by weather, obscured curves, or other unusual conditions and as an alarm for persons on the track.

In addition to operating rules, many railroads have issued separate safety rules to provide protection for employees who operate maintenance of way or other equipment. These safety rules supplement the operating rules and the AAR Code. The text, application, interpretation, observance, and enforcement of these rules differ considerably from railroad to railroad and, in some cases, from location to location on the same railroad. Ambiguous construction and varying interpretations of existing railroad operating rules were cited by the National Transportation Safety Board (NTSB) as a major factor contributing to the property damage and loss of life caused by train accidents (See the NTSB Special Study: Signals and Operating Rules as Causal Factors in Train Accidents, Report Number NTSB-RSS-71-3). The FRA believes that most, if not all, the 2 5M. W. & S. fatalities cited in the second paragraph of this notice could have been avoided if adequate mandatory rules had been in effect, observed, and enforced.

FRA has already taken several steps concerning railroad operating rules and practices. On November 25, 1974, it published in the FEDERAL REGISTER (39 FR 41175) a regulation which requires railroads to provide the FRA with certain information concerning their operating rules and practices (Docket RSOR-1). On August 9, 1973, FRA published in the FEDERAL REGISTER (38 FR 21503) an advance notice of proposed rule making, which requested public participation and comment on the nature of certain operating rules to eliminate the most troublesome causes of serious train accidents resulting from human factors (Docket RSOR-2). On January 15, 1974, FRA published in the FEDERAL REGISTER (39 FR 1862) an advance notice of proposed rule making which requested public participation and comments on the nature of rules to provide adequate mandatory rules for the protection of railroad employees while inspecting, repairing or servicing railroad equipment (Docket RSOR-3). In addition, the FRA published in the FEDERAL REGISTER of September 18, 1974 (39 FR 33585), a notice of the establishment of an FRA Advisory Committee on Railroad Operating Rules. The Advisory Committee has already had several meetings. FRA believes that information received in response to these notices and the recommendations of the Advisory Committee will be of considerable assistance in determining the best way to improve railroad safety in the of operating rules and practices.

PUBLIC PARTICIPATION REQUESTED

The purpose of this advance notice is to solicit public participation and comments to assist FRA in the development of regulations to protect railroad M. W. & S. employees against being struck by rail equipment while servicing, repairing, or installing track, track structures such as tunnels, bridges, and signal system components located on or near track and track structures.

Specific advice is requested on the following points:

1. Should FRA adopt regulations and, if so, should these regulations be in the form of minimum standards, permitting individual railroads to enforce their own equally or more stringent rules, or should Federal standards be adopted to require uniformity of application to all railroads?

2. How may the AAR Code of Operating Rules be strengthened or supplemented to improve the safety of M. W. & S. employees working on or about main and auxiliary track structures, including those in flat switching and hump yards?

3. How may temporary speed-restrictions, stop and warning signs, torpedoes, flagmen, train orders, and train location line-ups, best be used to improve the safety of M. W. & S. employees?

4. What measures should be taken to protect a M. W. & S. employee working alone or on about a track or track structure?

5. What measures should be taken for the safety of M. W. & S. employees working in double- or multiple-track territory, to protect them from being struck by a train or other type of equipment moving on another track?

6. Should there be minimum standards with respect to the use of communications for the protection of M. W. & S. employees, and if so, what should they be?

7. Is there a technically reliable and economically feasible safety device for the protection of M. W. & S. employees working alone which would emit an audible warning of train engine or car approaching, and if so, would a minimum standard requiring its use result in improved safety?

8. What other problems should the FRA take into consideration?

9. What specific approaches associated with train movement have been developed in the railroad industry to deal with problems related to protection of M. W. & S. employees?

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 June 1, 1975, will be considered by FRA in development of a notice of proposed rulemaking. Comments received after that date will be considered so far as practical. All comments received 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. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on April 14, 1975.

ASAPH H. HALL,
Deputy Administrator.

[FR Doc.75-10152 Filed 4-17-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket 75-6; Notice 1]

BUS WINDOW RETENTION AND RELEASE

Marking Requirements for Emergency Exits

This notice proposes to amend and thereby clarify the marking requirements for emergency exits on buses in Federal Motor Vehicle Safety Standard No. 217, "Bus Window Retention and Release." Standard No. 217 was published May 10, 1972 (37 FR 9394), and became effective September 1, 1973.

Standard No. 217 requires buses to contain emergency exits meeting performance requirements and requires these exits to be marked in a specified manner. In the case of buses having a gross vehicle weight rating of 10,000 pounds or less, the standard permits the emergency exit requirements to be met with the vehicle's doors and with windows which are manually operable to an open position that provides a specified area for egress. Standard roll-down windows generally meet these requirements.

While the standard reads literally in terms of permitting these buses to meet the emergency exit requirements using these doors and windows, language in the preamble of the standard referred to these provisions as "exemptions" from the emergency exit requirements. Consequently, there is some ambiguity as to whether such emergency exits are required to be marked similarly to other emergency exits.

The NHTSA has tentatively determined that special emergency exit markings are unnecessary for doors and windows meeting the above-specified requirements in buses having a gross vehicle weight rating of less than 10,000 pounds. The purpose of the emergency exit marking requirements is to identify for occupants the location and use of specially-installed emergency exits. Traditional roll-down windows and doors are obviously available for exit in emergency situations, and their operation is generally familiar to persons who are old enough to read instructions. Accordingly, there appears to be little justification for providing emergency exit markings for these exits. Specially-installed emergency exits in such buses, such as push-out windows, are not exempted from the marking requirements.

In light of the above, it is proposed to amend 49 CFR 571.217, (Motor Vehicle Safety Standard No. 217) "Bus Window Retention and Release," as follows:

S5.5.1 would be amended to read:

§ 571.217 Standard No. 217; bus window retention and release.

* * * * *

S5.5.1 Each push-out window, and each other emergency exit, except windows and doors serving as emergency exits in accordance with S5.2.2 (b) or (c) in buses having a gross vehicle weight rating of 10,000 pounds or less, shall have the designation "Emergency Exit," followed by concise operating instructions, located within 6 inches of the release mechanism. When a release mechanism is not located within an occupant space of an adjacent seat, a label meeting the requirements of S5.5.2 that indicates the location of the nearest release mechanism shall be placed within that occupant space.

EXAMPLE: "EMERGENCY EXIT INSTRUCTIONS LOCATED NEXT TO SEAT AHEAD"

* * * * *

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date. May 19, 1975.

Proposed effective date. Publication date of final rule.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1391, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 14, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-10095 Filed 4-17-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

[45 CFR Part 704]

FREEDOM OF INFORMATION

Proposal on Availability of Materials

Notice is hereby given that the United States Commission on Civil Rights (USCCR) is proposing to amend 45 CFR Part 704, § 704.1—Materials available pursuant to 5 U.S.C. 552 as amended.

The section is set forth here in its entirety because the amendments are so extensive that publishing only the changes would be confusing. New provisions are underlined. The proposed amendment adds a definition section to § 704.1 for key terms. All of § 704.1(d) is deleted and replaced by a new (d) which establishes request procedures, Commission response standards, and time limitations on Commission action on FOIA requests. This new section complies with the requirements of 1974 FOIA amendments. Section 704.1(e) was published as a proposed rule in January, 1975 and now is further amended to add provisions for waiver or reduction of fees, appeals from denials of waiver or reduction of fees requests, Commission action on such requests, and time limitations on Commission action. Section 704.1(f)(1) has been amended to reflect statutory changes in FOIA exemptions one and seven. The Commission proposes to delete § 704.1(f)(2) and (3) and replace those provisions with new paragraphs (f)(2) and (3) which comply with the 1974 FOIA amendments by incorporating the changes in exemption 7 regarding investigatory records and adding the requirement on the Commission to delete only the exempt portions of requested records and not the entire record. The appeals section, § 704.1(g) is to be replaced in its entirety. The proposed rule retains much of the original provision (in different form) but adds time requirements on the Commission for processing appeals, including a provision for extension of time as authorized under 5 U.S.C. 552(a)(6)(A).

All interested persons are invited to submit their comments on this proposed rule change. Comments should be sent to the Office of General Counsel, U.S. Commission on Civil Rights, 1121 Vermont Avenue, NW., Washington, D.C. 20425. All comments received by the close of business on May 19, 1975 will be considered in formulating the final rule.

Part 704 of Title 45 would be amended as set forth below.

ARTHUR S. FLEMMING,
Chairman.

Section 704.1 would be revised as follows:

§ 704.1 Material available pursuant to 5 U.S.C. 552.

(a) *Purpose, scope, and definitions.* (1) This section contains the regulations of the U.S. Commission on Civil Rights implementing 5 U.S.C. 552. These regulations inform the public with respect to where and how records and information may be obtained from the Commission. Officers and employees of the Commission shall make Commission records available under 5 U.S.C. 552 only as prescribed in this section. Nothing contained in this section, however, shall be construed to prohibit officers or employees of the Commission from routinely furnishing information or records which are customarily furnished in the regular performance of their duties.

(2) For the purposes of these regulations the terms listed below are defined as indicated:

"Commission" means The United States Commission on Civil Rights;

"General Counsel" means the General Counsel of the United States Commission on Civil Rights or his/her designee;

"FOIA" means the Freedom of Information Act, 5 U.S.C. 552;

"FOIA Request" means a request in writing, for records pursuant to 5 U.S.C. 552 which meets the requirements of § 704.1(d) herein. These regulations do not apply to telephone or other oral communications and requests not complying with § 704.1(d)(1)(i);

"Staff Director" means the Staff Director of the United States Commission on Civil Rights.

(b) *General policy.* In order to foster the maximum participation of an informed public in the affairs of Government, the Commission will make the fullest possible disclosure of its identifiable records and information consistent with such considerations as those provided in the exemptions of 5 U.S.C. 552, which are set forth in paragraph (f) of this section.

(c) *Material maintained on file pursuant to 5 U.S.C. 552(a)(2).* Material maintained on file pursuant to 5 U.S.C. 552(a)(2) shall be available for inspection during regular business hours at the offices of the Commission at 1121 Vermont Avenue, NW., Washington, D.C. 20425. Copies of such material shall be available upon written request, specifying the material desired, addressed to

the Office of General Counsel, U.S. Commission on Civil Rights, Washington, D.C. 20425, and upon the payment of fees, if any, determined in accordance with paragraph (e) of this section.

(1) *Current index.* Included in the material available pursuant to 5 U.S.C. 552(a)(2) shall be an index of:

(i) All other material maintained on file pursuant to 5 U.S.C. 552(a)(2); and

(ii) All material published by the Commission in the FEDERAL REGISTER and currently in effect.

(2) *Deletion of identifying details.* Wherever deletions from material maintained on file pursuant to 5 U.S.C. 552(a)(2) are required in order to prevent a clearly unwarranted invasion of privacy, justification for the deletions shall be placed as a preamble to documents from which such deletions are made.

(d) *Materials available pursuant to 5 U.S.C. 552(a)(3)—(1) Request procedures.* (i) Each request for records pursuant to this subsection shall be in writing over the signature of the requester, addressed to the Office of General Counsel, U.S. Commission on Civil Rights, Washington, D.C. 20425 and: (A) Shall clearly and prominently be identified as a request for information under the Freedom of Information Act (if submitted by mail or otherwise submitted in an envelope or other cover, be clearly and prominently identified as such on the envelope or other cover—e.g., FOIA); and (B) shall contain a sufficiently specific description of the record requested with respect to names, dates, and subject matter to permit such record to be identified and located; and (C) shall contain a statement that whatever costs involved pursuant to § 704.1(e) will be paid, that such costs will be paid up to a specified amount, or that waiver or reduction of fees is requested pursuant to § 704.1(e).

(ii) If the information submitted pursuant to § 704.1(d)(1)(i)(A) is insufficient to enable identification and location of the records, the General Counsel shall as soon as possible notify the requester in writing indicating the additional information needed. Every reasonable effort shall be made to assist in the identification and location of the records sought. Time requirements under these regulations are tolled from the date notification under this subsection is sent to the requester until an answer in writing to such notification is received from requester.

(iii) A request for records which is not in writing or does not comply with § 704.1(d)(1)(i)(B) is not a request under the Freedom of Information Act and the 10 day time limit for agency response under the Act will not be deemed applicable.

(iv) Except as otherwise provided herein, the General Counsel shall immediately notify the requester of noncompliance with § 704.1(d)(1)(i)(C) and § 704.(e).

(2) *Agency determinations.* (i) Responses to all requests pursuant to 5 U.S.C. 552(a)(3) shall be made by the General Counsel in writing to the requester within 10 working days after receipt by the General Counsel of such request except as specifically exempted under § 704.1(d)(1)(ii), (iii) and (iv), and shall state: (A) Whether and to what extent the Commission will comply with the request; (B) the probable availability of the records or that the records may be furnished with deletions or that records will be denied as exempt pursuant to 5 U.S.C. 552(b)(i)–(ix); (C) the estimated costs, determined in accordance with § 704.1(e) herein, including waiver or reduction of fee as appropriate and any deposit or prepayment requirement; and (D) when records are to be provided, the time and place at which records or copies will be available determined in accordance with the terms of the request and with § 704.1(d)(3). Such response shall be termed a determination notice.

(ii) In the case of denial of requests in whole or part the determination notice shall state: (A) Specifically what records are being denied; (B) the reasons for such denials; (C) the specific statutory exemption(s) upon which such denial is based; (D) the names and titles or positions of every person responsible for the denial of such request; and (E) the right of appeal to the Staff Director of the Commission and procedures for such appeal as provided under § 704.1(g).

(iii) Each request received by the Office of General Counsel for records pursuant to these regulations shall be recorded immediately. The record of each request shall be kept current, stating the date and time the request is received, the name and address of the person making the request, any amendments to such request, the nature of the records requested, the action taken regarding the request, including waiver of fees, extensions of time pursuant to 5 U.S.C. 552(a)(6)(B), and appeals. The date and subject of any letters pursuant to § 704.1(d)(1) or agency determinations pursuant to (d)(2)(i), the date(s) any records are subsequently furnished, and the payment requested and received.

(3) *Time limitations.* (i) Time limitations for agency response to a request for records established by these regulations shall begin when the request is recorded pursuant to § 704.1(d)(2)(iii). A written request pursuant to FOIA but sent to an office of the Commission other than the Office of General Counsel shall be date stamped, initialed and redirected immediately to the Office of General Counsel. The required period for agency determination shall begin when it is received by the Office of General Counsel in accordance with § 704.1(d)(2)(iii).

(ii) In unusual circumstances, pursuant to 5 U.S.C. 552(a)(6)(B), the General Counsel may, in the case of initial determinations under these regulations, extend the 10 working day time limit in which the agency is required to make its determination notification. Such extension shall be communicated in writing to the requesting party setting forth with particularity the reasons for such extension and the date on which a determination is expected to be transmitted. Such extensions may not exceed 10 working days for any request and may only be used to the extent necessary to properly process a particular request. Such extension is permissible only where there is a demonstrated need: (A) To search for and collect the requested records from field facilities or other establishments that are separate from the Office of General Counsel; (B) to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or (C) 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 same agency having substantial subject matter interest therein.

(e) *Fees—(1) Fee schedule.* (i) Photocopy reproductions from all types of copying processes, each reproduction image: $.03.

(ii) Standard searching, per hour (minimum charge one-quarter hour): $4.09.

(iii) Searching requiring particular training or skills not required of clerical personnel, per hour (minimum one-half hour): $8.88.

(iv) The above search fee is not applicable to computerized record search: In situations involving the use of computers to locate and extract the requested information charges will be based only on the direct cost to the agency, including labor, material and computer time.

(v) There will be a charge of $1.00 each for certification of true copies.

(vi) Payment of fees shall be made by cash (if delivered in person), check or money order payable to "U.S. Treasury".

(2) The General Counsel may in his/her discretion, waive fees in whole or part otherwise assessable under paragraph (e)(1) of this section where:

(i) The total cost of providing the records is less than $5.00.

(ii) Payment of the full fee by a State or local government agency, or nonprofit group would not be in the general public interest.

(iii) The records have been requested by a Federal agency, a foreign government, or an international governmental organization.

(3) Fees shall be waived or reduced for records requested in writing under §704.1 when the General Counsel determines that:

(i) An individual has provided sufficient evidence in a signed statement that he is indigent and that reduction or waiver would not constitute an unreasonable expense to the Commission.

(ii) A person has demonstrated in a written statement that waiver or reduction of the fees is in the public interest because furnishing the information primarily benefits the general public. Requests for waiver or reduction under this subsection must be accompanied by a signed statement indicating ability to pay.

(4) Whenever waiver or reduction of fee is granted only one copy of the record will be furnished.

(5) Appeals from denials of requests for waiver or reduction of fees shall be considered by the Staff Director pursuant to the criteria set forth in § 704.1 (e) (2) and (3). Appeal procedure under this paragraph shall be in accordance with § 704.1(g) herein.

(6) Whenever a notification is required under § 704.1(d) (1) (iv) or the estimated costs exceed the limit established by the requesting party and the General Counsel has not determined to waive or reduce such fees as provided herein, such notification shall:

(i) Provide the requesting party with such information regarding cost as may be available;

(ii) Extend an offer to the requesting party to confer with the General Counsel in an attempt to reformulate the request in a manner that will minimize the fees and still meet the needs of the requesting party;

(iii) Inform the requesting party that the time requirement imposed by § 704.1(d) (2) (i) will be tolled pending a reformulation of the request, or receipt of an agreement from the requester to bear the estimated costs.

(7) Whenever a requesting party is notified of the possibility of an unproductive search in accordance with § 704.1 (d) (2) (i) (B), no search will be conducted until prepayment is made or waived under § 704.1(e) (2) or (3). The time requirement under § 704.1(d) (2) (i) will be tolled from the date of dispatch of notification until the requester makes prepayment as required.

(8) Whenever the estimated cost of providing requested records exceeds $25.00, the requesting party will be so notified and required to prepay the estimated cost, unless waived, before a search for such records will be conducted. The time requirement under § 704.1(d) (2) (i) will be tolled from the date of dispatch of notification until the requester makes prepayment as required.

(f) *Exemptions (5 U.S.C. 552(b))*—(1) *General.* The Commission may exempt from disclosure matters that are:

(i) (A) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive Order;

(ii) Related solely to the internal personnel rules and practices of an agency;

(iii) Specifically exempted from disclosure by statute;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(vii) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would: (A) Interfere with enforcement proceedings; (B) deprive a person of a right to a fair trial or an impartial adjudication; (C) constitute an unwarranted invasion of personal privacy; (D) disclose the identity of a confidential source, and in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, would disclose confidential information furnished only by the confidential source; (E) disclose investigative techniques and procedures; or (F) endanger the life or physical safety of law enforcement personnel.

(viii) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; and

(ix) Geological and geophysical information and data, including maps, concerning wells.

(2) *Investigatory records (5 U.S.C. 552 (b) (7)).* (i) Among the documents exempt from disclosure pursuant to § 704.1 (f) (1) (vii) shall be investigative files or similar documents reflecting investigations which either are conducted for the purpose of determining whether a violation(s) of legal right has taken place, or have disclosed that a violation(s) of legal right has taken place, but only to the extent that production of such records would: (A) Deprive a person of a right to a fair trial or an impartial adjudication; (B) constitute an unwarranted invasion of personal privacy; (C) disclose the identity of a confidential source; (D) disclose investigative techniques and procedures; or (E) endanger the life or physical safety of law enforcement personnel.

(ii) Among the documents included in paragraph (f) (2) (i) (C) above, shall be documents which disclose the fact or the substance of a communication made to the Commission in confidence relating to an allegation or support of an allegation of wrongdoing by certain persons. It is sufficient under this subsection to indicate the confidentiality of the source if the substance of the communication or the circumstances of the communication indicate that investigative effectiveness will be inhibited by disclosure.

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

(g) *Administrative appeals.* (1) These procedures apply whenever a requester is either denied records under § 704.1 (d) (2) (i) or denied waiver or reduction of fees under § 704.1(e) (2) or (3).

(2) Parties may appeal § 704.1 (d) (2) (i) and (e) (2) or (3) decisions within 90 days of the date of such decision by filing a written request for review addressed to the Staff Director, U.S. Commission on Civil Rights, Washington, D.C. 20425, by certified mail, including a copy of the written denial, and may include a statement of the circumstances, reasons or arguments advanced in support of disclosure or waiver/reduction of fees. Review will be made by the Staff Director on the basis of the written record.

(3) The decision on review of any appeal filed under this subsection shall be in writing over the signature of the Staff Director, will be promptly communicated to the person requesting review, and will constitute the final action of the Commission.

(4) Determinations of appeals filed under this subsection shall be made within 20 working days after the receipt of such appeal. If, on appeal, denial of records is in whole or part upheld, the Staff Director shall notify the persons making such request of the provisions for judicial review of that determination under 5 U.S.C. 552(a) (4).

(5) An extension of time may be granted under this subsection pursuant to criteria established in § 704.1(d) (3) (ii) (A) to (C), except that such extension together with any extension which may have been granted pursuant to § 704.1(d) (3) (ii) may not exceed a total of 10 working days.

[FR Doc.75-10270 Filed 4-17-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20360; RM-2342]

FM BROADCAST STATIONS IN CALIFORNIA

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Palm Springs, California)

1. On February 14, 1975, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was made in the FEDERAL REGISTER on February 24, 1975, 40 FR 7945. The dates for filing comments and reply comments are presently April 11 and April 30, 1975, respectively.

2. On April 7, 1975, counsel for KPSI Radio Corporation, proponent in this proceeding, requested that the time for filing comments be extended to and including May 5, 1975. Counsel states that the additional time is necessary in order that it may more fully respond to the questions raised by the Commission in its Notice of Proposed Rule Making. He adds that he is aware that this requested extension necessitates a waiver pursuant to §§ 1.46(b) and 1.415(e) of the Commission's rules because the filing is less than 7 days prior to the scheduled comment date. However, he points out that he deferred filing the requested extension until the last possible moment in hopes that the material could be compiled and such comments timely filed. He states the press of other business, including the NAB convention which requires the at-

tendance of counsel and engineering consultants, now make it plain that the scheduled deadline could not be met.

3. Late-filed requests, according to § 1.46 of the rules will be considered in cases of last-minute emergencies which could not have been anticipated by the party requesting the extension. The instant filed request is truly questionable. We see no reason why counsel, in deferring his filing until the last possible moment, could not have cut that moment off so as to be able to file a timely request for an extension rather than an untimely one. Requests of this kind are not only unfair to other parties who contemplate filing comments on the date specified in the Notice but are disruptive of the Commission's processes. In this instance we are granting the request, but parties are on notice that it is our intent to adhere strictly to the provisions of § 1.46(b). As we stated in the Order which adopted that new section, favorable action on late-filed requests will be limited to bona fide emergencies.

4. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered*, That the dates for filing comments and reply comments are extended to and including May 5 and May 23, 1975, respectively.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: April 9, 1975.

Released: April 11, 1975.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
PASQUALE W. VALICENTI,
Acting Chief,
Broadcast Bureau.

[FR Doc.75-10136 Filed 4-17-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20362; RM-2304, RM-2489]

FM BROADCAST STATIONS IN VIRGINIA AND WEST VIRGINIA

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Berryville, Virginia and Harpers Ferry, West Virginia.)

1. On February 18, 1975, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on March 4, 1975, 40 F.R. 8965. The dates for filing comments and reply comments are presently April 11, and April 30, 1975, respectively.

2. On March 31, 1975, counsel for Electra Broadcasting Corporation (one of the proponents in this proceeding) requested that the time for filing comments and reply comments be extended to and including April 28 and May 15, 1975, respectively. Counsel states that they desire to make a part of their comments an engineering showing and in that connection their consulting engineers will be out of the city during the first part of April because of business commitments and the NAB Convention.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered*, That the dates for filing comments and reply comments are extended to and including April 28 and May 15, 1975, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 0.281 and 1.46 of the Commission's rules.

Adopted: April 3, 1975.

Released: April 11, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] PAUL WM. PUTNEY,
Acting Chief,
Broadcast Bureau.

[FR Doc.75-10142 Filed 4-17-75;8:45 am]

[47 CFR Part 76]

[Docket No. 19995; RM-2275; FCC 75-407]

CABLE TELEVISION SYSTEMS

Network Program Exclusivity Protection; Order

In the matter of amendment of Subpart F of Part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by cable television systems.

1. By its Notice of Proposed Rule Making in Docket 19995, FCC 74-335, 46 FCC 2d 139, released April 9, 1974, the Commission proposed possible modification of those cable television rules concerning network program exclusivity protection afforded by cable television systems. In response to this notice, voluminous comments, replies, and responsive pleadings have been filed by various interested parties. Over 300 formal documents have been submitted, along with literally thousands of letters and signed petitions sent to the Commission by the general public and members of Congress.

2. Several commenting parties have petitioned the Commission to hear oral argument prior to any final resolution of the various network program exclusivity issues within the scope of the subject docket. They find the issues addressed in this proceeding to be of such complexity, and the controversy as to their proper resolution to be so intense, that oral argument would surely constitute a valuable aid to the Commission's decisional process and help insure a fair and equitable rule making judgment. Additionally, we note that requests for oral argument have been submitted also by members of Congress and the public.

3. The Commission has frequently found it desirable to conduct comprehensive oral arguments in conjunction with major rule making proceedings, especially where such proceedings concern complex and controversial subject matter. However, and after having given careful consideration to these requests for oral argument, we have determined that full scale oral presentations are not needed in connection with our resolution of Docket 19995. During the several months that were allotted for the filing of comments and replies, the docket in this proceeding has developed into a lengthy volume thoroughly exploring the various relevant issues. It is unlikely that protracted oral hearings would significantly add to either the wealth of information and opinion already collected, or to the Commission's overall understanding of the basic issues presented.

4. However, we do perceive a need for an additional presentation, restricted only to those facts and issues uniquely associated with the "same-day" network program exclusivity protection afforded to certain stations licensed to Mountain Time Zone communities.[1] While the comments and arguments heretofore presented on the Mountain Time Zone matter have been lengthy, the basic data needed for us to make a reasoned decision have been either lacking or the subject of seriously conflicting claims. We need more information on how much of the same-day non-simultaneous programming on cable systems is due to the local Mountain Time Zone station's selecting programs from two networks, how much is due to the time zone differences, and how much to delayed feed by the distant stations carried on the cable system. The Commission needs additional information on the availability of network feeds, and the feasibility of utilizing video tape facilities to significantly alter network program broadcast schedules. Therefore, we believe it is appropriate and necessary for the Commission to provide for a panel discussion at which selected, particularly knowledgeable persons will be able to present information and data with respect to specific, selected issues and to engage in an adversary exchange which, we hope, will more clearly establish the relevant facts. We wish to organize a panel to discuss and provide answers to, inter alia, the following inquiries:

[1] With the adoption of the Cable Television Report and Order, FCC 72-103, 36 FCC 2d 143 (1972), the Commission reduced the network program exclusivity obligations of cable television systems from a same-day to a simultaneous standard, but indicated that additional, limited network program exclusivity protection would be afforded, on petition for special relief, to network affiliated stations where, because of "the time zone situation," simultaneous network program exclusivity would result in substantial duplication of such stations' network presentations. Upon the release of our Reconsideration of the Cable Television Report and Order, FCC 72-530, 36 FCC 2d 326 (1972), we restored the same-day network program exclusivity standard to television broadcast stations in the Mountain Time Zone licensed to communities outside the first fifty major television markets.

(a) What are the network programming practices of those stations broadcasting in the Mountain Time Zone? Explain the reasons for the lack of simultaneity of network program broadcasts throughout the time zone, addressing factors such as (1) local broadcast station programming discretion, (2) stations' multiple network affiliation, (3) the availability (or unavailability) of direct or indirect network feeds, and (4) the employment of "bicycle" methods of network program distribution.

(b) What network program exclusivity problems are presented in the Mountain Time Zone by cable television importation of television stations licensed to communities in the Pacific Time Zone?

(c) What network program feed opportunities and options are available to those stations licensed to communities in the Mountain Time Zone? Discuss these stations' economic and technical abilities to obtain a "live" or delayed electronic network feed. Explain the nature of these feeds (i.e. are they "clean" or do they contain another station's I.D.'s, commercials, etc.?) their costs, and their practical availability. To what extent, if any, do the networks themselves absorb a portion of these line charges?

(d) To what extent could video tape facilities be used to offset potential program protection loss associated with a simultaneous network program exclusivity rule for the Mountain Time Zone? Discuss the current use of these stations' existing video tape facilities and set forth the approximate costs (in terms of new investment, maintenance, labor, etc.) for a station to establish a daily video tape procedure capable of achieving a network program schedule substantially identical with that of imported network broadcast signals. Under what circumstances could such simultaneity not be attainable?

(e) A major issue is the impact on the financial viability of Mountain Time Zone television stations, and their ability to serve the public, if same-day protection was reduced to simultaneous. Factual information is needed on the possible loss of revenue by local television stations if same-day protection was withdrawn on the cable systems in their areas; how much revenue loss in network program time and how much, as result of lead-in, to non-network time. Also, how much potential is there for cable to expand in the area and with what further impact on the local station?

(f) To what extent will national and regional advertisers tend to "skip" the Mountain Time Zone stations and cover the area through the cable-carried stations in the Salt Lake City, Denver, Spokane and other television markets, if the local station's audience is further reduced?

(g) Explain the nature and extent of those private agreements by which certain Mountain Time Zone television broadcast stations have, for a fee, "contracted away" their same-day network program exclusivity rights for simultaneous-only protection.[3]

(h) Have there been any material changes in those factors which persuaded the Commission to treat Mountain Time Zone stations differently, with respect to network program exclusivity, in its Cable Television Report and Order and the Reconsideration thereof?

5. The above list of issues is intended to generally delineate the scope of the subject panel discussion. Those designated to take part in this panel may suggest additional matters for discussion, restricted, of course, to the Mountain Time Zone situation. The Commission shall issue a subsequent Order on or about April 21, 1975, designating those persons to participate as spokesmen for different contending viewpoints and to present the desired factual information responsive to the above-listed questions. We wish to establish a balanced, representative, and highly knowledgeable panel.

6. We have scheduled the panel discussion, before the Commission meeting en banc, for May 20, 1975, at 10 a.m. We shall expect each participant to submit, in writing, to the Commission and to the other participants, on or before May 5, 1975, any factual data upon which such participant may rely at the panel discussion. Such data shall be associated with Docket 19995 and will be available for public inspection during regular Commission business hours.

Accordingly, it is ordered, That a panel discussion in the captioned proceeding, limited to the areas of inquiry described above, is scheduled, before the Commission meeting en banc, for May 20, 1975, at 10 a.m. Persons selected, by subsequent Commission Order, to participate in such panel discussion SHALL FILE with the Commission, on or before May 5, 1975, any factual data upon which such participant may rely at the panel discussion, as well as a statement indicating that such factual data has been served upon the other participants.

Adopted: April 2, 1975.

Released: April 11, 1975.

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

[FR Doc.75-10140 Filed 4-17-75;8:45 am]

[47 CFR Part 87]

[FCC 75-381; Docket No. 20420]

FREQUENCIES AVAILABLE TO AIRCRAFT

Radio Control of Airport Lights

In the matter of amendment of Part 87 to permit the use of additional frequencies for radio control of airport lights from aircraft.

By the Commission: 1. Notice of proposed rule making in the above-entitled matter is hereby given.

[3] See Broadcasting, "Closed Circuit," January 13, 1975, at page 7.

2. The Federal Aviation Administration (FAA) has requested that the radio control of airport lights be authorized on additional frequencies to accommodate the anticipated expanded use of this function.

3. Sections 87.183(h) and 87.201(c) of the Commission's rules and regulations, specify the frequencies available to aircraft for the control of airport lights. The additional frequencies requested by the FAA for this purpose are presently available to aircraft for air traffic control, aviation instructional operations, and communications with aeronautical advisory stations. The use of these frequencies for the control of airport lights would be on the condition that no harmful interference is caused to these operations.

4. The Commission presently has under study in Docket No. 20123, the question of utilization and assignment of aeronautical advisory frequencies. Therefore, we propose that no changes be made in the 122.800 MHz to 123.575 MHz frequency band pending the disposition of Docket No. 20123, with the exception that radio control of airport lights be permitted on the aviation instructional frequencies, 121.95, 123.3 and 123.5 MHz, at those locations where they are assigned for voice communications.

5. The proposed amendments of the rules, as set forth below, are issued pursuant to the authority contained in sections 4(i), 303 (b), (f), and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 19, 1975 and reply comments on or before May 30, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: April 1, 1975.

Released: April 10, 1975.

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

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 87.183(i) is amended by the addition of a new sentence to follow the list of frequencies, as follows:

§ 87.183 Frequencies available.

* * * * *

(i) * * * In addition, on a frequency which is assigned to an airdrome control station, brief keyed RF signals may be transmitted from the aircraft for the control of airport lights on the condition that no harmful interference is caused to authorized voice communications.

* * * * *

2. Section 87.201(b) is amended by the addition of a new sentence to follow the list of frequencies, and the last sentence in paragraph (c) is amended to read as follows:

§ 87.201 Frequencies available.

* * * * *

(b) * * * In addition, on a frequency, in the band 121.975 to 122.775 MHz, which is assigned to an airdrome control station, brief keyed RF signals may be transmitted from the aircraft for the control of airport lights on the condition that no harmful interference is caused to authorized voice communications.

(c) * * * In addition, brief keyed RF signals may be transmitted on these frequencies and the aviation instructional frequencies, 121.95, 123.3, and 123.5 MHz, for the control of airport lights from aircraft on the condition that no harmful interference is caused to authorized voice communications.

* * * * *

3. Section 87.341(a) is amended by the addition of new sentence, to read as follows:

§ 87.341 Frequencies available.

(a) * * * In addition, brief keyed RF signals may be transmitted on these frequencies for the control of airport lights from aircraft on the condition that no harmful interference is caused to authorized voice communications.

* * * * *

[FR Doc.75-10129 Filed 4-17-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. 75-357]

[12 CFR Part 556]

FEDERAL SAVINGS AND LOAN SYSTEM

Withdrawal of Proposed Statement of Policy Relating to Service Corporations

APRIL 10, 1975.

Whereas, the Federal Home Loan Bank Board, by Resolution No. 74-932, dated September 13, 1974, and duly published in the FEDERAL REGISTER on October 22, 1974 (39 FR 37510-11) proposed to amend Part 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 556) for the purpose of setting forth the standards for Board consideration of applications from service corporations to act as a real estate investment trust management company;

It is hereby resolved, That the Board determines to withdraw from consideration the amendment proposed by said Resolution No. 74-932.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

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

[FR Doc.75-10223 Filed 4-17-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1209, 1210]

[No. 36125]

UNIFORM SYSTEM OF ACCOUNTS

Proposal for Reporting Extraordinary, Unusual or Infrequently Occurring Events and Transactions; Prior Period Adjustments; Effects of Disposal of a Segment of a Business

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C. on the 26th day of March, 1975.

This proceeding is being instituted on our own motion to consider amendments to the uniform system of accounts for various modes of transportation under the jurisdiction of this Commission. The purposes of these proposed amendments are (1) to provide more definitive criteria and accounting rules for extraordinary, unusual or infrequent, and prior period events and transactions, and (2) to specify reporting requirements for disposal of a segment of a business. The adoption of this proposal would further align the Commission's accounting rules with generally accepted accounting principles without interfering with our regulatory functions.

Specifically, these proposed revisions are to be implemented by prescribing:

1. Instructions which clarify the criteria for extraordinary items. These criteria distinguish a material event or transaction as extraordinary by both its unusual nature and its infrequency of occurrence. A material item that is unusual in nature or occurs infrequently, but not both, shall not be classified as an extraordinary item, but reported as a separate component of ordinary income.

2. Instructions specifying the criteria for prior period adjustments and the reporting rules for certain accounting changes. A material item meeting these criteria shall be reported by restating the opening balance of retained earnings of the current year, and correspondingly adjusting related prior year balances presented for comparative purposes.

3. An instruction which provides new guidelines for determining the materiality.

4. Definitions for a segment of a business and related accounting terms, and instructions for reporting the operating results and gain or loss on disposal of a segment.

The proposed revisions also necessitate several new accounts to be added for: Unusual or infrequent items, operating results of discontinued segments, gain or loss on disposal of segments and cumulative effect of changes in accounting principles. The account for prior period items is deleted from the income statement, and a new account for prior period adjustments is added to the accounts in the retained earnings statement.

Detailed revisions are specified in attached appendices. These revisions refer to the uniform systems of accounts for carriers of all modes except maritime carriers. The uniform system of accounts for maritime carriers was revised to encompass revisions similar to those proposed here in a separate rulemaking proceeding in No. 32451 (Sub-No. 1), *Uniform System of* Accounts for Maritime Carriers (49 CFR Part 1208), ____ I.C.C. ____, decided by the Commission on December 17, 1974.

It is intended that the proposed amendments to the accounting regulations become effective immediately upon adoption by the Commission and would be reflected in the books of accounts for the year beginning January 1, 1975.

Upon consideration of the above described matters and good cause appearing therefor:

It is ordered, That this proceeding be, and it is hereby instituted under the authority of sections 12, 20, 204, 220, 313 and 412 of the Interstate Commerce Act (49 U.S.C. 12, 20, 304, 913, and 1012), and pursuant to sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553, 559), with a view to adopting the proposed regulations set forth below, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all carriers, subject to the accounting regulations under the Interstate Commerce Act, Parts 1201 to 1210, except Part 1208 for maritime carriers, be and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any interested persons wishing to submit written statements of fact, views, or arguments shall file an original (and, if possible, 15 copies) of such representations with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, by May 19, 1975; and that all such statements will be considered as evidence and as a part of the record in this proceeding.

It is further ordered, That written material or suggestions submitted shall be made available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C., during regular business hours.

And it is further ordered, That statutory notice of the institution of this proceeding be given to all respondents and to the general public by mailing a copy of this order to the Governor of every

State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

(49 U.S.C. 12, 20, 304, 320, 913, 1012)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

PART 1201—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Income Accounts," the following revisions are made:

1. After line item 519 "Miscellaneous income" add:

525 Unusual or infrequent items (credit).

2. After line item 551 "Miscellaneous income charges" add:

555 Unusual or infrequent items (debit).
560 Income or loss from operations of discontinued segments.
562 Gain or loss on disposal of discontinued segments.

3. Line item "Extraordinary and Prior Period Items" is revised to read:

Extraordinary Items and Accounting Changes.

4. After line item 570 "Extraordinary items (net)," line item 580 "Prior period items (net)" is deleted.

5. Line item 590 "Income taxes on extraordinary and prior period items" is revised to read:

590 Income taxes on extraordinary items.

6. Line item 591 "Provision for deferred taxes—extraordinary and prior period items" is revised to read:

591 Provision for deferred taxes—extraordinary items.

7. After line item 591 "Provision for deferred taxes—extraordinary items" add:

592 Cumulative effect of changes in accounting principles.

Under Retained Income Accounts, the following revision is made:

8. After line item 601 "Credit balance (at beginning of calendar year)" add:

601.5 Prior period adjustments to beginning retained income account.

Regulations Prescribed

9. Under "(ii) Definitions," add the following new definitions:

* * * * *

23. (a) "Segment of a business refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(c) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

GENERAL INSTRUCTIONS

10. The text of instruction 1-2 "Classification of accounts" is amended by revising paragraph (d) to read:

* * * * *

(d)(1) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items.

Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(2) *Unusual or Infrequent Items.* Material events unusual in nature of infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(3) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 23(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 23(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 23(c)).

(4) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) They can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(5) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(6) *Materiality.* In determining materiality, as a general standard, an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(7) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent

accountant approving or otherwise commenting on the request.

In the text of instruction 1–11, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period" in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentences of these paragraphs.

INSTRUCTIONS FOR PROPERTY ACCOUNTS

2–8 [Amended]

11. The text of instruction 2–8, "Additions to and retirements of units of property" is amended by revising paragraph (c) to read:

* * * * *

(c) When property (other than a minor item constituting repairs) classified as other than depreciable property is retired, the cost thereof shall be cleared from the property account and the service value shall be charged to account 267, "Retirements-Road."

* * * * *

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

12. Paragraph (a) of instruction 6–2, "Recorded value of securities owned," is amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate", in the second to last sentence.

13. Paragraph (c) of instruction 6–3, "Discount, expense and premium on debt" is amended by striking the words "or to account 570, 'Extraordinary Items'," in the second to last sentence.

INCOME ACCOUNTS

519 [Amended]

14. The text of account 519, "Miscellaneous Income," is amended by deleting paragraph (b).

15. After the text of account 519, the following new account number, title and text are added:

525 Unusual or Infrequent Items (Credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–2 (d), upon approval by the Commission.

532 [Amended]

16. The text of account 532, "Railway Tax Accruals," paragraph (c), is amended by striking the words "and prior period" from the second sentence.

551 [Amended]

17. The text of account 551, "Miscellaneous Income Charges," is amended by deleting paragraph (b).

18. After the text of account 551, "Miscellaneous Income Charges," the following new account numbers, titles and texts are added:

555 Unusual or Infrequent Items (Debit)

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–2(d), upon approval by the Commission.

560 Income or Loss From Operations of Discontinued Segments.

This account shall include the results of operations of a segment of a business (see definition 23(a)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 1–2(d), upon approval by the Commission.

562 Gain or Loss on Disposal of Discontinued Segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 1–2(d), upon approval by the Commission.

19. Before account 570, "Extraordinary Items (Net)," the line item title, "Extraordinary and prior period items," is revised to read "Extraordinary Items and Accounting Changes."

20. The text of account 570 "Extraordinary Items (Net)," is revised to read:

570 Extraordinary Items (Net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 1–2(d), upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Income tax consequences of charges and credits to this account shall be recorded in account 590, "Income Taxes on Extraordinary Items," or account 591, Provision for Deferred Taxes-Extraordinary Items."

580 [Deleted]

21. The account number, title and text of account 580, "Prior Period Items (Net)," are deleted.

22. The account title and text of account 590, "Income Taxes on Extraordinary and Prior Period Items," are revised to read:

590 Income Taxes on Extraordinary Items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in account 570, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for Deferred Taxes-Extraordinary items."

23. The title and text of account 591, "Provision for Deferred Taxes-Extraordinary and Prior Period Items," are revised to read:

591 Provision for Deferred Taxes—Extraordinary Items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 570, "Extraordinary Items (Net)." (See instruction 1–11).

24. After the text of account 591, "Provision for Deferred Taxes-Extraordinary Items," add:

592 Cumulative Effect of Changes in Accounting Principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 1–2(d), upon approval by the Commission.

25. The text of account 599, "Form of Income Statement," is amended as follows:

599 Form of Income Statement.

* * * * *

519 * * *
525 Unusual or Infrequent Items (Debit).
* * * * *
551 * * *
555 Unusual or Infrequent Items (Debit).
* * * * *
546 (c) * * *
Income from Continuing Operations ---------- $----
Discontinued Operations.
560 Income or Loss from Operations of Discontinued Segments (Less applicable income taxes of $----) ---------- ----
562 Gain or Loss on Disposal of Discontinued Segments (Less applicable income taxes of $----) ---------- ----
Income (Loss) Before Extraordinary Items.
Extraordinary Items and Accounting Changes.
570 * * *
590 Income Taxes on Extraordinary Items.
591 Provision for Deferred Taxes—Extraordinary Items.
Extraordinary Items ---------- ----
592 Cumulative Effect of Changes in Accounting Principles (Less applicable income taxes of $----) ---------- ----
Net Income Transferred to Retained Income—Unappropriated ---------- ----

* * * * *

RETAINED INCOME ACCOUNTS

26. After the text of account 601, "Credit Balance (at beginning of calendar year)," add:

601.5 Prior Period Adjustments to Beginning Retained Income Account.

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 1–2(d), to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

GENERAL BALANCE SHEET ACCOUNTS

723 [Amended]

27. In the text of account 723, "Reserve for Adjustment of Investment in Securities-Cr.," Paragraph (a) is amended by striking the words "or account 570, 'Extraordinary Items' as appropriate," at the end of the last sentence. Paragraph (b) is also amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate," at the end of the first and second sentences.

786 [Amended]

28. The text of account 786, "Accumulated Deferred Income Tax Credits," is amended by striking the words "and prior period," in paragraph (a).

PART 1202—UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC RAILWAYS

LIST OF INSTRUCTIONS AND ACCOUNTS

1. Under "Operating Expense", line item 01–6 "Extraordinary and prior period items" is deleted.

2. Under "Operating Revenue," line item 02–3 "Extraordinary and prior period items", is deleted.

3. Under "Income", line item 03–2 "Extraordinary and prior period items" is revised to read:

03–2 Extraordinary items, unusual or infrequent items, Discontinued operations, prior period items and accounting changes.

Under "Income Accounts", the following revisions are made:

4. After line item 212 "Miscellaneous income", add:

212–5 Unusual or infrequent items (debit).

After line item 225 "Miscellaneous debits", add:

212–5 Unusual or infrequent items (credit).
230 Income (loss) from operations of discontinued segments.
232 Gain (loss) on disposal of discontinued segments.

5. Before line item 270 "Extraordinary items (net)", the heading "Extraordinary and Prior Period Items" is revised to read:

Extraordinary Items and Accounting Changes.

6. After line item 270 "Extraordinary items (net)", line item 280 Prior period items (net) is deleted.

7. Line item 290 "Income taxes on extraordinary and prior period items" is revised to read:

290 Income taxes on extraordinary items.

8. Line item 291 "Provision for deferred taxes—extraordinary and prior period items" is revised to read:

291 Provision for deferred taxes—extraordinary items.

9. After line item 291 "Provision for deferred taxes—extraordinary items", the following is added:

292 Cumulative effect of changes in accounting principles.

Under "Profit and Loss Accounts", the following additions are made:

10. After line item 301 "Credit balance at beginning of fiscal period", add:

301–1 Prior period adjustment to beginning balance of earned surplus (credit).

11. After line item 307 "Debit balance at beginning of fiscal period", add:

307–1 Prior period adjustment to beginning balance of earned surplus (debit).

DEFINITIONS

12. Section 00–2 is amended by adding the following new definitions:

00–2 Definitions.

* * * * *

"Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

"Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

"Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

* * * * *

OPERATING EXPENSES, GENERAL INSTRUCTIONS

01–6 [Deleted]

13. The number, title and text of instruction 01–6 "Extraordinary and prior period items" are deleted.

14. The text of instruction 01–10 "Property retired" is revised to read:

01–10 Property retired.

The service value of property retired shall be accounted for in accordance with the provisions of instruction 06–4 "Property retired". If authorized by the Commission, the carrier may create a reserve in anticipation of the retirement of nondepreciable property by charges to operating expenses.

01–16 [Amended]

15. In the text of instruction 01–16, "Accounting for income taxes", paragraph (a) is amended by striking the words "and prior period" in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentence of these paragraphs.

OPERATING EXPENSE ACCOUNTS

28–2 [Amended]

16. The text of account 28–2, "Retirement, way and structures" is amended by deleting paragraph (b).

OPERATING REVENUES

02–3 [Amended]

17. The number, title and text of instruction 02–3, "Extraordinary and prior period items" are deleted.

INCOME

18. The title and text of instruction 03–2, "Extraordinary and prior period items" are revised to read:

03–2 Extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments, and accounting changes.

(a) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or Infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to

the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition).

(d) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of earned surplus of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and clasified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

03–6 [Amended]

19. Instruction 03–6 "Form or Income Statement" is amended as follows:

* * * * *

212 * * *
212–5 Unusual or infrequent items (credit).

* * * * *

225 * * *
225–5 Unusual or infrequent items (debit).
Total deductions from gross income.
Income from continuing operations.

DISCONTINUED OPERATIONS

230 Income (loss) from operations of discontinued segments (less applicable income taxes of $____).
232 Gain (loss) on disposal of discontinued segments (less applicable income taxes of $____).
Income (loss) before extraordinary items.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

270 * * *
290 Income taxes on extraordinary items.
291 Provision for deferred taxes—extraordinary items.
Extraordinary Items.
292 Cumulative effect of changes in accounting principles (less applicable income taxes of $____).

* * * * *

INCOME ACCOUNTS

212 [Amended]

20. The text of account 212, "Miscellaneous income" is amended by deleting the last paragraph starting with the words "when the profits * * *."

21. After the text of account 212 "Miscellaneous income" the following new account number, title and text are added:

212–5 Unusual or infrequent items (credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 03–2, upon approval by the Commission.

215 [Amended]

22. In the text of account 215, "Taxes assignable to transportation operation," paragraph (c) is amended by striking the words "and prior period" in the last sentence.

225 [Amended]

23. The text of account 225, "Miscellaneous debits" is amended by deleting the last paragraph starting with the words "when the profits * * *".

24. After the text of account 225, the following new account numbers, titles and text are added:

225–5 Unusual or infrequent items (debit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 03–2, upon approval by the Commission.

230 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 03–2, upon approval by the Commission.

232 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 03–2, upon approval by the Commission.

25. After the text of account 232, the heading "Extraordinary and prior period items" is revised to read:

EXTRAORDINARY ITEMS

26. The text of account 270 "Extraordinary items (net)," is revised to read:

270 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 03–2, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 290—"Income taxes on extraordinary items", or account 291, "Provision for deferred taxes—extraordinary items".

280 [Deleted]

26a. The number, title and text of account 280 "Prior period items (net)" are deleted.

27. The title and text of account 290 "Income taxes on extraordinary items" are revised to read:

290 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit and credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 270, "Extraordinary items (net)". The tax effect of any timing differences caused by recognizing an item in the account

provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 291, "Provision for deferred taxes—extraordinary items".

28. The title and text of account 291 "Provision for deferred taxes—extraordinary and prior period items" are revised to read:

291 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 270, "Extraordinary items (net)". (See instruction 01–16).

29. After the text of account 291, "Provision for deferred taxes-extraordinary items" the following new account number, title and text are added

292 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 03–2, upon approval by the Commission.

PROFIT AND LOSS ACCOUNTS

30. After account 301 "Credit balance at beginning of fiscal period", the following new account number, title and text are added

301–1 Prior period adjustments to beginning balance of earned surplus (credit).

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 03–2, to the balance in the earned surplus account at the beginning of the calendar year, upon approval by the Commission.

31. After account 307 "Debit balance at beginning of fiscal period", the following new account number, title and text are added:

307–1 Prior period adjustments to beginning balance of earned surplus (debit).

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 03–2, to the balance in the earned surplus account at the beginning of the calendar year, upon approval by the Commission.

GENERAL BALANCE SHEET

05–3 [Amended]

32. The text of general instruction 05–3 "Discount expense, and premium on funded debt," is amended by striking the words "or to account 270, Extraordinary Items" appearing in the last sentence of the last paragraph.

05–7 [Amended]

33. In the text of general instruction 05–7, "Recorded value of securities owned," paragraph (a) is amended by deleting the words "or to account 270, "Extraordinary items," as appropriate" at the end of the paragraph. In paragraph (b) (2) (d), the parenthetical words "see instruction 01–6" is revised to read "see instruction 03–2".

GENERAL BALANCE SHEET ACCOUNTS

406–1 [Amended]

34. The text of account 406–1 "Reserve for adjustment of investment in securities," is amended by striking the words "or account 270. "Extraordinary items," as appropriate" at the end of the text.

418 [Amended]

35. The text of account 418, "Discount on funded debt" is amended by striking the words "or account 270, "Extraordinary items," as appropriate" at the end of the second paragraph.

440 [Amended]

36. The text of account 440 "Premium of funded debt" is amended by striking the words "or account 270, "Extraordinary items," as appropriate," at the end of the second paragraph.

447 [Amended]

37. The text of account 447 "Accumulated deferred income tax credits" is amended by striking the words "and prior period" in paragraph (a).

ROAD AND EQUIPMENT

06–7 [Amended]

38. The text of general instruction 06–7 "Land sold or reclassed" is amended by striking the words "or account 270, "Extraordinary Items," pursuant to instruction 01–6".

PART 1203—UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

39. Under "Income Accounts" the following revisions are made:

* * * * *

641 * * *
650 Unusual or infrequent items (credit).
651 Unusual or infrequent items (credit).

* * * * *

731 * * *
740 Unusual or infrequent items (debit).
741 Unusual or infrequent items (debit).
850 Discontinued operations.
851 Income (loss) from operations of discontinued segments.
852 Gain (loss) on disposal of discontinued segments.
900 Extraordinary items and accounting changes.
910 * * *
911 * * *
930 Income taxes on extraordinary items.
931 Income taxes on extraordinary items.
940 Provision for deferred taxes—extraordinary items.
941 Provision for deferred taxes—extraordinary items.
Sec.
950 Cumulative effect of changes in accounting principles.
951 Cumulative effect of changes in accounting principles.

DEFINITIONS

40. In part (i) "Definitions," after the text of definition 42(g) "Date of Acquisition" add the following:

Definitions. * * *

* * * * *

43. (a) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(c) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

GENERAL INSTRUCTIONS

1–1 [Amended]

41. Instruction "1–1 Classification of accounts" is amended by revising paragraphs (b), (c), (d) and adding paragraph, (e) (f), (g) and (h) as follows:

1–1 Classification of accounts.

* * * * *

(b) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(c) *Unusual or Infrequent Items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(d) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 43(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 43(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 43(c)).

(d) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

42. Instruction "1–2 Accounting scope" is amended as follows:

1–2 Accounting scope.

* * * * *

(c) * * *

(9) Extraordinary items and accounting changes—amounts to be accounted for in accordance with instruction 1–1.

* * * * *

(d) * * *

Income Statement Groups.

* * * * *

800 * * *
900 Extraordinary items and accounting changes.

* * * * *

640 * * *
650 Unusual or infrequent item (credit).

* * * * *

730 * * *
740 Unusual or infrequent items (credit).
850 Discontinued operations.

* * * * *

910 * * *
930 Income taxes on extraordinary items.
940 Provision for deferred taxes—extraordinary items.
950 Cumulative effect of changes in accounting principles.

* * * * *

641 * * *
651 Unusual or infrequent items (credit).

* * * * *

731 * * *
741 Unusual or infrequent items (debit).
851 Income (loss) from operations of discontinued segments.
852 Gain (loss) from disposal of discontinued segments.

* * * * *

911 * * *
931 Income taxes on extraordinary items.
941 Provision for deferred taxes—extraordinary items.
951 Cumulative effect of changes in accounting principles.

* * * * *

43. Instruction "1–10 Amortization of intangibles" is amended by revising paragraph (b) to read:

1–10 Amortization of intangibles.

* * * * *

(b) When it becomes reasonably evident that the term of existence of an intangible, the cost of which is included in account 141, Intangible property, has become limited or its value impaired, its cost shall be amortized through account 731, Miscellaneous expenses, or it may be entirely written off by charge to this account, with concurrent credit to account 142, Accumulated amortization on intangible property.

* * * * *

1–18 [Amended]

44. In the text of instruction 1–18, "Accounting for income taxes", paragraph (a) is amended by striking the words "and prior period" in the last sentence; and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentences of these paragraphs.

INSTRUCTIONS FOR BALANCE SHEET ACCOUNTS

2–2 [Amended]

45. The text of instruction 2–2, "Investments—special funds," paragraph (b) last sentence, is revised to read:

"* * * Such losses in value of securities written off shall be charged to account 731—08—Miscellaneous, sundry expenses."

SECONDARY OPERATING EXPENSE ACCOUNTS

04 [Amended]

46. In the text of account 04, "Taxes and licenses", paragraph (a) is amended by striking the words "and prior period" before the last word of this paragraph.

BALANCE SHEET ACCOUNT CLASSIFICATIONS

243 [Amended]

The text of account 243, "Accumulated deferred income tax credits" is amended by striking the words "and prior period" in paragraph (a).

INSTRUCTIONS FOR CARRIER PROPERTY ACCOUNTS

47. Instruction "3–3 Retirements" is amended by revising paragraph (c) to read:

3–3 Retirements.

* * * * *

(c) Land. When land is sold, the book costs shall be credited to the land account and any difference between the book cost and the sales price, less commissions and expenses on the sale, shall be debited or credited to account 641—Miscellanous income.

* * * * *

48. The text of account 255 "Retained income" is amended by amending paragraph (a) and adding paragraph (j) after (i). As amended, the text reads as follows.

255 Retained income.

(a) * * *

09 Prior period adjustments to beginning retained income account.

* * * * *

(j) 09 *Prior period adjustments to beginning retained income account.* This account shall include adjustments after

giving income tax effect, in accordance with the text of instruction 1–1, to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

INCOME ACCOUNTS

49. After the text of account "641 Miscellaneous income" the number, title and text for new accounts 650 and 651 are added to read:

650 Unusual or infrequent items (credit).

651 Unusual or infrequent items (credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–1, upon approval by the Commission.

50. After the text of account "731 Miscellaneous expenses", the numbers, titles and texts for new accounts 740, 741, 850, 851, and 852 are added to read:

740 Unusual or infrequent items (debit).

741 Unusual or infrequent items (debit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–1, upon approval by the Commission.

850 Discontinued operations.

851 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition 43(a)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 1–1, upon approval by the Commission.

852 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 1–1, upon approval by the Commission.

* * * * *

811 [Amended]

50. The texts of account 811, "Federal income taxes" and account 813, "Other income taxes" are amended by striking the words "and prior period" in the parenthetical sentences.

51. The title of control account 900 is revised to read:

900 Extraordinary items and accounting changes.

52. The text of account "911 Extraordinary items (net)" is revised to read:

911 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 1–1, upon submission a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Income tax consequences of charges and credits to this account shall be recorded in account 931—"Income taxes on extraordinary items", or account 941 "Provision for deferred taxes—extraordinary items".

920 [Deleted]

921 [Deleted]

53. The number and title of control account 920 "Prior period items (net)" and the number, title and text of account 921 "Prior period items (net)" are deleted.

54. The title of control account 930 is revised to read:

930 Income taxes on extraordinary items.

55. The title and text of account "931 Income taxes on extraordinary and prior period items" are revised to read:

931 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 910, Extraordinary items (net). The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 940, Provision for deferred taxes—extraordinary items.

56. The title of account 940 and the title and text of account 941, are revised to read:

940 Provision for deferred taxes—extraordinary items.

941 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 910, Extraordinary items (net). (See instruction 1–18).

57. After the text of account "941 Provision for deferred taxes—extraordinary items," the following new account numbers, titles and text are added:

950 Cumulative effect of changes in accounting principles.

951 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 1–1, upon approval by the Commission.

58. Account "998 Form of income statement" is amended as follows:

998 Form of income statement.

* * * * * *

640	* * *	
650	Unusual or infrequency items (credit)	$ ------
730	* * *	
740	Unusual or infrequency items (debit)	------
	Total Nonoperating Expenses	------
	Income from continuing operations before income taxes	------
800	Income taxes on ordinary income	------
810	Income taxes on ordinary income	------
	Income from continuing operations	------
850	Discontinued operations (less applicable income taxes)	------
	Income before extraordinary items	------
900	Extraordinary items and accounting changes	------
910	Extraordinary items (net)	------
930	Income taxes on extraordinary items	------
940	Provision for deferred taxes—extraordinary items	------
	Total extraordinary items	------
950	Cumulative effect on changes in accounting principles (less applicable income taxes of ----)	------
	Net income (or Loss)	------

PART 1204—UNIFORM SYSTEM OF ACCOUNTS FOR PIPELINE COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions:"

1. Line item 1–6, "Extraordinary and prior period items" is revised to read:

1–6 Extraordinary, unusual or infrequent items, prior period adjustments, discontinued operations, and accounting changes.

2. Under "Income Accounts," the following revisions are made:

* * * * * *

640 * * *
643 Unusual or Infrequent Items (Credit).

* * * * * *

660 * * *
665 Unusual or Infrequent Items (Debit).
671 * * *
Discontinued Operations.
675 Income (Loss) From Operations of Discontinued Segments.
676 Gain (Loss) on Disposal of Discontinued Segments.

Extraordinary Items and Accounting Changes.
680 * * *
695 Income Taxes on Extraordinary Items.
696 Provision for Deferred Taxes—Extraordinary Items.
697 Cumulative Effect on Changes in Accounting Principles.
* * * * *
700 * * *
705 Prior Period Adjustments to Beginning Retained Income Account.
* * * * *

DEFINITIONS

3. After the text of definition 31(g), "Date of acquisition," the following are added:

* * * * *

Definitions. * * *

32. (a) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other nonsubsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(c) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

GENERAL INSTRUCTIONS

4. The title and text of instruction 1–6, "Extraordinary and prior period items," are revised to read:

1–6 Extraordinary, unusual or infrequent items, prior period adjustments, discontinued operations and accounting changes.

(a) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or Infrequent Items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 32(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 32(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 32(c)).

(d) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission Approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

In the text of instruction 1–12, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period," in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period," in the first sentences of these paragraphs.

INSTRUCTIONS FOR CARRIER PROPERTY ACCOUNTS

5. The text of instruction 3–7, "Retirements," is amended by revising paragraph (a) to read:

3–7 Retirements. * * *

(a) *Land.* The book cost of land retired shall be removed from the property accounts. Gain or loss on the sale of land shall be recorded in account 640, Miscellaneous Income, or account 660, Miscellaneous Income Charges.

* * * * *

BALANCE SHEET ACCOUNTS

23 [Amended]

6. The text of account 23, "Reductions in Security Values-Credit," is amended by striking the words "or account 680, Extraordinary Items," as appropriate," at the end of the text.

64 [Amended]

7. The text of account 64, "Accumulated Deferred Income Tax Credits," is amended by striking the words "and prior period," in paragraph (a).

CARRIER PROPERTY ACCOUNTS

101, 151, 171 [Amended]

8. The text of accounts 101, 151, 171, "Land," is amended by striking the words "or, when qualifying as extraordinary pursuant to instruction 1–6, shall be included in account 680, Extraordinary Items," appearing in the last sentence of paragraph (b).

INCOME ACCOUNTS

640 [Amended]

9. The text of account 640, "Miscellaneous Income," is amended by deleting paragraph (b).

10. After the text of account 640, "Miscellaneous Income," the following new account number, title and text are added:

645 Unusual or Infrequent Items (Credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–6, upon approval by the Commission.

660 [Amended]

11. The text of account 660, "Miscellaneous Income Charges," is amended by deleting paragraph (b).

12. After the text of account 660, "Miscellaneous Income Charges," the following new account number, title and text are added:

665 Unusual or Infrequent Items (Debit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 1–6, upon approval by the Commission.

670 [Amended]

13. In the text of account 670, "Income Taxes on Ordinary Income," paragraph (a) is amended by striking the words "and prior period," in the second sentence.

13. After the text of account 671, "Provision for Deferred Taxes," accounts 675, 677 and 697, are added, 680, 695 and 696 are revised, and 690, "Prior Period Items (Net)" is deleted, to read as follows:

675 Income (Loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition 32(a)), after giving effect to income tax consequences that has been or will be discontinued in accordance with the text of instruction 1–6, upon approval by the Commission.

676 Gain (Loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 1–6, upon approval by the Commission.

EXTRAORDINARY ITEMS

680 Extraordinary Items (Net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 1–6, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 695, "Income Taxes on Extraordinary Items," or account 696, "Provision for Deferred Taxes—Extraordinary Items," as applicable.

695 Income Taxes on Extraordinary Items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified extraordinary, and are recorded in account 680, Extraordinary Items (Net). The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 696, "Provision for Deferred Taxes—Extraordinary Items."

696 Provision for Deferred Taxes—Extraordinary Items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 680, "Extraordinary Items (Net)." (See instruction 1–12).

697 Cumulative Effect of Changes in Accounting Principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 1–6, upon approval by the Commission.

* * * * *

RETAINED INCOME ACCOUNTS

13. After the text of account 700, "Net Balance Transferred from Income," the following new account number, title and text are added:

705 Prior Period Adjustments to Beginning Retained Income Account.

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 1–6, to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

14. Account 798, "Form of Income Statement," is amended by the following revisions:

798 Form of income statement.

* * * * *

640 * * *
645 Unusual or Infrequent Items (Credit).

* * * * *

660 * * *
665 Unusual or Infrequent Items (Debit).

* * * * *

671 * * *

DISCONTINUED OPERATIONS

675 Income (Loss) from Operations of Discontinued Segments. (Less Applicable Income Taxes of ____).
676 Gain (Loss) from Disposition of Discontinued Segments (Less Applicable Income Taxes of ____).
Income (Loss) before Extraordinary Items.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

680 * * *
695 Income Taxes on Extraordinary Items.
696 Provision for Deferred Taxes—Extraordinary Items.

EXTRAORDINARY ITEMS

697 Cumulative Effect of Changes in Accounting Principles (Less Applicable Income Taxes of ____).
Net Income (Loss).

15. The text of account 799, "Form of Unappropriated Retained Income Statement," is revised as follows:

799 Form of unappropriated retained income statement.

* * * * *

700 * * *
705 Prior Period Adjustments to Beginning Retained Income Account.

* * * * *

PART 1205—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CAR LINES

LIST OF INSTRUCTIONS AND ACCOUNTS

1. Under "Income Accounts Texts," the following revisions are made:

* * * * *

519 * * *
523 Unusual or Infrequent Items (Credit).

* * * * *

551 * * *
553 Unusual or Infrequent Items (Debit).

DISCONTINUED OPERATIONS

555 Income (Loss) from Operations of Discontinued Segments.
557 Gain (Loss) on Disposal of Discontinued Segments.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

570 * * *
590 Income Taxes on Extraordinary Items.
591 Provision for Deferred Taxes—Extraordinary Items.
592 Cumulative Effect of Changes in Accounting Principles.

* * * * *

2. Under "Retained Income Accounts Texts," the following revisions are made:

* * * * *

601 * * *
601–1 Prior Period Adjustments to Beginning Retained Income Account (Credit).

* * * * *

611 * * *
611–1 Prior Period Adjustments to Beginning Retained Income Account (Debit).

* * * * *

General Instructions

3. Instruction 2, "Definitions" is amended by adding the following definitions after the text of definition:

2 Definitions.

* * * * *

(aa) (7) "Date of acquisition."

(bb) (1) "Segment of a business," refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(2) "Measurement date," means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(3) "Disposal date," refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

4. The text of instruction 3, "Classification of accounts," is revised to read:

3 Classification of accounts.

(a) Accounts are prescribed to cover cost of property used in furnishing cars or protective service and for revenues, expenses, taxes and income from such service. Separate accounts are prescribed for investment in property not used in such services and for other investments and income therefrom; for extraordinary and prior period items, including applicable income taxes; and for assets, liabilities and capital includible in the balance sheet statement. Retained income accounts form the connecting link between the income account and the equity section of the balance sheet. They are provided to record the transfer of net income or loss for the year; certain capital transactions; and, when authorized by the Commission, other items.

(b) *Extraordinary Items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(c) *Unusual or Infrequent Items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(d) *Discontinued Operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition bb(1)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition bb(2)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition bb(3)).

(e) *Prior Period Adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(f) *Accounting Changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(g) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(h) *Commission Approval and Accountant's Letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

(i) *Just and Reasonable Charges.* All charges to the accounts prescribed for operating revenues, operating expenses and other accounts for furnishing cars or protective service shall be just, reasonable and necessary to the honest and efficient operation and management of the company's business. Payments or allowances in excess of such just and reasonable charges shall be included in account 551, "Miscellaneous Income Charges."

Income and Balance Sheet Accounts Instructions

37 [Amended]

5. In the text of instruction 37, "Book value of securities owned," paragraph (a) is amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate," at the end of the paragraph.

The text of instruction 38, "Discount, expense and premium on debt," is amended by striking the words "or to account 570, 'Extraordinary Items,'" in the second to the last sentence of the last paragraph.

In the text of instruction 42, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period," in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period," in the first sentences of these paragraphs.

Property Account Texts

51 [Amended]

6. In the text of account 51, "Land," Note C is amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate."

Income Accounts Texts

519 [Amended]

7. The text of account 519, "Miscellaneous Income," is amended by deleting the note to the account and the references to the note "(see note)", at the end of the last two items listed in the text.

8. After the text of account 519, "Miscellaneous Income," the following new account number, title and text are added:

523 Unusual or infrequent items (credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 3(c), upon approval by the Commission.

532 [Amended]

9. In the text of account 532, "Car Line Tax Accruals," the third paragraph is amended by striking the words "and prior period," in the second sentence.

551 [Amended]

10. The text of account 551, "Miscellaneous Income Charges," is amended by deleting the note to the account and the reference in the text to the note "(see note)," at the end of the last two items listed in the text.

11. After the text of account 551, "Miscellaneous Income Charges," accounts 553, 555, 557 and 592 are added; 570, 590 and 591 are amended; and 580, "Prior Period Items (Net)," is deleted, to read as follows:

553 Unusual or infrequent items (debit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 3(c), upon approval by the Commission.

555 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition bb(1), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 3(d), upon approval by the Commission.

557 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 3(d), upon approval by the Commission.

Extraordinary Items and Accounting Changes

570 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 3(b), upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 590, "Income Taxes on Extraordinary Items," or account 591, "Provision for Deferred Taxes—Extraordinary Items," as appropriate.

590 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary and are recorded in account 570, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for Deferred Taxes—Extraordinary."

591 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 570, "Extraordinary Items (Net)." (See instruction 42).

592 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 3(f), upon approval by the Commission.

12. Account 599, "Form of Income Statement," is amended as follows:

599 Form of income statement.

	* * * * *	
519	* * *	
523	Unusual or infrequent items (Credit)	$------
	* * * * *	
551	* * *	
553	Unusual or infrequent items (debit)	------
	* * * * *	
548	* * *	
	Total fixed charges and other deductions	------
	Income (or loss) from continuing operations	------
	V. DISCONTINUED OPERATIONS	
555	Income (loss) from operations of discontinued segments	------
	(Less applicable income taxes of ----)	------
557	Gain (loss) from disposal of discontinued segments	------
	(Less applicable income taxes of ----)	------
	Income (loss) before extraordinary items	------
	EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES	
570	Extraordinary Items (Net)	------
590	Income Taxes on Extraordinary Items	------
591	Provision for Deferred Taxes—Extraordinary Items	------
	Extraordinary Items	------
592	Cumulative Effect of Changes in Accounting Principles	------
	(Less Applicable Income Taxes of ----)	------
	Net Income (Or Loss)	------

Retained Income Accounts Texts

13. After the text of account 601, "Credit Balance" (at beginning of calendar year), the following is added:

601–1 Prior period adjustments to beginning retained income account (credit).

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 3(e), to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

14. After the text of account 611, "Debit Balance" (at beginning of calendar year), the following is added;

611–1 Prior period adjustments to beginning retained income account (debit).

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 3(e), to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

General Balance Sheet Accounts

723 [Amended]

15. In the text of account 723, "Reserve for Adjustment of Investment in Securities—C," paragraph (a), is amended by striking the words "or account 570, 'Extraordinary Items,' as appropriate," at the end of the paragraph. Paragraph (b) is amended by striking the words "or to account 570, 'Extraordinary Items,' as appropriate," at the end of the first and second sentences of the paragraph.

The text of account 785, "Accumulated Deferred Income Tax Credits," is amended by striking the words "and prior period," in paragraph (a).

PART 1206—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

LIST OF DEFINITIONS, INSTRUCTIONS AND ACCOUNTS

Under "Definitions":

1. After the line item "1–42 Terminology relative to equity accounting", the following is added:

1-43 Disposal of a segment of a business.

Under "Instructions":

2. Line item "2-7 Extraordinary and prior period items" is revised to read:

2-7 Extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments, and accounting changes.

3. Under "Balance sheet accounts", after line item "2930 Earned Surplus", the following is added:

2931 Prior period adjustments to beginning earned surplus account.

* * * * *

4. Under "Income accounts", the following revisions are made:

INCOME ACCOUNTS

* * * * *

6500 * * *

6600 Unusual or infrequent items (credit)

* * * * *

7500 * * *

7600 Unusual or infrequent items (debit).

* * * * *

8040 * * *

Discontinued operations.

8100 Income (loss) from operations of discontinued segments.

8120 Gains (loss) on disposal of discontinued segments.

Extraordinary items and accounting changes.

9010 * * *

9050 Income taxes on extraordinary items.

9060 Provision for deferred taxes—extraordinary items.

9070 Cumulative effect of changes in accounting principles.

* * * * *

DEFINITIONS

5. After the text of definition "1-42 Terminology relative to equity accounting", the following are added:

1-43 Disposal of a segment of a business.

(a) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(b) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(c) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

INSTRUCTIONS

6. The title and text of instruction "2-7 Extraordinary and prior period items" are revised to read:

2-7 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items, and accounting changes.

(a) *Extraordinary items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria fo rclassification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 1-43(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 1-43(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 1-43(c)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained earnings of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

2-15 [Amended]

7. In the text of instruction 2-15, "Book cost of securities owned", paragraph (b) is amended by striking the words "or account 9010, Extraordinary Items, as appropriate. (see instruction 7)." Paragraph (e) is also amended by striking the words "or when qualifying as extraordinary pursuant to instruction 7, shall be included in account 9010, Extraordinary item."

8. The text of instruction 2-21, "Operating property retired," paragraph (d) is revised to read:

2-21 Operating property retired.

* * * * *

(d) *Land.* When land is sold, the book cost shall be credited to the land account

and any difference between the book cost and the sales price, less commissions and intangible, the cost of which is included through account 6500, "Other Non-operating Income," or account 7500, "Other Deductions," as appropriate.

* * * * *

9. In instruction 2-31, "Amortization of intangibles," paragraph (a) is revised to read:

2-31 Amortization of intangibles.

(a) When it becomes reasonably evident that the term of existence of an intangible, the cost of which is included in account 1550, Other Intangible Property, has become limited or its value impaired, its cost shall be amortized or entirely written off by charges to account 7500, Other Deductions, depending on the remaining estimated period of usefulness.

* * * * *

2-32 [Amended]

10. In the text of instruction 2-32, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period" in the last sentence; and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentences of these paragraphs.

BALANCE SHEET ACCOUNTS

11. The text of account 1550, "Other intangible property" paragraph (b) is revised to read:

1550 Other intangible property.

(b) The carrier may amortize or write off the balance carried in this account by credits hereto and concurrent charges to account 7500, Other deductions.

1675 [Amended]

12. In the text of account 1675, "Reserve for adjustment of investments in securities," paragraphs (a), (b) and (c) are amended by striking the words "or account 9010, Extraordinary Items, as appropriate."

1890 [Amended]

13. In the text of account 1890, "Other deferred debits," paragraph (a) is amended by striking the words "or account 9010, Extraordinary items, as appropriate," at the end of the paragraph.

2460 [Amended]

14. The text of account 2460, "Accumulated deferred income tax credits" is amended by striking the words "and prior period" in paragraph (a).

2600 [Amended]

15. The text of account 2600, "Reserve for amortization-carrier operating property," paragraph (a) is amended by striking the words "or account 9010, Extraordinary items," in the last sentence of the paragraph.

16. After the text of account 2930, "Earned surplus," the following new account number, title and text are added:

2931 Prior period adjustments to beginning retained surplus account.

This account shall include adjustments after giving income tax effect, in accordance with the text of instructions 2-7, to the balance in the retained surplus account at the beginning of the calendar year, upon approval by the Commission.

4652 [Amended]

17. In the text of account 4652, "Employees' welfare expenses," paragraph (c) is amended by striking the words "or account 9010, Extraordinary items, as appropriate" in the first sentence.

18. After the text of account 6500, "Other nonoperating income," the following new account number, title and text are added:

6600 Unusual or infrequent items (credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 2-7, upon approval by the Commission.

19. After the text of account 7500, "Other deductions," the following new account number, title and text are added:

7600 Unusual or infrequent items (debit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 2-7, upon approval by the Commission.

20. After the text of account 8040, "Provision for deferred taxes," the following new account number, titles and texts are added:

DISCONTINUED OPERATIONS

8100 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition 1-43), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 2-7, upon approval by the Commission.

8120 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 2-7, upon approval by the Commission.

21. After the text of account 8120, "Gain (loss) on disposal of discontinued segments," the heading "Extraordinary and Prior Period Items" are revised to read:

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

22. The text of account 9010, "Extraordinary items (net)" is revised to read:

9010 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 2-7, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 9050, "Income taxes on extraordinary items," or 9060, "Provision for deferred taxes—extraordinary items."

9030 [Deleted]

23. The number, title and text of account 9030, "Prior period items (net)" are deleted.

24. The titles and texts of account 9050 and account 9060 are revised to read:

9050 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 9010, "Extraordinary items (net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 9060, "Provision for deferred taxes—extraordinary items."

9060 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 9010, "Extraordinary items (net)." (See instruction 2-32).

25. After the text of account 9060, "Provision for deferred taxes-extraordinary items," the following new account number, title and text are added:

9070 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 2-7, upon approval by the Commission.

26. The text of account 9999, "Form of income statement" is revised as follows:

9999	**Form of income statement.**	
	* * * * *	
6500	* * *	
6600	Unusual or infrequent items (credit)	$------
	* * * * *	
7500	* * *	
7600	Unusual or infrequent items (debit)	------
	* * * * *	
8040	* * *	
	Income (loss) from continuing operations	------
	IV. DISCONTINUED OPERATIONS	
8100	Income (loss) from operations of discontinued segments	------
	(less applicable income taxes of ----)	------
8120	Gain (loss) on disposal of discontinued segments	------
	(less applicable income taxes of ----)	------
	Income (loss) before extraordinary items	------
	EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES	
9010	* * *	
9050	Income taxes on extraordinary items	------
9060	Provision for deferred taxes—extraordinary items	------
	Extraordinary items	------
9070	Cumulative effect of changes in accounting principles	------
	(less applicable income taxes of ----)	------
	Net income (or loss) transferred to earned surplus	------

PART 1207—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

LIST OF INSTRUCTIONS

1. Line item 8, "Extraordinary and Prior Period Items," is revised to read:

8 Extraordinary, unusual, or infrequent items, discontinued operations, prior period adjustments; and accounting changes.

Definitions

2. After definition 40(g), "Date of acquisition," the following are added:

42. (a) "Segment of a business," refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other nonsubsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(b) "Measurement date," means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(c) "Disposal date," refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

Class I and Class II Motor Carriers Instructions

3. The title and text of instruction 8, "Extraordinary and prior period items," are revised to read:

8 Extraordinary, unusual or infrequent items, discontinued operations; prior period adjustments; and accounting changes.

(a) *Extraordinary items.* (1) All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they musta lso meet the materiality standard.

(2) Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

(3) Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition 42(a)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition 42(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition 42(c)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained earnings of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

18 [Amended]

4. Instruction 18, "Book cost of securities owned," paragraph (b) is amended by striking the parenthetical words "(See instruction 8.)" at the end of the paragraph.

21 [Amended]

5. In instruction 21, "Retirement of property," paragraph (4), land and structures, the sentence reading, "When

qualifying as extraordinary pursuant to instruction 8, the difference should be adjusted through account 8800, "Extraordinary Items (Class II)," and account 8810, "Extraordinary Items (Net) (Class I)," is deleted.

23 [Amended]

6. In instruction 23, "Depreciation and amortization," paragraph (d)(2), the following sentence reading, "When qualifying as extraordinary pursuant to instruction 8, the entire amount of such items may * * * amortization account," is deleted.

7. The text of paragraph (a) instruction 30, "Amortization of other intangible property," is revised to read:

30 Amortization of other intangible property.

(a) When it becomes * * * period of uesfulness, with concurrent credit to account 1342, "Accumulated Amortization—Other Intangible Property (Classes I and II)."

* * * * *

31 [Amended]

8. In the text of instruction 31, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period," in the last sentence, and paragraphs (d) and (e), are also amended by striking the words "and prior period," in the first sentences of these paragraphs.

Class I and Class II Motor Carriers Balance Sheet Account Explanations

9. The texts of accounts 1322, 1332, 1342, 1428, 1430, 1448, and 1512, are amended to delete references to account series 8800/9800, "Extraordinary Items." Specific amendments are as follows:

1322 [Amended]

Account 1322, "Accumulated Amortization—Franchises (Class I)," paragraph (a), is amended by striking the words "or account series 8800/9800, "Extraordinary Items," as appropriate.

1332 [Amended]

Account 1332, "Accumulated Amortization—Permits and Patents (Class I)," paragraph (a), is amended by striking the words "or account series 8800/9800, "Extraordinary Items," as appropriate."

1342 [Amended]

Account 1342, "Accumulated Amortization—Other Intangible Property (Classes I and II)," paragraph (a), is amended by striking the words "or account series 8800/9800, "Extraordinary Items," as appropriate."

1428 [Amended]

Account 1428, "Adjustments—Investments and Advances; Affiliated Companies (Classes I and II)," is amended by striking the words "or account series 8800/9800, "Extraordinary Items," as appropriate."

1430 [Amended]

Account 1430, "Other Investments and Advances (Class II), Note B," is amended by striking the words "or, when qualifying as extraordinary * * * (Class I)," in the last sentence of the note.

1448 [Amended]

Account 1448, "Adjustments—Other Investments and Advances (Classes I and II)," is amended by striking the words "or account series 8800/9800, "Extraordinary Items," as appropriate.

1512 [Amended]

Account 1512, "Other Deferred Debits (Class I)," paragraph (b), is amended by striking the words "or account series 8800/9800, "Extraordinary Items," as appropriate."

2420 [Amended]

10. The text of account 2420, "Accumulated Deferred Income Tax Credits (Class I and II)," is amended by striking the words "and prior period," in paragraph (a).

11. The text of account 2652, "Retained Earnings—Unappropriated (Classes I and II)," is amended by amending paragraph (a) and revising paragraph (b), to read:

2652 Retained Earnings-Unappropriated (Classes I and II).

(a) This account shall include the balance of the amounts included in accounts 2910 to 2961, inclusive, * * *.

(b) The balances of all retained earnings accounts (2910 to 2961, inclusive), shall be closed to this account at the end of each calendar year.

12. Before the text of account 2911, "Credit Balances Transferred From Income (Classes I and II)," the following new account number, title and text are added:

2910 Prior period adjustments to beginning retained earnings account.

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 8, to the balance in the retained earnings account at the beginning of the calendar year, upon approval by the Commission.

Class I and Class II Motor Carriers, Chart of Accounts, Other Income and Expenses

13. Under the hearing, "Class II Accounts," the following additions and revisions are made:

* * * * *

8435/9435 Unusual or infrequent items—credit.

8445/9445 Unusual or infrequent items—debit.

* * * * *

8750/9750 Income or loss from operations of discontinued segments.

8755/9755 Gain or loss on disposal of discontinued segments.

* * * * *

8860/9860 Cumulative effect of changes in accounting principles.

* * * * *

14. Under the heading, "Class I Accounts," the following additions and revisions are made:

* * * * *

8435/9435 Unusual or infrequent items—credit.

8445/9445 Unusual or infrequent items—debit.

* * * * *

8750/9750 Income or loss from operations of discontinued segments.

8755/9755 Gain or loss on disposal of discontinued segments.

* * * * *

8850/9850 Income taxes on extraordinary items.

8851/9851 Provision for deferred taxes—extraordinary items.

8860/9860 Cumulative effect of changes in accounting principles.

* * * * *

Other Income and Expense Account Explanations

8400/9400 [Amended]

15. The text of account 8400/9400, "Other Nonoperating Income (Net) (Classes I and II)," is amended by deleting Note B and reference thereto, at the end of paragraph (c)(7).

16. After the text of account 8429/9429, "Other (Nonoperating Deductions) (Class I)," the following new account numbers, titles and texts are added:

8435/9435 Unusual or infrequent items (credit) (classes I and II).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 8, upon approval by the Commission.

8445/9445 Unusual or infrequent items (debit) (classes I and II).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both accounted for in the current year in accordance with the text of instruction 8, upon approval by the Commission.

8700/9700 [Amended]

17. The text of account 8700/9700, "Income Taxes on Ordinary Income (Classes I and II)," is amended by striking "account 8800/9800, Extraordinary Items (Class II)," and "Prior Period," appearing in the last sentence of paragraph (c).

18. After the text of account 8740/9740, "Provision for Deferred Taxes (Classes I and II)," the following new account numbers, titles and texts are added:

8750/9750 Income or loss from operations of discontinued segments (Classes I and II).

This account shall include the results of operations of a segment of a business (see definition 42(a)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 8, upon approval by the Commission.

8755/9755 Gain or loss on disposal of discontinued segments (Classes I and II).

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the

text of instruction 8, upon approval by the Commission.

19. The text of account 8800/9800, "Extraordinary Items (Classes I and II)," is revised to read as follows:

8800/9800 Extraordinary items (Classes I and II).

(a) Class I carriers may use this account as a control account for accounts 8810/9810 and 8850/9850.

(b) Class II carriers may record separately amounts described as extraordinary and income taxes on such amounts.

(c) Class II carriers shall also include in this account the estimated income tax consequences (debit or credit), assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary.

(d) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 8, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(e) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(f) Federal income tax consequences of charges and credits to this account shall be recorded in account 8850/9850, "Income Taxes on Extraordinary Items (Class I), or 8851/9851, "Provision for Deferred Taxes—Extraordinary Items (Class I)."

20. The text of account 8810/9810, "Extraordinary Items (Net) Class I)," is revised to read:

8810/9810 Extraordinary items (net) (class I).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 8, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 8850/9850, "Income Taxes on Extraordinary Items," or account 8851/9851, "Provision for Deferred Taxes—Extraordinary Items (Class I)."

8820/9820 [Deleted]

21. The account number, title and text of account 8820/9820, "Prior Period Items (Net) (Class I)," are deleted.

22. The title and text of account 8850/9850, "Income Taxes on Extraordinary and Prior Period Items (Class I)," are revised to read:

8850/9850 Income taxes on extraordinary items (class I).

This account shall include the estimated income tax consequences (Debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in account 8810, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting and taxable income shall be included in account 8851/9851, "Provision for Deferred Taxes—Extraordinary Items."

23. The title and text of account 8851/9851, "Provision for Deferred Taxes—Extraordinary and Prior Period Items (Class I)," are revised to read:

8851/9851 Provision for deferred taxes—extraordinary items (class I).

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 8810/9810, "Extraordinary Items (Net)." (See instruction 31).

24. After the text of account 8851/9851, "Provision for Deferred Taxes—Extraordinary Items (Class I)," add:

8860/9860 Cumulative effect of changes in accounting principles (class I and II).

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 8, upon approval by the Commission.

PART 1209—UNIFORM SYSTEM OF ACCOUNTS FOR INLAND AND COASTAL WATERWAYS CARRIERS

LIST OF INSTRUCTIONS AND ACCOUNTS

1. Under "General Instructions," line item 4, "Extraordinary and prior period items," is revised to read:

4 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items, and accounting changes.

2. Under "Retained Income Accounts," after line item 281, "Net Income Balance," add:

282 Prior Period Adjustments to Beginning Retained Income Account.

3. Under "Income Accounts," line items 509, 531, 534, 536 and 592, are added, and line item 580, "Prior period items (Net)," is deleted to read as follows:

* * * * *

509 Unusual or Infrequent Items (Credit).

* * * * *

531 Unusual or Infrequent Items (Debit).

* * * * *

DISCONTINUED OPERATIONS

534 Income (loss) from operations of discontinued segments.

536 Gain (loss) on disposal of discontinued segments.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

* * * * *

590 Income taxes on extraordinary items.

591 Provision for deferred taxes—extraordinary items.

592 Cumulative effect of changes in accounting principles.

* * * * *

General Instructions

4. Instruction 2, "Definitions," is amended by adding the following after the text of definition (yy), "Date of Acquisition."

* * * * *

zz. (1) "Segment of a business," refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(2) "Measurement date," means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(3) "Disposal date," refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

5. The title and text of instruction 4, "Extraordinary and prior period items," are revised to read:

4 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items, and accounting changes.

(a) *Extraordinary items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

(b) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition zz(1)), shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition zz(2)(b)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition zz(3)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of retained income of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for using these accounts shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

13 [Amended]

6. In the text of instruction 13, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period," in the last sentence, and paragraphs (d) and (e) are also amended by striking the words "and prior period," in the first sentence of these paragraphs.

23 [Amended]

7. Instruction 23, "Book cost of securities owned," paragraph (b), is amended by striking the words "or account 570, "Extraordinary Items",, as appropriate," in the last sentence of the paragraph.

27 [Amended]

8. The text of instruction 27, is amended by striking the words "or account 570, Extraordinary Items," at the end of paragraph (d).

Property Instructions

44 [Amended]

9. The text of instruction 44, "Cost of construction," paragraph (g) is amended by striking the words "or account 570, "Extraordinary Items," as appropriate," in the second sentence of the paragraph.

47 [Amended]

10. The text of instruction 47, "Retirement and replacement," is amended by striking the words "or account 570, "Extraordinary Items," as appropriate, in the third and fourth sentences of paragraph (c), and at the end of paragraph (d).

Balance Sheet Accounts

11. The text of account 147, "Land," paragraph (b), is amended by deleting the words after "account 507, "Miscellaneous Income." As amended, the paragraph reads:

147 Land.

* * * * *

(b) * * *. Any excess shall be credited to account 507, "Miscellaneous Income."

* * * * *

161 [Amended]

12. The text of account 161, "Depreciation Reserve—Noncarrier Physical Property," paragraph (b) is amended by striking the words "or account 570," Extraordinary Items, "as appropriate," at the end of the paragraph.

174 [Amended]

13. The text of account 174, "Debt Discount and Expense," paragraph (b), is amended by striking the words "or account 570," Extraordinary Items, "as appropriate," at the end of the paragraph.

190 [Amended]

14. The text of account 190, "Reacquired and Nominally Issued Long-term Debt," paragraph (b), is amended by striking the words "or account 570," Extraordinary Items, "as appropriate," at the end of the paragraph.

231 [Amended]

15. In the text of account 231, "Premium on Long-Term Debt," paragraph (b), is amended by striking the words "or account 570," Extraordinary Items, "as appropriate," at the end of the paragraph.

223 [Amended]

16. The text of account 223, "Accumulated Deferred Income Tax Credits," is amended by striking the words "and prior period," in paragraph (a).

Retained Income Accounts

17. After the text of account 281, "Net Income Balance," add:

282 Prior period adjustments to beginning retained income account.

This account shall include adjustments after giving income tax effect, in accordance with the text of instruction 4, to the balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

Income Accounts

507 [Amended]

18. The text of account 507, "Miscellaneous Income," is amended by deleting the last paragraph after item 9, "Remittances received from anonymous sources."

508 [Amended]

19. The text of account 508, "Profits From Sale or Disposition of Property," is amended by deleting the second paragraph which starts with "When the profit ——————."

20. After the text of account 508, "Profits From Sale or Disposition of Property," the following net account number, title and text are added:

509 Unusual or infrequent items (credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 4, upon approval by the Commission.

525 [Amended]

21. The text of account 525, "Losses From Sale or Disposition of Property," is amended by deleting the second paragraph which starts with "When the loss ------"

527 [Amended]

22. The text of account 527, "Miscellaneous Income Charges," is amended by deleting the last paragraph following item 14, under "Items of expense."

23. After the text of account 527, "Miscellaneous Income Charges," the following new account number, title and text are added:

527–1 Unusual or infrequent items (debit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 4, upon approval by the Commission.

532 [Amended]

24. In the text of account 532, "Income Taxes on Ordinary Income," paragraph (a) is amended by striking the words "and prior period," in the second sentence.

580 [Deleted]

25. Account 580 "Prior Period Items (Net)" is deleted, and after the text of account 553, "Provision for Deferred Taxes," new accounts 534, 536 and 592 are added; and accounts 570, 590 and 591 are revised to read as follows:

534 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition zz(1)), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 4, upon approval by the Commission.

536 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 4, upon approval by the Commission.

Extraordinary Items and Accounting Changes

570 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 4, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 590, "Federal Income Taxes on Extraordinary Items," or account 591, "Provision for Deferred Taxes—Extraordinary Items."

590 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 570, "Extraordinary Items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for deferred taxes—extraordinary items."

591 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for current accounting period for income taxes deferred currently or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 570, "Extraordinary Items (Net)." (See instruction 13.)

592 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 4, upon approval by the Commission.

26. Account 599, "Form of Income Statement," is amended as follows:

599 Form of income statement.

* * * * *		
509	Unusual or infrequent items (credit)	$------
* * * * *		
527–1	Unusual or infrequent items (debit)	------
* * * * *		
533	* * * Income (loss) from continuing operations [1]	------
	VI. DISCONTINUED OPERATIONS	
534	Income (loss) from operations of discontinued segments	------
	(Less applicable income taxes of ----)	------
536	Gain (loss) from disposal of discontinued segments	------
	(Less applicable income taxes of ----)	------
	Income (loss) before extraordinary items [1]	------
	VII. EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES	
570	* * *	
590	Income taxes on extraordinary items	------
591	Provision for deferred taxes—extraordinary items	------
	Extraordinary items	------
592	Cumulative effect of changes in accounting principles	------
	(Less applicable income tax of ----)	------
	Net income [1]	------

[1] If a loss, show amount in red.

PART 1210—UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

LIST OF INSTRUCTIONS AND ACCOUNTS

1. Under "General Instructions," line item 4, "Extraordinary and prior period items," is revised to read:

4 Extraordinary items, unusual and infrequent items, discontinued operations, prior period items, and accounting changes.

2. Under "Earned Surplus Accounts," after line item 301, "Miscellaneous Credits," the following is added:

302 Prior Period Adjustments to Beginning Earned Surplus Accounts.

3. Under "Income Accounts," the following revisions and additions are made:

INCOME ACCOUNTS

* * * * *

405 Unusual or infrequent items (credit).

Debit

* * * * *

415 Unusual or infrequent items (debit).

* * * * *

DISCONTINUED OPERATIONS

433 Income (loss) from operations of discontinued segments.

434 Gain (loss) on disposal of discontinued segments.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

* * * * *

450 Income taxes on extraordinary items.

451 Provision for deferred taxes—extraordinary items.

452 Cumulative effect of changes in accounting principles.

* * * * *

General Instructions

4. Instruction 2, "Definitions," is amended by adding the following after the text of definition (ee), "Date of acquisition:"

2 Definitions.

* * * * *

(ff) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(gg) "Measurement date" means the date on which the management having authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(hh) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

5. The title and text of instruction 4, "Extraordinary and prior period items," are revised to read:

4 Extraordinary items, unusual or infrequent items, discontinued operations, prior period items and accounting changes.

(a) *Extraordinary items.* All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the materiality standard.

Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(b) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(c) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition (ff)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition (gg)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition (hh)).

(d) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. A prior period adjustment, after income tax effect, should be reported by restating the beginning balance of earned surplus of the current year and correspondingly adjusting related prior year balances presented for comparative purposes. Such adjustments shall not be considered prior period unless: (1) they can be specifically identified with and directly related to the business activities of particular prior periods, and (2) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (3) depend primarily on determinations by persons other than management, and (4) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error, it shall be reported as a prior period adjustment.

(e) *Accounting changes.* A change in accounting principle or accounting entity should be referred to this Commission for approval. The cumulative effect of a change in accounting principle should ordinarily be reflected in the account provided for in determining net income; in certain cases accounting changes may be reflected as prior period adjustments. Changes in accounting estimates should ordinarily be reflected prospectively.

(f) *Materiality.* In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(g) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, prior period adjustments and cumulative effect of changes in accounting principles only upon approval of the Commission. If the carrier retains the service of an independent accountant, a request for special accounting on these items shall be accompanied by a letter from the independent accountant approving or otherwise commenting on the request.

8 [Amended]

6. In the text of instruction 8, "Accounting for income taxes," paragraph (a) is amended by striking the words "and prior period" in the last sentence; and paragraphs (d) and (e) are also amended by striking the words "and prior period" in the first sentence of these paragraphs.

General Balance Sheet Instructions

7. Instruction 25, "Discount, premium and expense on long-term debt," paragraph (d) is revised to read:

25 Discount, premium, and expense on long-term debt.

* * * * *

(d) Except as provided in paragraphs (a), (b), and (c) of this section, the balance in each of these accounts shall be carried until the reacquirement of the securities to which it relates at which time the proportion (based on the relation of the amount of long-term debt reacquired to the total outstanding before its reacquirement) of the balance in the premium, discount, and debt-expense account for the particular class of long-term debt reacquired shall be closed to account 403 "Miscellaneous income," or account 414, "Miscellaneous income charges."

* * * * *

General Balance Sheet Accounts

132 [Amended]

8. The text of account 132, "Reserve for Adjustment of Investment in Securities," is amended by striking the words "or account 435, "Extraordinary items (Net)," as appropriate," in paragraphs (a), (b) and (c).

161 [Amended]

9. In the text of account 161, "Depreciation Reserve; Nontransportation property," paragraph (b) is amended by striking the words "or account 435, "Extraordinary items," as appropriate," at the end of the paragraph.

10. The text of account 165, "Organization," paragraph (b) is revised to read:

165 Organization.

* * * * *

(b) The balance in this account may be amortized by regular charges to account 414, "Miscellaneous income charges."

* * * * *

11. In account 166, paragraph (b) is revised to read:

166 Other intangible property.

* * * * *

(b) The balance in this account may be amortized by regular charges to account 414, "Miscellaneous income charges."

171 [Amended]

12. In the text of account 171, "Debt discount and expense," paragraph (b) is amended by deleting the words after "to account 414, 'Miscellaneous income charges'."

13. In the text of account 190, the first sentence of paragraph (b) is amended to read:

190 Reacquired and nominally issued long-term debt.

(b) The difference between the par value of bonds or other long-term debt included in this account and the amount paid by the company for such securities, including commissions and expenses paid in connection with the reacquisition, shall be credited or debited, at the time of reacquirements, to accounts 403, "Miscellaneous Income," 414, "Miscellaneous

Income Charges," as may be appropriate in accordance with the texts of these accounts. * * *

* * * * *

230 [Amended]

14. In the text of account 230, "Premium on long-term debt," paragraph (b), is amended by striking the words "or account 435, "Extraordinary items," as appropriate," at the end of the paragraph.

232 [Amended]

15. The text of account 232, "Accumulated deferred income tax credits," is amended by striking the words "and prior period" in paragraph (a).

Property Investment Instructions

16. In the text of instruction 43, "Retirements," the first sentence of paragraph 2 is revised to read:

43 Retirements.

* * * * *

2. Land: If the land is sold, the amount of the necessary adjustment between the book cost and the amount realized shall be included in accounts 403, "Miscellaneous income," 414, "Miscellaneous income charges," as may be appropriate in accordance with the texts of these accounts. * * *

* * * * *

Earned Surplus Accounts

17. After the text of account 301, "Miscellaneous credits," the following new account number, title and text are added:

302 Prior period adjustments to beginning earned surplus account.

This account shall include adjustments, after giving tax effect, in accordance with the text of instruction 4, to the net balance in the earned surplus account at the beginning of the calendar year, upon approval by the Commission.

Income Instructions

61 [Amended]

18. The text of instruction 61, "Purpose of income accounts," is amended by striking the words "and prior period" at the end of the paragraph.

19. The text of instruction 63, "Form of income statement," is revised as follows:

63 Form of income statement.

* * * * *

403 * * *
405 Unusual or infrequent items (credit).

* * * * *

414 * * *
415 Unusual or infrequent items (debit).

* * * * *

432 * * *
Income (loss) from continuing operations.

DISCONTINUED OPERATIONS

433 Income (loss) from operations of discontinued segments.
(Less applicable income taxes of ____).
434 Gain (loss) on disposal of discontinued segments.
(Less applicable income taxes of ____).
Income (loss) before extraordinary items.

EXTRAORDINARY ITEMS AND ACCOUNTING CHANGES

435 * * *
450 Income taxes on extraordinary items.
451 Provision for deferred taxes—extraordinary items.

EXTRAORDINARY ITEMS

452 Cumulative effect of changes in accounting principles.
(Less applicable income taxes of ____).

* * * * *

Income Accounts

403 [Amended]

20. The text of account 403, "Miscellaneous Income," is amended by deleting the last paragraph which starts with the words "when the profits or adjustments _____"

21. After the text of account 403, "Miscellaneous Income," the following new account number, title and text are added:

405 Unusual or infrequent items (credit).

Included in this account shall be material items unusual in nature *or* infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 4, upon approval by the Commission.

414 [Amended]

22. The text of account 414, "Miscellaneous Income Charges," is amended by deleting the last paragraph which starts with the words "when the losses _____"

23. After the text of account 414, "Miscellaneous Income Charges," the following new account number, title and text are added:

415 Unusual or infrequent items (debit).

Included in this account shall be material items unusual in nature *or* infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction 4, upon approval by the Commission.

24. After the text of account 432, "Provision for Deferred Taxes," the following new account numbers, titles and texts are added:

433 Income (loss) from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition ff), after giving effect to income tax consequences, that has been or will be discontinued in accordance with the text of instruction 4, upon approval by the Commission.

434 Gain (loss) on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to income tax consequences, in accordance with the text of instruction 4, upon approval by the Commission.

25. After the text of account 434, "Gain (Loss) on Disposal of Discontinued Segments," the heading "EXTRAORDINARY AND PRIOR PERIOD ITEMS," is revised to read:

Extraordinary Items and Accounting Changes

26. The text of account 435, "Extraordinary Items (Net)," is revised to read:

435 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction 4, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 450, "Income Taxes on Extraordinary Items," or account 451, "Provision for Deferred Taxes—Extraordinary Items."

440 [Deleted]

27. The number, title and text of account 440, "Prior Period Items (Net)," are deleted.

28. The titles and texts of accounts 450, "Income Taxes on Extraordinary and Prior Period Items," and 451, "Provision for Deferred Taxes—Extraordinary and Prior Period Items," are revised to read:

450 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the agregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as extraordinary, and are recorded in account 435, "Extraordinary items (Net)." The tax effect of any timing differences caused by recognizing an item in the account provided for extraordinary items in different periods in determining accounting income and taxable income shall be included in accounts 451, "Provision for deferred taxes—Extraordinary items."

451 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 435, "Extraordinary items (Net)" (See instruction 8).

29. After the text of account 451, "Provision for Deferred Taxes—Extraordinary Items," add:

452 Cumulative effect of changes in accounting principles.

This account shall include the cumulative effect of changing to a new accounting principle, after giving effect to income tax consequences, in accordance with instruction 4, upon approval by the Commission.

[FR Doc.75-9938 Filed 4-17-75;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 STATE

[CM-5/36]

SHIPPING COORDINATING COMMITTEE, SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on life-saving appliances of the U.S. Subcommittee on Safety of Life at Sea will hold an open meeting at 10 a.m. on Wednesday, May 14, 1975, in Room 8332 of the Department of Transportation, 400 7th Street SW., Washington, D.C.

The purpose of this meeting is to discuss the agenda for the Ninth Session of the Subcommittee on Life-Saving Appliances of the Intergovernmental Maritime Consultative Organization, which will meet in London, May 19–23, 1975. The working group will place special emphasis on Item 3 in the agenda, which reads: "Revision of Chapter III of the Safety Convention".

Requests for further information on the meeting should be directed to Mr. Norman W. Lemley of the United States Coast Guard. He may be reached by telephone on (area code 202) 426–1444.

April 11, 1975.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

[FR Doc.75-10195 Filed 4-17-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

ESTABLISHMENT OF NAVAL OCEANOGRAPHIC CENTER, BAY ST. LOUIS, MISSISSIPPI

Public Hearings and Availabilty of Draft Environmental Impact Statement

Announcement. Public hearings will be held for the purpose of soliciting comments from the public regarding the proposed establishment by the Navy of a Naval Oceanographic Center, Bay St. Louis, Mississippi. The hearings will be conducted by a representative of the Office of the Oceanographer of the Navy, and will include a presentation of the Navy's plan for the establishment of the Naval Oceanographic Center.

Date: Monday, May 5, 1975.
Time: 7 p.m. to 9:30 p.m.
Place: Suitland Senior High School, 5200 Silver Hill Road, Suitland, Maryland.
Date: Thursday, May 8, 1975.
Time: 7:30 p.m. to 10 p.m.
Place: National Space Technology Laboratory, Bay St. Louis, Mississippi.

TITLE

DRAFT ENVIRONMENTAL IMPACT STATEMENT, NAVAL OCEANOGRAPHIC CENTER, BAY ST. LOUIS, MISSISSIPPI

Description. The proposal is to consolidate the Naval Oceanographic Office, the Ocean Science Technology Division, the Long Range Acoustic Propagation Project, the Acoustic Environmental Support Detachment of the Office of the Naval Research, and personnel from the Office of Chief of Naval Material, the Naval Sea Systems Command and the Naval Air Systems Command whose primary duty is management of oceanographic research and development efforts.

Where copies of the Draft Environmental Impact Statement can be obtained. Office of the Oceanographer of the Navy, 200 Stovall Street, Alexandria, Virginia 22332, Attn: Code N 52.

Cost of Copies: No change but stock is limited.

Location of local copies available for public reference: Naval Oceanographic Office, Library Room 1711, FOB-3 (Census Building), Suitland, Maryland 20373; Naval Research Laboratory, 4555 Overlook Avenue, SW., Washington, D.C. 20375.

MARYLAND LIBRARIES

Oxon Hill Library, 6200 Oxon Hill Road, Oxon Hill, Maryland.
Suitland Library, 4820 Silver Hill Road, Suitland, Maryland.
Hillcrest Heights Library, 2342 Iverson, Hillcrest Heights, Maryland.

MISSISSIPPI LIBRARIES

City-County Public Library, 501 Ulman Avenue, Bay St. Louis, Mississippi.
Harrison County Public Library, 21st Avenue, Gulfport, Mississippi.
Crosby Margaret Reed Memorial Library, Goodyear Boulevard, Picayune, Mississippi.
Pass Christian Public Library, 111 Heirn Avenue, Pass Christian, Mississippi.

LOUISIANA LIBRARIES

Slidell Branch (St. Tammany Parish) Library, Erlanger Street, Slidell, Louisiana.

Name, address, and telephone number of public hearing coordinator. Mr. W. G. Andry, Office of the Oceanographer, 200 Stovall Street, Alexandria, Virginia, 22332; telephone (202) 325–8778.

Time limit for oral presentations. The following procedures will be followed during the public hearings. Individual speakers will be limited to 3 minutes, with 5 minutes for a group spokesman for each recognized group. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations, will be accepted. The submission of written documentation and text material pertaining to the technical aspects of the proposal is encouraged. The closing date for including written communications in the hearing record is May 15, 1975.

Dated: April 14, 1975.

WILLIAM O. MILLER,
Rear Admiral, JAGC, U.S. Navy,
Deputy Judge Advocate General.

[FR Doc.75-10180 Filed 4-17-75;8:45 am]

NAVY GRADUATE EDUCATION PROGRAM SELECT STUDY COMMITTEE

Meeting

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), announcement is made of an open meeting of the Navy Graduate Education Program Select Study Committee to commence at 8 a.m. on Tuesday, May 6, 1975, and continuing through Wednesday, May 7, 1975. The committee will meet in the conference room at the Naval Postgraduate School, Monterey, California.

The Navy Graduate Education Program Select Study Committee is chartered to study the curricula of the Navy Graduate Education Program and to recommend to the Chief of Naval Education and Training which unique Navy specialty and subspecialty requirements can most effectively be provided at the Navy Postgraduate School, and which of those requirements can best be provided at civilian institutions. This will be the initial meeting of the committee. The committee will organize itself, make committee assignments, determine requirements for information and supporting documents, receive briefings on the Navy's advanced educational programs and on the Naval Postgraduate School, and as desired, meet with individuals or groups from the faculty, students, or staff.

Dated: April 11, 1975.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Judge Advocate General of the Navy.

[FR Doc.75-10179 Filed 4-17-75;8:45 am]

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January

5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, 6 May 1975, at 9:45 a.m., in Room IE-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552(b) of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency" (5 U.S.C. 552(b)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552(b)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that this meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 USC 552(b)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

Dated: April 15, 1975.

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

[FR Doc.75-10126 Filed 4-17-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Public Debt Series—No. 12-75]

TREASURY NOTES OF SERIES H-1977

Interest Rates

APRIL 16, 1975.

The Secretary of the Treasury announced on April 15, 1975, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 12-75, dated April 10, 1975, will be 7⅞ percent per annum. Accordingly, the notes are hereby redesignated 7⅞ percent Treasury Notes of Series H-1977. Interest on the notes will be payable at the rate of 7⅞ percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc. 75-10337 Filed 4-17-75; 8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-22]

NORMAN BRIDGE DRUG CO.

Hearing

Notice is hereby given that on November 4, 1974, the Drug Enforcement Administration, Department of Justice, issued to Norman Bridge Drug Company, Montgomery, Alabama, an Order to Show Cause as to why an application executed September 25, 1974, for renewal of Drug Enforcement Administration registration AN0482769 should not be denied. Also on November 4, 1974, the Drug Enforcement Administration, Department of Justice, issued to Norman Bridge Drug Company an order to show cause as to why Registration Number AN0482769 previously issued to the Respondent should not be revoked.

Thirty days having elapsed since said orders to show cause were received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in these matters will be held commencing at 10 a.m. on May 8, 1975, in Court of Appeals Court Room, Fourth Floor, Federal Building, Montgomery, Alabama.

Date: April 10, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-10207 Filed 4-17-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

[INT DES 75-26]

CHENEY-FOUR LAKES AREA SERVICE

Availability of Draft Supplement To Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1976 Environmental Statement. This supplement covers the proposal for the Cheney-Four Lakes Area Service.

The proposed facilities involve the construction of approximately 26 miles of 230-kV transmission line from the Four Mounds Area west of Spokane to either Cheney or Four Lakes Substation and construction of a new substation in the Four Mounds Area. This proposal will involve Lincoln and Spokane Counties, Washington. Depending upon the final route location chosen, between approximately 20 and 27 miles of new right-of-way would be required between the proposed Greenwood Substation and either Cheney or Four Lakes Substation. Between 25 and 41 miles of access road would also be required. Depending upon the final route selected, the amount of impact upon forest land would range from zero to 97 acres permanently removed. The amount of land temporarily disrupted for rangeland and cropland would be 8 to 13 acres and 30 to 40 acres, respectively. In addition, between approximately 4 and 8 acres of rangeland would be removed due to construction of the proposed new substation.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and the Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Spokane Area Office at the above address. Comments on the supplement should be sent to the Environmental Office by June 2, 1975.

Dated: April 15, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc. 75-10229 Filed 4-17-75;8:45 am]

[INT DES 75-27]

HANGMAN CREEK AREA SERVICE

Availability of Draft Supplement To Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1976 Environmental Statement. This supplement covers the proposal for Hangman Creek Area Service.

The proposal involves the construction of a substation near Hangman Creek, south of Spokane, in Spokane County, Washington. Approximately three acres of grass and shrubs would be removed for the proposed substation. Depending upon the final site selected, a few trees could be removed. Some siltation to Hangman Creek would occur.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and the Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Spokane

Area Office at the above address. Comments on the supplement should be sent to the Environmental Office by June 2, 1975.

Dated: April 15, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-10230 Filed 4-17-75;8:45 am]

[INT DES 75-23]

OKANOGAN AREA SERVICE

Availability of Draft Supplement To Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1976 Environmental Statement. This supplement covers the proposal for the Okanogan Area Service.

The proposed facilities involve construction of a substation west of Okanogan, Washington, a 115-kV line between Okanogan and Tonasket, and a 230-kV line between Bridgeport and Okanogan. This proposal will involve Douglas, Okanogan, Grant, and Lincoln Counties, Washington. Depending on the final route location chosen, between approximately 56 and 63 miles of transmission line from Okanogan to Tonasket and from Bridgeport to Okanogan, most of which would require new right-of-way, would be required. Between 16 and 45 miles of new access road would be required. Land use affected would include temporary impact to between 28 and 50 acres of rangeland and between 3 and 8 acres of forest land. A minimal amount of agricultural land would be impacted as a result of several of the alternative locations. In addition, approximately 4 acres of rangeland would be permanently removed due to construction of the proposed new substation.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and the Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington, 99201.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Spokane Area Office at the above address. Comments on the supplement should be sent to the Environmental Office by June 2, 1975.

Dated: April 15, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary, of the Interior.

[FR Doc.75-10226 Filed 4-17-75;8:45 am]

[INT DES 75-24]

PORT ANGELES SUPPORT

Availability of Draft Supplement To Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1976 Environmental Statement. This supplement covers the proposal for Port Angeles Support.

The proposal involves transformer additions to Port Angeles Substation, and replacement of approximately 27 miles of 115-kV line with new 230-kV line between Fairmont and Port Angeles Substations. This proposal will involve Clallam and Jefferson Counties, Washington. No additional right-of-way would be required and existing access road would suffice, but some improvement necessitating widening would be required. Approximately 14 acres of agricultural land would be affected for a short time during construction.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and the Seattle Area Office, 415-1st Avenue North, Room 250, Seattle, Washington 98109.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Seattle Area Office at the above address. Comments on the supplement should be sent to the Environmental Office by June 2, 1975.

Dated: April 15, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-10227 Filed 4-17-75;8:45 am]

[INT DES 75-25]

SEATTLE AREA REINFORCEMENT

Availability of Draft Supplement To Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1976 Environmental Statement. This supplement covers the proposal for the Seattle Area Reinforcement.

The proposed facilities involve construction of 230-kV terminals at Covington and Maple Valley Substations and approximately 10 miles of double-circuit 230-kV line between Covington and Maple Valley Substations over existing right-of-way. This proposal will involve King County, Washington. Construction of the line will involve removal and replacement of 9 miles of existing line requiring removal of some vegetation. The last mile of the new line will utilize existing BPA line between Covington-South substation right-of-way and Maple Valley Substation. A small amount of new access road will be required. Approximately 10 acres of pastureland will be temporarily disrupted.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and the Seattle Area Office, 415-1st Avenue North, Seattle, Washington 98109.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Seattle Area Office at the above address. Comments on the supplement should be sent to the Environmental Office by June 2, 1975.

Dated: April 15, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-10228 Filed 4-17-75;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, May 10, 1975, at 9 a.m. at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman), Glen Echo, Maryland.
Mrs. Caroline Freeland, Bethesda, Maryland.
Mr. Donald Frush, Hagerstown, Maryland.
Hon. Vladimir A. Wahbe, Baltimore, Maryland.
Mr. Anthony Abar, Annapolis, Maryland.
Mr. John C. Lewis, Hamilton, Virginia.
Mrs. Dorothy Grotos, Arlington, Virginia.
Mr. Burton C. English, Berkeley Springs, West Virginia.
Mr. Henry W. Miller, Jr., Paw Paw, West Virginia.
Mr. Lorenzo W. Jacobs, Jr., Washington, D.C.
Mr. Joseph H. Cole, Washington, D.C.
Mr. Ronald A. Clites, LaVale, Maryland.
Mrs. Mary Miltenberger, Cumberland, Maryland.

Dr. James H. Gilford, Frederick, Maryland.
Dr. Kenneth Bromfield, Frederick, Maryland.
Mr. Grant Conway, Brookmont, Maryland.
Mr. Edwin P. Wesely, Chevy Chase, Maryland.
Mr. John C. Frye, Gapland, Maryland.
Mr. Rome F. Schwagel, Keedysville, Maryland.
Mr. Justice Douglas (Special Consultant).

The matters to be discussed at this meeting include:

1. Report on Environmental Assessment/General Plan.
2. Status of Land Acquisition.
3. Potomac River Committee Reports.
4. Revised Repair Priorities List.
5. Superintendent's Report.
6. Interpretation Policy Committee Report.
7. Report on C&O Canal Association Annual Reunion Hike and Announcement of New Officers.
8. County, State, and D.C. Reports.
9. Field Trip—Ferry Hill Inn.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 30 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at Area Code 202–426–6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: April 10, 1975.

JOHN A. TOWNSLEY,
Acting Director,
National Capital Parks.

[FR Doc.75–10196 Filed 4–17–75;8:45 am]

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:30 a.m. on May 8, 1975, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Pub. L. 80–795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman).
Mr. John P. Bracken.
Hon. Michael J. Bradley.
Hon. James A. Byrne.
Mr. Filindo B. Masino.
Mr. Frank C. P. McGlinn.
Mr. John B. O'Hara.
Mr. Howard D. Rosengarten.
Mr. Charles R. Tyson.

The matters to be considered at this meeting include:

1. Closing of Chestnut Street.
2. Park Operating Deficiencies.
3. Promenade of the States and Signers Walk.
4. Superintendent's Progress Report.

The meeting will be open to the public. Any person may file with the Commission an oral or written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania, at Area Code 215, 597–7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: April 11, 1975.

CHESTER L. BROOKS,
Regional Director, Mid-Atlantic Region, National Park Service.

[FR Doc.75–10199 Filed 4–17–75;8:45 am]

SOUTHEAST REGIONAL ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the Southeast Regional Advisory Committee, originally scheduled for April 24 and 25, 1975, the notice of which was previously published on page 15105 in the FEDERAL REGISTER on Friday, April 4, 1975 (FR Doc. 75–8748), has been cancelled, and will be rescheduled.

Dated: April 14, 1975.

ROBERT M. LANDAU,
Deputy Associate Director, Legislation, National Park Service.

[FR Doc.75–10197 Filed 4–17–75;8:45 am]

WEIN CONSOLIDATED AIRLINES, INC.

Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before May 19, 1975, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Wein Consolidated Airlines, Inc., authorizing it to provide concession facilities and services for the public at Katmai National Monument for a period of one (1) year, from January 1, 1975, through December 31, 1975.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the National Environmental Policy Act and the guidelines of the Council on Environmental Quality. The environmental assessment may be reviewed in the Office of the Regional Director, Pacific Northwest Region, Fourth and Pike Building, Seattle, Washington 98101.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before May 19, 1975.

Interested parties should contact the Assistant Director of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 10, 1975.

JOE BROWN,
Acting Associate Director,
National Park Service.

[FR Doc.75–10198 Filed 4–17–75;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75–100]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 77.213 to its Tioga Preparation Plant, Tioga, West Virginia.

30 CFR 77.213 provides:

When it is necessary for a tunnel to be closed at one end, an escapeway not less than 30 inches in diameter (or of the equivalent, if the escapeway does not have a circular cross section) shall be installed which extends from the closed end of the tunnel to a safe location on the surface; and, if the escapeway is inclined more than 30 degrees from the horizontal it shall be equipped with a ladder which runs the full length of the inclined portion of the escapeway.

In support of its petition to secure a waiver of § 77.213, Petitioner states:

(1) The subject silos were constructed approximately 15 years prior to the enactment of the Coal Mine Health and Safety Act of 1969.

(2) The walls of the silos are made of staves which are laid in layers with steel bands wrapped around them at small intervals to prevent the staves from falling out.

(3) In order to provide a second escapeway, the outer wall made of staves needs to be punctured. It is Petitioner's considered opinion that if this wall is punctured the silo will collapse. Should such a collapse occur, personnel in the area could be injured or killed.

(4) Petitioner asserts that the application of the mandatory standard will result in a diminution of safety of the miners at the subject mine.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 19, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 14, 1975.

[FR Doc.75-10114 Filed 4-17-75;8:45 am]

[Docket No. M 75-101]

WESTMORELAND COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Westmoreland Coal Company has filed a petition to modify the application of 30 CFR 75.807 to its Hampton Nos. 3, 4 and 6 Mines and its Ferrell Mine, located in Clothier, West Virginia.

30 CFR 75.807 provides:

All underground high-voltage transmission cables shall be installed only in regulary inspected air courses and haulageways, and shall be covered, buried, or placed so as to afford protection against damage, guarded where men regularly work or pass under them unless they are 6½ feet or more above the floor or rail, securely anchored, properly insulated, and guarded at ends, and covered, insulated, or placed to prevent contact with trolley wires and other low-voltage circuits.

Petitioner requests that § 75.807 be modified to permit the use of its existing underground high-voltage transmission cable at the subject mines without further additional guarding. As grounds for its request Petitioner states:

1. Petitioner has installed underground high-voltage transmission cables in the subject mines. These cables far exceed the electrical and mechanical characteristics of cables approved by the United States Bureau of Mines and accepted by the Mining Enforcement and Safety Administration (MESA).

2. The cables installed in the subject mines comply with the requirements of the above quoted part of § 75.807 of the regulations and no additional guarding is required.

3. MESA has taken the position that § 75.807 is complied with by wrapping the cable with brattice cloth, when, in fact, wrapping high-voltage transmission cable with brattice cloth creates a potential safety hazard.

4. The high-voltage transmission cables in the subject mines, without additional guarding, will at all times guarantee to the miners in these mines no less than the same measure of protection sought to be accomplished by additional guarding and, in fact, will eliminate certain hazards which would be created if additional guarding were mandated.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 19, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

APRIL 14, 1975.

[FR Doc.75-10115 Filed 4-17-75;8:45 am]

Office of the Secretary

[INT DES 75-28]

ANADROMOUS FISH PASSAGE IMPROVEMENTS—SAVAGE RAPIDS DAM

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on improvement measures for anadromous fish migration at Savage Rapids Dam on the Rogue River in southwestern Oregon. Written comments may be submitted to the Regional Director (address below) on or before June 2, 1975.

Copies are available at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-4991.

Office of Regional Director, Bureau of Reclamation, P.O. Box 043, 550 W. Fort Street, Boise, Idaho 83724. Telephone (208) 342-2711, Ext. 2110.

Salem Planning Field Branch, Bureau of Reclamation, 1775 32nd Place, NE, P.O. Box 7395, Salem, Oregon 97303. Telephone (503) 399-5771.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Copies will also be available for review in public and university libraries in southwestern Oregon. Please refer to the statement number above.

Dated: April 15, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-10225 Filed 4-17-75;8:45 am]

CENTRAL ARIZONA PROJECT, ARIZONA

Proposed Allocation of Project Water for Indian Irrigation Use

Pursuant to the authority vested in the Secretary of the Interior by the Act of June 17, 1902, as amended (32 Stat. 388 (43 U.S.C. 391)), and the Colorado River Basin Project Act of September 30, 1968 (82 Stat. (885, 43 U.S.C. 1501)), certain Secretarial decisions made on December 15, 1972, concerning the priorities for water use and the allocation of irrigation water between Indian reservation lands and non-Indian lands within the Central Arizona Project, were published on December 20, 1972, 37 FR 28082. That publication also announced Secretarial execution on December 15, 1972, of a contract with the Central Arizona Water Conservation District for delivery of project water and repayment of project costs.

The Secretarial decisions of December 15, 1972, and the concurrently executed contract with the District contemplated a future Secretarial allocation of irrigation water from the Central Arizona Project for Indian use within established reservation boundaries. Pursuant to the authorities cited above, I propose to make such an allocation, in the form set forth below.

Written comments with respect to an allocation of project water for Indian irrigation use have already been received from the Indian tribes affected and their representatives, officials of the State of Arizona, and representatives of Arizona water users; and face-to-face meetings with these groups have been held by me and members of my staff. Nevertheless, it is the policy of the Department of the Interior to afford the public an opportunity to participate as fully as possible in the decision-making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed allocation to the Office of the Solicitor, Department of the Interior, Washington, D.C. 20240. All relevant material received before June 17, 1975, will be considered.

To facilitate public review and comment, an administrative record of significant meetings, correspondence, and factual data relied upon in making the allocation proposed below has been assembled in the Arizona Projects Office of the Bureau of Reclamation, 135 North Second Avenue, Phoenix, Arizona 85003—telephone number (602) 261-3106. This administrative record can be inspected by the public on the premises of the Arizona Projects Office during regular business hours, where arrangements can be made to have specified portions copied upon payment of reasonable charges.

Dated: April 15, 1975.

ROGERS C. B. MORTON,
Secretary of the Interior.

CENTRAL ARIZONA PROJECT, ARIZONA

ALLOCATION OF PROJECT WATER FOR INDIAN IRRIGATION USE

Pursuant to the authority vested in the Secretary of the Interior by the Act of June 17, 1902, as amended (32 Stat. 388, 43 U.S.C. 391), and the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885, 43 U.S.C. 1501), certain Secretarial decisions made on December 15, 1972, concerning the priorities for water use and the allocation of irrigation water between Indian reservation lands and non-Indian lands

within the Central Arizona Project, were published on December 20, 1972, 37 FR 28082. That publication also announced Secretarial execution on December 15, 1972, of a contract with the Central Arizona Water Conservation District for delivery of project water and repayment of project costs.

The Secretarial decisions of December 15, 1972, and the concurrently executed contract with the District contemplated a future Secretarial allocation of irrigation water from the Central Arizona Project for Indian use within established reservation boundaries. Pursuant to the authorities cited above, I propose to make such an allocation, in the form set forth below.

Before describing the procedure used to determine the allocations set forth below to the five central Arizona Indian tribes for irrigation use within the boundaries of their respective reservations, a critical feature of the Central Arizona Project should be understood. The project was not planned to—nor did Congress intend in authorizing it that it would—provide a total solution to the water requirements of central Arizona.

This is characteristically arid country with a limited surface supply of water, and both agricultural and municipal and industrial uses have to depend on groundwater pumping. However, the groundwater level has been dropping at an alarming rate, so that the expense of pumping may soon make irrigated farming in this region uneconomical. Moreover, the groundwater supply is not expected to be adequate to support the demand for municipal and industrial water accompanying estimated future population growth and industrial development.

The Central Arizona Project is designed to alleviate the agricultural drain on the groundwater supply in the early years of the project and to provide a dependable supply of municipal and industrial water on a permanent basis. The early years of the project are about the first 20 years during which time waters surplus to the other Colorado River Basin States will be diverted through the project to central Arizona and used in lieu of or to replenish the groundwater supply. It is during this period of time that the project will make its greatest contribution to irrigation. At the end of the first 20 years, two developments will converge to significantly reduce the water available from the project for irrigation. One will be the increasing utilization of the Colorado River by the other Basin States, and the other will be the increasing demand in central Arizona for municipal and industrial water.

Hydrologic studies of the Bureau of Reclamation show that about half of the years from the 20th to the 50th year of the project the water available for delivery canalside will be limited to about 360,000 acre-feet, and this will be very costly water. To bring it to central Arizona it is necessary to build a steam generating plant to provide power to pump the water from the Colorado River and convey it in aqueducts more than 300 miles to the Phoenix and Tucson areas, at a total project cost of about $1.2 billion based on January 1973 prices. Of this amount about $1 billion is allocated to the water function, both irrigation and municipal and industrial. Over a 50-year period this represents an average annual capital cost for the water function of $20 million. When the total supply would be limited to about 360,000 acre-feet, the computed capital cost for delivering that water would be about $56 an acre-foot, based on January 1973 costs, to which must be added interest and operating and maintenance expenses.

It is clear to me based on the legislative history, the hydrologic studies, and the financial realities, that the Central Arizona Project was not intended by Congress to be used primarily for irrigation after the first 20 years, nor would it be reasonable to use such costly water for that purpose. That was the reason we assigned municipal and industrial uses a first priority in our decisions of December 15, 1972, 37 FR 28082.

After the first 20 years all irrigators in central Arizona, Indian and non-Indian alike, will have to look to other sources than the water supply which is now being allocated between Indian and non-Indian irrigation to supplement their groundwater supply. The authorizing legislation contemplates that such future water needs of Arizona and other arid States in the West will be met by augmentation of the natural flows of the Colorado River. I am hopeful that by the time the need becomes critical, the technical means for accomplishing augmentation will have been developed.

Therefore, with the understanding that the water supply from the Central Arizona Project which I am hereby allocating between Indian and non-Indian irrigation will not be a total solution to their respective needs, I have determined to make the allocation in two successive time frames. One will cover the project water that will be available during the first 20 years, and the other will cover that to be available thereafter.

During the deliberative process, my representatives and I met with the Indian tribes and their representatives and with officials of the State of Arizona to explore Indian expectations and needs and to sort out the conflicting claims and facts. During these meetings a consensus developed as to an acceptable approach for determining the amount of water to be allocated to Indian irrigation use during the early years of the project. As a result thereof, it is my determination that sufficient project water should be made available to the Indian tribes so that 100 percent of lands presently developed for irrigation on the Indian reservations can be irrigated. The amount of project water that would be made available would take into account the estimated available surface water and the estimated current groundwater yield for irrigation without overdrafting. I requested the Bureau of Reclamation to make a technical study of this data in cooperation with the Indian tribes and the State officials and to provide me with a report. I have reviewed the Bureau's findings and the supporting technical material and am persuaded of their reliability and accuracy.

In outline, the Bureau of Reclamation used the following procedure: (1) The total acreage of presently developed lands on each reservation was determined. (2) The total water requirement for each reservation was computed on the basis of 4.59 acre-feet per acre. (3) The number of acre-feet of non-project surface and groundwater available to each reservation was estimated. (4) The number of acre-feet of project water required for each reservation was then obtained by subtracting the available surface and groundwater from the total water requirement. (5) The number of acre-feet to be delivered to each tribe at the turnout points on the project canals (canalside) was the amount as determined in No. 4 multiplied by 1.176 (which is the same as dividing by 0.85) to allow for a 15 percent loss in the distribution systems from the amount delivered canalside.

A summary of the Bureau of Reclamation's findings are presented in the following table (units in 1,000's of acres or acre-feet):

Reservation	Presently developed acreage	Multiply by 4.59 for total on-farm acre-feet required	Subtract available water		Multiply by 1.176 for acre-feet of project water, canalside
			Surface	Ground	
AK Chin	10.8	49.6	0	0	58.3
Gila River	62.1	285.	77.3	60.6	173.1
Papago	1.7	7.8	0	1.0	8.0
Salt River	13.0	59.7	33.6	14.8	13.3
Fort McDowell	1.3	6.	6.	0	0
Total	88.9	408.1	116.9	76.4	252.7

There were one or more respects in which the tribes' figures and the State's figures were in disagreement with those of the Bureau of Reclamation. In general, the tribes' figures tended to increase the amount of project water which should be allocated to them, as compared with the amount supported by the Bureau of Reclamation's figures, and the State's figures to diminish such amount. To give an illustration of the range, the respective totals of the amounts of project water which should be allocated to the tribes were as follows (1,000's acre-feet):

State	194.3
Bureau of Reclamation	252.7
Tribes	395

A principal area of disparity between the three groups was in the estimate of

the groundwater supply available for irrigation use. The State's groundwater estimate, for example, would have credited the Gila River Tribe with 114.8 thousand acre-feet of groundwater to be deducted from the tribe's total water requirement; whereas the Bureau of Reclamation's estimate was 60.6 thousand acre-feet and the tribe's 28.3 thousand acre-feet. The State used a least-cost analysis (cost of groundwater pumping vs. cost of project water) which would not, in my opinion, be appropriate for Indian irrigation water, since such water will be made available to the tribes on a nonreimbursable basis.

I also rejected the tribe's estimate because it would have eliminated from the groundwater available for irrigation use an amount which the tribe plans to use in the future for municipal and industrial purposes. Under the Bureau of Reclamation's estimate, which I have adopted, deductions from the groundwater available for irrigation use would be permitted for present municipal and industrial uses but not for anticipated municipal and industrial uses because of their speculative nature.

The Papago and the Salt River Tribes each similarly claimed less groundwater available for irrigation use than that estimated by the Bureau of Reclamation, but I find no convincing support for their claims.

There were also differences in the respective estimates in other matters than groundwater. The Gila River Tribe, for example, requested water for the irrigation of the same number of acres of reservation lands that had figured in litigation involving a claim by the Tribe for water rights on the Gila River (29 Ind. Cl. Comm. 144, Docket No. 236–C). Those lands have not, however, been developed for irrigation and were not, therefore, taken into account under the foregoing approach. Moreover, we understand that the Tribe is now pursuing a remedy for money damages against the United States in connection with those Gila River water rights.

The Salt River Tribe, on the other hand, claimed a water duty of 6.25 acre-feet per acre instead of the normal water duty of 4.59 acre-feet. This claim was predicated on a more intensive use of water due to double cropping and other practices. However, such intensive use would in due course exhaust the available groundwater supply. Since the tribe could not reasonably expect to persist in such use, it would not be fair to the other tribes to measure the Salt River Tribe's entitlement to project water on the basis of the larger water duty. If such variations from the procedure were to be allowed for one tribe, they could justifiably be demanded by each of the others.

It is for the latter reason that I have determined that the Fort McDowell Tribe is not entitled to any project water. This reservation has an ample supply of surface water to satisfy all of its on-farm requirements.

Accordingly, I intend to make my allocation on the basis of the Bureau of Reclamation's findings. The total of 252,000 acre-feet annually for Indian irrigation use which is supported by those findings represents slightly less than 20 percent of all irrigation water estimated to be available in a normal year during the early years of project operation. To facilitate administration of this allocation in the later years when the Indian share of irrigation water will have to be computed each year on a percentage basis, I have decided that the 252,700 acre-feet should be rounded out to 20 percent of all irrigation water estimated to be available in a normal year during the early years. This would amount to about 257,000 acre-feet annually. I have determined, accordingly, that for the first 20 years the tribes will receive a fixed amount of 257,000 acre-feet annually.

Such an allocation for Indian irrigation will give the tribes an advantage which they would not otherwise have were the allocation made solely on the basis of population (one percent) or presently-developed acreage (10 percent) on the reservations. Moreover, whereas such deliveries to the tribes would amount to sufficient project water when used with estimated available surface and groundwater supplies to irrigate 100 percent of their presently-developed lands, non-Indians would be receiving only enough when used with estimated available surface and groundwater supplies to irrigate slightly more than half of their lands with a recent irrigation history. [Section 304(a) of the Colorado River Basin Project Act precludes delivery of project water for irrigation of non-Indian lands not having "a recent irrigation history as determined by the Secretary." In applying the "presently-developed" criterion to the Indian lands, the showing of a recent irrigation history was not required, thus allowing a greater allocation of project irrigation water to the Indians.]

Adjusted on the basis of the rounding-out to 257,000 acre-feet annually, each tribe will be entitled to the following canalside delivery of irrigation water in acre-feet annually for the first 20 years:

AK Chin	59,300
Gila River	176,000
Papago	8,200
Salt River	13,500
Fort McDowell	0
	257,000

As a further advantage to the tribes, I have determined that the delivery of the foregoing amounts to the tribes will be on a guaranteed annual basis; whereas the irrigation water deliveries to non-Indians will fluctuate from year-to-year, depending on hydrologic conditions. However, because of the combination of hydrologic and other factors described earlier, it will not be possible to continue these deliveries after the year 2005. As the project is expected to be operational in 1985, this will allow for a full 20 years, but if the project is unduly delayed, the guaranteed amount may be available for less than 20 years through the year 2005.

After the year 2005, there will still be water available in some years for the irrigation of Indian and non-Indian lands after meeting municipal and industrial needs, but it will not be in such dependable annual quantities as to allow me to guarantee the delivery of water in the specific amounts determined above. However, irrigation water shall continue to be delivered to the tribes on the basis of 20 percent of the total irrigation water available each year, to be pro rated among them in proportion to their entitlements during the first 20 years, as follows:

	Percent
AK Chin	23.1
Gila River	68.5
Papago	3.2
Salt River	5.2
Fort McDowell	0
	100.0

Under the priorities set out in the December 15, 1972 decisions, water used for municipal and industrial purposes would have priority over irrigation.[1] Since it is presently estimated that more than 360,000 acre-feet annually will be sold by the Central Arizona Water Conservation District for M&I purposes, no water would be available in half or more of the years from the 20th to the 50th year to be delivered to the tribes for irrigation. To avoid such a possibility, I have determined to allocate at least *10 percent of all project* water supply to the tribes following the year 2005, so that the tribes will have either 20 percent of all irrigation water or 10 percent of all project water each year, whichever is to their advantage. Although this water is to be used by the tribes for irrigation, it will have the same priority as M&I water under the decisions of December 15, 1972. As such, during the years of minimum project water supply, the tribes will receive 10 percent of all project water annually for irrigation; whereas non-Indians will receive no irrigation water. In normal years based on present estimates, the tribes can expect to receive from 150,000 to 200,000 acre-feet.

Water allocated for Indian use to each tribe by this decision is required to be used on the reservation of the tribe to which it is allocated. This restriction is consistent with section 304 of the Colorado River Basin Project Act. If water allocated to a tribe by this decision is used for the irrigation of Indian lands on the reservation, the capital costs of the project attributable to such water shall be nonreimbursable by the tribe, pursuant to section 402 of the Colorado River Basin Project Act.

The allocation of project irrigation water made to the tribes by this decision is not intended to preclude their right to contract for project M&I water like any other entity in central Arizona. Such

[1] This priority is, of course, subject to the statutory "first priority" in section 304(e), 43 U.S.C. § 1524(e), for water users who have yielded water from other sources in exchange for project water.

contracts may be made through me so long as such water has not been contracted to other users. Since it is the purpose of this decision to enable the Central Arizona Water Conservation District to proceed expeditiously to enter into contracts for such water for terms of up to 50 years, the tribes should express their interests to me on a timely basis.

[FR Doc.75-10292 Filed 4-17-75;8:45 am]

Office of the Secretary

ROBERT L. HUFMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 21, 1975.

Dated: February 21, 1975.

R. L. HUFMAN.

[FR Doc.75-10188 Filed 4-17-75;8:45 am]

HERBERT H. HUNT, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No Change.
(2) Solid—Fidelity Mortgage Investors, 100 shares, 12/30/74; Add—Atlas, Syntex—small amount in Investment Club.
(3) No Change.
(4) No Change.

This statement is made as of March 26, 1975.

Dated: March 26, 1975.

HERBERT H. HUNT.

[FR Doc.75-10189 Filed 4-17-75;8:45 am]

MODESTO IRIARTE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 10, 1975.

Dated: March 10, 1975.

MODESTO IRIARTE, Jr.

[FR Doc.75-10190 Filed 4-17-75;8:45 am]

JOHN H. KLINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 27, 1975.

Dated: February 27, 1975.

JOHN H. KLINE.

[FR Doc.75-10191 Filed 4-17-75;8:45 am]

CLIFTON F. ROGERS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 3, 1975.

Dated: March 3, 1975.

CLIFTON F. ROGERS.

[FR Doc.75-10192 Filed 4-17-75;8:45 am]

STANLEY M. SWANSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 10, 1975.

Dated: March 10, 1975.

S. M. SWANSON.

[FR Doc.75-10193 Filed 4-17-75;8:45 am]

[ORDER NO. 2973]

MARIANA ISLANDS DISTRICT

Plebiscite

Whereas, the United States as administering authority of the Trust Territory of the Pacific Islands has undertaken an obligation under the trusteeship agreement and under Article 76 of the United Nations Charter to give the peoples of the trust territory the right to choose freely their own political future; and

Whereas, the people of the Mariana Islands District repeatedly have requested that the United States negotiate an arrangement whereby the Northern Mariana Islands would become a part of the United States upon termination of the trusteeship agreement between the United States and the United Nations; and

Whereas, a covenant to establish a commonwealth of the Northern Mariana Islands in political union with the United States of America, has now been negotiated and signed by the duly authorized representatives of the Marianas District and the United States and received the unanimous approval of the Mariana Islands District Legislature on February 20, 1975;

Now, therefore, pursuant to Executive Order No. 11021 of July 1, 1962, and with the concurrence of the Secretary of State it is hereby ordered as follows:

SEC. 1. *Purpose.* The purpose of this order is to establish the authority and the administrative responsibility for the holding of a plebiscite on June 17, 1975, in the Mariana Islands District as an exercise by the people of that district of their right of self-determination.

SEC. 2 *The Plebiscite Commissioner.* A plebiscite commissioner designated by the President of the United States shall be responsible for the planning, the preparations for and the holding of the plebiscite in the Northern Mariana Islands. The Commissioner shall:

(1) Ensure that an impartial Plebiscite Education Program is conducted throughout the Northern Mariana Islands;

(2) Appoint a Plebiscite Voter Registration Board, designate its chairman and establish procedures for the registration of voters;

(3) Establish an official plebiscite register on the basis of the final voter registration list as certified by the Voter Registration Board, to include qualified absentee voters;

(4) Oversee the administrative plans for and supervise the holding of the plebiscite; and

(5) Appoint an Executive Director who shall be responsible to him for the execution and coordination of all activities in support of the plebiscite.

SEC. 3 *Responsibilities of the Trust Territory of the Pacific Islands Administration.* (a) The High Commissioner shall provide the Plebiscite Commissioner administrative support and shall assure the implementation of policies and programs related to the plebiscite

in the manner prescribed by the Plebiscite Commissioner.

(b) The trust territory headquarters and the Mariana Islands District Administrator and staff shall assist the Executive Director in the execution of his duties.

SEC. 4 *Northern Mariana Islands Plebiscite Advisory Committee.* (a) There is hereby established a Northern Mariana Islands Plebiscite Advisory Committee to be appointed by the Plebiscite Commissioner. The Committee shall consist of representatives of the principal sectors of the Northern Mariana Islands community including but not limited to a representative from each of the following:

(1) Marianas District Legislature.
(2) Marianas Political Status Commission.
(3) District Administration.
(4) Saipan Municipal Council.
(5) Rota Municipal Council.
(6) Tinian Municipal Council.
(7) United Carolinian Association.
(8) Popular Party.
(9) Territorial Party.
(10) Chamber of Commerce.

(b) The Committee shall consult on a continuing basis with the Plebiscite Commissioner for the principal purpose of providing advice for his consideration on all aspects of the plebiscite with particular emphasis on the Plebiscite Education Program.

SEC. 5. *Function of the Plebiscite Education Program.* Under the direction of the Plebiscite Commissioner, the program will be operated impartially and objectively, making available to all voters the relevant facts including alternative choices. The program will provide equitable access to such information through distribution of materials, media usage and other facilities for public information. The program will include objective information on the provisions of the covenant and the choices offered on the ballot.

SEC. 6. *Plebiscite Voter Registration Board.* (a) There is hereby created a Plebiscite Voter Registration Board consisting of eleven members, eight of whom shall be appointed at large by the Plebiscite Commissioner and three of whom shall be appointed by the Plebiscite Commissioner from the Municipal Councils of Saipan, Rota and Tinian to serve on the Board only when it acts as a body or sits en banc on matters involving their respective municipalities.

(b) Voters shall be registered in the voting districts in which they reside. The Plebiscite Commissioner may, however, issue special regulations relating to the central registration of voters and shall establish special procedures for the registration of voting of absentee voters. The voter registration shall be carried out in the voting districts by panels of the Voter Registration Board consisting of not less than two members; they shall be joined ex officio by the Village Commissioner of that district, or in the absence of such Village Commissioner by its Mayor. The ex officio members shall have the right to vote with the panels. Registration shall begin on a date to be set by the Plebiscite Commissioner and shall terminate on May 16, 1975.

(c) The members of the Board shall have all necessary and appropriate authority to carry out the following functions:

(1) In conjunction with the ex officio members, register all voters qualified to vote in the plebiscite;

(2) Sitting en banc as an appellate review board, hear challenges of decisions granting or denying registration to any person; and

(3) Certify the final voter registration list to the Plebiscite Commissioner.

(d) Decisions of the panels denying registration may be challenged by the voter denied registration. Decisions of the panels granting registration may be challenged by any registered voter. Challenges must be made within three working days after the publication of the decision of the panel. Such challenges shall be heard by the Voter Registration Board sitting en banc. The Board shall decide all challenges as expeditiously as possible. Any challenge which has not been decided by the Board by May 23, 1975 shall be deemed to have been rejected. A party aggrieved by a decision of the Voter Registration Board sitting en banc may file an appeal from that decision with the Special Plebiscite Appellate Court provided for in Sec. 8 of this Order. Such appeals shall be taken within three working days after notification.

SEC. 7. *Voter Qualifications.* (a) A person shall be qualified to vote in the plebiscite if he is:

(1) A Trust Territory citizen domiciled in the Mariana Islands District;

(2) 18 years of age or older on the date of the plebiscite;

(3) At the time of registration not serving a sentence or under parole or probation for any felony for which he has been convicted by any court of the Trust Territory;

(4) At the time of registration not under a judgment of mental incompetency or insanity; and

(5) Registered to vote in accordance with the procedures established by the Plebiscite Commissioner.

(b) For purposes of this Order "Domicile" is defined in the same manner as in section 1005(e) of the Covenant: "that place where a person maintains a residence with the intention of continuing such residence for an unlimited or indefinite period, and to which such person has the intention of returning whenever he is absent, even for an extended period". In determining whether a person is domiciled in the Mariana Islands District, the board shall take into account as of the time of registration all relevant factors including but not limited to the following criteria:

(1) Whether he maintains a permanent residence or permanent place of abode in a place outside of the Mariana Islands District; or

(2) Whether his presence in the Mariana Islands District is solely the result of his own public or private employment or that of a person on whom he is economically dependent; or

(3) Whether he or the person on whom he is economically dependent receives housing or pay differentials for housing or living allowances as a consequence of his employment in the Mariana Islands District; and

(4) Whether he maintains contacts with another district of the Trust Territory of the Pacific Islands or with the jurisdiction of the United States or another country such as: supporting a spouse and/or family who reside in such place; maintenance of a boat or driver's license issued by such place; holding a postal address at such place; continuing affiliations with the professional, religious or fraternal life in such place; or the payment of taxes in such place imposed because of residence or physical presence in such place; or

(5) Whether he has expressed his intention not to establish domicile in the Marianna Islands District; or

(6) Whether he is registered or qualified to vote in any other district or jurisdiction of the Trust Territory or the United States or any other country during the past year.

SEC. 8. *Special Plebiscite Appellate Court.* The Chief Justice of the High Court of the Trust Territory of the Pacific Islands shall appoint one or more justices of that court as a special plebiscite appellate court with exclusive jurisdiction over all appeals from en banc rulings of the Voter Registration Board. Appeals shall be heard before a single judge of the Special Plebiscite Appellate Court. The Special Plebiscite Appellate Court shall render its decisions as expeditiously as feasible and no later than the seventh day preceding the plebiscite. The Special Plebiscite Appellate Court shall certify its decisions to the Voter Registration Board and notify the parties thereof. Rulings of the special court shall be final and not subject to further review by any authority of the Trust Territory or of the United States, judicial or otherwise.

SEC. 9. *Proclamation.* Attached as an appendix to this order, is a proclamation which sets a date for and calls a plebiscite in the Mariana Islands District relevant to the Covenant described herein.

SEC. 10. *Termination.* This order shall continue in effect only until the completion of the plebiscite referred to in section 1 and in any case shall terminate before January 1, 1976.

ROGERS C. B. MORTON,
Secretary of the Interior.

APRIL 10, 1975.

PROCLAMATION

Whereas, the United States as administering authority of the Trust Territory of the Pacific Islands has undertaken an obligation under the trusteeship agreement and under Article 76 of the United Nations Charter to give the peoples of the Trust Territory the right to choose freely their own political future; and

Whereas, by act of May 19, 1972, the Marianas District Legislature established the

Marianas Political Status Commission and prescribed its duties to include negotiations with the United States Government on the future political status of the Mariana Islands District; and

Whereas, on February 15, 1975 the Marianas Political Status Commission and the Personal Representative of the President of the United States signed a covenant which if approved by the people of the Mariana Islands District and the Congress of the United States, would, upon termination of the trusteeship agreement between the United States and the United Nations, establish a Commonwealth of the Northern Mariana Islands in political union with the United States of America; and

Whereas, this signing marked the conclusion of negotiations between the two parties after more than twenty years of efforts by the people of the Northern Mariana Islands through public petition and referendum to achieve political union with the United States; and

Whereas, the covenant was unanimously approved on February 20, 1975 by the Marianas District Legislature; and

Whereas, by Resolution No. 126-1975 the Marianas District Legislature on February 28, 1975 formally requested the United States as Administering Authority of the Trust Territory of the Pacific Islands to set a date for and call a plebiscite in the Mariana Islands District relative to the Covenant;

Now therefore, I, Rogers C. B. Morton, Secretary of the Interior, by virtue of the powers vested in me under Executive Order 11021 of July 1, 1962 and with the concurrence of the Secretary of State, do hereby call for a plebiscite to be held on Tuesday, June 17, 1975 throughout the Mariana Islands District to provide an opportunity for the people of the Northern Mariana Islands to decide, pursuant to their right of self-determination, whether they wish to become a Commonwealth of the United States in accordance with the terms of the Covenant signed on February 15, 1975.

The plebiscite will be held in a fair and impartial manner under the supervision of a Plebiscite Commissioner appointed by the President of the United States.

The ballot to be presented in the plebiscite shall be as follows:

☐ Yes—I vote for Commonwealth as set forth in the covenant to establish a Commonwealth of the Northern Mariana Islands in political union with the United States of America.

☐ No—I vote against Commonwealth in political union with the United States as set forth in the covenant recognizing that, if Commonwealth is rejected, the Northern Mariana Islands will remain as a district of the Trust Territory with the right to participate with the other districts in the determination of an alternative future political status.

In recognition of the historic importance of this act of self-determination, I declare that the day of the plebiscite shall be a public holiday in the Mariana Islands District and the High Commissioner shall give administrative leave to all Trust Territory of the Pacific Islands Government employees in said district.

Observers from the United Nations and the Congress of the United States will be welcome to witness the plebiscite as well as the Plebiscite Education Program, the registration of voters, and other pre-plebiscite activities. Such observers will be provided all necessary assistance.

I have today issued Secretarial Order No. 2973 which defines the authority and procedures for holding the plebiscite for the Mariana Islands District in accordance with the responsibility of the United States as Administering Authority under the Trusteeship Agreement of July 18, 1947 between the United Nations and the United States of America.

ROGERS C. B. MORTON,
Secretary of the Interior.

April 10, 1975.

[FR Doc.75-10194 Filed 4-17-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ATLANTIC BLUEFIN TUNA AS A THREATENED SPECIES

Hearing

Notice is hereby given that an informal public hearing will be held commencing at 10 a.m., local time, on May 16, 1975, at the Gardner Auditorium, State House, Beacon and Bowdoin Streets, Boston, Massachusetts, for the purpose of obtaining comments and views from interested person with respect to (1) the proposed listing of Atlantic bluefin tuna (*Thunnus thynnus thynnus*) as a threatened species under the authority of the Endangered Species Act of 1973 (the Act), 16 U.S.C. § 1531 et seq., and (2) the proposed protective regulations relating to this species.

Notice of the proposed determination to list Atlantic bluefin tuna as a "threatened" species was published in 40 FR 14767 on April 2, 1975. In connection therewith proposed protective regulations were prepared pursuant to sec. 4(d) of the Act (16 U.S.C. 1533(d)), and notice of proposed rulemaking with respect to such protective regulations was published in 40 FR 14777 on April 2, 1975. A draft Environmental Impact Statement has been prepared on the proposal to list Atlantic bluefin tuna as a "threatened" species.

The hearing will be informal. At the commencement of the hearing the presiding officer will announce the procedures to be followed at the hearing. All interested persons will be afforded the opportunity to present their comments and views at the hearing. The record will remain open until June 2, 1975, for the submission of written comments or views. Written comments or views may be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235.

In the event interested individuals wish to examine the public record, including the draft Environmental Impact Statement, they may do so between the hours of 8:00 a.m. to 4:30 p.m. at the office of the Director, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.

In the notice which appeared in 40 FR 14777 on April 2, 1975, it was stated that comments, views, objections or requests for a public hearing should be submitted no later than May 28, 1975. As a result of this notice the record will remain open for all comments through June 2, 1975.

Dated: April 16, 1975.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75-10299 Filed 4-17-75;8:45 am]

Patent and Trademark Office

PUBLIC ADVISORY COMMITTEE FOR TRADEMARK AFFAIRS

Open Meeting

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.

The Public Advisory Committee for Trademark Affairs will meet from 9:30 a.m. to 5 p.m. on June 4, 1975 and from 9 a.m. to 5 p.m. on June 5, 1975 in the Monroe Room of the Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Va. 22207.

The Committee was established in 1970 to advise the Patent and Trademark Office on steps which can be taken in order to increase the efficiency and effectiveness of the administration of the Trademark Act and to provide a continuous source of knowledge from the private sector to the government in the field.

The agenda for the meeting is:

(1) A review of the Trademark Manual of Examining Procedures and a discussion of changes which may be desirable in the procedures and practices set forth therein. (Various sections of the Manual have been assigned Committee members for review before the meeting.)

(2) A discussion of the revisions of the forms for filing trademark applications and the feasibility of adopting forms for filing amendments to applications.

(3) Review of general status of the Trademark operation.

The meeting will be open to public observation; approximately 15 seats will be available for the public on a first come first served basis. If time permits, oral comments by the public of 3 minutes on each topic within the above agenda items will be allowed. Any comments or suggestions relating to the agenda items should be submitted in writing before May 21. Further, comments and suggestions will be accepted after the meeting on any of the matters discussed.

Copies of the minutes will be available upon request 60 days after the meeting.

Inquiries may be addressed to the Committee Control Officer, Patricia M. Davis, Office of Trademark Program Control, Room 11017 Crystal Plaza Building 3, Telephone: 703-557-3881.

Dated: April 8, 1975.

C. MARSHALL DANN,
Commissioner of Patents and Trademarks.

Dated: April 11, 1975.

Approved:
BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-10183 Filed 4-17-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FEDERAL COUNCIL ON THE AGING

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29), for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given, pursuant to Pub. L. 92-463 that the Council will hold a regular meeting on May 15, 9:30 a.m. to 5 p.m. and May 16, 9 a.m. to 3 p.m., in Room 4549 Donohoe Building, 400 Sixth Street, SW., Washington, D.C. The agenda will consist of the following items: status of study of interrelationships of benefits, report of Task Force on Services for the Frail Elderly, report of Aging Research and Manpower Committee, report of Economics of Aging Committee, review of plans for September 28 Hearing on Problems of Older Women, review of pending legislation affecting older Americans, FCA involvement with updating of "Statement on Rights and Obligations of Older Americans", and review of plans for 1975 annual report.

This meeting open for public observation.

Further information on the Council may be obtained from Cleonice Tavani, Executive Director, Federal Council on the Aging, Room 4022, Donohoe Building, 400 Sixth Street, SW., Washington, D.C. 20201, telephone: (202) 245-0441.

Dated: April 10, 1975.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

[FR Doc.75-10212 Filed 4-17-75;8:45 am]

Food and Drug Administration

[FDA-225-75-4044]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Delaware Department of Health and Social Services

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a memorandum of understanding with the Delaware Department of Health and Social Services on March 3, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF PUBLIC HEALTH AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance and protection of FDA-rented ARTX Telecommunication Equipment located in the Division of Health, Jesse S. Cooper Bldg., Room 128, Dover, Delaware 19901.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addresses other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and address of terminal agency.* Department of Health and Social Services, Division of Public Health, Jesse S. Cooper Memorial Building, Capitol Square, Dover, Delaware 19901.

V. *Liaison officers.* For Delaware Dept. of Health and Social Services: Donald K. Harmeson, Chief, Bureau of Environmental Health.

Address: Jessie S. Cooper Memorial Building, Capitol Square, Dover, Delaware 19901. Telephone No.: (302) 678-4731.

For FDA: Raymond A. Arzylowicz, Supv. Investigator.

Address: Rm. 900, U.S. Customhouse, Philadelphia, PA 19106. Telephone No.: (215) 597-4302.

VI. *Period of agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Delaware Division of Public Health.

Dated: March 3, 1975.

Edward F. Gliwa,
Acting Director.

Approved and accepted for the Food and Drug Administration.

Dated: February 25, 1975.

T. C. Maraviglia,
Regional Food and Drug Director,
Region III.

Effective date. This memorandum of understanding became effective March 3, 1975.

Dated: April 11, 1975.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.75-10117 Filed 4-17-75;8:45 am]

[FDA-225-75-4006]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Montana Department of Health and Environmental Sciences

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Montana Department of Health and Environmental Sciences on January 28, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in Board of Health Building, Helena, Montana 59601.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

In addition to terminal-sharing, it is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of agreement.* A. The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished.

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state.

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment.

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user.

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA)

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to FDA received from other appropriate agencies.

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Rgional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used only for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and address of terminal agency.* Department of Health and Environmental Sciences, State of Montana, Helena, Montana 59601.

V. *Liaison officers.* For Montana Department of Health and Environmental Sciences: Vernon E. Siouiin, R.S., Chief, Environmental Services Bureau.

Address: Department of Health and Environmental Sciences, State of Montana, Helena, Montana 59601.

Telephone No.: (303) 837-4915.

For FDA: John R. Vodneck, Program Analyst.

Address: Room 500, U.S. Customhouse, Denver, Colorado 80202.

Telephone No.: (303) 8378-4915.

VI. *Period of agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Montana Department of Health and Environmental Sciences.

Dated: January 28, 1975.

JOHN S. ANDERSON,
Director, Montana Department of Health & Environmental Sciences.

Approved and accepted for the Food and Drug Administration.

Dated: January 23, 1975.

E. PITT SMITH,
Deputy Regional Food and Drug Director

Effective date. This memorandum of understanding became effective January 28, 1975.

Dated: April 11, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-10118 Filed 4-17-75;8:45 am]

[FDA-225-75-4008]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Oregon State Department of Agriculture

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

The Food and Drug Administration executed a Memorandum of Understanding with the Oregon State Department of Agriculture on January 28, 1975. The purpose of the memorandum is to establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment. It reads as follows:

MEMORADUM OF UNDERSTANDING BETWEEN THE OREGON STATE DEPARTMENT OF AGRICULTURE AND THE FOOD AND DRUG ADMINISTRATION

I. *Purpose.* To establish the procedures and guidelines for the operation, maintenance, and protection of FDA-rented ARTX Telecommunication Equipment located in the Agriculture Building, Salem, Oregon, 07310.

II. *Background.* The FDA, Assistant Secretary for Health, Department of HEW, and the General Services Administration have approved a program to install full telecommunication transmit and receive terminals in a number of prime state food and drug agencies. Although terminals will be placed in a number of prime food and drug regulatory agencies, there are a number of other agencies with food and drug responsibilities in each state, where no terminal will be installed. Therefore, your agency, being one that received a terminal, must agree to share the terminal with other food and drug agencies in your state to assure that the communication system is accessible to all agencies with food and drug related responsibilities.

NOTE.—There will be no need for your agency to share the terminal with any other agency in Oregon at the present time. A terminal is also being placed in the Oregon Department of Agriculture in Salem, Oregon. It is necessary for our two agencies to assure that proper operation and necessary supporting requirements for the equipment is maintained and proper security is provided for the equipment.

III. *Substance of agreement.* A The Food and Drug Administration agrees:

1. To arrange for the installation of the equipment in the location designated by your agency.

2. To support financially the cost of initial installation of the equipment and pay directly to GSA and Western Union the monthly rental cost. After the initial installation, the state will be responsible for relocation installation cost, unless relocation is in conjunction with a major move of the terminal agency to a new location address.

3. To identify for you those units in your state on which terminal-sharing must be accomplished. (This is not necessary for your agency since your agency will be the sole user of the terminal).

4. To require that the terminal location agency (your agency) submit to FDA a terminal-sharing plan to be developed by you and other sharing units in your state. (Not necessary for your agency.)

5. To arrange through Western Union for training of terminal operators.

6. To provide operation instruction manual.

7. To withdraw financial support for the terminal if gross misuse of the terminal is practiced after due notice.

B. The State Terminal Agency agrees:

1. To provide suitable physical location for equipment with adequate security protection.

2. To provide and pay for electric power source to operate the terminal. (110 volts)

3. To provide for paper, tape and other material necessary for the operation of the equipment,

4. To share the terminal with other food and drug agencies in the state according to a terminal-sharing plan agreed to by each potential user. (Not necessary with your agency).

5. To submit to the FDA Regional Office monthly traffic log. (Form to be furnished by FDA).

6. To submit promptly all messages received for addressees other than your agencies. Transmit promptly messages to

FDA received from other appropriate agencies. (Not necessary).

7. Maintain operator coverage for the terminal between normal working hours of your agency.

8. Notify vendor (Western Union) of any breakdown of the equipment or other needs for maintenance.

9. Notify FDA (Regional or Headquarters) of periods that the equipment is out-of-service.

10. That the system will be used *only* for communication between your state and FDA (Regional, District, or Headquarters Office). It is understood that the equipment is not to be used for communication between state agencies.

IV. *Name and address of terminal agency.* Oregon Department of Agriculture, Agriculture Building, Salem, Oregon 97310.

V. *Liaison officers.* For Oregon Department of Agriculture: Kenneth Carl, Adm., Dairy & Consumer Services Div.

Address: Oregon Dept. of Agriculture, Agriculture Bldg., Salem, OR 97310. Telephone No.: (503) 387-3790.

For FDA: J. Kenneth Kinney, Federal-State Liaison Officer.

Address: 5003 Federal Office Bldg., Seattle, WA 98174. Telephone No.: (206) 442-5304.

VI. *Period of agreement.* This agreement, when accepted by both parties, will have an effective period of performance three (3) years from date of signature and may be modified by mutual consent by both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

Approved and accepted for the Oregon Dept. of Agriculture.

Dated: JANUARY 28, 1975.

BEN D. ALLEN,
Director,
Oregon Dept. of Agriculture.

Approved and accepted for the Food and Drug Administration.

Dated: JANUARY 24, 1975.

JAMES W. SWANSON,
Regional Food & Drug Director,
Seattle Field Office, Region X.

Effective date. This memorandum of understanding became effective January 28, 1975.

Dated: April 11, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-10119 Filed 4-17-75;8:45 am]

HEARING AID HEALTH CARE

Public Hearing

The Commissioner of Food and Drugs announces a public hearing to be held on May 7, 1975, at 9 a.m., in the Jack Masur Auditorium, Clinical Center, Bldg. 10, National Institutes of Health, Bethesda, MD 20014, to allow all interested persons an opportunity to present data, technical information, and views concerning the report on Hearing Aid Health Care and the supplementary report on Hearing Aid Health Care, which was prepared by the Department of Health, Education, and Welfare Intradepartmental Task Force on Hearing Aids. The Task Force will sit as a panel to conduct the hearings, with David M. Link presiding as chairman.

In March 1974, the Secretary of the Department of Health, Education and Welfare established an Intradepartmental Task Force on Hearing Aids to (1) examine the issues involved in the manufacture, sale, and use of hearing aids; (2) determine an appropriate departmental role; and (3) recommend a feasible course of action. In September 1974, the Task Force prepared a Report on Hearing Aid Health Care. The report was circulated within the Department for comments and a Supplementary Report on Hearing Aid Health Care was prepared by the Task Force in October 1974.

A notice of availability of these reports was published in the FEDERAL REGISTER of October 29, 1974 (39 FR 38123). In this notice, the Secretary invited written comments on the report and the supplementary report, such comments to be filed on or before December 30, 1974 with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Secretary received numerous comments expressing interest in the Reports and in the problem of hearing aid health care. An extension of time was requested for comment on the reports to provide the consumer organizations with a better opportunity to contact constituents, provide them with a copy of the reports, and receive their comments on the report and the supplementary report. On the basis of widespread interest and to afford more time for all concerned parties to make their views known, the Secretary announced in the FEDERAL REGISTER of January 23, 1975 (40 FR 3630), an extension of time for public comment to February 24, 1975.

Over 5,000 comments on the report and the supplementary report have been received by the Hearing Clerk. In addition, many organizations requested an opportunity to appear before the Task Force and make comments on the reports.

The Department of Health, Education, and Welfare Intradepartmental Task Force on Hearing Aids has recommended that all interested persons have an opportunity at a public hearing conducted by the Task Force to present data, technical information, and views relative to these reports.

To provide for adequate preparation, any interested persons who wish to present oral data, technical information, and views at the hearing must so inform Mr. Edward McDonnell, HFK-100, Bureau of Medical Devices and Diagnostic Products, Division of Compliance, 5600 Fishers Lane, Rockville, MD 20852, telephone No. (301) 443-6274, of that intention and must, by close of business on May 2, 1975, describe which paragraph(s) or section(s) of the reports he wishes to discuss and the amount of time requested for his presentation.

Mr. McDonnell will then promptly inform each person requesting an opportunity to be heard of the time his oral presentation is scheduled to begin and the amount of time to be allocated for the person's presentation. In view of the time limitation, individuals and organizations with common interests are urged to consolidate or coordinate their presentations. Persons with common interests may be required to make joint presentations. A hearing schedule setting forth the names of the persons making presentations and the time allotted to each will be prepared, and a copy will be placed on file in the office of the Hearing Clerk, Food and Drug Administration, at the address given above.

Interested parties unable to give notification of their intent to address the Task Force will have an opportunity to speak provided time allows. If the number of requests to make an oral presentation does not allow everyone to be heard on May 7, 1975, the Task Force will continue the public hearing on May 8, 1975.

All interested persons, either attending the hearing or unable to attend, may submit written data, technical information, and views for consideration. Three copies of these submissions shall be furnished to Mr. McDonnell on or before May 2, 1975 and should not incorporate, except by reference, data, technical information, or views already submitted in response to the departmental notices published in the FEDERAL REGISTER on October 29, 1974 and January 23, 1975.

Copies of the following materials are on file and available for public review in the office of the Hearing Clerk, Food and Drug Administration, at the above address, during working hours Monday through Friday.

1. Report on Hearing Aid Health Care prepared by the Department of Health, Education, and Welfare Intradepartmental Task Force on Hearing Aids, September 1974. (This report includes the supplementary report on Hearing Aid Health Care).

2. Notice of availability of task force reports, Hearing Aid Health Care, FEDERAL REGISTER of October 29, 1974 (39 FR 38123).

3. Notice of extension of time for additional comments, Hearing Aid Health Care; availability of task force reports, FEDERAL REGISTER of January 23, 1975 (40 FR 3630).

A transcript of the hearing and all written data, technical information, and views submitted in response to this notice of hearing also will be made available for public review in the office of the Hearing Clerk, Food and Drug Administration.

Dated: April 14, 1975.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-10116 Filed 4-17-75;8:45 am]

Health Resources Administration

NATIONAL ADVISORY BODIES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies

scheduled to assemble during the month of May 1975:

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Date and Time: May 6–7, 1975, 9 a.m.

Place: Conference Room #6, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

Closed for entire meeting.

Purpose: The Council performs the final review of applications for capitation grants for the improvement of nurse training, and recommends approval or disapproval action to the Administrator, Health Resources Administration.

Agenda: The Council will conduct a final review of grant applications for Federal assistance and will not be open to the public, in accordance with the provisions set forth in section 552(b)(4), (5), and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463, Section 10(d).

Anyone wishing to obtain a roster or other relevant information should contact Dr. Mary S. Hill, Room 6C–08, 9000 Rockville Pike, Bethesda, Maryland, Telephone (301) 496–6985.

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Date and Time: May 12–15, 1975, 8:30 a.m.

Place: Conference Room #4, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

Date and Time: May 16, 1975, 8:30 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland.

Open on May 12, 8:30 a.m. to 10:30 a.m. Closed remainder of meeting.

Purpose: The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on their review of applications requesting such assistance.

Agenda: During the open portion of the meeting, agenda items include administrative matters and reports. During the closed session the committee will be performing the final review of grant applications for Federal assistance and will not be open to the public, in accordance with the provisions set forth in section 552(b) (4), (5), and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to attend, obtain a roster of members or other relevant information should contact Mrs. Lynn Stevens, Room 4C–06, Building 31, 9000 Rockville Pike, Bethesda, Maryland, Telephone (301) 496–5353.

NATIONAL ADVISORY PUBLIC HEALTH TRAINING COUNCIL

Date and Time: May 15–16, 1975, 9 a.m.

Place: Room B1–08, Federal Building, 7550 Wisconsin Avenue, Bethesda, Md.

Open on May 15, 9 a.m. to 10 a.m. Closed remainder of meeting.

Purpose: Advises the Secretary and the Administrator, Health Resources Administration on matters relating to Department programs and interests in support training for professional public health personnel and related activities. Reviews grant applications for support of training projects for innovation and curriculum development in public health education and makes recommendations to the Administrator, Health Resources Administration.

Agenda: During the open portion of the meeting, agenda items include announcements and consideration of minutes of the previous meeting. During the closed session, the Council will be performing the final review of grant applications for Federal assistance and will not be open to the public, in accordance with the provisions set forth in section 552(b) (5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to attend, obtain a roster of members or other relevant information should contact Mr. Thomas D. Hatch, Room 414, Federal Building, 7550 Wisconsin Avenue, Bethesda, Maryland, Telephone (301) 496–6975.

COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE

Date and Time: May 22–23, 1975, 9 a.m.

Place: Continental Hotel, Baltimore at Eleventh Street, Kansas City, Missouri 64105.

Open for entire meeting.

Purpose: The committee is to represent the interests of the people of the United States in providing advice and guidance to the Secretary and the National Center for Health Statistics on policies and plans in developing a major new national network of integrated or coordinated subsystems of data collections, processing, and analysis over a wide range of questions relating to general health problems of the population, health care resources, and the utilization of health care services.

Agenda: The committee will report on FY–76 funding possibilities for the Cooperative Health Statistics System; report on the Data Use Workshop, held in Orlando, Florida, April 28–29, 1975. A progress report will be given on the development of the studies on 1) Component Integration and Organizational Structure, and 2) Meeting Multiple Health Data Needs Through Modification of National and State Statistical Programs. Task Force reports on Cost-Sharing, Confidentiality, Definitions, and Communications will also be presented. There will also be a presentation of Progress of Implementation of the Health Planning and Resources Act. Suggestions for next meeting dates and agenda items will be discussed.

Anyone wishing to attend, obtain a roster of members or other relevant information, should contact Mr. James A. Smith, Parklawn Building, Room 8–21, 5600 Fishers Lane, Rockville, Maryland 20852 Telephone (301) 443–1470.

Agenda items are subject to change as priorities dictate.

Those portions of the meetings so indicated are open to the public for observation and participation.

Dated: April 14, 1975.

JOHN C. DALTON,
Acting Associate Administrator for Operations and Management.

[FR Doc.75–10113 Filed 4–17–75;8:45 am]

Public Health Service

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegation of Authority

Part 13 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare entitled Alcohol, Drug Abuse, and Mental Health Administration (C000) (38 FR 27316 as amended by 39 FR 1654–1658) is amended in section 13–B, referring to the National Institute of Mental Health (CH00), as follows:

(1) Delete in their entirety the Office of Research Coordination, the Division of Extramural Research Programs, the Division of Special Mental Health Research, the Division of Clinical and Behaviorial Research, and the Division of Biological and Biochemical Research.

(2) Insert the following after the functional statement for the Division of Biometry:

Division of Extramural Research Programs (CH53). (1) Plans and administers programs of support for research into the causes, prevention, diagnosis, and treatment of mental diseases, including behavioral, clinical, applied, biological, and psychopharmacological research; (2) conducts and supports epidemiological research; (3) coordinates NIMH programs in schizophrenia.

Mental Health Intramural Research Program (CH54). (1) Plans and administers a comprehensive long-term intramural research program of clinical and behavioral, biological, and special research dealing with the causes, diagnosis, treatment, and prevention of mental disorders and the biological and psychosocial factors that determine human behavior and development; (2) provides a focus for national attention in the area of mental health research; (3) provides technical support to three intramural divisions through development and maintenance of electronic and mechanical instrumentation and equipment.

Division of Special Mental Health Research (CH5403). Under the direction of the Mental Health Intramural Research Program, (1) plans and conducts a program of intramural research on special mental health problems, such as psychopharmacology, neuropharmacology, memory, human behavior, and biochemistry of learning; (2) performs clinical evaluation and followup activities in connection with research patients.

Division of Clinical and Behavioral Research (CH5405). Under the direction of the Mental Health Intramural Research Program, plans and conducts a coordinated program of clinical and behavioral research dealing with the causes, diagnosis, treatment, and prevention of mental disease.

Division of Biological and Biochemical Research (CH5407). Under the direction of the Mental Health Intramural Research Program, plans and conducts a coordinated program of biological and biochemical research dealing with the basic biological processes that determine both adaptive and maladaptive behavior.

Dated: April 11, 1975.

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

[FR Doc.75-10123 Filed 4-17-75;8:45 am]

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 13 (Alcohol, Drug Abuse, and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (38 FR 27316 as amended by 39 FR 1654-58), is hereby amended with regard to section 13-B, Organization and Functions, as follows:

In lieu of the paragraph headed "Division of Personnel Management (CA1509)" substitute the following paragraph:

Division of Personnel Management (CA1509). (1) Provides personnel management advice and assistance to the Administrator, Alcohol, Drug Abuse, and Mental Health Administration and to managers and supervisors within its servicing area; (2) participates in the development of agency goals and operating plans related to personnel management; (3) within its servicing area, provides personnel management and personnel administration services, including manpower planning and utilization, employment, recruitment, compensation and classification, executive and career development, upward mobility, labor relations, employee relations and occupational health; (4) coordinates and provides technical assistance and guidance to the personnel office of Saint Elizabeths Hospital in the above areas of personnel management and administration; (5) prepares staff studies and recommendations to ADAMHA management on personnel needs and problems; (6) identifies the need for personnel policies and programs to PHS and collaborates with PHS, as appropriate, in the development of such policies and programs; (7) develops and implements operating procedures and interprets policies to the extent necessary to meet the special needs of Alcohol, Drug Abuse, and Mental Health Administration in the application of PHS, DHEW, CSC and other Government agency regulations; (8) represents Alcohol, Drug Abuse, and Mental Health Administration in personnel management matters with PHS, DHEW, CSC, other Government agencies, professional societies, and colleges and universities.

Dated: April 14, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-10217 Filed 4-17-75;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions and Delegations of Authority

Part II (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (38 FR 33785, 12/7/73), is hereby amended with regard to Section 11-B Organization and Functions, as follows:

Replace the statement for the Office of Personnel Management (1N1907) with the following:

Office of Personnel Management (1N1907) The Office of Personnel Management is responsible for promoting effective personnel management and personnel administration within the Public Health Service. It serves as:

(1) Principal adviser in the Public Health Service (PHS) for all personnel management and training;

(2) Develops personnel management objectives for PHS programs and the policies and standards necessary to advance these objectives;

(3) Provides leadership and direction for coordinated personnel management programs embracing the Commissioned Corps and Civil Service personnel in PHS activities;

(4) Plans, develops and administers the Commissioned Corps personnel program;

(5) Plans and administers a personnel management program for the Office of the Assistant Secretary for Health;

(6) Provides some common needs service for Parklawn Complex Agencies in training and staffing;

(7) Conducts evaluation studies of personnel management in all PHS activities to assure performance in accordance with standards and policies established by the Public Health Service, the Department, and the Civil Service Commission and requires or recommends action to insure an adequate exercise of personnel management and personnel administration authorities;

(8) Coordinates the personnel management activities of the PHS Agencies and represents the PHS in personnel management matters involving the HEW Regional Offices, Office of the Secretary, Civil Service Commission, Office of Management and Budget, Department of Defense, Veterans Administration, and the Congress on matters of common concern.

Delete Parklawn Personnel Division (1N19079) in its entirety.

Dated: April 14, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-10215 Filed 4-17-75;8:45 am]

FOOD AND DRUG ADMINISTRATION

Statement of Organizations, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration), of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (39 FR 18697, 5/29/74), is amended with regard to section 6-B *Organization* as follows:

Amend (f-4) Division of Personnel Management (6A01075) in its entirety by substituting the following statement:

(f-4) Division of Personnel Management (6A01075). (1) Provides personnel management advice and assistance to the Commissioner and to FDA managers within its servicing area, including advice to headquarters officials on their management responsibilities for FDA field installations; (2) participates in the development of agency goals and operating plans related to personnel management; (3) within its servicing area, provides personnel management and personnel administration services, including employment, recruitment, compensation and classification, upward mobility, labor relations, and employee relations; (4) develops agency-wide programs on executive and career development, manpower planning and utilization, safety management and occupational health, and as designated under Departmental guidelines provides service in these areas throughout the agency; (5) identifies the need for and directs the formulation of FDA policies and procedures concerning conflicts of interest and employee associations with regulated industries, decides conflict of interest issues, and approves/disapproves outside activities of FDA employees; (6) prepares staff studies and recommendations to agency management on personnel needs and problems; (7) identifies the need for personnel policies and programs to PHS and collaborates with PHS, as appropriate, in the development of such policies and programs; (8) develops and implements operating procedures and interprets policies to the extent necessary to meet the special needs of the Food and Drug Administration in the application of PHS, DHEW, CSC and other Government agency regulations; (9) represents the Food and Drug Administration in personnel management matters with PHS, DHEW, CSC, other Government agencies, professional societies, and colleges and universities.

Dated: April 14, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-10219 Filed 4-17-75;8:45 am]

HEALTH RESOURCES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority Amendment

Part 7 (Health Resources Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare as amended (39 FR 1456–61, 1/9/74), is amended to reflect the following change under section 7–B:

Organization and Functions. Under the Office of Operations and Management (7A19), delete the statement for the Division of Personnel Management (7A-1909) and substitute the following:

Division of Personnel Management (7A1909). (1) Provides personnel management advice and assistance to the Administrator and to managers and supervisors within its servicing area; (2) participates in the development of agency goals and operating plans related to personnel management; (3) within its servicing area, provides personnel management and personnel administration services, including manpower planning and utilization, employment, recruitment, compensation and classification, executive and career development, upward mobility, labor relations, employee relations and occupational health; (4) prepares staff studies and recommendations to agency management on personnel needs and problems; (5) identifies the need for personnel policies and programs to PHS and collaborates with PHS, as appropriate, in the development of such policies and programs; (6) develops and implements operating procedures and interprets policies to the extent necessary to meet the special needs of the Health Resources Administration in the application of PHS, DHEW, CSC and other Government agency regulations; (7) Represents the Health Resources Administration in personnel management matters with PHS, DHEW, CSC, other Government agencies, professional societies, and colleges and universities.

Dated: April 14, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75–10218 Filed 4–17–75;8:45 am]

HEALTH SERVICES ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

This amendment to the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare reflects the reorganization of the personnel functions in the Public Health Service as it affects the Health Services Administration.

Part 3, Health Services Administration, section 3–B, Organization and Functions, in the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare is hereby amended by replacing the statement for the Office of Personnel (3AA909) as it appeared in 39 FR 10463, March 20, 1974, with the following statement:

Office of Personnel (3AA909). (1) Provides personnel management advice and assistance to the Administrator and to managers and supervisors within its servicing area; (2) participates in the development of agency goals and operating plans related to personnel management; (3) within its servicing area, provides personnel management and personnel administration services, including manpower planning and utilization, employment, recruitment, compensation and classification, executive and career development, upward mobility, labor relations, employee relations, and occupational health; (4) coordinates the work of field personnel offices and provides technical assistance in the above personnel management and administration areas and in training; (5) advises on the application of Commissioned Corps personnel guidelines and assists in preparation and review of Corps personnel actions; (6) prepares staff studies and recommendations to agency management on personnel needs and problems; (7) identifies the need for personnel policies and programs to PHS and collaborates with PHS, as appropriate, in the development of such policies and programs; (8) develops and implements operating procedures and interprets policies to the extent necessary to meet the special needs of the Health Services Administration in the application of PHS, DHEW, CSC and other Government agency regulations; (9) represents the Health Services Administration in personnel management matters with PHS, DHEW, CSC, other Government agencies, professional societies, and colleges and universities.

Dated: April 14, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75–10216 Filed 4–17–75;8:45 am]

Office of the Secretary

FUND FOR IMPROVEMENT OF POSTSECONDARY EDUCATION; BOARD OF ADVISORS

Meeting

Notice of Public Meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education.

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on May 11, 1975, beginning at 6 p.m. to May 12, 1975, 5 p.m. at Key Bridge Marriott, Rosslyn, Virginia. The meeting will be for the sole purpose of considering and formulating advice to the Director of the Fund regarding the approval or disapproval of proposals submitted to the Fund under the Comprehensive Program.

The meeting will not be open to the public, since these proposals and discussions are exempt from mandatory disclosure under the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code.

A summary of the proceedings of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, SW., Room 3141, Washington, D.C. 20202, telephone 202–245–8091.

Signed at Washington, D.C. on April 3, 1975.

VIRGINIA B. SMITH,
Director, Fund for the Improvement of Postsecondary Education.

[FR Doc.75–10210 Filed 4–17–75;8:45 am]

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the Health Insurance Benefits Advisory Council (HIBAC), established pursuant to section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters will meet on Friday, May 9, 1975, at 9 a.m. in The Chart Room of the Department of Health, Education, and Welfare's North Building, 330 Independence Avenue SW., Washington, D.C. The Council will consider matters pertaining to the Medicare and Medicaid programs.

The Mental Health Subcommittee of HIBAC, which is considering expansion of coverage of mental health benefits under Medicare will meet on Thursday, May 8, 1975, at 1:30 p.m. in Room 4131 of Health, Education, and Welfare's North Building.

The Subcommittee on Long-Term Care which will consider the departmental policies impact on the Medicaid and Medicare populations will meet at 9 a.m. in Room 4131 of Health, Education, and Welfare's North Building. The meeting will be held on May 8, 1975.

The Subcommittee on Health Education will consider recent developments in the field at its meeting of Thursday, May 8, 1975, at 2 p.m. in Room 1137 of Health, Education, and Welfare's North Building.

These meetings are open to the public.

Further information on the Council and the Committees may be obtained from Mr. Sherman Lazrus, Executive Secretary, Health Insurance Benefits Advisory Council, Room 17A–31, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 301–443–1185.

Dated: April 11, 1975.

SHERMAN LAZRUS,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.75–10124 Filed 4–17–75;8:45 am]

HOSPITAL INSURANCE MONTHLY PREMIUM

Premium Rate for the Uninsured Aged

Correction

In FR Doc. 74-30350 appearing on page 45309 in the issue of Tuesday, December 31, 1974 the (6) th column in the table *"Comparison of promulgated premium rate with the actuarially adjusted rate"* should read as set forth below:

Actuarially adjusted rate cols. (3) to (5) (6)
$30.90
33.90
39.60

[Contract No. HEW-100-75-0023]

HUMAN ECOLOGY INSTITUTE

Contract Award

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the award of Contract Number HEW-100-75-0023 to The Human Ecology Institute, 10 Babson Avenue, Wellesley, Massachusetts 02157 for a project entitled "Training and Technical Assistance and Capacity Building in the Area of Human Service Development." The purposes of this project are: (1) Provide documentation on the progress of technology development by sixteen services integration experiments; (2) provide a state of the art report on the program development aspects of human service systems, as represented by the Departmental Services Integration experiments; and (3) to provide assistance to eight projects designed to improve the capacities of state and local government in planning and management. The estimated cost of this contract is $122,414 and the intended completion date is June 30, 1975.

Dated: April 15, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.75-10214 Filed 4-17-75;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: May 27, 1975 (1:00 p.m. to 5:00 p.m.), May 28, 1975 (9:00 a.m. to 1:00 p.m.).

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, S.W., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 16A-16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: April 14, 1975.

HENRY E. SIMMONS,
Executive Secretary National Professional Standards Review Council.

[FR Doc.75-10209 Filed 4-17-75;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL TECHNICAL SUBCOMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name: National Professional Standards Review Council Technical Subcommittee.

Date and Time: May 27, 1975 (9 a.m. to 12 noon).

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, SW., Washington, D.C.

Purpose of Meeting: The Technical Subcommittee was established to assist the National Professional Standards Review Council in the areas of data and information systems, evaluation of PSROs, and medical care norms, standards, and criteria. The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Subcommittee's agenda will include discussion of issues relevant to the PSRO data and information systems, medical care norms, standards and criteria, and the evaluation of PSROs.

Meeting of the Subcommittee is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Subcommittee before, during, or after the meeting. To the extent that time permits, the Subcommittee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Subcommittee should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 16A-16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: April 14, 1975.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.75-10211 Filed 4-17-75;8:45 am]

SAMPLE DESIGN FOR STATE COST AND CASELOAD ESTIMATES

Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, the agency announces the results, findings and recommendations reported as a result of activities associated with the HEW project entitled "Sample Design for State Cost and Caseload Estimates."

This project was conducted jointly with the Social and Rehabilitation Service (SRS) within the Department of Health, Education, and Welfare. The project objective was to design and select a sample from the 1970 Census Public Use Sample (PUS) that would permit valid State estimates for transfer program costs and caseloads by TRIM (Transfer Income Model). This office was responsible for the design of the sample while SRS was responsible for the drawing of the sample.

The final report consists of a description and evaluation of the SPACE (State Public Assistance Cost Estimator) Sample. The SPACE sample was drawn from the State Public Use Sample file and includes 156,961 household records with records for 513,113 persons in the households; plus 30,900 records for group quarters residents. Low income households are over-sampled.

The final report details the characteristics of the SPACE sample and examines the representatives with respect to a number of dimensions including the poverty level and categorical eligibility for public assistance programs. The report concludes by comparing the SPACE sample to several other statistical series including the Decennial Census of Population and Housing, the Current Population Survey (March Income Supplement) and the Internal Revenue Service yearly Statistics of Income; and by suggesting ways to improve the accuracy of the sample.

A copy of this report will be filed and available as soon as possible from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22152.

Dated: April 15, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.75-10213 Filed 4-17-75;8:45 am]

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women will meet at 9:15 a.m., May 6, 1975 at the White House to exchange ideas on advisory committee functions with the Citizen's Council on the Status of Women, Defense Advisory Committee on Women in Service, and the Secretary's Advisory Committee on Women, Department of Labor. For information call Sandra S. Kramer, Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women, 245-8454.

Dated: April 9, 1975.

SANDRA S. KRAMER,
Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.75-10125 Filed 4-17-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Membership and Designation of Members Representing the General Public

The purpose of this notice is to make public the membership of the National Motor Vehicle Safety Advisory Council and designate the members who represent the public.

The National Motor Vehicle Safety Advisory Council was created by section 104 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1939) to advise the Secretary of Transportation on motor vehicle safety standards promulgated under that Act. Under that Act, the majority of Advisory Council members must represent the "general public." Section 107(a) of the Motor Vehicle and Schoolbus Safety Amendments of 1974 (Pub. L. 93-492) amended section 104 of the National Traffic and Motor Vehicle Safety Act by defining "representative of the general public" to mean an individual (a) who is not an employee of, or is not holding "any official relation" to, a manufacturer, dealer, or distributor, or supplier thereof, of motor vehicles or motor vehicle equipment, or (b) who does not own stock or bonds of substantial value in such firms, or (c) who is not in any other manner directly or indirectly pecuniarily interested in such firms.

The 1974 amendments also require annual publication of the Council's membership and identification of those members designated as representatives of the general public.

With the appointment of new members to the Council on April 8, 1975, the members of the National Motor Vehicle Safety Advisory Council are as follows:

Mr. Harry Brainerd, Vehicle Equipment Safety Commission, Washington, D.C.; Mr. Judson B. Branch, Allstate Insurance Company, Northbrook, Ill.; Mr. Colver R. Briggs, Ford Motor Company, Dearborn, Mich.; Hon. John D. Caemmerer, New York State Senate, Albany, N.Y.; Dr. B. J. Campbell, University of North Carolina, Chapel Hill, N.C.; Mrs. Julie Candler, Woman's Day Magazine, Birmingham, Mich.; Mr. Richard L. Day, Petersen Publishing Company, Los Angeles; Mr. Joel K. Gustafson, attorney, Fort Lauderdale, Fla.; Mr. George Hildebrand, Pratt Institute, Southbury, Connecticut; Mr. Emmett E. Hixon, Hercules Incorporated, Southfield, Mich.; Mr. Dale C. Hogue, attorney and Washington Counsel, SEMA, Washington, D.C.; Mr. Robert D. Knoll, Consumers Union, Orange, Connecticut; Mr. George C. Nield, Automobile Importers of America, Washington, D.C.; Mr. John N. Noetti, Automobile Club of Missouri, St. Louis, Missouri; Mr. Arthur R. Railton, Volkswagen of America, Englewood Cliffs, N.J.; Mr. Gene Roberts, Fire and Police Department, Chattanooga, Tennessee; Dr. Kenneth J. Saczalski, Office of Naval Research, Arlington, Virginia; Mr. Gordon M. Scherer, attorney, Cincinnati, Ohio; Dr. Basil Y. Scott, Department of Motor Vehicles, Albany, New York; Mr. Herbert D. Smith, Uniroyal, Inc., Rumson, New Jersey; Dr. John D. States, Rochester School of Medicine, Rochester, New York; Mr. L. E. "Tommy" Thomas, Thomas Chevrolet, Panama City, Florida; Mr. Ivan J. Wagar, Safety Helmet Council of America, Los Angeles, California; Dr. Julian A. Waller, University of Vermont, Burlington, Vermont; Dr. Ruth E. Winkler, Optometrist, Tulsa, Oklahoma.

Of the above members, the following have been designated by the Secretary as representatives of the general public:

Mr. Brainerd, Mr. Caemmerer, Dr. Campbell, Mr. Gustafson, Mr. Knoll, Mr. Noetti, Mr. Roberts, Dr. Saczalski, Mr. Scherer, Dr. Scott, Dr. States, Dr. Waller, and Dr. Winkler.

Questions concerning the membership of the National Motor Vehicle Safety Advisory Council and the Secretary's designation of those members representing the general public should be directed to the Executive Secretary, National Highway Traffic Safety Administration, Department of Transportation, Washington, D.C. 20590 or telephone 202-426-2872.

This notice is filed under the requirements of section 104, Pub. L. 89-564; section 107, Pub. L. 93-492 (15 U.S.C. 1393).

Issued: April 14, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-10096 Filed 4-17-75;8:45 am]

[Docket No. 74-37; Notice No. 7]

HIGHWAY SAFETY ACT SANCTIONS REVIEW BOARD

Postponement of Hearing

The Highway Safety Act Sanctions Hearing scheduled for April 16, 1975, concerning the Commonwealth of Puerto Rico is hereby postponed until June 6, 1975.

The sanctions proceeding against Puerto Rico (39 FR 37411) had been previously postponed to April 15, 1975, to allow Puerto Rico additional time to amend its laws to make driving with a blood alcohol concentration of .10 percent presumptively unlawful (39 FR 41196).

By telegram of April 14, 1975, Rafael L. Ignacio, Secretary of Transportation for Puerto Rico, requested an additional postponement until June 16, 1975. The basis for his request was that the Puerto Rican bill has been revised and will require additional time for consideration. The legislature plans to adjourn on May 30, 1975. The Secretary accordingly requested time to allow the legislature to complete its work in regular course.

The National Highway Traffic Safety Administration and the Federal Highway Administration have advised the presiding officer that they do not object to a postponement, but that they consider June 6 to be the latest practicable date, in light of the nearness of fiscal year 1976. Accordingly, the hearing is postponed to June 6, 1975, rather than June 16, as requested by Puerto Rico. The hearing will begin at 10 a.m. on June 6, 1975, in room 3200, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, D.C. 20950.

By notice of November 13, 1974 (39 FR 40059) the members of the sanctions hearing board were designated from the Office of the Secretary of Transportation, the National Highway Traffic Safety Administration, and the Federal Highway Administration. The member representing the Office of the Secretary subsequently resigned from the Department. A new member has been designated to replace him, so that the Board as reconstituted consists of the following members:

Office of the Secretary Member and Presiding Officer: Herbert H. Kaiser, Jr., Deputy Assistant Secretary for Environment, Safety and Consumer Affairs.

Federal Highway Administration Member: Francis J. Locke, Regional Counsel, Region III.

National Highway Traffic Safety Administration Member: Frank Ephraim, Director, Office of Program Evaluation.

Issued on April 16, 1975.

HERBERT H. KAISER, Jr.
Presiding Officer, Sanctions Hearing Board.

[FR Doc.75-10271 Filed 4-16-75;10:02 a m]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Addition to Procurement List

Notice of proposed additions to Procurement List 1975, November 12, 1974 (39 FR 39964) were published in the FEDERAL REGISTER on March 7, 1975 (40 FR 10706).

Pursuant to the above notice the following military resale items are added to the Procurement List.

Description and item number:	Price (each)
Garden tools (IB)—	
Trowel, transplanter, 600	$0.70
Trowel, regular, 601	0.70
Cultivator, 602	0.70
Weeder, 603	0.70
Shears, grass, 604	1.70
Shears, pruning, 605	1.60
Cover, paint roller (IB)—	
720	0.34
721	0.39
722	0.51
723	0.58
724	0.67
725	0.79
726	0.71
727	0.83
728	0.61
729	0.72
730	1.04
731	0.85
732	0.70
733	0.82
Roller, paint (IB)—	
741	0.72
742	0.79
Trimmer, paint roller (IB)—735	0.66
Refill, trimmer (IB)—736	0.39

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-10185 Filed 4-17-75;8:45 am]

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 June 25, 1974 (39 FR 22975).

Pursuant to the above notice the following commodities are added to the Procurement List.

PAD, TYPEWRITER (IB)

	Price (each)
7510-00-257-2576	$0.50
7510-00-530-6412	0.76
7510-00-849-1137	1.61

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-10186 Filed 4-17-75;8:45 am]

PROCUREMENT LIST 1975

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1975, November 12, 1974 (39 FR 39964).

INDUSTRIAL CLASS 0782

Grounds Maintenance, Edwards Air Force Base, California, for following locations:
Chapel Buildings 2700 and 6447.
Housing Area D.
Hospital Buildings 5500 and 5510.
Recreational Fields 2201, 5201, 5208, and 5213.
Veterinary Clinic, Building 5550.

Comments and views regarding this proposed addition may be filed with the Committee not later than May 19, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-10184 Filed 4-17-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

AEROSOL SPRAY PRODUCTS

Public Meeting

Notice is given that a public meeting on the potential safety hazards of aerosol spray products will be held on May 9, 1975 at 10 a.m. in the sixth floor conference room at the Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. The purpose of this meeting is to enable the Commission to obtain information from industry and inventors on certain specific aspects of aerosol safety.

The Center for Science in the Public Interest has submitted a petition, received by the Commission on November 12, 1973, "to promulgate rules and regulations for safety and packaging of all unregulated aerosol spray products especially those used in the home." The petition and an accompanying booklet, entitled "How Aerosol Sprays Can Affect Your Safety and Health," cite various alleged aerosol spray hazards to support the request for regulation by the Commission.

On February 20-21 and March 11, 1974, the Commission held public hearings on the petition for the purpose of gaining information and viewpoints from all interested persons and groups. Participating in those hearings were scientists, inventors, doctors, a legislator, and representatives of industry and consumers. The broad range of participation in that hearing provided the Commission with valuable information on and insight into many aspects of aerosol spray product safety.

Prior to and since the hearings, the Commission staff has analyzed the petition along with a great deal of information related to it. This analysis has included engineering, legal, and economic evaluation of possible actions the Commission could undertake to eliminate or reduce any hazards associated with aerosol spray products.

All information and Commission staff analyses related to the Center for Science in the Public Interest petition are available in the Office of the Secretary, Room 1025, 1750 K Street NW., Washington, D.C. They may be seen during working hours Monday through Friday.

Prior to making a final decision on the petition, the Commission wishes to seek additional information on the following three items; and is particularly interested in obtaining information on potential replacement propellants as well as possible mechanical means of reducing or preventing hazardous occurrences:

1. Methods of avoiding accidental deaths resulting from intentional misuse of aerosol products by "sniffing" or "huffing".

2. Means to prevent the inadvertent misuse of aerosol products, such as the accidental spraying of product in the eyes.

3. Past and planned research into potentially harmful effects from long-term use of and exposure to aerosol products.

Accordingly, the Commission has scheduled the May 9, 1975 meeting for the purpose of obtaining further information related to these three areas from the industry and inventors. More specifically, the Commission is seeking to explore the present state of aerosol product technology and research that addresses the three areas of concern.

Because the purpose of the meeting is to obtain specific information on aerosol design technology, and not to discuss the merits of the petition, the Commission is limiting participation to the aerosol spray product industry and to any other inventors who have expertise in that area. Any interested person is, of course, welcome to attend. While participation in this meeting is completely voluntary, the Commission encourages broad participation by industry and inventors so that any Commission action will be based on a full understanding of the state of the technology in the three specified areas of concern, and actions planned in these three areas.

The Commission emphasizes that it is seeking information which relates to the three cited areas of concern and which has not already been submitted or presented to the Commission. All those who wish to participate should contact the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, 202-634-7700, as soon as possible. The final format for the meeting will be determined based on the response to this notice. At this time, however, the Commission anticipates that it will ask questions of the participants rather than accept prepared statements.

Dated: April 14, 1975.

SADYE E. DUNN,
Secretary,
Consumer Product Safety Commission.

[FR Doc.75-10120 Filed 4-17-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from April 7, through April 11, 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 in forty-five (45) days from this FEDERAL REGISTER notice of availability. (June 3, 1975.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: 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) 447-3853.

Draft

Upper New River Watershed Project, Beaufort and Jasper Counties, S.C., April 7: This project for watershed protection, flood prevention and drainage in the Upper New River Watershed, Beaufort and Jasper Counties proposes land treatment measures (water management and timber and wildlife habitat improvement) and multiple-purpose flood prevention and drainage channels. Adverse impacts include permanent clearing of trees and shrubs from 150 acres, temporary clearing of 140 acres for soil disposal and noise and dust pollution during construction. (ELR Order No. 50521.)

FOREST SERVICE

Draft

Herbicide Use, Mount Hood, Williamette, Rogue River National Forest, Oregon and California, April 8: The statement is a supplement to an eis filed 24 June 1974 to update the Vegetation Management Program of fiscal year 1974. The program involves the use of herbicides 2,4,-D, 2,4-DP, 2,4,5-T, Silvex, Amtrole, Picloram, and Dicamba to reduce the competition from native vegetation where it hampers forest management activities in Mount Hood, Rogue River, and Willamette National Forests. Changes in wildlife populations will occur due to changes in habitat. (ELR Order No. 50529.)

Final

Timber Management Plan, Routt National Forest, Colo., April 7: Proposed is the revision of the 1961 Timber Plan for the Routt National Forest. The revision would cover the years 1975-84. Under the plan, 7,500 acres annually of the available commercial forest land would receive various timber management activities. The expected annual yield is 72,000 Cunits including 33 million board feet of sawtimber. Timber harvest and road construction will affect air and water quality, visual resources, and wilderness values in areas not selected as New Study areas. Comments made by: USDA, DOI, State and local agencies, and concerned citizens. (ELR Order No. 50518.)

SOIL CONSERVATION SERVICE

Draft

South Fork Watershed Project, Montgomery County, Ark., April 7: The South Fork Watershed Project will provide watershed protection, flood prevention, and a dependable water supply for the City of Mount Ida, Arkansas. The structures and offsite borrow areas will require 52 acres of grassland and 257 acres of woodland. About five miles of natural streams will be converted to reservoir areas (45 pages). (ELR Order No. 50512.)

Chippewa and Long Prairie Headwaters Deveopment, Several counties, Minn., April 7: The statement concerns a project for fish and wildlife development in Douglas, Grant, Otter Tail, and Pope Counties, Minnesota which would increase acreage of wildlife land from 54,000 acres to 54,020 acres. The plan includes installation of 89 permanent structures. Construction disruption would result. (ELR Order No. 50508.)

Sandy Creek Watershed, Jasper County, Tex., April 7: The statement concerns a project for watershed protection and flood control for 25,000 acres in Jasper County, Texas. The plan includes construction of 2.9 miles of floodway and 6 floodwater retarding structures, which will result in the clearing of 79 acres of wildlife habitat and 516 acres of forest. Sixty-two acres of bottomland will be inundated and the floodway will result in reduced wildlife on 108 acres. (ELR Order No. 50502.)

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) 693-6861.

Draft

Branford Harbor Maintenance Dredging, Conn., April 10: Proposed is the maintenance dredging of 2.3 miles of channel in Branford Harbor. Half of the 90,000 cubic yards dredged will be utilized to develop an experimental marsh of eight acres adjoining an existing marsh. Water turbidity will increase and the dredging will disrupt the benthic community (Waltham District). (ELR Order No. 50530.)

Atlantic Coast Beach Erosion Control (supplement), Del., April 8: The statement is a draft supplement to a final eis filed with CEQ 1 June 1971. Proposed is the construction of a bulkhead and dune for the purpose of beach erosion control and hurricane protection project for the Atlantic Coast of Delaware. Adverse impacts include suspension of benthic sediments, degraded water quality, and increased tourism and resultant increased demand for city services (Philadelphia District). (ELR Order No. 50528.)

Blue Waters Ditch Improvements, East St. Louis, Ill., April 7: The proposed plan of improvement will provide the Blue Waters area, a segment of the East St. Louis and Vicinity interior flood control project, with protection against interior flooding from a design storm of 100-year frequency. Approximately 18 miles of new or enlarged ditches will be constructed; two natural water detention areas totalling about 1,000 acres will be designated, and a 2,600 c.f.s. pumping station will be constructed. Adverse impacts include noise and dust during the 3.5 year construction period, the location of large ditches near residential areas, development of the flood plain and restriction of land use in natural detention areas. (ELR Order No. 50501.)

Charlevoix Harbor Improvements, Mich., April 7: This statement refers to proposed improvements in the existing Federal navigation project at Charlevoix Harbor. The improvements consist of deepening channels to achieve a 23-foot project depth throughout and constructing bank protection in the form of a steel piling wall. Dredged materials, which the EPA has classified as unpolluted, will be disposed of in Lake Michigan deep waters. Adverse impacts include increased levels of suspended sediments and silts in the harbor channel area, elimination of benthic organisms in both the dredged area and the disposal area, and lowered aesthetics of the channel area during dredging operations (Detroit District). (ELR Order No. 50513.)

Ludington Harbor, Mitigation of Shore Damage, Mason County, Mich., April 11: The statement concerns the mitigation of shore erosion caused in part by Federal navigation structures in Ludington Harbor, Michigan. Two beach nourishment supply sites will be established and maintained from the unpolluted sediment near the mouth of the harbor. The dredging and placement of dredged materials will disturb benthos in the area and result in increased turbidity. (ELR Order No. 50540.)

Flood Control Project at Point Place, Toledo, Lucas County, Ohio, April 7: The statement involves a local flood protection project for Point Place, a subdivision of Toledo, Ohio. The project consists of a system of levees and flood walls with necessary interior drainage works to prevent inundation. Protective structures along both Lake Erie and the Ottawa River will be built to an elevation which will protect the area against a twenty-year flood. Construction will produce noise, dust, disruption of traffic and in-water turbidity. Other adverse impacts are the taking of 9.6 acres of land for the structure and the impaired aesthetic value of nearby property. (ELR Order No. 50505.)

Charleston Harbor Deepening Project, S.C., April 7: The purpose of this project is to provide safe navigation for existing and prospective large vessel traffic in Charleston Harbor by deepening existing channels, providing new and enlarged turning basins, and providing minor alignment changes and easing of bends. The principal adverse effects relate to temporary changes in water quality with harmful impacts on harbor and disposal area ecosystems. Other adverse impacts include detraction from the harbor's visual appearance, minor air discharges, noise from equipment, and preemption of present uses of disposal areas (Charleston District). (ELR Order No. 50507.)

Green Bay Harbor, Maintenance Dredging, several counties, Wis., April 7: Proposed is the maintenance dredging of the channel at Green Bay Harbor, Lake Michigan, for the purpose of continued navigation. Dredged material will be placed in a contained disposal site. The project will result in physical alteration of the sediment-water interface in the channel and adjacent areas, destruction or resuspension of polluted sediments, and conversion of a 30-acre wetland into terrestrial environment, which would destroy or displace marshland wildlife species (Chicago District). (ELR Order No. 50503.)

Final

Dierks Lake, Saline River, Arkansas, Sevier and Howard Counties, Ark., April 8: The statement refers to the completion of construction, the operation, and the maintenance of the Dierks Lake Project, a flood control, water supply, fish and wildlife, and recreation project that is located at river mile 56.5 of the Saline River. The project, which consists of a modified rockfill embankment, an uncontrolled spillway, a reinforced concrete gate-tower and conduit, access roads, and buildings was over 80 percent complete as of June 30, 1973. The conservation pool of the project will inundate 1,360

acres; 14 archeological sites have been affected by the project (Tulsa District). Comments made by: DOI, HEW, DOT, HUD, USDA, EPA, State and local agencies. (ELR Order No. 50526.)

Surfside-Sunset and Newport Beach, Orange County, Calif., April 8: The statement refers to construction of beach erosion control in Orange County, including four rock groins and the placement of beach fill on eroded areas and between the groins. Construction of a breakwater, extension of the Santa Ana River jetty, and further fills are also contemplated. Adverse impacts include temporary turbidity during construction, loss of beach slope biota in groin areas, and destruction or displacement of beach biota over thirty acres of borrow and fill area (Los Angeles District). Comments made by: USDA, HUD, DOT, USCG, AEC, EPA, DOC, State and local agencies. (ELR Order No. 50525.)

Trinidad Lake Project, Purgatoire River, Colo., April 7: The statement refers to the Trinidad Lake, which is under construction on the Purgatoire River, 3 miles west of the City of Trinidad. The project is intended to provide flood control, irrigation storage, sediment retention, and fish and wildlife habitat. Approximately 3,658 acres of land have been acquired for project purposes; six small communities, with a combined population of 1,500, have been displaced (Albuquerque District). Comments made by: USDA, DOT, EPA, DOI, AHP, State and local agencies. (ELR Order No. 50514.)

Lawrence Flood Protection Project, Douglas and Leavenworth Counties, Kans., April 8: The statement refers to the construction of two remaining units of a flood control project near the City of Lawrence. Project measures include levees, channel works, bridge replacements, road relocations, and interior drainage structures. Approximately 220 acres (95 acres of timber) and 4.7 miles of natural stream habitat would be committed to the project. Depletion of the forest cover would hinder bird migration patterns through the area. The project may encourage development on flood plain lands. Comments made by: EPA, USDA, DOT, HEW, DOI, State and local agencies and concerned citizens. (ELR Order No. 50522.)

Perry Lake Operation and Maintenance, Jefferson County, Kans., April 8: The statement refers to the impact of continued operation and maintenance of Perry Lake, a multi-purpose project on the Delaware River. Impact results from heavy recreational and from lake fluctuations due to water regulation (Kansas City District). Comments made by: HEW, HUD, DOT, USDA, EPA, AHP, DOI, DOC, and State agencies. (ELR Order No. 50524.)

Clearwater Lake, Operation and Maintenance, Mo., April 11: The project involves the operation and maintenance of Clearwater lake flood control project, 32 miles northwest of Poplar Bluff on the Black River. Normal operation and maintenance consists of flood control, maintenance of parks and management of land and water resources. Adverse impacts are flood control procedures, that result in lake fluctuations, adversely affect shoreline vegetation and lake fish; agricultural and grazing leases contribute to the eutrophication of the lake by the addition of agricultural wastes, fertilizer, and insecticide contamination. Comments made by: USDA, DOI, and State agencies. (ELR Order No. 50538.)

Lewisville Lake, Tex., April 11: The statement refers to the Lewisville Lake Operation and Maintenance program which includes flood control, water conservation, operation and maintenance of project structures and facilities as well as parks for recreational use, and management of land and water resources. Adverse impacts of the already existing dam project are: altered natural cycle of flooding; eroded soil from lake shore; possible destruction of vegetation through inundation; sanitation problems; altered water quality and chemistry by storage; and displaced wildlife and damaged habitat by storing flood waters (Ft. Worth District). Comments made by: EPA, USDA, DOC, DOI, and State agencies. (ELR Order No. 50537.)

Belton Lake, Tex., April 11: The statement refers to the operation and maintenance of the lake, for flood control, water conservation, recreational use, and management of land and water resources. Operation of the lake alters the natural cycle of flooding, and the amount and pattern of downstream sediment deposit (Fort Worth District). Comments made by: USDA, EPA, HEW, DOI, HUD, DOT, and State agencies. (ELR Order No. 50539.)

Las Tunas Beach Park, Erosion Project, Los Angeles County, Calif.: The statement refers to a proposed beach erosion control project. Project measures include the construction of two rubblemound groins and the deposit of 200,000 cu. yds. of fill. There will be adverse impact to marine biota (Los Angeles District). Comments made by: AHP, USDA, HEW, HUD, DOI, DOC, State and local agencies. (ELR Order No. 50527.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, (202) 755-0940.

Draft

Auburn Interceptor (Green River sewerage area), King County, Wash., April 11: The statement concerns the award of grant funds to the Municipality of Metropolitan Seattle to construct an interceptor sewer line to service the Green River Sewerage Area. The project would result in the elimination of discharge of inadequately treated wastewaters to the Green River. The construction corridor passes through a permanent wetland thus necessitation summer construction. Adverse impacts include possible degradation of water quality in the Duwamish estuary and secondary effects from stimulated urban growth (2 volumes). (ELR Order No. 50535.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410. (202) 755-6295.

Draft

Brisas de Loiza Development, P.R., April 10: The statement concerns the Brisas de Loiza Development, located in Torricilla Alta Ward of Canovanas, Puerto Rico. Proposed is the construction of 748 dwelling units for moderate-income families in a 13-acre area adjacent to property inhabited by squatters which has repeatedly been flooded by the Grande de Loiza River. Construction disruption will result (61 pages). (ELR Order No. 50531.)

Draft

San Mateo Community Development, San Mateo County, Calif., April 10: The statement concerns expenditure of $1.5 million in community development funds for San Mateo City. The proposed project would provide for approximately 375 rehabilitations and several public facilities improvements. At least 20 federally assisted senior citizen housing units will be provided among the first year activities. Adverse impacts include continuation of human environment exposed to noise, flood, and seismic hazards. (ELR Order No. 50532.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

Draft

Makah National Fish Hatchery, Clallam County, April 7: The statement concerns the proposed construction and operation of a fish hatchery on the Makah Indian Reservation for the propagation of chinook, coho, and chum salmon; and steelhead and rainbow trout. The project would result in the loss of 37 acres of timber lands and wildlife habitat (95 pages). (ELR Order No. 50504.)

NATIONAL PARK SERVICE

Draft

Greenhaven Underground Transmission Line Permit, Arizona and Utah, April 11: Proposed is the issuance of a permit to the Arizona Public Service Company for authorized construction of a 1,341 foot underground 12/21 KV power transmission line to service 144 acres of State of Arizona land leased to Greenhaven Inc., for residential and commercial development. The transmission line was unlawfully constructed between January 21 and February 6, 1974 in Glen Canyon National Recreation Area. (ELR Order No. 50536.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20545, (301) 973-7373.

Draft

Palo Verde Nuclear Generating Station, Units 1-4, Maricopa County, Ariz., April 8: Proposed is the issuance of construction permits to the Arizona Public Service Corporation for the construction of the Palo Verde Nuclear Generating Station, Units 1, 2, 3, and 4. The Station will produce up to 3800 MWt and 1240 MWe (net) of electrical power capacity. The exhaust steam will be cooled by mechanical-draft cooling towers with make-up water obtained from piped sewage effluent from Phoenix. The construction will require the clearing of up to 2,500 acres of land. (ELR Order No. 50523.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 285, Tiny Town-Conifer, Jefferson County, Colo., April 7: The statement includes three alternatives for the design and construction of the four-lane divided facility, US 285, through the Tiny Town-Conifer Junction corridor to provide safety and increased capacity. The main adverse impacts include residential and business relocation, increased development pressures with consequent changes in land use and the natural environment, excessive noise levels and involvement with public parkland and historic sites. (ERL Order No. 50506.)

I-471, from I-275 to Cincinnati, Campbell County, Ky., April 11: Proposed is the construction of a 6-land segment of I-471 from I-275 to Cincinnati. The project will contribute to noise and air pollution in the area. An unspecified number of residents and twelve businesses have already been relocated; 98.5 percent of the right-of-way has been purchased. (ELR Order No. 50541.)

I-85 from SR 2025 to Groometown, Davidson, Guilford, and Randolph Counties, N.C., April 7: This project located in Davidson, Guilford and Randolph Counties, entails

the construction of a 20-mile segment of I-85 from SR 2025 east of Holly Grove to Groometown. The most significant adverse impact will be the relocation of 124 to 141 families, 10 businesses and a church. Other adverse effects include the acquisition of woodland and farmland, an increase in noise along the project corridor, possible economic losses by some businesses located on U.S. 29-70 (temporary I-85) and temporary construction disruption. (ELR Order No. 50517.)

Appalachian Corridor D, Albany thru Athens, Athens County, Ohio, April 10: Proposed is the construction of three segments of highways within "Corridor D" of the Appalachian Development Highway System. The work consists of constructing 5.9 miles of 4-lane, limited access U.S. 50, 2.1 miles of 4-lane freeway U.S. 33, including 2½ interchanges, and 0.55 miles of 4-lane freeway SR 682. The improvements will result in increased air pollution in several areas adjacent to the roadways and the acquisition of 106 residential properties and 14 businesses. A 4(f) statement is included in relation to a softball field and 7.6 acres of Margaret Creek Conservancy District. (ELR Order No. 50533.)

Beltway 8, from SH 225 to I-45 Harris County, Tex., April 7: The statement concerns a 10-mile section of Beltway 8, an 87.5 mile circumferential route encircling Houston, Texas. The segment runs from SH 225 to I-45. Noise and air pollution levels will increase and construction may increase pollution in Armand Bayou (277 pages). (ELR Order No. 50509.)

Loop 335 from I-40 to U.S. 87 and U.S. 287, Potter County, Potter County, Tex., April 7: The proposed project is the construction in Potter County of that portion of Loop Highway 335, a multi-lane road, around Amarillo from I-40 east of Amarillo, north and west to U.S. 87 and 287. Adverse environmental impacts include the utilization of land and natural and human resources to construct the roadway, the displacement of 6 businesses and 40 families, and an increase in urbanization, noise and air pollution levels along the route. (ELR Order No. 50520.)

Final

Connecticut Route 9, Hartford and Middlesex Counties, April 7: The project involves the extension of Conn. Route 9 from I-91 in Cromwell to Conn. 15 in Berlin, a distance of approximately 2.2 miles. Fifteen acres of section 4(f) land will be taken from Webster Park. One or two businesses and between five and ten families will be displaced by the action (102 pages). Comments made by: USDA, EPA, HEW, HUD, DOI, OEO, AHP, DOT, and State and local agencies. (ELR Order No. 50510.)

PAP Route 207, Edwardsville By-Pass, Madison County, Ill., April 7: The statement refers to the proposed construction of a new four lane highway facility beginning at Illinois Route 157 and continuing easterly and northeasterly to Illinois Route 143. Project length is approximately 5.9 miles. Eighteen families and one business will be displaced; 160 acres will be required for right-of-way (140 pages). Comments made by: HUD, DOI, USDA, EPA, HEW, COE, State and local agencies and concerned citizens. (ELR Order No. 50511.)

McClugage Bridge, U.S. 24, 150, and Illinois 29, Peoria and Tazewell Counties, Ill., April 7: The project consists of the construction of a two-lane westbound bridge including approaches across the Illinois River at Peoria. Realignment of the existing roadway and construction of a new interchange are necessary. The project will have the following adverse impacts: borrow excavation for the construction of approaches to the new bridge, relocation of 16 families, 6 businesses and 1 private hall, acquisition of 0.7 acres of parkland and construction of a pier for the new bridge. Comments made by: DOI, EPA, USCG, DOT, USDA, State and local agencies. (ELR Order No. 50516.)

I-44, City of St. Louis, St. Louis County, Mo., April 7: The project consists of the improvement of a 1.1 mile segment of I-44 from I-55 to U.S. 40 to 8 lanes. The project will displace 20 families, 8 businesses and one elementary school. Acquisition of the right of way will cost $1,500,000 and relocation assistance cost is estimated at $225,000. Comments made by: DOI, EPA, HEW, OEO, USDA, and one State agency. (ELR Order No. 50515.)

SR 137, Kingsport, Sullivan County, Tenn., April 7: The statement concerns the construction of a four-lane, 7 mile freeway-type facility on a new location through the gap in Bays Mountain and around the western portion of Kingsport, Tennessee. Approximately 158 families, 11 businesses, and 4 non-profit organizations will be displaced by the improvement (130 pages). Comments made by: DOI, EPA, HUD, USDA, DOT, TVA, HEW, State and local agencies. (ELR Order No. 50519.)

U.S. COAST GUARD

Final

DeSoto Waterway and North Channel, Broward County, Fla., April 10: The statement refers to the proposed approval of location and plans for 2 fixed highway bridges over DeSoto Waterway, and North Channel. The bridges will furnish additional access to 18,000-unit Three Islands real estate development, now under construction to 18,000 living units (24 pages). Comments made by: DOT, EPA, HUD, DOI, DOC, HEW, COE, State and local agencies. (ELR Order No. 50534.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-10127 Filed 4-17-75; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 359-8]

ABBOTT LABORATORIES

Establishment of Temporary Tolerance

Abbott Laboratories, North Chicago, Ill. 60064, submitted a petition (PP 5G1579) requesting establishment of a temporary tolerance for negligible residues of the plant regulator 5-chloro-3-methyl-4-nitro-1H-pyrazole in or on the raw agricultural commodity oranges at 0.1 part per million.

It has been determined that the temporary tolerance of 0.1 part per million for negligible residues of the plant regulator in or on the above raw agricultural commodity will protect the public health. It is therefore established as requested on condition that the plant regulator be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Abbott Laboratories name.

This temporary tolerance expires April 11, 1976. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerance.

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: April 11, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-10091 Filed 4-17-75;8:45 am]

[FRL 360-2]

AMERICAN CYANAMID CO.

Establishment of Temporary Tolerance

The American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540, submitted a petition (5G1567) requesting establishment of a temporary tolerance for the combined negligible residues of the herbicide *N*-(1 - ethylpropyl) - 3,4 - dimethyl-2,6-dinitrobenzenamine and its metabolite 4-[(1-ethylpropyl)amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the raw agricultural commodity cottonseed at 0.1 part per million.

It has been determined that the temporary tolerance of 0.1 part per million for the combined negligible residues of the herbicide and its metabolite 4-[1-ethylpropyl) amino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the above raw agricultural commodity will protect the public health. It is therefore established, as requested, on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the American Cyanamid Company name.

This temporary tolerance expires April 11, 1976. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerance.

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: April 11, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-10094 Filed 4-17-75;8:45 am]

[FRL 359-7]

PENNWALT CORP.

Renewal of Temporary Tolerances

Pennwalt Corp., Post Office Box 1297, Tacoma, WA 98401, was granted temporary tolerances for combined residues

of the fungicide thiophanate-methyl (dimethyl [(1,2 - phenylene)bis(iminocarbonothioyl]bis [carbamate]), formerly dimethyl 4,4'-o-phenylenebis[3-thioallophanate], and its metabolite methyl 2-benzimidazolecarbamate (calculated as the parent compound) resulting from preharvest and/or postharvest application in or on prunes (intended for the fresh fruit market only), apricots, cherries, nectarines, peaches, and plums (except prunes) at 15 parts per million; apples (intended for the fresh fruit market only) at 7 parts per million; and from preharvest application in or on strawberries at 5 parts per million on April 3, 1974, in connection with Pesticide Petition No. 2G1249 (notice was published in the FEDERAL REGISTER of April 9, 1974 (39 FR 12921)). These tolerances expired April 3, 1975.

The company has requested a 1-year renewal of the temporary tolerances and removal of the fresh fruit market only restriction on prunes to obtain additional experimental data. It is concluded that such a renewal of the temporary tolerances will protect the public health. A condition under which these temporary tolerances are renewed is that the herbicide be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Pennwalt Corp. name.

These temporary tolerances expire April 11, 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 provisions 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: April 11, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-10092 Filed 4-17-75;8:45 am]

[FRL 360-1]

ROHM & HAAS CO.

Establishment of Temporary Tolerance

Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, submitted a petition (PP 5G1566) requesting establishment of a temporary tolerance for combined residues of the herbicide 2-chloro-1-(4-nitrophenoxy)-4-trifluoromethyl benzene and its metabolites containing the diphenyl ether linkage in or on the raw agricultural commodity soybeans at 0.05 part per million.

It has been determined that the temporary tolerance of 0.05 part per million for residues of the herbicide in or on the above raw agricultural commodity will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Rohm and Haas Co., name.

This temporary tolerance expires April 11, 1976. Residues remaining in or on the above raw agricultural commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerance.

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: April 11, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-10093 Filed 4-17-75;8:45 am]

[FRL 360-7]

NATIONAL AIR POLLUTION CONTROL TECHNIQUES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 9 a.m. on May 5 and 6, 1975, at the Cosmopolitan Hotel, Broadway Arms Room, 18th and Broadway Streets, Denver, Colorado (80202), telephone (303) 623-2181.

The purpose of the meeting will be to discuss New Source Performance Standards to be proposed under section 111 of the Clean Air Act for lignite fired steam generators and sulfur recovery plants in petroleum refineries and an update of the standards to be proposed under section 112 to control emissions of vinyl chloride from vinyl chloride and polyvinyl chloride plants.

The meeting will be open to the public. Anyone wishing to attend or submit a paper should contact Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number and area code are (919) 688-8146, extension 271.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

APRIL 14, 1975.

[FR Doc.75-10178 Filed 4-17-75;8:45 am]

[OPP-32000/232; FRL 359-3]

APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, DC 20460.

On or before June 17, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after June 17, 1975.

Dated: April 11, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-32000/232)

EPA File Symbol 7718-EE. The Besco Corp., 200 N. Myrtle St., Metairie LA 70004. BESCO MINT ODOR 7 DISINFECTANT-DETERGENT-DEODORANT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Appli-

cation proceeds under 2(c) of interim policy. PM31

EPA File Symbol 7718-EN. The Besco Corp. BESCO LEMON ODOR 7 DISINFECTANT-DETERGENT-DEODORANT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 7718-ER. The Besco Corp. BESCO MINT ODOR 15 DISINFECTANT-DETERGENT-SANITIZER DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 7718-RO. The Besco Corp. BESCO LEMON ODOR 15 DISINFECTANT-DETERGENT-DEODORANT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5185-EIA. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD SPICY FRAGRANT SURFACE SPRAY DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Spice perfume 00.250%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 5185-EII. Bio-Lab, Inc. BIO-GUARD LEMON SCENTED SURFACE SPRAY DISINFECTANT. Actove Ingredients: o-phenylphenol 00.176%; p-tertiary-amylphenol 00.044%; Isopropanol 52.-925%; Lemon oil 00.500%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 5185-EIL. Bio-Lab, Inc. BIO-GUARD LEMON SCENTED SURFACE SPRAY DISINFECTANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiary-amylphenol 00.044%; Isopropanol 52.-925%; Lemon oil 00.500%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 5185-EIT. Bio-Lab, Inc. BIO-GUARD ORANGE FRAGRANT SURFACE SPRAY DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Orange oil 0.350%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA Reg. No. 14800-2. Echol Chemical Formulators, Inc., PO Box 1765, Lakeland FL 33803. MICRONIZED COPPER SULPHUR. Active Ingredients: Sulfur 85.0%; Copper 4.6%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: For use on additional crops. PM22

EPA Reg. No. 279-61. FMC Corp., Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. DORMANT QUIK-MIX HEAVY. Active Ingredients: Petroleum Oil 98.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA File Symbol 257-EII. Fuld-Stalfort, Inc., 1354 Old Post Rd., Havre de Grace MD 21078. SPEARMENT DISINFECTANT. Active Ingredients: Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium carbonate 3.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 618-55. Merck Chemical Div., Merck & Co., Inc., Rahway NJ 07065. 0.5% LIQUID GIBREL. Active Ingredients: Potassium Gibberellate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA Reg. No. 618-70. Merck Chemical Div., Merck & Co., Inc., Rahway NJ 07065. GIBREL POWDER. Active Ingredients: Gibberellic Acid 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 2831-LE. Napasco International, Inc., PO Box 1219, Thibodaux LA 70301. MICRO X SPICE FRAGRANT PHENOLIC DISINFECTANT, FUNGICIDE, DEODORANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Spice perfume 00.250%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 2831-LG. Napasco International, Inc. MICRO X MINT FRAGRANT PHENOLIC DISINFECTANT, FUNGICIDE, DEODORANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Methyl salicylate 00.500%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 2831-LN. Napasco International, Inc. MICRO X LEMON FRAGRANT PHENOLIC DISINFECTANT FUNGICIDE DEODORANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Lemon oil 00.500%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 2831-LR. Napasco International, Inc. MICRO X ORANGE FRAGRANT PHENOLIC DISINFECTANT, FUNGICIDE, DEODORANT. Active Ingredients: o-phenylphenol 00.176%; p-tertiaryamylphenol 00.044%; Isopropanol 52.925%; Orange oil 0.350%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Formula Change. PM32

EPA File Symbol 2021-RO. National Milling & Chemical Co., 4601 Flat Rock Rd., Philadelphia PA 19127. NAMICO I-0-4. Active Ingredients: alpha - (p - Nonylphenyl) - omega hydroxy poly (oxyethylene) iodine complex (providing 1.75% of titratable) 13.75%; Phosphoric Acid 6.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 572-GNR. Rockland Chemical Co., Inc., Passaic Ave., West Caldwell NJ 07006. ROCKLAND WEED AND GRASS KILLER "B." Active Ingredients: 2-methoxy - 4,6 - bis(isopropylamino) -s-triazine 3.50%; Butoxy propyl Ester of 2,4-dichlorophenoxyacetic acid 1.63%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 12123-L. Sherwood Chemicals Ltd., PO Box 25, Westville NJ 08093. FORMULA 10,000 LAWN WEED KILLER. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 12.875%; Dimethylamine salt of 2-(2-methyl-4-chlorophenoxy) propionic acid 5.84%; Dimethyl amine salt of Dicamba (3,6-dichloro-o-anisic acid) 1.341%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 5680-RI. W. G. Snee Co., 1430 S. Peters St., New Orleans LA 70301. PURE MINE ODOR 15 DISINFECTANT-DETERGENT-DEODORANT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5680-RT. W. G. Snee Co., 1430 S. Peters St., New Orleans LA 70130. PURE MINT ODOR 7 DISINFECTANT-DETERGENT-DEODORANT SANITIZER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 476-ERTN. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. CHLORINATED TRISODIUM PHOSPHATE (PINK). Active Ingredients: Sodium Hypochlorite 3.25%; Trisodium Phosphate 91.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM34

EPA File Symbol 23566-RN. U.S. Yacht Paint Co., Box 96, Roseland NJ 07068. 640 SUPER VINYL COPPER RED. Active Ingredients: Cuprous Oxide 49.1%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 23566-T. U.S. Yacht Paint Co., Box 96, Roseland NJ 07068. 611 HATTERAS COPPER BLUE. Active Ingredients: Cuprous Oxide 25.0%; Bis(Tri-n-Butyltin) Oxide 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 35917-R. Water Pollution Control Systems, Inc., 6350 LBJ Freeway, Dallas TX 75240. TRI-IOLIDE RESIN. Active Ingredients: Iodine 40%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 5427-AL. Wright Chemical Corp., 1319 Wabansia Ave., Chicago IL 60622. WRICO HHS. Active Ingredients: Didecyl dimethyl ammonium chloride 7.5%; Octyl dodecyl dimethyl-ammonium chloride 7.5%; n-alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 7.5%; Isopropyl alcohol 2.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 5427-AU. Wright Chemical Corp., 1319 Wabansia Ave., Chicago IL 60622. WRICO DRP. Active Ingredients: Didecyl dimethyl ammonium chloride 10.0%; Octyl dodecyl dimethyl-ammonium chloride 10.0%; Isopropyl alcohol 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

[FR Doc.75-9945 Filed 4-17-75;8:45 am]

[FRL 358-8]

SCIENCE ADVISORY BOARD ECOLOGY ADVISORY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting time and an addition to the agenda of the Ecology Advisory Committee of the Science Advisory Board which was published in the FEDERAL REGISTER on April 4, 1975 (40 FR 15124).

The meeting will be held beginning at 8:30 a.m. rather than 9 a.m., April 22, 1975, in the Conference Building, Building 38, Gulf Breeze Environmental Research Laboratory, Sabine Island, Gulf Breeze, Florida as originally scheduled.

This is the second meeting of the Committee. The agenda includes review of

the Laboratory's research program, pesticides—effects associated with the estuarine and marine environments; progress reports on the Committee's study on the health of the environment; and member items of interest. In addition, a general discussion of EPA's future ecological research programs has been added to the agenda.

The meeting is open to the public. Any member of the public wishing to attend, participate, or obtain additional information, should contact Dr. J. Frances Allen, Executive Secretary, Ecology Advisory Committee, (703) 557-7720.

WILSON K. TALLEY,
Assistant Administrator,
for Research and Development.

APRIL 11, 1975.

[FR Doc.75-10265 Filed 4-17-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

WASTE MANAGEMENT OPERATIONS, HANFORD RESERVATION

Notice of Closing of Public Hearing Record

Notice is hereby given that the record of the public hearings held on the U.S. Atomic Energy Commission issued Draft Environmental Statement, Waste Management Operations, Hanford Reservation, Richland, Washington, (WASH-1538) (39FR35199) was closed April 3, 1975. The hearings were held January 21, 1975, in Richland, Washington, and January 23, 1975, in Portland, Oregon (40CFR1116). The Presiding Board transmitted its report on the hearings to the Administrator of the Energy Research and Development Administration (ERDA) on April 3, 1975. ERDA assumed responsibility for this activity from the Atomic Energy Commission January 19, 1975, as a result of the implementation of the Energy Reorganization Act of 1974, PL93-438 (40FR2971).

Copies of the Draft Environmental Statement, comments received, and the Hearing Record are available for inspection at the ERDA Public Document Rooms at the following locations: 1717 H Street NW., Washington, D.C.; the Richland Operations Office, Federal Building, Richland, Washington; the Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; the Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina; and the San Francisco Operations Office, 1333 Broadway, Oakland, California.

Dated at Washington, D.C., this 11th day of April 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator,
for Environment and Safety.

[FR Doc.75-10368 Filed 4-17-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-373; Docket No. 20403]

AUTOMATIC TRANSMISSION SYSTEMS AT BROADCASTING STATIONS

Notice of Inquiry

In the matter of amendment of the Commission's rules to permit the use of automatic transmission systems at AM, FM and television broadcasting stations.

1. In two prior proceedings the Commission has solicited comments concerning certain aspects of the captioned subject. The records developed in those two proceedings were determined to be inadequate for resolution of the issues presented. Continued effort by the industry to develop additional information and data pertaining to the subject, and the Commission's conviction that the concept is a viable one, prompts issuance of this Notice of Inquiry in a further effort to develop such rules as are required to provide for the use of automatic transmission systems at AM, FM and television broadcasting stations.

2. In the context of this proceeding an automatic transmission system would consist of transmitter, antenna system, monitoring devices and control circuitry, arranged so that they interact automatically to assure that, if specified critical operating parameters are not within prescribed tolerances, transmission is precluded. Specifically, the Commission envisions a transmission system designed and constructed to provide fail-safe methods for automatically monitoring a station's power, frequency, modulation and antenna performance and to automatically terminate transmission if these parameters are not within prescribed tolerances. A further feature of the automatic system envisioned herein is that it would lend itself to possible unattended operation.

3. Automatic transmission systems have been the subject of considerable study and discussion over the past several years. In 1968, the Commission initiated a proceeding (Notice of inquiry in Docket 18109, released March 28, 1968) which looked toward development of rules to permit the use of automatic transmitters at FM stations. In 1970, a proceeding (Notice of inquiry and notice of proposed rule making in Docket 18930, released August 5, 1970 concerning operator requirements again solicited information going to the question of automatic operation. The records developed in these two proceedings were, as indicated above, inadequate for resolution of the issues presented. The comments filed in those proceedings will, however, be incorporated in the record developed herein and will again be given consideration.

4. More recently the Commission has been furnished two reports, one provided by the National Association of Broadcasters (NAB) and the other provided by the Electronic Industries Association (EIA), which reassert that automatic transmission systems is a viable concept and urge that the Commission initiate an appropriate proceeding which looks toward development of necessary rules to accommodate their use.

5. In response to these two reports, and as part of its continuing study pertaining to broadcast re-regulation, the Commission has concluded that automatic transmission systems may be technically feasible. It is recognized that a considerable developmental effort will be required to meld current technology and broadcasting equipment to produce an automatic system. However, known techniques lend themselves to this process and no insurmountable technical obstacles are anticipated in this regard.

6. It has been suggested that the developmental effort required will not be undertaken until there has been a clear indication that the Commission is committed to developing rules which will permit operation of automatic transmission systems. With this notice of inquiry the Commission continues its effort in support of the concept and solicits assistance in developing appropriate rules which will accommodate use of such automatic systems, consistent with the Commission's regulatory responsibility.

7. In accord with the Commission's concept of the automatic system, the critical parameters to be maintained within prescribed tolerances would be power, frequency and modulation, and for AM stations employing directional antennas, phase and current ratios. The applicable tolerances would be those presently prescribed in the rules or in the station's instrument of authorization. Unless the Communications Act of 1934 (the Act) were amended to permit unattended operation of broadcasting stations employing automatic transmission systems, a licensed operator would be on duty and in charge of the transmitting apparatus. There would be no requirement to keep operating and maintenance logs in the form now required. However, some record keeping would appear necessary. Authority to operate an automatic system would be issued only upon a satisfactory showing that the system components function so that transmission is possible only if critical operating parameters are within prescribed tolerances.

8. The departure from existing requirements which this concept embodies raises many questions concerning necessary rule changes to accommodate use of these automatic transmission systems. This inquiry solicits comments and information on all aspects of the subject. While many of the questions which must be resolved are specifically discussed herein, the Commission emphasizes that the quantum step which this proceeding represents in regard to operation and regulation of broadcasting stations, re-

quires development of a thorough, comprehensive record, and any aspects not specifically addressed in this document, but which are germane to the task before us, should be called to our attention and fully elaborated. In preparing comments parties should focus upon the task before the Commission, i.e., to develop, with specificity and completeness, rules which reflect the capability of current technology and are in keeping with the Commission's regulatory responsibility.

9. One of the many considerations pertinent to this inquiry, is the matter of operator requirements. By its nature, an automatic system would be a "go, no-go" device. It would operate only so long as critical operating parameters remained within prescribed tolerances. Obviously, continuous human observation of technical performance would serve no purpose. By statute, however, the actual operation of all transmitting apparatus at a broadcasting station must be carried on by a licensed operator. It follows that, pending amendment of the Communications Act, an automatic system must be operated with an operator in attendance. Under these circumstances, questions are raised regarding the required level of competence (grade) of this operator and what functions the operator may or should be permitted or required to perform. The qualifications of persons to perform maintenance, testing or repairs would also appear to be appropriate as a matter to specify in the rules. Views are solicited in regard to these matters and also in regard to potential interest in installing automatic systems which must be attended by a licensed operator.

10. In the matter of determining whether or not a proposed automatic system is acceptable for licensing, the Commission sees some very real problems. A complete system, specifically designed for automatic operation could go through normal type acceptance procedures and, if acceptable, could be shown on the Commission's type accepted list as acceptable for automatic operation. The problem to be faced is: What recognition should be given to "composite" systems? If licensees are free to develop their own techniques and equipment configuration to achieve automatic operation, the Commission would, with its limited manpower, face a formidable task in attempting to process, in a timely fashion, applications involving such proposals. This is not to say that automatic operation should be denied existing stations unless their present equipment is replaced by new equipment specifically designed for such operation. It would appear reasonable, however, to specify some constraints within which the Commission might consider approval of composite systems. Comments addressing the question of reasonable constraints are solicited. Also relative to the question of composite systems, the Commission would be most interested in comments asessing the feasibility of manufacturers developing and offering a "black-box" type unit which could be used with existing station equipment to convert it to automatic operation. Certainly another matter of concern to the Commission in regard to composite systems is: How can they be made reasonably tamper-proof? Critical to the whole concept of automatic operation is assurance that transmission is inhibited unless operation is, indeed, within prescribed tolerances.

11. Automatic systems for AM stations using directional antennas pose very complex problems. The threshold question which must be answered is: Should AM stations using directional antennas be candidates for automatic operation? If so, what requirements should be imposed to assure acceptable operation? Antenna systems for non-directional AM, and for FM and TV stations, when incorporated in automatic systems, may warrant special consideration in regard to their continuing satisfactory performance. Views are sought on these aspects of automatic systems.

12. Automatically maintaining authorized power poses a number of questions which must be resolved. For AM stations, the antenna (non-directional) or common point (directional) input power is of interest. To properly monitor input power, both current and input resistance are of concern. It seems reasonable to contemplate developing a requirement to, at least periodically, ascertain the value of the input resistance. Comments concerning this aspect are requested. Use of the indirect method of determining power poses a problem, in that the efficiency factor (F) may not be accurate except when determined by using recently obtained values of power measured by the direct method in conjunction with corresponding values of plate current and voltage. Since operating logs would not be kept for an automatic system, on what basis could a reasonably reliable determination of antenna power be made if the direct method of determining power cannot be used? Since an automatic system would be designed to terminate transmissions if the power level falls outside of prescribed tolerances, what provision should be made for permitting continued operation if, for causes beyond control of the licensee, normal power cannot be maintained? Should the Commission limit its interest in the Voltage Standing Wave Radio (VSWR) to simply being concerned that the licensee attempt to keep it as near unity as possible? Recognizing that there is a public interest aspect involved in prescribing a lower limit to the power tolerance, are there countervailing considerations which mitigate against prescribing such lower limit in regard to use of automatic systems? What sort of reasonable standard should be drawn to avoid system shut-down resulting from an isolated instance of power variation causing prescribed tolerances to be exceeded?

13. Recognizing that modulation level may be substantially controlled by signal processing techniques, what, if any, safeguards should be prescribed to preclude such processing as would adversely affect dynamic range? What are the problems and possible solutions regarding development of a rule requirement which attempts to assure that the modulation level is kept as high as possible consistent with the desirability of effecting system shut-down if modulation is unacceptably high or low? Is automatic monitoring control and shut-down feasible and practical in the case of video modulation? What consideration should be given SCA and stereo modulation in the context of automatic systems? How would licensees be able to reduce modulation to avoid objectionable loudness?

14. It is assumed that frequency stability would be maintained by comparing the transmitter oscillator frequency against an external frequency source. To assure the integrity of the system, what is a reasonable standard to draw regarding periodic calibration of the reference source?

15. Recognizing the advances in automatic programming and automatic program logging, and looking to the possible advent of completely unattended transmission systems, what are the considerations, pro and con, regarding operation of a completely unattended station? How would licensees or permittees meet requirements imposed regarding EBS operation and tower lighting observations? What safety and security precautions should be prescribed in the rules?

16. What, if any, metering or manual override capability should be required in regard to automatic transmission systems?

17. What are the considerations relative to FCC inspection of stations employing automatic transmission systems? Should automatic systems be required to include a self-test capability to ascertain that automatic shut-down circuitry is working properly?

18. If stations employing automatic transmission systems are not required to keep a "maintenance log", what technical records should be required?

19. With elimination of many operational requirements for stations employing automatic transmission systems, what safeguards must be incorporated in the rules to assure reliable performance in regard to effecting "go, no-go" operation? What special problems are posed by AM stations which are required to change modes of operation during the broadcast day?

20. While the foregoing draws attention to some of the matters which must be considered in this proceeding there undoubtedly are many additional ones which will come to light as the Commission's effort evolves. It should be emphasized that in developing comments which will assist and guide the Commission toward a sound and timely resolution of the proceeding, parties are urged to focus upon existing rule requirements and to recommend such changes and additions thereto as are needed to accommodate the use of automatic transmission systems and to provide detailed technical information in support of the recommended rule changes.

21. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before July 11, 1975, and reply comments on or before August 11, 1975. All relevant and timely comments and reply comments will be considered by the Commission before further action is taken in this proceeding.

22. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs and other documents shall be furnished the Commission. All filings in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: April 1, 1975.

Released: April 14, 1975.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-10128 Filed 4-17-75;8:45 am]

[Report No. 749]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

APRIL 14, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an 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 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,

[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING
DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21416-CD-R-75, New England Telephone & Telegraph Company (KA9446) (developmental), renewal of license expiring April 25, 1975. Term: April 25, 1975 to April 25, 1976.

21417-CD-MP-75, General Communications Service, Inc. (KOH280), modification of CP to establish a multiplex channel to operate on 2112.0 MHz at Loc. No. 2: 365 N. 6th Avenue, Phoenix, Arizona.

21418-CD-MP-75, Pacific Northwest Bell Telephone Company (KWH330) (air-ground), modification of CP to relocate facilities operating on 454.675 & 454.850 MHz to be located on Prospect Hill No. 1, approx. 7 miles SW of Salem, Oregon.

21419-CD-P-(4)-75, Massachusetts-Connecticut Mobile Telephone Company (KQZ747), C.P. to replace transmitter and change antenna system operating on 158.70 MHz at Loc. No. 4: End of Cook Drive, Montville, Conn.; replace transmitter & change antenna system operating on 158.70 MHz at Loc. No. 5: Route 195 approx. ½ mile S. of Storrs, Conn.; replace transmitter & change antenna system operating on 158.70 MHz at Loc. No. 7: Highland Avenue, Torrington, Conn.; and add new antenna site to operate on 72.38 MHz to be located at 14 Haynes Street, Hartford, Conn.

21420-CD-P-(3)-75, Massachusetts-Connecticut Mobile Telephone Company (KUC916), C.P. to add (3) new antenna sites to operate on 152.24 MHz to be located at: End of Cook Drive, Montville, Conn.; Route 195 approx. ½ mile S. of Storrs, Conn.; and Highland Avenue, Torrington, Connecticut.

21421-CD-P-75, United Telephone Company of Missouri (KDT201), C.P. to change antenna system and relocate facilities operating on 152.63 MHz to be located at 1000 Elm Street, Rolla, Missouri.

21422-CD-P-75, Central Radio Dispatch, Inc., C.P. to replace transmitter, change antenna system and relocate facilities operating on 454.15 MHz to be located at 3333 Fort Worth Avenue, Dallas, Texas, Loc. No. 2.

21423-CD-P-75, The Mountain States Telephone and Telegraph Company (KOH275), C.P. to replace transmitter, change antenna system, and relocate facilities operating on 152.69 MHz to be located 4.6 miles East of Cheyenne, Wyoming.

21424-CD-P-75, New England Telephone and Telegraph Company (KCB897), C.P. to replace transmitter, change antenna system and relocate facilities operating on 152.63 MHz to be located at 45 Forest Avenue, Portland, Maine.

21425-CD-P-(2)-75, W. L. and R. L. Meadow dba Jacksonville Radio Dispatch Service (KIB388) C.P. to change antenna system operating on 152.03 and 152.06 MHz located at 1510 Montana Avenue, Jacksonville, Florida.

21426-CD-P-(7)-75, Southern Bell Telephone and Telegraph Company (KIC346), C.P. to change antenna system operating on base facilities 152.51, 152.57, 152.60, 152.63, 152.66, and 152.75 MHz and test facilities 157.77, 157.83, 157.86, 157.89, 157.92, and 158.01 MHz located at 415 Clay Street, Jacksonville, Florida.

21427-CD-P-75, Don McFarland dba Westex Communication (New), C.P. for a new 2-way station to operate on 152.09 MHz to be located 200' South of US 290, 1 mile SE of Courthouse, Sonora, Texas.

21428-CD-P-75, Answer, Inc. of San Antonio (KWT846), C.P. to relocate facilities operating on 35.58 MHz to be located at 1710 North Main Street, San Antonio, Texas.

21429-CD-P-75, Answering, Inc. (KWU324), C.P. to replace transmitter operating on 158.70 MHz located at 1211 N. Shartel, Oklahoma City, Oklahoma, Loc. No. 1.

21430-CD-AL-(3)-75, William L. Eisele and Robert A Jones dba Midwest Communications Company, consent to Assignment of License from Midwest Communications Company, Assignor to South Shore Radio-Telephone, Inc., Assignee. Stations: KUD238, Chicago, Illinois; KTS201 and KUC967, Lansing, Illinois.

21431-CD-P-75, Radio Dispatch (New), C.P. for a new 1-way station to operate on 158.70 MHz to be located at Roof of Wildwood Inn, Atlantic and Oak Avenues, Wildwood, New Jersey.

21432-CD-P-75, Jerry C. Shaffer (New), C.P. for a new 2-way station to operate on 454.175 MHz to be located at 106 E. Market Street, Warren, Ohio.

Major amendments

21554-C2-P-74, Jack H. Ford and Ellen A. Ford dba Professional Phone Answering (New), Muskegon, Michigan. Amend to relocate proposed antenna site to Southwest corner of Russell and Giles Roads, in Muskegon and to increase effective radiated power and antenna height. All other particulars to remain as reported on PN No. 706 dated June 24, 1974.

21262-CD-P-(2)-75, Mobilphone-Paging Radio Corporation (New), Johnston, Rhode Island. Amend base frequency 454.050 MHz to read 454.175 MHz. All other particulars to remain as reported on PN No. 745 dated March 17, 1975.

Correction

20216-CD-P-75, General Telephone Company of the Northwest, Inc. (KUC860), correct entry on PN No. 747 dated March 31, 1975 to read: C.P. to change antenna system operating on 152.78 MHz located 5.5 miles NE of East Wenatchee, Wash., at the intersection of Badger Mtn. and Clark Roads, Badger Mountain, Washington.

Informatives

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations by reasons of potential electrical interference.

CALIFORNIA

Imperial Communications Corporation, Mount Woodson, California; KLP644; 20065-CD-P-75.

Chalfont Communications, Palm Springs, California; KMM581; 1034-C2-P-(2)-72.

COLORADO

LTS Communications, Inc., Dillon, Colorado; New; 21578-C2-P-74.

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* Commissioner Hooks concurring in the result.

[1] 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.

[2] 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).

Radio Contact Corporation, Golden, Colorado; KTS256; 20255-CD-P-75.

RURAL RADIO SERVICE

60310-CR-P/L-75, RCA Alaska Communications, Inc., (WGF53), C.P./L to change antenna system and relocate facilities operating on 459.650 MHz to be located 2000' North of Prudhoe Bay Airstrip, Prudhoe Bay, Alaska.

Major amendments

8702-C1-P/L-72, Puerto Rico Communications Authority (New), temporary-fixed. Amend frequencies 458.575, 458.600, 458.625, and 458.650 to read 459.575, 459.600, 459.625, and 459.650 respectively. All other particulars to remain as reported on PN No. 600 dated June 12, 1972.

8691-C1-P-(8)-72, Puerto Rico Communications Authority (New), Central Office, Tuquillo, Puerto Rico. Amend frequencies 453.575, 453.600, 453.625 and 453.650 to read 454.575, 454.600, 454.625 and 454.650 respectively. All other particulars to remain as reported on PN No. 600, dated June 12, 1972.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3219-CF-P-75, Southern Pacific Communications Company (WQN74), 913 Franklin Avenue, Houston, Texas. Lat. 29°45'48" N., Long. 95°21'37" W. C.P. to add frequency toward new point of communication on 10975.0V MHz towards Englewood Yard, Texas on azimuth 62 degrees 14 minutes.

3220-CF-P-75, Same (New), Southern Pacific Englewood Yard, East Houston, Texas. Lat. 29°47'45" N., Long. 95°17'22" W. C.P. for a new station on frequency 11665.0V MHz toward Houston, Texas on azimuth 242 degrees 17 minutes and 6197.2H toward Dayton, Texas on azimuth 54 degrees 29 minutes.

3221-CF-P-75, Same (New), ½ Miles Southwest of Dayton, Texas. Lat. 30°02'24" N., Long. 94°53'43" W. C.P. for a new station on frequency 6034.2H MHz toward Englewood Yard on azimuth 234 degrees 41 minutes and 5974.8V MHz towards Devers, Texas on azimuth 92 degrees 01 minutes.

3222-CF-P-75, Same (New), ¼ Mile North of Devers. Lat. 30°01'49" N., Long. 94°35'25" W. C.P. for a new station on frequency 6226.9H MHz towards Dayton, Texas on azimuth 272 degrees 10 minutes and 6197.2H MHz towards Beaumont, Texas on azimuth 83 degrees 40 minutes.

3223-CF-P-75, Same (New), 2 Miles Southwest of Beaumont, Texas. Lat. 30°04'16" N., Long. 93°09'36" W. C.P. for a new station on frequency 5974.8H MHz towards Devers, Texas on azimuth 263 degrees 53 minutes and 5945.2H MHz toward Orange, Texas on azimuth 86 degrees 34 minutes.

3224-CF-P-75, Same (New), 2 Miles Southwest of Orange, Texas. Lat. 30°05'24" N., Long. 93°47'13" W. C.P. for a new station on frequency 6226.9H MHz toward Beaumont, Texas on azimuth 266 degrees 46 minutes and 6375.2H MHz toward Edgerly, Louisiana on azimuth 59 degrees 25 minutes.

3225-CF-P-75, Same (New), Lake Charles, Louisiana. Lat. 30°14'21" N., Long. 93°11'-43" W. C.P. for a new station on frequency 6093.5H MHz toward Orange, Texas on azimuth 239 degrees 34 minutes and 6004.5V MHz toward Lake Charles, Louisiana on azimuth 88 degrees 38 minutes.

3226-CF-P-75, Same (New), Lake Charles, Louisiana. Lat. 30°14'21" N., Long. 93°11'-43" W. C.P. for a new station on frequency 6345.5H MHz toward Edgerly, Louisiana on azimuth 268 degrees 47 minutes and 6256.-5V MHz towards Roanoke, Louisiana on azimuth 90 degrees 14 minutes.

3227-CF-P-75, Same (New), Roanoke, Louisiana. Lat. 30°14'13" N., Long. 92°44'21" W. C.P. for a new station on frequency 6093.-5V MHz toward Lake Charles, Louisiana on azimuth 270 degrees 26 minutes and 6093.-5V MHz toward Crowley, Louisiana on azimuth 96 degrees 47 minutes.

3209-CF-P-75, Southern Bell Telephone and Telegraph Company (KJW92), 712 Citrus Avenue, Ft. Pierce, Florida. Lat. 27°26'40" N., Long. 80°19'49" W. C.P. to change alarm center location, power and frequency 6004.-5 MHz to 6063.8V MHz toward WTVX-TV, Ft. Pierce, Florida on azimuth 341 degrees/18 minutes.

3210-CF-P/ML-75, Same, (KTF45) 937 Greene Street, Augusta, Georgia, Lat 33°-28'30" N., Long. 81°58'10" W. C.P. and Mod. of License to add frequency 11685H MHz toward Beech Island, South Carolina on azimuth 116 degrees/15 minutes.

3211-CF-P-75, Southwestern Bell Telephone Company (KYJ66), 1407 Jefferson Street, Houston, Texas. Lat. 29°44'55" N., Long. 95°21'56" W. C.P. to add frequency 3810V MHz toward Apollo RS, Texas on azimuth 133 degrees/08 minutes.

3212-CF-P-75, Same (WPG66), 623 Eldorado Street, near League City, Texas. Lat. 29°-33'46" N., Long. 95°08'20" W. C.P. to add frequency 4170V MHz toward Houston, Texas on azimuth 313 degrees/15 minutes; add 3850V MHz toward Liverpool, Texas on azimuth 187 degrees/26 minutes.

3213-CF-P-75, Same (WPG67), 1021 West Broad Street, Freeport, Texas. Lat. 28°57'-09" N., Long. 95°21'34" W. C.P. to add frequency 4170V MHz toward Liverpool, Texas on azimuth 26 degrees/35 minutes.

3214-CF-P-75, Same (WCZ52), 6.2 Miles ESE of Liverpool, Texas. Lat. 29°15'36" N., Long. 95°11'02" W. C.P. to add frequency 4130V MHz toward Apollo RS, Texas on azimuth 07 degrees/24 minutes; add 3810V MHz toward Freeport, Texas on azimuth 206 degrees/40 minutes.

3236-CF-P-75, The Mountain States Telephone and Telegraph Company (New), Amax Mill, 15.3 Miles SW of Parshall, Colorado. Lat. 39°50'43" N., Long. 106°04'42" W. C.P. for a new station on frequency 2178.0V MHz toward Grouse Mountain, Colorado on azimuth 345 degrees/47 minutes.

3237-CF-P-75, Same (WPE72), Grouse Mountain, 5.5 Miles NW of Hot Sulphur Springs, Colorado. Lat. 40°08'02" N., Long. 106°10'-25" W. C.P. to add antennas and frequencies 2112.0H MHz towarad Berthoud Pass, Colorado on azimuth 136 degrees/59 minutes; add 2128.0V MHz toward a new point of communication at Amax Mill, Colorado on azimuth 165 degrees/43 minutes.

3238-CF-P-75, Same (WPE71), Berthoud Pass, 4.6 Miles WNW of Empire, Colorado. Lat. 39°47'38" N., Long. 105°45'48" W. C.P. to add antennas and frequencies 2171.6V MHz toward a new point of communication at Jones Pass, Colorado on azimuth 250 degrees/57 minutes; from Jones Pass, Passive Reflector to Henderson Mine (new), Colorado on azimuth 76 degrees/15 minutes; add 2162.0H MHz toward Grouse Mountain, Colorado on azimuth 317 degrees/15 minutes,

3239-CF-P-75, Same (New) Henderson Mine, 10.1 Miles West of Empire, Colorado. Lat. 39°46'10" N., Long. 105°51'02" W. C.P. for a new station on frequency 2121.6V MHz toward the new Jones Pass, Passive Reflector, Colorado on azimuth 256 degrees/16 minutes; from Passive Reflector to Berthoud Pass, Colorado on azimuth 70 degrees/53 minutes.

3169-CF-MP-75, American Television & Communications Corp. (WAT982), Greensboro, North Carolina. Lat. 36°03'47" N., Long. 79°49'21" W. Mod. of C.P. to change transmitting equipment on 11385V MHz and 11625V MHz toward High Point, North Carolina.

3170-CF-MP-75, Same. (WAU277), High Point, North Carolina. Lat. 35°58'59.5" N., Long. 80°03'41" W. Mod. of C.P. to change transmitting equipment on 10935.0V MHz and 11095.0V MHz, toward Thoma-a-Lex, North Carolina.

3166-CF-P-75, Video Service Company (New), On Birch Hill atop Palomar Mtn., California. Lat. 33°18'32" N., Long. 116°50'38" W. C.P. for a new station on 10775.0V MHz, 11015.0V MHz, 11175.0V MHz, and 10935V MHz toward Poway, California, on azimuth 209°49'.

3167-CF-P-75, Same (New), 2.5 Miles West of Poway, California. Lat. 32°57'35" N., Long. 117°04'52" W. C.P. for a new station on 11385.0H MHz, 11625.0H MHz, 11305.0H MHz and 11545.0H MHz toward Cowles Mtn., California; 11385.0H MHz and 11625.-0H MHz toward University City, California; 11305.0V MHz toward Panasquitos, California.

3168-CF-P-75, Same (New), Cowles Mtn., 1.8 Miles WNW of El Cajon, California. Lat. 32°48'45" N., Long. 117°01'50" W. C.P. for a new station on 10975.0H MHz 10735.0H MHz and 10895.0H MHz toward Rancho, California; South Bay, California, and Coronado, California on azimuths 149°17'; 184°21'; and 224°35' respectively.

3240-CF-P-75, Eastern Microwave, Inc., (KEM59), Sentinel Heights, New York. Lat. 42°56'45" N., Long. 76°07'09" W. C.P. to add 5960.0H MHz, 5989.7V MHz, 6019.3H MHz, 6049.0V MHz, 6078.6H MHz and 10815.0H MHz toward Syracuse, (1010 James Street) New York, on azimuth 354°34'.

3228-CF-P-75, Southern Pacific Communications Company (New), One mile Southwest of Crowley, Louisiana. Lat. 30°11'59" N., Long. 92°23'01" W. C.P. for a new station on frequency 6345.5H MHz toward Roanoke, Louisiana on azimuth 276 degrees 58 minutes and 6345.5V MHz towards Lafayette, Louisiana on azimuth 82 degrees 47 minutes.

3229-CF-P-75, Same (New), Southern Pacific Yard, in Lafayette, Louisiana. Lat. 30°14'07" N., Long. 92°03'22" W. C.P. for a new station on frequency 6034.2V MHz towards Crowley, Louisiana on azimuth 262 degrees 58 minutes and 6004.5V MHz toward Catahoula, Louisiana on azimuth 99 degrees 16 minutes.

Corrections

2403-CF-P/ML-75, Southern Pacific Communications Company (WOF52), Correct to read: 1.3 Miles North of McKiddyville, Oklahoma. Lat. 35°06'08" N., Long. 97°11'-56" W. C.P. and Mod. of License to correct station location to that shown above and to change frequency to 11385.0V on azimuth 160 degrees 23 minutes toward Byars, Oklahoma.

Major Amendment

6496-C1-P-70, Southern Pacific Communications Company (New), Amend to read One Canal Street, New Orleans, Louisiana, Lat. 29°56'55" N., Long. 90°03'47" W. C.P. for a new station on frequency 6049.0V MHz toward Dufresne, Louisiana on azimuth 269 degrees 43 minutes. (Delete all other particulars reported in Public Notice dated 4-27-70 and 3-5-73.)

6947-C1-P-70, Same (New), 0.8 Mile Northwest of Dufresne, Louisiana. Change polarization and azimuth toward New Orleans, Louisiana to 6241.7V MHz on azimuth 89 degrees 32 minutes. (Rest same as reported in Public Notice dated 4-27-70 and 3-5-73.)

6398-C1-P-70, Same (New), 0.1 Mile West of Vacherie, Louisiana. Change frequency

from 5989.7H to 6049.0H MHz toward Dufresne, Louisiana. (Rest same as reported in Public Notice dated 4-27-70 and 3-5-73.)

6499-C1-P-70, Same (New), 0.6 Mile West of Donaldsonville, Louisiana. Change frequency from 6226.9V to 6226.9H towards Bayou Sorrel, Louisiana and frequency 6197.2H to 6256.5H MHz toward Vacherie, Louisiana. (Rest same as reported in Public Notice dated 4-27-70 and 3-5-73.)

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATION ACT OF 1934, AS AMENDED

TELEPHONE WIRE FACILITIES

W-P-C-360, New Jersey Bell Telephone Company FORMAL (Section 63.01), To construct and operate 432 4Khz equivalent channels between Piscataway, New Jersey and New Brunswick, New Jersey for use by RCA Globecom.

W-P-C-361, Pacific Telephone and Telegraph Company INFORMAL (Section 63.03), To add one audio program channel between Sacramento and San Francisco, California.

W-P-C-362, The Chesapeake and Potomac Telephone Company (D.C.), and The Chesapeake and Potomac Telephone Company of Maryland INFORMAL (Section 63.03), To add 24 4Khz equivalent channels between Friendship, Maryland and Washington, D.C., using "T" carrier.

W-P-C-363, The Chesapeake and Potomac Telephone Co. (D.C.), The Chesapeake and Potomac Telephone Company of Maryland and The Chesapeake and Potomac Telephone Company of Virginia INFORMAL (Section 63.03), To add 24 4Khz equivalent channels between Frederick, Maryland and Arlington, Virginia using "T" carrier.

W-P-C-364, The Chesapeake and Potomac Telephone Company (D.C.), and The Chesapeake and Potomac Telephone Company of Maryland and The Chesapeake and Potomac Telephone Company of Virginia INFORMAL (Section 63.03), To add 84 4Khz equivalent channels on "N" and "T" carrier, between Washington, D.C., Olney, Maryland; Gaithersburg, Maryland; and Herndon, Virginia.

W-P-C-365, The Chesapeake and Potomac Telephone Company of (D.C.), The Chesapeake and Potomac Telephone Company of Maryland, and The Chesapeake and Potomac Telephone Company of Virginia FORMAL (Section 63.01), To add 31 Digital Channel groups (1.544 Mbs) for Digital Data Service (DDS) between various locations in the Washington, D.C. metropolitan operating area.

P-C-8799-1, Southwestern Bell Telephone Company INFORMAL (Section 63.03), To request an extension of time to complete construction authorized on P.C. #8799 between Springdale, Arkansas and Tonitown, Arkansas.

W-P-D-44, The Pacific Telephone and Telegraph Company FORMAL (Section 63.62), To discontinue Direct Distance Dialing and Toll operating service in General Telephone's Downey, Long Beach, and Whittier, California exchanges. Upon discontinuance by Pacific Telephone And Telegraph Co., General Telephone will assume such services using facilities to be located at Long Beach, Calif.

TELEPHONE WIRE FACILITIES

W-P-D-, Michigan Bell Telephone Company FORMAL (Section 63.505), To discontinue operation of transmitter at location #2 (337 Abbott Road, East Lansing, Michigan) which is associated with Domestic Public Land Mobile Radio Service Station, KQD 609, Lansing, Michigan.

[FR Doc. 75-10134 Filed 4-17-75;8:45 am]

FCC PBX TECHNICAL STANDARDS SUBCOMMITTEE INTERFACE CRITERIA TASK GROUP

Meeting

APRIL 11, 1975.

In accordance with Pub. L. 92-463, announcement is made of a public meeting of the Interface Criteria Task Group of the FCC PBX Technical Standards Subcommittee to be held May 7-8, 1975 at 1919 M Street NW., Room 752, Washington, D.C. The meeting will commence at 10 a.m.

1. *Purpose.* The purpose of this subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the public switched network without the need for carrier-provided connecting arrangements.

2. *Activities.* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda.* The agenda for the May 7-8 Interface Criteria Task Group will be as follows:

(1) Review homework assignments pertaining to the revision of the T89 technical data.

(2) Review the proposed Scope statement and introductory material for the revised T89 document.

(3) Prepare proposed cover letter for the submission of the revised Interface Criteria to the PBX Technical Standards Subcommittee.

(4) Continue work on document T92.

(5) Task assignments and scheduling.

4. *Public participation.* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Subcommittee may do so before or after the meeting.

It is suggested that those desiring more specific information, contact the Common Carrier Bureau Interconnection Branch on 202-632-6917.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-10139 Filed 4-17-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 125—MLS Implementation. It is to be held on May 14-15, 1975, in Conference Room 3201, FAA Transpoint Building, 2100 Second Street SW., Washington, D.C., commencing at 9:30 a.m.

The Agenda is as follows:

1. Welcome by chairman.
2. Summary of April 9-10, 1975, meeting by Secretary.
3. Introduction of new members and guests.
4. Final report of past studies.
5. FAA MLS status report.
6. Data base committee report.
7. Report of SC-125 committee:
   a. PERT chart.
   b. Benefits.
   c. Military planning and costs.
   d. Civil costs.
   e. Airborne systems operational capabilities.
   f. Implementation strategies.
8. Update discussion of Strawman "MLS Implementation Program".
9. Interim report discussion.
10. Discussion of special committee findings.
11. Special assignments.
12. Announcements.
13. Other business.
14. Date and place of next meeting.

The meeting is open to the public subject to limitations of space available. Persons planning to attend or who desire additional information concerning this meeting should contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or telephone area code (202) 296-0484.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-10137 Filed 4-17-75;8:45 am]

[FCC 75-374, 30989; Docket No. 20418; RM-2346]

VHF STATIONS; TELEVISION TABLE OF ASSIGNMENTS

Notice of Inquiry; Memorandum Opinion and Order

In the matter of petition for rule making to amend television table of assignments to add new VHF stations in the top 100 markets and to insure that the new stations maximize diversity of ownership, control and programming.

1. On March 26, 1974, the Office of Communication of the United Church of Christ (UCC), Geoffrey Cowan, Monroe Price, Charles Channel and Walter Baer jointly petitioned the Commission to issue a notice of proposed rule making (1) to add a number of new VHF-TV broadcasting channels to the television table of assignments 73.606(b), (2) where appropriate to reserve such new channels for the exclusive use of noncommercial television and (3) in certain situations, to take steps to increase participation by minority groups in television station ownership and management.

2. UCC suggests addition to the television table of assignments of as many new VHF channels as would be technologically practical and proposes consideration of the 62 channels which the Office of Telecommunications Policy (OTP) maintains could be inserted into the 100 major markets of the continental United States with minimal technical interference to existing signals.[1] UCC proposes an in-

[1] The 62 referenced channels were outlined in an analysis prepared by OTP in October 1973 (Exhibit A mentioned in para. 10, infra.).

crease in the availability of public television by requiring that, in every community in which a new VHF channel can properly be added and where there is at present no VHF noncommercial television reservation, the Commission reserve a new VHF channel for a noncommercial television licensee. UCC's third proposal is that equal opportunities for ownership and management be achieved by assuring that in the comparative hearing for every newly created television license the Commission will consider substantial[2] local ownership and management by members of each of the minority groups enumerated in § 73.125(c) of the Commission's rules to be a factor of primary significance where (1) there are already two or more television stations in the community, (2) such group or groups are not substantial owners or managers of the existing stations, and (3) such group or groups comprise a substantial portion of the population of the community.

3. UCC sets forth with specificity its rationale for the creation of new television channels in references to the Sixth Report and Order, 41 F.C.C. 148 (1952), and the Notice of Proposed Rule Making in Docket No. 14229 (Expanded Use of UHF Television Channels), 21 R.R. 1711 (1961) wherein the Commission emphasized the largest possible number of program choices and competing outlets of local expression. UCC points out that there are significant policy reasons which should lead the Commission to insure that the television assignment table (§ 73.606 of the Commission's rules) provides for the maximum number of technically and financially viable stations. UCC speaks to the diversification and diffusion of control stating that "[w]hile some diversification can be achieved by restrictions on ownership, a most important means toward diversity is the maximization of technically and financially sound outlets." (Petition at 5.)

4. UCC points to the use of reduced mileage spacing and directional antennas to create new VHF channel assignments referring to the October 1973 study by the OTP showing that as many as 62 new VHF stations could properly be built in the top 100 markets. UCC refers to the report and order in Docket 13340, Interim Policy on VHF TV Channel Assignments, 21 R.R. 1695 (1961), as perhaps the best case in support of "short-spaced" VHF assignments, although the need for noncommercial VHF outlets in major markets was ignored by the Commission. But, it argues, since noncommercial television has emerged as a major cultural and educational force and the Public Broadcasting System (PBS) has become the fourth major network new VHF channels should be added to the assignment table for those major markets where there are no noncommercial stations on the air.

[2] For definition of "substantial" UCC refers to TV 9, Inc. v. FCC, 495 F. 2d 929 (D.C. Cir. 1973).

5. Based on the fact that all-channel receivers are capable of receiving UHF television in 86 percent of the United States households, UCC believes it is time to reexamine on a city-by-city basis the merits of the UHF impact policy first set forth by the Commission in a report and order, 41 F.C.C. 1122 (1962), which closed out the proceeding on several new VHF drop-in assignments based on Docket 13340. UCC believes that UHF can now be accorded co-equal status with VHF and no longer requires the protection of the UHF impact policy.

6. UCC proposes that the Commission in certain situations, take steps to increase participation by minority groups in television ownership and management. It believes this can be achieved by rules encouraging ownership and management by local citizens whose background and experiences differ from those of the owners of other local stations, and encouraging ownership and management by members of groups which often have special needs and interests and yet are frequently excluded from the decision making processes of local stations. UCC further proposes exploration into methods of increasing ownership and management by women.

7. In the conclusion of its petition UCC states:

> There is now good reason to believe that a number of new VHF channels can be created in the major markets without retarding the growth of UHF or causing significant interference to existing stations. The addition of some such channels to the Assignment Table will promote the Commission's goals of diversification of programming and increased public access to divergent points of view. The newly created channels can also help to advance goals which the government has held to be in the public interest, including the development of public broadcasting and the increased participation by minority groups in television station ownership and management. (Petition at 25.)

8. Public notice was given on April 9, 1974, of the fact that the UCC petition had been accepted and assigned a rule making number. On May 1, 1974, a joint petition was filed by Taft Broadcasting Company, WHAS, Inc., and McGraw-Hill Broadcasting Co., Inc., to extend the time for filing responses to the UCC petition to June 10, 1974. The extension was granted May 3, 1974. Responses supporting the UCC petition were filed by the National Black Media Coalition, the Atlanta Board of Education, the licensee of noncommercial educational Station WETV, Washington, D.C., the Appalachian Research and Defense Fund, Inc., the Committee for Open Media, the Mayor of Louisville, Kentucky, the Governor of Maine, the Advisory Committee of National Organizations, and the General Manager of Station WTLC(FM), Indianapolis, Indiana. Responses opposing the UCC petition were filed by the Nebraska Broadcasters Association (revised); counsel for South Central Broadcasting Company; Gateway Communications, Inc.; KMSO-TV, Inc., licensee of WGVO-TV, Missoula, Montana and KCFW-TV, Kalispell, Montana; A. Earl Cullum, Jr., Consulting Engineer; and WBEN, Inc., licensee of WBEN-TV, Buffalo, New York.[3]

9. On April 30, 1974, attorneys for UCC filed a letter, pursuant to the "public information" section of the Administrative Procedure Act, 5 U.S.C. 552, requesting access to various Commission staff studies and analyses of the OTP drop-in study and related materials. Further, on May 17, 1974, Metromedia, Inc., filed a motion which similarly requested that such materials be made part of the record. At the same time, Metromedia requested an extension of time for filing responses to the UCC petition to a date 30 days following the release of the requested data. On May 31, 1974, the Association of Maximum Service Telecasters, Inc. (AMST) also filed a motion requesting an extension of time. In reply to these requests the Commission on June 4, 1974, issued an Order extending the time for filing responses to the UCC petition without a terminal date pending a Commission ruling on the aforementioned requests to make materials public.

10. In response to UCC's request for staff material, the Commission's Executive Director by letter, dated August 27, 1974, denied access to some of the material requested and granted access to some. The material made available to UCC was the following:

> (1) Broadcast Bureau compilation of data on VHF assignments. (Exhibit I, below.)
> (2) OCE VHF drop-ins with enclosure. (Exhibit G, below.)
> (3) OCE VHF study summary. (Exhibit E, below.)

After having received access to the aforementioned material, UCC filed an application for review which requested access to additional material. That application for review was disposed of in a "By Direction" letter of the Commission adopted March 15, 1975, which furnished further material to UCC. That material, as well as that previously made available to UCC has been identified in exhibit form and has been placed in the public file of this proceeding. Some of the material updates in many respects the attachments to the UCC petition. The exhibits are as follows:

Exhibit A. "Technical Analysis of VHF Television Broadcasting Frequency Assignment Criteria" (with a corrigendum) prepared by the Office of Telecommunications Policy dated October 1973.

Exhibit B. An information item prepared by the FCC staff for the purpose of informing the Commission on the OTP analysis contained in Exhibit A.

Exhibit C. An economic analysis of the OTP VHF "drop-in" proposal prepared by staff within the Broadcast Bureau.

Exhibit D. An undated list of co-channel VHF television stations authorized at substantial spacings prepared within the Broadcast Bureau.

Exhibit E. FCC computer study of the OTP VHF drop-in [report] analysis. (Identified as VHF study comparing five computer runs.)

[3] On January 17, 1975, a response to the UCC petition was filed on behalf of Universal Communications Corp., licensee of Station WALA-TV, Mobile, Alabama.

Exhibit F. Letter from OTP Assistant Director for Frequency Management to FCC Chief Engineer dated January 24, 1974.

Exhibit G. Output from the FCC VHF TV assignment computer program using the OTP drop-in channels and coordinates as part of the VHF data base.

Exhibit H. Letter of May 14, 1974, from the Director of OTP to the Chairman of the FCC enclosing a report entitled "Further Evaluation of Additional VHF–TV Channels That Could Be Assigned in the Top 100 Markets."

Exhibit I. Broadcast Bureau staff study on drop-in proposals contained in OTP May 14, 1974, report.

Exhibit J. List of latitudes and longitudes used in OTP May 14, 1974, report (Exhibit H).

Exhibit K. Letter from OTP to FCC regarding VHF–TV drop-in on Channel 8 at Knoxville, Tennessee.

Exhibit L. Memorandum from Chief, Rules and Standards Division to Chief, Broadcast Bureau, dated June 20, 1974.

Exhibit M. Memorandum from Chief of Broadcast Bureau to the Chairman dated May 13, 1974.

Exhibit N. VHF–TV Computer Assignment Program dated August 1974 identified as FCC/OCE RS74–01.

11. Two documents not listed in the above exhibits are also being made part of the record in RM–2346: (1) The November 19, 1973 release of the Association of Maximum Service Telecasters, Inc., entitled "First There were 85 * * * then there were 67, 66, 62 * * * then there were 28, 25, 16, 8 * * *" and (2) a Petition for Rule Making filed by South Central Broadcasting Corporation (South Central), licensee of Channel 26, Knoxville, Tennessee, seeking to add Channel 8 to Knoxville as a commercial assignment, to reassign Channel 26 to Knoxville as a noncommercial educational channel, and to reassign Channel 15 to Knoxville as a commercial UHF assignment. South Central in its comments of May 9, 1974, indirectly expressed the position that its petition should not be associated with the UCC petition. The reasons set forth as to why the two are dissimilar will not be discussed here. However, from a purely technical standpoint the South Central petition does have a connection with the OTP studies, and it is on this basis only that South Central's petition is introduced into the record for and merged with RM–2346.

12. The above-mentioned exhibits introduced into the record of this proceeding do not focus sufficiently on the real issues which are, fundamentally, service to the public and economic viability. The Sixth Report and Order adopted in 1952, 41 F.C.C. 148, was the first benchmark in television assignments based upon rule making proceedings which commenced in 1948. One of the objectives of the proceedings was to provide for the most efficient use of the limited number of available channels. In lieu of authorizing stations on a demand basis, a table of channel assignments was devised and promulgated. The matters of economics and program availability were not ignored. However, it was self evident that before a viable nationwide television service could be devised the technical advantages and disadvantages of short and long spacing, terrain protection against interference, and a host of other technical matters such as limited power had to be considered.

13. On August 3, 1961, the Commission adopted a Report and Order in Docket 13340 in the Matter of Interim Policy on VHF Television Channel Assignments and Amendment of Part 3 of the Rules Concerning Television Engineering Standards, 21 R.R. 1695. That proceeding was directed at two objectives: (1) to assess proposals for introducing new VHF channel assignments not meeting the mileage spacings prescribed by the Commission rules and (2) to consider revisions of standards for calculating coverage of television stations. The Commission said of the "squeeze-in" technique—"It is the inescapable fact that the introduction of new VHF assignments through substandard spacings progressively approaches a point of diminishing returns where the service gains become outweighed by the resultant service losses. This consequence was fully apparent during our previous television reallocation proceeding in 1955 and 1956 and formed the basis of our determination at that time (Report and Order adopted June 26, 1956 in Docket 11532), that the more widespread use of the 12 VHF channels through shortened separations would fail to approach a solution to the major TV allocation problem." Id at 1696. The Report and Order in Docket 13340 listed selected markets wherein the Commission said it was prepared to embark on rule making proceedings looking to "squeeze-in" VHF assignments. The Report and Order dismissed petitions for VHF assignments in other markets,[4] deferred two other assignments because of pending action[5] and terminated the proceeding. At the same time the Report and Order in Docket 13340 was adopted the Commission adopted eight notices of proposed rule making proposing the following short-spaced assignments: Baton Rouge, La. (Ch. 11); Birmingham, Ala. (Ch. 3); Charlotte, N.C. (Ch. 6); Dayton, Ohio (Ch. 11); Jacksonville, Fla. (Ch. 10+); Johnstown, Pa. (Ch. 8+); Knoxville, Tenn. (Ch. 8—); and Oklahoma City, Okla. (Ch. 5).

14. On May 29, 1963, the Commission adopted a Report and Order in the matter of the above eight notices of proposed rule making which denied all but the Oklahoma City, Oklahoma proposal relating to the move of an operating station on Channel 5 from Enid, Oklahoma. The fourteen volumes of pleadings in Docket 13340 treated the matter of co-channel and adjacent channel short spacing in the VHF bands, directional antennas and service areas resulting therefrom, grades of service, field strength signal levels, performance capabilities of receivers, and front to back ratios of receiving antennas. While it may be that the subject of VHF drop-ins has received sufficient treatment and the matter of proceeding with a reexamination may result only in an exercise to which there is no acceptable solution, we nevertheless find at least sufficient merit in the proposals to reopen the matter. Our primary reasons for doing so are based upon the passage of time, the geographical movement of population, improved understanding of the technology involved, improved economic and programming capabilities, better understanding of viewers' needs and many other changes which bear upon the use and licensing of television channels. If a sufficiently compelling record can be developed in support of reopening the matter the Commission will do so by issuing a Notice of Proposed Rule Making.

15. The UCC petition has in broad general terms set the stage for such a reexamination. However, to compile a record upon which sound decisions can be based, we must bring into sharper focus those basic issues which are or will be involved. UCC stresses that new channel assignments must provide technically and financially sound outlets. With this we agree, since if a new broadcast facility is destined at the outset to suffer from undesirable technical defects its financial potential becomes questionable. The task is to determine just where the threshold lies between technical adequacy and economic viability. It is our belief that if this issue can be resolved the matter of determining how the licensee is to be selected can then be examined. Hence we request comments on the potential economic viability of a station authorized on a newly dropped in VHF channel where the technical adequacy is known in advance to be marginal or questionable.[6] We invite comments on the impact of VHF drop-ins in singularly specified markets and in particular those all-UHF markets where VHF channels might be assigned even without deviation from the present rules. Further, we invite comments on the issue raised by UCC (para. 5 supra) that UHF can now be accorded co-equal status with VHF and no longer require the protection of the UHF impact policy.

16. In view of the proposed preferential treatment to be applied to first noncommercial educational assignments it should be borne in mind that technical adequacy for this kind of facility will more than likely be vastly different from that required for a commercial facility. The mission of both facilities is similar insofar as service to the public is concerned but the source of economic support differs and must certainly be taken into account when considering a drop-in assignment many miles removed from

[4] Sacramento, Fresno, and Bakersfield, Calif.; Binghamton, N.Y. (2); Harrisburg, Pittsburgh and State College, Pa.; Milwaukee, Wis.; Rockford, Ill. and Houston and Waco, Tex.

[5] Louisville, Kentucky; Providence, Rhode Island.

[6] This situation could mean that the economics might be so unattractive that no one would want to risk constructing a station.

the community to be served, especially when, for example, a station might have to be geographically located many miles south of a community when all other television stations are located many miles north of the community. According to UCC's petition 22 markets on OTP's drop-in list currently have no VHF noncommercial reservation. In these instances the technical adequacy and economic support may be in balance. Comments are invited on these two situations with respect to specific markets or communities.

17. The OTP studies and the UCC petition visualize an increased application of directional antennas. Such antennas can be used in two ways: (1) to provide for greater signal strength over an area to be served and (2) to reduce interference in an area already being served. This matter has been treated by OTP by increasing the percentage of reduction in co-channel and adjacent channel mileage separation from 10 percent to 15 percent. The Commission's present rules (§ 73.685(e)) place a 10 decibel limit on maximum to minimum radiation in the horizontal plane on Channels 2 through 13. The question here is should this ratio be modified or deleted? If modified what is the practical extent to which the ratio can be altered? Mechanical beam tilt of the major vertical lobe is also permitted in the rule and is considered as a means of directionalizing. Should any limits be set for this type of directional antenna?

18. OTP, in its March, 1974, paper "Further Evaluation of Additional VHF-TV Channels That Could Be Assigned in the Top 100 Markets" (Exhibit H in the public file of this proceeding) further reduced the geographical separation between co-channel assignments on the assumption that "precise frequency offset" would be employed. OTP is not specific about its application of this technique, but apparently does not intend to abandon the nominal ±10 kHz offsets prescribed in our rules. Accordingly, it is assumed that it proposes to take advantage of the gains realizable through the rigid maintenance of the offset between carriers at an even multiple of the frame frequency. The advantages of this technique have been established, but the very high degree of frequency control required (±4 Hz) probably has discouraged its general adoption. The Commission invites a full discussion of the technical, practical, and economic benefits or disadvantages involved in the employment of "precise frequency offset" as a basic allocation tool. Synchronization of signals can be achieved by establishing a monitoring point between stations, but some parties are of the opinion that maintenance and costs favor the precision offset approach. In this regard the Commission would be pleased to receive comments on the possibility of using one or more of the standard frequency (radio) transmissions originated by the National Bureau of Standards.[7]

[7] The National Bureau of Standards has before the Commission a petition for rule making (RM-2108) which proposes the insertion of a TV time signal on line 21 in both fields in the television vertical interval.

19. There are other technical matters which should be addressed in considering drop-in television assignments. For example, the use of a directional antenna at some location many miles removed from the community of license may compromise the required minimum field intensity over the principal community. To what extent, if any, should § 73.685 (a) be waived to accommodate a drop-in? Cross polarization of signals has been discussed as a means of reducing interference or spacing. How much improvement is possible through the application of this technique or is it desirable and if used does it detract from potential advantages of other types of applied polarization? If in future years a high resolution television system were to become a reality would short spaced installations preclude or prevent its application?

20. UCC has proposed that in every community where there is no VHF noncommercial television station the Commission should reserve the first new VHF channel made possible by a drop-in for a noncommercial licensee. The Commission would expect potential applicants for such a channel to be as specific as possible with regard to the community of license and the area to be served.

21. UCC has proposed that in certain communities preference should be given to applicants with substantial ownership and management by members of minority groups, and that the Commission should, in the context of this proceeding, explore methods of increasing ownership and management by women. In these matters the Commission solicits comments as to the manner in which preferences might be established or recognized in advance of a comparative hearing or even developed in a comparative hearing.

22. On March 4, 1974, the New Jersey Coalition for Fair Broadcasting filed a petition (RM-2345) for inquiry into the need for adequate television service for the State of New Jersey[8]. In some respects RM-2345 and RM-2346 are similar in that both reference the OTP study. Beyond this common denomination the issues are of sufficient difference to support separate proceedings. However, in keeping with our statement in the notice of inquiry and notice of proposed rule making in Docket 20350 (RM-2345) that the broader issues raised by interested parties (re: RM-2345) would be addressed in this more general proceeding, we invite comments in this proceeding on the suggestion that low powered television stations be considered. That suggestion was made by the National Black Media Coalition in initial comments in RM-2345 prior to the proceeding being docketed.

23. As indicated above, the requests of UCC for materials have been dealt with by letters from the Executive Director and from the Commission. As to the request filed by Metromedia, Inc., on May 17, 1974, *It is hereby ordered* that the request is granted to the extent indicated above.

[8] Notice of Inquiry and Notice of Proposed Rule Making was adopted January 30, 1975 (Docket No. 20350), 40 Fed. Reg. 6513.

24. In our order of June 4, 1974, which extended, without terminal date, the time for filing responses to the Public Notice of RM-2346, we stated that a new date for filing responses would be announced at such time as we ruled on the requests to make materials public. It was our intent at that time to follow our usual two-tiered procedure (set forth in §§ 1.401-1.407 of the rules) of first obtaining responses to the Public Notice (and replies to those responses) before deciding whether to issue a notice of proposed rule making or notice of inquiry. In view of the number of pleadings already in the file and the number anticipated to be added, we believe it a more efficient administrative procedure in this case to dispense with responses to the public notice and to invite comments responsive to the present notice of inquiry instead. Of course responses (or replies thereto) to the public notice that have already been filed will be made a part of the record in this proceeding. It is urged that parties in preparing their comments take into consideration the issues raised in the foregoing discussion as well as the aforementioned materials which have been placed in the public file of this docket. Such a focusing of attention, it is believed, will furnish a sounder basis on which the Commission can bottom its decision as to whether to terminate this proceeding or to issue a subsequent notice of proposed rule making.

25. Authority for the adoption of this notice of inquiry is contained in sections 4 (i) and (j), 303, 307(b) and 403 of the Communications Act of 1934, as amended.

26. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before July 11, 1975, and reply comments on or before August 11, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

27. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: April 1, 1975.

Released: April 15, 1975.

FEDERAL COMMUNICATIONS COMMISSION[9]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-10132 Filed 4-17-75;8:45 am]

[9] Dissenting statement of Commissioner Robert E. Lee; Concurring statements of Commissioners Charlotte T. Reid and Benjamin L. Hooks, filed as part of original.

1979 WARC CONFERENCE WORKING GROUP

Meetings

APRIL 14, 1975.

In preparation for the 1979 World Administrative Radio Conference (WARC), four conference preparatory working groups under the Common Carrier Bureau will be meeting at the Commission during the week of May 5, 1975.

The Fixed Satellite Working Group, headed by Raymon B. Crowell, will meet on Tuesday, May 6, at 9 a.m. in Room 6331 located at 2025 M Street NW.; the HF Fixed Working Group, also headed by Mr. Crowell, will meet on Tuesday, May 6, at 2 p.m. in Room 6331 located at 2025 M Street NW., the Public Land Mobile Working Group under Wendell Harris will meet on Tuesday, May 6, at 9 a.m. in Room 752 located at 1919 M Street NW.; and the Radio Relay Working Group under W. Randolph Young will meet on Wednesday, May 7, at 9 a.m. in Room A-110 located in the FCC Annex at 1229—20th Street NW.

The meetings will be for the purpose of organizing the working groups and establishing task forces as necessary in order to develop and/or consolidate requirements for spectrum allocations in the various services. A total of 23 working groups has been formed by the Commission to investigate the spectrum needs of the United States to the year 2000. The outputs of the various working groups will be channeled to one or more of four functional committees which will examine spectrum requirements and give recommendations based on these requirements to the FCC Steering Committee. The Steering Committee, composed of high level members of each of the Commission's bureaus and offices, will be responsible for formulating the Commission's basic spectrum recommendations for use at the 1979 Conference.

Members of industry and the public may participate as observers at the working group level of activity. Persons wishing to attend the above four meetings, who have not previously registered for WARC participation, may complete their registration forms at the times of the meetings.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-10135 Filed 4-17-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OLD OIL ALLOCATION PROGRAM

Entitlement Notice for February 1975

In accordance with the provision of 10 CFR 211.67 relating to FEA's old oil allocation program, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports submitted to FEA by refiners as to crude oil receipts and crude oil runs to stills for February 1975 and an application of the entitlement adjustment for small refiners provided in 10 CFR 211.67(e), the adjusted national old oil supply ratio for February 1975 is calculated to be .373057. In accordance with amendments to § 211.67 adopted by FEA (40 FR 1044, March 6, 1975), no entitlement issuances have been made to eligible firms (including refiners) for imports of eligible products subsequent to January 1975, except for entitlement adjustments made for February 1975 pursuant to § 211.67(i)(5) to correct reporting errors for prior months.

The issuance of entitlements for the month of February 1975 to refiners and eligible firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner and other eligible firm to which entitlements have been issued, the number of entitlements issued to each such refiner or other firm, and the number of barrels of old oil included in each refiner's adjusted crude oil receipts.

Pursuant to 10 CFR 211.67(i)(4), FEA hereby fixes the price at which entitlements shall be sold and purchased for the month of February 1975 at $6.75.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of February 1975 than the number of barrels of old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of February 1975 equal to the difference between the number of barrels of old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of February 1975 in excess of the number of barrels of old oil included in their adjusted crude oil receipts for February 1975 shall sell such excess entitlements to firms required to purchase entitlements. In addition, certain refiners and eligible firms are required to purchase or sell entitlements to effect corrections for prior reporting errors pursuant to 10 CFR 211.67(i)(5).

The listing of entitlement issuances contained in the Appendix reflects relief granted in Decisions and Orders issued by FEA's Office of Exception and Appeals. For those refiners whose purchase requirements were totally exempted pursuant to exception decisions, the Appendix specifies the issuance of an incremental number of entitlements equal to the number that such refiners would have otherwise been required to purchase. The listing of entitlement issuances contained in the Appendix also reflects the application of Special Rule No. 3 which operates to relieve certain small refiners from the requirement to purchase a specified portion of the number of entitlements otherwise required to be purchased for the first 30,000 barrels per day of their daily average volume of crude oil runs to stills for the month of February 1975.

The total number of entitlements exempted from the purchase requirements of 10 CFR 211.67(b) is 1,086,599. A factor of .081742 has been applied to the number of entitlements available for sale by each refiner and eligible firm, which has the effect of reducing the total number of entitlements available for sale by an amount equal to the total purchase requirements exempted.

Adjustments to entitlement issuances for February 1975 due to corrections for prior reporting errors have been calculated by adjusting each affected firm's February volumes accordingly (taking only the increased entitlement price into account). In the entitlement notice for January 1975 (40 FR 12466; March 18, 1975) FEA stated that, as to corrections for reporting errors, after making an adjustment on the purely volumetric basis as described above, entitlement issuances would be further adjusted to reflect the difference between the entitlement value actually received as a result of the volumetric correction and the entitlement value that would have been received had the affected firm accurately reported the data being corrected in the proper month. FEA has encountered substantial administrative difficulties in making these proposed further adjustments. Until FEA is able to devise a feasible method to refine the initial volumetric corrective adjustments, it proposes only to correct for prior reporting errors on this volumetric basis.

The listing of refiners' old oil receipts contained in the Appendix also reflects any adjustments made by FEA pursuant to § 211.67(h).

All refiners and eligible firms are listed in the Appendix, including those refiners that reported no volumes of old oil receipts or crude oil runs to stills, and including those eligible firms that reported no corrections to prior months' eligible product imports.

The listing contained in the Appendix specifies a negative volume of old oil receipts as to certain refiners due to corrective adjustments. The total number of entitlements issued to each of those refiners under the listing includes the number specified in the "issued" column, as well as a number of entitlements equal to the number of barrels of old oil shown as the negative volume. For purposes of making entitlement calculations, one eligible firm is shown as having been issued a negative number of entitlements and is also required to purchase this number of entitlements due to its having incorrectly reported eligible product imports for a prior month.

The total number of entitlements required to be purchased and sold under this notice is 12,331,676.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for February 1975 must be made by April 30, 1975. On or prior to May 10, 1975, each refiner and eligible firm which is required to purchase or sell entitlements for the month of February shall file with FEA the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of February. FEA will mail monthly transaction report forms for the month of February to re-

porting firms in April 1975. FEA requests that refiners and eligible firms which have been unable to locate firms for required entitlement transactions by April 30, 1975 contact FEA at 202–634–7610 to expedite consummation of these transactions. For refiners and eligible firms that have failed to consummate required entitlement transactions on or prior to April 30, 1975, FEA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67 (j).

Issued in Washington, D.C., April 14, 1975.

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

APPENDIX—*Entitlements for allocation of old oil*

Reporting firm short name	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
A-Johnson	0	93,219	0	93,219
Agway	0	0	0	0
Allied	51,651	66,200	0	14,549
Amer-Petrofina	754,890	1,575,617	0	820,727
Amerada-Hess	4,163,078	6,307,190	0	2,143,212
Amoco	9,192,041	8,837,559	354,842	0
Apco	395,191	531,417	0	136,226
Apex	0	0	0	0
Arco	5,616,889	5,872,678	0	255,789
Arizona	41,279	65,157	0	23,878
Ashland	1,846,300	3,320,669	0	1,474,369
Asiatic	0	85,488	0	85,488
Atlantic-Cement	0	0	0	0
Augsbury	0	0	0	0
Bay	22,382	134,636	0	112,254
Bayou	29,774	35,237	0	5,463
Beacon	350,656	300,589	50,117	0
Belcher	0	0	0	0
Blue-Ridge	0	0	0	0
C&H	4,924	5,803	0	879
Calumet	0	28,640	0	28,640
Canal	35,728	41,112	0	5,384
Caribou	28,137	63,293	0	35,156
Castle	0	0	0	0
Central	0	0	0	0
Champlin	1,928,538	1,451,303	477,235	0
Charter	574,822	848,789	0	273,967
Cirillo	0	0	0	0
Citco	3,316,625	2,554,652	761,973	0
Claiborne	71,155	50,338	20,817	0
Clark	579,462	883,601	0	304,139
Coastal	1,673,955	1,502,156	171,799	0
Colondal	0	0	0	0
Colonial-Oil	0	0	0	0
Con-Ed	0	0	0	0
Con-Ref	0	0	0	0
Conoco	3,539,792	3,121,272	418,520	0
Consumers-Power	0	0	0	0
Coreo	240,083	1,153,444	0	913,361
Cra-Farmland	576,530	591,119	0	14,589
Cross	11,688	39,800	0	28,112
Crown	743,329	860,908	0	117,579
Crystal-Oil	256,051	225,459	30,592	0
Crystal-Ref	[1] −3,317	[2] 37,356	0	40,673
Deepwater	0	0	0	0
Delta	389,139	508,118	0	118,979
Detroit-Ed	0	0	0	0
Diamond	484,716	561,894	0	77,178
Dingman	0	0	0	0
Dorchester	[1] −233	[2] 8,099	0	8,332
E-Seaboard	0	0	0	0
Eastern	0	0	0	0
Eddy	38,550	35,616	2,934	0
Edgington-Oil	412,900	254,225	157,775	0
Edgington-Oxn	8,889	9,166	0	286
Elm	0	0	0	0
Energy-Fuels	0	0	0	0
Enterprise	0	0	0	0
Evangeline	31,016	28,735	2,281	0
Exxon	11,645,653	11,142,814	502,839	0
F-Fletcher	0	0	0	0
Famariss	370,445	370,445	0	0
Farmers-Un	242,664	339,690	0	97,026
Fla-Power-Corp	0	0	0	0
Fletcher	335,615	252,812	82,803	0
Flint	12,043	11,377	666	0
Fort-Neck	0	0	0	0
Gary	45,271	53,331	0	8,060
Gen-Portland	0	0	0	0
Getty	580,002	724,826	0	144,824
Giant	13,048	97,681	0	84,633
Gibbs	0	0	0	0
Gladieux	96,412	99,506	0	3,094
Goetz	0	0	0	0
Golden-Eagle	146,750	138,631	8,119	0
Golden-Eagle-NY	0	0	0	0
Good-Hope	344,280	352,427	0	8,147
Great-Northern	0	0	0	0
Guam	0	242,758	0	242,758
Gulf	9,444,254	8,132,770	1,311,484	0
Gulf-Sts	8,004	5,865	2,149	0
Hartwell	0	0	0	0
Hirl	118,556	348,988	0	230,432
Howard	0	2,241	0	2,241
Howell	859,660	562,677	296,983	0
Hunt	211,133	180,526	30,607	0
Husky	601,308	601,308	0	0

APPENDIX—*Entitlements for allocation of old oil*—Continued

Reporting firm short name	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
Indiana-Farm	128,489	180,459	0	51,970
Intl-Paper	0	0	0	0
Irving	0	0	0	0
J&W	35,932	45,979	0	10,040
K-H-White	0	0	0	7
Kaiser	0	0	0	0
Kentucky	1,217	5,805	0	4,580
Kerr-McGee	2,441,678	1,496,047	945,631	8
King	0	0	0	0
Koch	255,355	857,834	0	602,470
Lagloria	415,993	346,513	69,480	9
Lakeside	[1] −1,468	[2] 41,151	0	42,619
Laketon	204,456	174,589	29,867	0
Little-Amer	291,017	268,653	22,364	0
MacMillan	149,174	147,861	1,313	0
Marathon	3,407,435	3,043,054	364,381	0
Marion	77,914	100,544	0	22,630
Meenan	0	0	0	0
Mid-Amer	7,035	30,250	0	23,215
Mid-Tex	31,108	31,108	0	0
Midland	214,443	179,832	34,611	0
Mobil	7,704,996	7,640,267	64,729	0
Mohawk	300,818	351,596	0	[3] 50,778
Monsanto	282,546	302,791	0	20,245
Morrison	3,933	4,998	0	1,065
Mountaineer	3,578	3,709	0	131
Murphy	1,429,684	1,034,794	394,890	0
N-Amer-Petro	89,978	76,426	13,552	0
Narragansett	0	0	0	0
Natl-Coop	485,809	567,943	0	82,134
Navajo	389,677	359,160	30,517	0
New-Engl-Petro	0	0	0	0
New-Engl-Power	0	0	0	0
Newhall	162,687	119,168	43,519	0
Newman	0	0	0	0
Noreo	0	0	0	0
Northeast-Petro	0	0	0	0
Northern-NJ	0	0	0	0
Northland	0	8,098	0	8,098
Northville	0	26,331	0	26,331
Oil-Shale	731,864	803,970	0	72,106
OKC	318,862	277,947	40,915	0
Orange & Rockland	0	[4] −2,258	2,258	0
Oriental	4,067	10,590	0	6,523
Pace	0	0	0	0
Paseo	781,903	628,485	153,418	0
Patchogue	0	0	0	0
Patterson	0	0	0	0
Pennzoil	527,699	573,311	0	45,612
Pepco	0	0	0	0
Petro-Heat-Ct	0	0	0	0
Petro-Heat-Pa	0	0	0	0
PG & E	0	0	0	0
Phillips	3,747,760	3,985,300	0	237,540
Pioneer	5,772	9,232	0	3,460
Pittston	0	0	0	0
Plateau	80,039	77,964	2,075	0
Powerine	398,767	458,089	0	59,322
Pride	367,822	346,951	20,871	0
Prillease	0	0	0	0
Publicker	0	0	0	0
Quaker-St	10,126	216,953	0	206,827
Remington	0	0	0	0
Rico	0	0	0	0
Road-Oil	0	0	0	0
Rock-Island	399,420	391,114	8,306	0
Rockway	0	0	0	0
Royal	0	0	0	0
Saber	0	0	0	0
Saber-Tex	0	0	0	0
Sabre-Cal	7,114	10,995	0	3,881
Sage-Creek	827	3,432	0	2,605
San-Joaquin	259,667	184,862	74,805	0
Sears	0	0	0	0
Seminole	0	35,423	0	35,423
Shaheen	0	0	0	0
Shell	11,602,582	9,907,650	1,694,932	0
Sigmor	0	0	0	0
Signal	0	0	0	0
Skelly	836,938	837,318	0	380
So-Hampton	56,293	88,282	0	31,989
So-Terminal	0	0	0	0
Socal	9,103,741	8,054,750	1,048,991	0
Socaledison	0	0	0	0
Sohio	2,903,661	3,730,672	0	827,011
Somerset	0	33,805	0	33,805
Sound	0	0	0	0
Southland	333,135	264,864	68,271	
Southwestern	0	0	0	0
Stephens	0	0	0	0
Steuart	0	0	0	0
Stillings	0	0	0	0
Sunland	200,249	128,473	71,776	0
Sunoco	4,739,419	5,240,064	0	500,645
Swann	0	0	0	0
Tarricone	0	0	0	0
Tauber	0	0	0	3
Tenneco	1,769,026	1,190,930	578,096	0
Tesoro	1,091,229	742,296	348,933	0
Texaco	8,689,792	9,207,161	0	517,369
Texas-Asph	62	12,208	0	12,146
Texas-City	730,175	839,293	0	109,118
Texas-Fuel	0	0	0	0

Footnotes at end of table.

APPENDIX—*Entitlements for allocation of old oil*—Continued

Reporting firm short name	Old oil adjusted receipts	Entitlement position		
		Issued	Required to buy	Required to sell
Thagard	48,444	48,444	0	0
The-Refinery	96,727	147,652	0	50,925
Thriftway	11,810	26,645	0	14,835
Thunderbird	129,141	132,176	0	3,035
Time	0	0	0	0
Tonkawa	18,183	40,964	0	22,781
Toro	365,466	381,951	0	16,485
Total-Leonard	186,075	456,586	0	270,511
Union-Oil	6,095,791	4,708,706	1,387,085	0
Union-Petro	0	0	0	0
Union-Texas	157,818	120,584	37,234	0
Unid-Ind	0	0	0	0
Unid-Ref	264,356	451,922	0	187,566
US-Oil	68,321	95,655	0	27,334
Ven-Fuel	0	0	0	0
Vi-Oil	0	0	0	0
Vickers	302,965	294,548	8,417	0
Vulcan	0	28,967	0	28,967
Wallace	0	0	0	0
Waller	0	0	0	0
Warrior	33,476	31,033	2,443	0
Webber-Tanks	0	0	0	0
Wellen	0	0	0	0
West-Coast	37,592	34,427	3,165	0
Western	233,168	152,512	80,656	0
Whaleco	0	0	0	0
Wickett	0	0	0	0
Winston	115,804	196,674	0	80,870
Wireback	0	11,973	0	11,973
Witco	171,649	181,119	0	9,470
Wyatt	0	0	0	0
Yetter	0	1,198	0	1,198
Young	54,000	54,000	0	0
Total	139,084,070	139,084,070	12,331,676	12,331,676

[1] Reflects a correction for excessive old oil receipts reported for a prior month.
[2] Does not include entitlements issued by virtue of the negative volume of old oil receipts shown.
[3] Mohawk's sale obligation is subject to the outcome of certain legal proceedings between Mohawk and FEA and completion of Mohawk's January purchase obligation.
[4] Reflects a correction for over-reporting of eligible product imports for a prior month.

[FR Doc.75-10087 Filed 4-14-75;4:57 pm]

MAJOR FUEL BURNING INSTALLATIONS

Requirement To Complete FEA Questionnaire

On March 20, 1975, the Federal Energy Administration (FEA) gave notice of a reporting requirement applicable to all major fuel burning installations (MFBI) described in the Notice, requiring them to identify themselves to FEA by March 31, 1975 (40 FR 12706).

Notice is hereby given that the FEA will mail a questionnaire on April 21, 1975, to certain of the MFBIs which responded to the March 20 Notice. These MFBIs have been selected on the basis of an evaluation of the information received in response to the March 20 Notice, and other information available to the FEA. The questionnaire will provide the FEA with additional information it needs to determine whether an MFBI is a candidate for a prohibition order, prohibiting it from burning petroleum products or natural gas as its primary energy source, under section 2 of the Energy Supply and Environmental Coordination Act of 1974.

The questionnaire must be filed with FEA by May 21, 1975. Failure to file by that date may subject the MFBI to enforcement action.

MFBI's which have not yet responded to the March 20, 1975 notice, for whatever reason, should write or telephone FEA at the address or telephone number indicated below, and explain the reason for the failure to respond. This should be done immediately to ensure compliance with the May 21, 1975 filing date.

Written inquiries should be directed to:

Federal Energy Administration, Attn: Office of Fuel Utilization, Case Review Branch, Room 6117, Washington, D.C. 20461.

Inquiries by telephone should be directed to (202) 961-8591.

The normal business hours of the FEA National Office are 8 a.m. to 4:30 p.m.

Issued in Washington, D.C. on April 16, 1975.

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

[FR Doc.75-10283 Filed 4-16-75;10:35 am]

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Meeting

Correction

In FR Doc. 75-9713 appearing on page 16718 in the FEDERAL REGISTER of Monday, April 14, 1975 items 4. and 5. in the agenda are incorrect. They should read as follows:

"4. Discussion of regional pricing.

"5. Discussion of change in supplier during base period."

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH AND INTERNATIONAL TRANSPORTATION SERVICE

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 Martime Commission, Washington, D.C., 20573, on or before May 8, 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:

Mr. Leonard Putnam
Office of City Attorney
City of Long Beach
Suite 600, City Hall
Long Beach, California 90802

Agreement No. T-2491-2, between the City of Long Beach (City) and International Transportation Service, Inc. (ITS), modifies the basic agreement between the City and Kawasaki Kisen Kaisha, Ltd. (subsequently assinged to ITS), which is a 5-year nonexclusive preferential assignment agreement providing for the use of the wharf and contiguous wharf premises, together with improvements, located at Berth 234, Pier J, at Long Beach, California. The purpose of the modification is to enlarge the land area of Parcel I, to continue the incorporation in the premises of Parcels II and III, and to grant options to new Parcels Ia, IVa, IVb and V of the premises.

By Order of the Federal Maritime Commission.

Dated: April 14, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-10239 Filed 4-17-75;8:45 am]

TAMPA PORT AUTHORITY AND ELLER AND CO., INC.

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 May 8, 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:

Guy N. Verger, Port Director
Tampa Port Authority
P.O. Box 2192
Tampa, Florida, 33601

Agreement No. T-3079, between the Tampa Port Authority (Port) and Eller & Company, Inc. (Eller), provides for the 25-year lease to Eller of approximately 8.7 acres of land and 100 feet of public dock area located at the Holland Terminal Area, Tampa, Florida. The leased premises will be used as warehouse facilities primarily for products to be imported and exported, both foreign and domestic, over the adjacent berths. As basic land rental, Eller will pay Port $17,400 annually. In addition, Eller shall be responsible for the collection and payment to Port of all wharfage, dockage, sheddage and other charges pursuant to this lease and in accordance with the Port's tariff subject to a guaranteed annual minimum of $170,000.

By Order of the Federal Maritime Commission.

Dated: April 14, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-10238 Filed 4-17-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP72-110 and PGA75-7]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

APRIL 14, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on April 8, 1975, tendered for filing Sixth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1, proposed to become effective May 20, 1975.

Algonquin states that this sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate increase in the amount of $609,020 is being filed to reflect an increase in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation effective May 20, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10241 Filed 4-17-75;8:45 am]

[Docket No. RP66-15]

ARKANSAS LOUISIANA GAS CO.

Order Granting Motion To Terminate

APRIL 14, 1975.

On December 14, 1970, Arkansas Louisiana Gas Company (Ark-La) filed a motion to terminate suspension proceedings in Docket RP66-15 involving an off-system field sale rate increase filed by Ark-La on November 1, 1965.[1] The filing increased the rate under Rate Schedule XFS-20 from 11¢ to 12¢ per Mcf. The proposed rate exceeded the area rate (at that time) of 11¢ for increased rates in the "Other Oklahoma Area" and was suspended until June 1, 1966, by Commission order issued December 28, 1965, in Docket No. RP66-15. Opinion No. 586 issued on September 18, 1970, established an applicable area rate of 18.5¢ per Mcf.

[1] Supplement No. 1 to its Rate Schedule XFS-20.

Ark-La's December 14, 1970, motion states that since the sales under Rate Schedule XFS-20 are being made at a price below the applicable area rate (18.5¢ per Mcf) established by Opinion No. 586 (44 FPC) the suspended rates are just and reasonable and the proceeding should be terminated. Ark-La's motion was noticed on March 10, 1975, with comments, protests and petitions to intervene due on or before March 21, 1975. To date, no comments, protests or petitions to intervene has been received by this Commission.

After review of Ark-La's November 1, 1965 filing and in light of Opinion No. 586, we conclude that Ark-La's proposed rates under Rate Schedule XFS-20, effective June 1, 1966, are just and reasonable and should no longer be subject to the refund obligation imposed by our December 28, 1965, order. Accordingly, we shall grant Ark-La's December 14, 1970, motion and terminate these proceedings.

The Commission finds. (1) Ark-La's proposed rates under Rate Schedule XFS-20, filed November 1, 1965, are just and reasonable.

(2) Good cause exists to grant Ark-La's motion to terminate this proceeding.

The Commission orders. (A) Ark-La's proposed rates under Rate Schedule XFS-20 are just and reasonable.

(B) Ark-La's motion, filed December 14, 1970, is hereby granted.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10242 Filed 4-17-75;8:45 am]

[Docket No. E-9366]

BOSTON EDISON CO.

Filing of Initial Rate Schedule and Request for Waiver

APRIL 14, 1975.

Take notice that on April 7, 1975, the Boston Edison Company (Edison) tendered for filing the following initial rate schedule:

Unit power agreement for the sale of unit capacity and energy from Mystic Unit No. 7 dated November 1, 1972 between Boston Edison Company (Edison) and Cambridge Electric Light Company (Cambridge), as amended by agreement dated May 31, 1974, letter dated December 20, 1972 and letter dated January 12, 1973.

Edison states that the parties to the Agreement propose to make the rate schedule filed herewith effective as of the commercial operation date of the Unit or May 1, 1975, whichever is later, and that the Unit is currently scheduled to commence commercial operation May 1, 1975.

Edison requests a waiver by § 35.11 of the Commission's rules and regulations to permit this agreement to become effective less than thirty days after the

filing date, or, in the alternative, the later of the date of commercial operation or May 7, 1975.

Edison states that copies of this filing have been sent to Cambridge.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10243 Filed 4-17-75;8:45 am]

[Docket No. E-9364]

BOSTON EDISON CO.

Filing of Initial Rate Schedule and Request for Waiver

APRIL 14, 1975.

Take notice that on April 7, 1975, the Boston Edison Company (Edison), tendered for filing the following initial rate schedule:

Unit power agreement for the sale of unit capacity and energy from Mystic Unit No. 7, dated March 17, 1975, between Boston Edison Company (Edison) and Bangor-Hydro Electric Company (Bangor).

Edison states that the parties to the Agreement propose to make the rate schedule filed herewith effective as of the commercial operation date of the Unit or May 1, 1975, whichever is later, and that the Unit is scheduled to commence commercial operation May 1, 1975.

Edison requests a waiver by § 35.11 of the Commission's rules and regulations to permit this Agreement to become effective less than thirty days after the filing date, or, in the alternative, the later of the date of commercial operation or May 7, 1975.

Edison states that the parties to the have been sent to Bangor.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10244 Filed 4-17-75;8:45 am]

[Docket Nos. E-7994 and E-8082]

DUKE POWER CO.

Certification of Settlement Agreement and Record

APRIL 14, 1975.

Take notice that on April 1, 1975, the presiding administrative law judge in these proceedings certified to the Commission a settlement agreement and the record in these dockets.

Duke Power Company submits that the agreement provides for the resolution and termination of said proceedings, with a refund obligation to be made either in cash or credits to current billings for the period from April 26, 1973 to June 30, 1975. The refund is to be based on a parity between Duke's retail industrial rate as on file with the North Carolina Utilities Commission and its wholesale rate. The cooperative and municipal wholesale customers have agreed to withdraw their interventions and objections in Docket Nos. E-7994, E-8082, and E-7720 and have further agreed not to contest Duke's proposed increase in its wholesale rates, which is scheduled to be filed in April or May 1975, and which will be based on a parity with Duke's retail industrial rate on file with the North Carolina Utilities Commission. The specific terms of the settlement are fully set forth in the agreement and the accompanying convenants and releases, all of which are on file with the Office of the Secretary, and they include the matters of concern to this Commission and relative to the Nuclear Regulatory Commission and the Court of Appeals.

Anyone wishing to comment upon said settlement agreement would do so in writing submitted to the Commission on or before April 28, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10245 Filed 4-17-75;8:45 am]

[Docket Nos. E-8600 and E-8601]

GULF STATES UTILITIES CO.

Correction

MARCH 25, 1975.

In the order accepting initial rates, consolidating proceedings and setting hearing issued March 14, 1975 and published in the FEDERAL REGISTER on March 24, 1975, 40 FR 13038, the Commission issued an order in Docket Nos. E-8600 and E-8601 which accepted certain initial rates, consolidated proceedings and set certain matters for hearing. The following corrections should be noted in that order:

The heading of the order should properly read:

Gulf States Utilities Co., Docket Nos. E-8600 and E-8601.
Gulf States Utilities Co., Docket No. E-8003.
Gulf States Utilities Co., Docket No. E-7676 et al.
Gulf States Utilities v. FPC, Docket No. E-7567.

Further ordering paragraph (C) page 13039 should read as follows:

(C) Because the substantive content of the power interconnection agreements filed by Gulf States in Docket Nos. E-8003, E-8600, and E-8601 are constructive offers of settlement relating to Docket Nos. E-7676, et al., and E-7567, these Dockets shall also be consolidated with the others for purposes of hearing and decision.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10246 Filed 4-17-75;8:45 am]

[Docket No. E-9350]

HARTFORD ELECTRIC LIGHT CO.

Purchase Agreement

APRIL 14, 1975.

Take notice that on March 31, 1975, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Purchase Agreement with respect to South Meadow Gas Turbine Units, dated February 21 1975, between (1) HELCO and (2) Montaup Electric Company (Montaup).

HELCO states that the Purchase Agreement provides for a sale to Montaup of a specified percentage of capacity and energy from four gas turbine generating units (South Meadow Unit Nos. 11, 12, 13, and 14) during the period from March 1, 1975 to April 30, 1975, together with related transmission service.

HELCO states that questions as to Montaup's Capability Responsibility obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the term of this Purchase Agreement affected the amounts of gas turbine capacity that could be purchased by Montaup and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

HELCO therefore requests that, in order to permit Montaup to receive urgently needed capacity, the Commission, pursant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on March 1, 1975.

HELCO states that the capacity charge rate for the proposed service is the same rate as that used for other gas turbine capacity sold during this capability period; the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service on the systems of the Northeast Utilities Companies multiplied by the number of kilowatts of winter capability which Montaup is entitled to receive. HELCO states that the variable mainte-

nance charge was arrived at through negotiations.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut and Montaup, Boston, Massachusetts.

HELCO further states that the filing is in accordance with Part 35 of the Commission's regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10247 Filed 4-17-75;8:45 am]

[Docket No. E-7160]

DEPARTMENT OF THE INTERIOR AND SOUTHEASTERN POWER ADMINISTRATION

Request for Extended Approval of Rates and Charges

APRIL 14, 1975.

Notice is hereby given that the Secretary of the Interior (Secretary), acting on behalf of Southeastern Power Administion (SEPA) and pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), filed with the Federal Power Commission on March 28, 1975 a request in Docket No. E-7160 for an extension of the Commission's confirmation and approval of SEPA's Wholesale Power Rate Schedules G-A-1 (Revised), G-A-2, ALA-1 (Revised), SC-1 (Revised), SC-2, CAR-1 (Revised) and CAR-2 (Revised) for the sale at wholesale of electric power and energy generated at certain federally-owned and operated reservoir projects located in the States of Alabama, Georgia and South Carolina, including the Allatoona, Buford, Clark Hill, Walter F. George, Hartwell, and Millers Ferry Projects. The Commission, by order issued June 17, 1974, in this docket approved such rate schedules for the period ending not later than June 20, 1975. Approval of those rate schedules is now requested for the additional period of one year beginning June 20, 1975.

Rate Schedule G-A-1 (Revised) is available to public bodies and cooperatives (preference customers) in Alabama and Georgia. It is applicable to (1) power and energy generated at the Allatoona, Buford, Clark Hill, Walter F. George, Hartwell, and Millers Ferry Projects, and (2) deficiency energy purchased by SEPA from Alabama Power Company (Alabama Power) and Georgia Power Company (Georgia Power) for resale. Deliveries of power and energy sold by SEPA under this rate schedule are accomplished by means of the electric transmission systems of Alabama Power and Georgia Power, which wheel the power and energy to preference customers for the account of SEPA.

Rate Schedule G-A-2 is available to Alabama Power and Georgia Power. It is applicable to capacity and energy generated at the Allatoona, Buford, Clark Hill, Walter F. George, Hartwell, and Millers Ferry Projects and delivered at the project bus bar.

Rate Schedule ALA-1 (Revised) is available to Alabama Electric Cooperative, Inc. It is applicable to power and accompanying energy generated at the Walter F. George Project and delivered at the project bus bar.

Rate Schedule SC-1 (Revised) is available to the South Carolina Public Service Authority (South Carolina Authority). It is applicable to power and accompanying energy generated at the Clark Hill Project and delivered at the project bus bar.

Rate Schedule SC-2 is available to any of the following entities whose power and energy requirements or a portion thereof, SEPA contracts to supply by delivery over South Carolina Authority's electric facilities: (1) Any municipality or county located wholly or partly within South Carolina Authority's service area which owns an electric transmission or distribution system and seeks to purchase capacity and energy from SEPA for resale to consumers; (2) Central Electric Cooperative, Inc. (Central); or (3) any electric cooperative not a member of Central, but operating under the laws of the State of South Carolina wholly or partly within South Carolina Authority's service area and seeking to purchase capacity and energy from SEPA for resale to consumers. This rate schedule is applicable to power and accompanying energy generated at the Clark Hill Project.

Rate Schedule CAR-1 (Revised) is available to preference customers in North Carolina and South Carolina. It is applicable to power and accompanying energy generated at the Clark Hill and Hartwell Projects. Deliveries of power and energy sold by SEPA under this rate schedule are accomplished by means of the electric transmission system of Duke Power Company (Duke), which wields power and energy to preference customers for the account of SEPA.

Rate Schedule CAR-2 (Revised) is available to Duke. It is applicable to capacity and energy generated at the Clark Hill and Hartwell Projects and delivered at the project bus bar.

SEPA's rates and charges, as set forth in the subject rate schedules, are generally as follows: the rates for capacity and energy sold at the bus bar of any project are $0.90 per kw per month for capacity and 2.65 mills per kwh for energy. The rates for capacity and energy wheeled and delivered to preference customers are $0.90 per kw per month for capacity and 3.25 mills per kwh for energy. The rate for dump energy, which may be purchased under Rate Schedules G-A-2, ALA-1 (Revised), SC-1 (Revised) and CAR-2 (Revised), is 2 mills per kwh, except that under Rate Schedule G-A-2 the charge is equal to 80 percent of the calculated saving in the cost of fuel but not to exceed 2 mills per kwh.

The Secretary represents, in substance, that the requested extension of approval of SEPA's rate schedules is necessary to allow additional time for SEPA to make new marketing arrangements and prepare new rate schedules which will provide for the disposal of the output of three projects now under construction as well as the output of six constructed projects named above which are in operation. The new projects are the West Point Project, which is scheduled to commence commercial operation in April, 1975, and the Jones Bluff and Carters Projects, which are scheduled to commence commercial operation in May and June, 1975.

The rate schedules of SEPA, as described above, are on file with the Commission and available for public inspection. Any person desiring to make comments on suggestions for the Commission's consideration with respect to said rate schedules should submit the same in writing on or before April 25, 1975 to the Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10260 Filed 4-17-75;8:45 am]

[Docket No. E-7453]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Application

APRIL 14, 1975.

Take notice that on April 7, 1975, Iowa-Illinois Gas and Electric Company (Applicant) of Davenport, Iowa, filed a fifth supplemental application seeking authority pursuant to section 204 of the Federal Power Act to extend to no later than June 30, 1976, the date of issuance and to no later than June 30, 1977, the final maturity date of notes authorized to be issued, the maximum principal amount of notes authorized to be outstanding to remain at $40,000,000.

Applicant is incorporated under the laws of the State of Illinois with its principal business office at Davenport, Iowa, and is engaged in the electric and gas utility businesses within the State of Iowa and the State of Illinois.

The notes are to be issued from time to time to banking institutions and/or sold as commercial paper to direct purchasers or through commercial paper dealers.

Notes to banking institutions will be issued in accordance with various informal lines of credit agreements. The notes are to have maturities of up to one year from their dates and in any event on or before June 30, 1977, and are to bear interest at the prime rate in effect at the time of issuance.

Commercial paper will be issued as unsecured promissory notes and, in most cases, sold through established commercial paper dealers. In some cases commercial paper may be placed directly. Commercial paper notes are to have maturities of not more than 270 days from their dates and in any event on or before June 30, 1977, and the interest rate will be dependent upon the terms of the notes and money market conditions at the time of issuance.

The proceeds from the issuance of notes will be added to working capital for ultimate application toward the cost of gross additions to utility plant. The proposed extension of authority will allow Applicant more freedom in selecting the most appropriate time to replace notes with capital securities.

Any person desiring to be heard or to make any protest with reference to the application should on or before May 2, 1975, filed with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10248 Filed 4-17-75;8:45 am]

MID LOUISIANA GAS CO.

[Docket No. RP75-68]

Order Accepting for Filing and Suspending Proposed Rate Increase, Accepting in Part Proposed PGA Clause Revision, Rejecting Proposed Agreement, and Establishing Procedure

APRIL 11, 1975.

On February 26, 1975, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing proposed changes in its First Revised Volume No. 1 of its FPC Gas Tariff,[1] to become effective April 15, 1975. The proposed changes would increase Mid Louisiana's rates in Rate Schedules G-1, SG-1, and I-1 from 48.26¢ per Mcf to 51.71¢ per Mcf and decrease Rate Schedule E-1 from 65.38¢ per Mcf to 65.24¢ per Mcf. The proposed rates would result in an increase in jurisdictional annual revenues of $617,033 based upon actual costs for the twelve months ended October 31, 1974 adjusted for known and measurable changes through July 31, 1975.

Mid Louisiana states that the principal reasons for the proposed increase are (1) the lower sales resulting from the Company's curtailment which became effective September 9, 1974, (2) the cost increases arising from the connection of new sources of supply, at higher costs, to replace declining volumes from existing sources, (3) increases in employee payroll and benefit program expenses, and (4) cost increases in other areas of the Company's operations arising from current inflationary economic conditions.

In addition to increasing Mid Louisiana's base rates, its February 26, 1975 filing incorporates changes in its Purchase Gas Adjustment (PGA) clause to reflect the inclusion of the costs for gas produced from company-owned leases and also to establish the use of Account 191 for the accumulation of Unrecovered Purchase Gas Cost as provided by § 154.38 (d)(4)(iv) of the Commission's regulations.

On March 4, 1975, Mid Louisiana tendered for filing alternate tariff sheets for its First Revised Volume No. 1 of its FPC Gas Tariff.[2] The purpose of Mid Louisiana's March 4, 1975 filing is to remove from its proposed revised PGA clause costs reflecting gas produced from company-owned leases in the event the Commission determines that Order No. 452 does not presently provide for the inclusion of those costs. The alternate filing made on March 4, 1975 would make no changes in the general rate increase sought by Mid Louisiana, but would result only in transferring the present 7.7¢ per Mcf cost of company-produced gas from gas costs to other costs of operation.

As part of its February 26, 1975 filing, Mid Louisiana has additionally included an "Agreement as to Rates" which contains provisions permitting the Company to file rate adjustments tracking advance payments, federal income taxes, and transportation costs. The "Agreement as to Rates" further includes a moritorium on general changes in Mid Louisiana's rates until April 1, 1976.

Mid Louisiana's February 26, 1975 filing was noted on March 6, 1975, with any comments, protests or petitions to intervene due on or before March 18, 1975. Mid Louisiana's March 5, 1975 filing was noticed on March 12, 1975, with any comments, protests, or petitions to intervene on or before March 21, 1975. To date no petitions, protests or comments have been filed.

Our review of the proposed increase in rates filed by Mid Louisiana and the issues raised therein indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

We shall therefore suspend the effectiveness of Mid Louisiana's proposed rate increase for a period of one day, provide for refund obligations, and establish a hearing procedure to determine the justness and reasonableness of those proposed rates. Because we are suspending the effectiveness of those rates and providing for a hearing we shall require Mid Louisiana to file its prepared testimony and exhibits (Statement P) which were not submitted with its filing.

With respect to Mid Louisiana's proposed changes in its PGA clause, we note that by Order No. 452-A[3] we allow production from company-owned leases acquired on or after October 7, 1969 to be covered by a PGA clause. By Opinion No. 699-H[4] the Commission allows the inclusion of pipeline production from wells drilled after January 1, 1973 regardless of the date of acquisition of the lease.

Our review of the proposed changes to Mid Louisiana's PGA clause indicates that the proposed sheets filed on February 26, 1975 include Mid Louisiana's cost of total production from its owned leases and do not specify which company-owned production will be covered under the revised clause. We shall therefore reject the February 26, 1975 tender of Fourteenth Revised Sheet No. 3a, and First Revised Sheet Nos. 26a, 26b and 26c.

Mid Louisiana's First Revised Sheet No. 26d, filed on February 26, 1975, does, however, conform to our Regulations and we shall accept it for filing. Our review further indicates that Mid Louisiana's March 4, 1975 filing, except for First Revised Sheet No. 26b, conforms to our Regulations and we shall accept it.[5] Mid Louisiana's First Revised Sheet No. 26b, filed on March 4, 1975, like its counterpart submitted on February 26, 1975, fails to specify which company-owned production will be covered under the revised clause, and therefore does not conform with Order No. 452-A or Opinion No. 699-H. We shall therefore reject it without prejudice to a refiling reflecting changes in § 19.4 (Method of Computation), specifying that the company-owned production covered under the PGA clause will include only production from wells drilled after January 1, 1973.

We shall further reject Mid Louisiana's proposed "Agreement as to Rates". The acceptance of such an agreement would permit Mid Louisiana to automatically track adjustments reflecting advance payments, federal income taxes, and transportation costs. Such tracking authority would be inconsistent with § 154.38(d) (3), (4), and (5) of our Regulations which provide that pipelines may not include permanent automatic rate adjustment provisions in their tariffs for costs other than purchased gas and research and development expenditures. As we have previously stated, it is our consistent policy to refuse waiver of

[1] Fourteenth Revised Sheet No. 3a, First Revised Sheet Nos. 26a, 26b, 26c, and 26d.

[2] Alternate Fourteenth Revised Sheet No. 3a, Alternate First Revised Sheet Nos. 26a, 26b, and 26c.

[3] Order No. 452-A, Re: Purchased Gas Cost Adjustment Provision in Pipeline Companies' FPC Gas Tariff, 47 FPC 1510 (1972).

[4] Opinion No. 699-H, Docket No. R-389-B, Just and Reasonable National Rates For Sales of Natural Gas From Wells Commenced On Or After January 1, 1973, and New Dedications of Natural Gas To Interstate Commerce On Or After January 1, 1973, —— FPC ——, issued December 4, 1974.

[5] We are rejecting Fourteenth Revised Sheet No. 3a and First Revised Sheet Nos. 26a, 26b and 26c filed on February 26, 1975 and First Revised Sheet No. 26b filed on March 4, 1975.

these provisions.* This Commission has granted authority to track these payments only as part of a negotiated and approved settlement with a complete record upon which we have reviewed all of the pipeline's costs and revenues and have determined that a tracking provision is proper for the period the settlement remains in effect.

The fact that Mid Louisiana filed for tracking authority in the form of an "agreement" rather than by specific tariff provisions does not remove our objections to this proposed permanent tracking authority. Moreover, as noted by Mid Louisiana, the proposed "Agreement as to Rates" is still under review and discussion by Mid Louisiana's customers as is not therefore a result of any agreement.

The Commission finds. (1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission accept for filing Mid Louisiana's alternate Fourteenth Revised Sheet No. 3a, First Revised Volume No. 1 of its FPC Gas Tariff, filed on March 4, 1975, and suspend and defer its effectiveness until April 16, 1975, subject to refund.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission accept for filing Mid Louisiana's First Revised Sheet No. 26d, Alternate First Revised Sheet Nos. 26a, and 26c of First Revised Volume No. 1 of its FPC Gas Tariff, and permit them to become effective April 15, 1975.

(3) It is necessary and proper in the public interest and in the enforcement of the Natural Gas Act that the Commission reject Mid Louisiana's proposed "Agreement as to Rates" tendered as part of its February 26, 1975 filing in this docket.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of Mid Louisiana's proposed rates.

(5) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders. (A) Pending a hearing and a decision thereon, Mid Louisiana's alternate Fourteenth Revised Sheet No. 3a of First Revised Volume No. 1 of its FPC Gas Tariff, tendered on March 4, 1975, is hereby accepted for filing, suspended for one day and the use thereof deferred until April 16, 1975 subject to refund.

(B) Mid Louisiana's First Revised Sheet No. 26d, Alternate First Revised Sheet Nos. 26a and 26c of First Revised Volume No. 1 of its FPC Gas Tariff are hereby accepted for filing and permitted to become effective April 15, 1975.

(C) Mid Louisiana's proposed Fourteenth Revised Sheet No. 3a, First Revised Sheet Nos. 26a, 26b, 26d, and Alternate First Revised Sheet No. 26b of First Revised Volume No. 1 of its FPC Gas Tariff are hereby rejected. Alternate First Revised Sheet No. 26b filed by Mid Louisiana on March 4, 1975 is rejected without prejudice to Mid Louisiana's filing of a revised sheet specifying that company-owned production covered under the PGA clause will include only production from wells drilled after January 1, 1973.

(D) Mid Louisiana's proposed "Agreement as to Rates" tendered as part of its February 26, 1975 filing in this docket is hereby rejected.

(E) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing September 9, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE. Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and service contained in the proposed tariff charges.

(F) On or before May 6, 1976, Mid Louisiana shall file its prepared testimony and exhibits (Statement P). On or before July 29, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor testimony shall be served on or before August 12, 1975. Any Company rebuttal shall be served on or before August 26, 1975.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10249 Filed 4-17-75;8:45 am]

[Docket Nos. G-18314 and CP66-121, CP66-112, et al.]

MIDWESTERN GAS TRANSMISSION CO. AND GREAT LAKES GAS TRANSMISSION CO.

Extension of Time

APRIL 11, 1975.

On April 8, 1975, Midwestern Gas Transmission Company filed a motion to extend the date for filing briefs on exceptions and briefs opposing exceptions to the initial decision of the presiding administrative law judge issued March 20, 1975 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions in the above matter is extended to and including May 16, 1975 and the date for filing briefs opposing exceptions is extended to and including June 16, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10250 Filed 4-17-75;8:45 am]

[Docket No. E-9352]

MISSISSIPPI POWER & LIGHT CO.

Proposed Agreement for Municipal Wholesale Electric Service

APRIL 11, 1975.

Take notice that on April 1, 1975, Mississippi Power & Light Company (MP & L) tendered for filing an unexecuted agreement for municipal wholesale electric service between MP & L and the City of Durant.

MP & L states that its Rate Schedule MW-13 (Revised) incorporated therein was heretofore filed with the Commission on January 10, 1975 in Docket E-9058 and is the currently effective tariff for service to municipal utilities pending action of the Commission in Docket E-9058.

MP & L requests a proposed effective date of May 1, 1975, the effective date of the cancellation of the Agreement For Service dated June 13, 1950 superseded by the proposed contract filed in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 22, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10251 Filed 4-17-75;8:45 am]

[Docket No. E-9161]

MONONGAHELA POWER CO., ET AL.

Conference

APRIL 14, 1975.

Take notice that on Tuesday, April 29, 1975, a conference of all interested parties in the above-referenced docket (Monongahela Power Company, the Po-

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*North Penn Gas Company, FPC , issued June 28, 1974, in Docket No. RP74-88; Southern Natural Gas Company, FPC , issued April 13, 1973, in Docket No. RP72-91; et al., rehearing denied, FPC , issued June 8, 1973; Northern Natural Gas Company, FPC , issued May 20, 1974, in Docket No. RP74-80; Florida Gas Transmission Company, FPC , issued May 29, 1974, in Docket No. RP74-78; Trunkline Gas Company, FPC , issued June 28, 1974, in Docket No. RP74-89; Northern Natural Gas Company, FPC , issued February 26, 1975, in Docket Nos. RP71-107, et al.

tomac Edison Company, and West Penn Power Company), will be convened at 10 a.m., in Room No. 8402 at the offices of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (conferences, offers of settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of the above-listed companies' Harrison Station power agreement with UGI Corporation, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10252 Filed 4-17-75;8:45 am]

[Docket No. RI75-109]

MURPHY OIL CORP.

Order Setting Date for Prehearing Conference and Providing for Interventions

APRIL 14, 1975.

On January 10, 1975 Murphy Oil Corporation (Murphy) filed a notice of proposed rate increase for sales made by it to Northwest Pipeline Corporation as assignee of El Paso Natural Gas Company (El Paso) from the Basin Dakota Field, San Juan County, New Mexico. The proposed rate, to be effective as of June 21, 1974, was 41.071 cents per Mcf, including Btu and tax adjustments, which is based on the 35.0 cents per Mcf base rate authorized for certain production from the Rocky Mountain Area by Opinion No. 699-H. The present base effective rate for this sale is 22.5 cents per Mcf.

On February 7, 1975, in Docket No. RI75-109, the Commission issued an order suspending the rate for one day until June 22, 1974, allowing the rate to go into effect subject to refund thereafter, and setting the matter for hearing. By motion of February 14, 1975 Murphy objected to the suspension order and requested that the rate change be made effective not subject to refund as of June 21, 1974.

The Rocky Mountain Area Rate Opinion No. 658 [1] and Opinion No. 699-H provide for the vintaging of prices according to the date the base contract was signed. Under Opinion No. 658 a contract agreed to prior to October 1, 1968 for wells commenced before January 1, 1973 could collect a base rate of 24.0 cents per Mcf. In contrast, pursuant to Opinion No. 699-H, a contract entered into on or after October 1, 1968 for gas produced from wells commenced before January 1, 1973 would entitle the producer to a base rate of 35.0 cents per Mcf.

Murphy had an overriding royalty interest in production that was sold to El Paso by the operator under a 1960 contract. The agreement between the operator and Murphy provided that, upon payout, Murphy could convert its overriding royalty interest into a working interest, which was done in 1971. Also in 1971, Murphy ratified, for a period of one year, the base 1959 contract with El Paso. The wells in which Murphy has a working interest were all drilled prior to January 1, 1973.

The question which must be decided is whether the 1960 contract between the operator and El Paso binds the overriding royalty owner Murphy to the rate permissible under Opinion No. 658 for that vintage of gas, or if the 1971 Murphy-El Paso agreement entitles Murphy to the 35.0 cents per Mcf authorized by Opinion No. 699-H.

A prehearing conference should be held in this proceeding in order to further define the legal and factual issues to be decided.

The Commission finds. (1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is necessary and in the public interest that a period be provided in which to file petitions of intervention.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, a public hearing shall be held concerning the issues presented herein.

(B) On May 6, 1975, a prehearing conference shall be held in accordance with § 1.18 of the rules of practice and procedure to resolve the issues herein in a hearing room of the Federal Power Commission, Washington, D.C., at 10 a.m. (e.d.t.).

(C) A presiding administrative Law Judge, to be designated by the chief administrative law judge for that purpose shall convene the prehearing conference in the proceeding.

(D) The administrative law judge may in his discretion grant recesses from time to time if he deems a settlement or submission of the issues upon stipulated facts to be possible. If no stipulation or settlement can be reached by the parties hereto after reasonable time and provisions have been made to the same, the presiding administrative law judge shall establish the time for the submission of other evidence by any party desiring so do so, and the commencement of the hearing, and shall prescribe relevant procedural matters not herein provided.

(E) Notices of intervention or petitions seeking leave to intervene in this proceeding shall be filed with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the rules of practice and procedure, 18 CFR 1.8 and 1.37(f), on or before April 30, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10253 Filed 4-17-75;8:45 am]

[1] 49 FPC 924 (1973).

[Docket Nos. CP74-286, CP75-198]

NATURAL GAS PIPELINE CO. OF AMERICA

Order Consolidating Proceeding and Setting Further Procedural Dates

April 14, 1975.

By our order of February 24, 1975,—— FPC ——, we provided for hearings in Docket No. CP74-286 and granted a temporary certificate to Natural Gas Pipeline Company of America (Natural) for authority to construct facilities in connection with a proposed underground storage field in the Rodessa-Young Reservoir in the North Lansing Field in Harrison County, Texas. Although the reservoir proposed for storage service is currently producing natural gas sold in interstate commerce to Arkansas Louisiana Gas Company (Ark-La) under certificate authority of the Commission, no abandonment of this production was sought by Natural in Docket No. CP74-286. It now appears that Natural has applied in Docket No. CP75-198, inter alia, for authority under section 7(b) of the Natural Gas Act for authority to abandon production in the North Lansing Field and to substitute as a charge against Natural's existing system reserves a limited term sale to Ark-La in an amount not to exceed the estimated recoverable reserves remaining in the Rodessa-Young Reservoir at North Lansing at the time of abandonment of production and conversion of the reservoir to storage service. On March 27, 1975, Staff moved for an order consolidating proceedings, setting date for the filing of evidence, and postponing hearing date. On notice from the Secretary issued March 28, 1975, the hearing was deferred until May 22, 1975, pending further action by us on Staff's motion. In support of consolidation, Staff alleges that the nature of the reserves remaining in the North Lansing Field is at issue in Docket No. CP74-286 and Docket No. CP75-198 and that the issues presented by the abandonment of production sought in Docket No. CP75-198 must be resolved prior to approval of the authority sought by Natural in Docket No. CP74-286 to develop the North Lansing Field for storage service. Staff's contentions appear to us to be well taken, and we accordingly find sufficient cause under § 1.20(b) of the rules of practice and procedure to order consolidation.

In a reply filed on April 2, 1975, Natural takes no issue with consolidation, but urges us to set dates in April for a more expeditious resolution of the consolidated docket. However, in view of the fact that we granted a temporary certifi-

cate to Natural on February 24, 1975, for construction of facilities in Docket No. CP74-286, we fail to see how Natural will be harmed by the procedural schedule proposed by Staff concerning the hearings on the permanent certificate. Accordingly, we shall adopt the schedule proposed by Staff and set May 5, 1975, for the date for the filing of such additional testimony as the applicant and supporting interveners should, under our Regulations, be required to adduce in support of the consolidated docket, including evidence on the abandonment and new sales therein proposed.

The Commission finds. The applications filed by Natural Gas Pipeline Company of America in Docket No. CP74-286 and Docket No. CP75-198 raise matters appropriate for consolidation under § 1.20(b) of the rules of practice and procedure.

The Commission orders. (A) The applications filed by Natural Gas Pipeline Company of America in Docket No. CP74-286 and CP75-198 are hereby consolidated for hearing and decision.

(B) Natural Gas Pipeline Company of America and all supporting interveners shall file additional evidence in the consolidated docket, supportive of their respective positions on the issues presented in Docket No. CP75-198, inclusive of end use data on the proposed sale to Arkansas Louisiana Gas Company, on or before May 5, 1975.

(C) Pursuant to the authority of the Natural Gas Act, and particularly sections 4, 5, 7, and 15 thereof, a hearing will be held commencing May 22, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the matters presented by the applications in the consolidated docket.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10254 Filed 4-17-75;8:45 am]

[Project No. 733]

WESTERN COLORADO POWER CO.

Issuance of Annual License

APRIL 11, 1975.

On February 27, 1969, The Western Colorado Power Company, licensee for Ouray Project No. 733, located on the Uncompahgre River in Ouray County, Colorado, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 733 was issued effective April 13, 1960, for a period ending April 12, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation and maintenance of the project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to The Western Colorado Power Company, for continued operation and maintenance of Project No. 733.

Take notice that an annual license is issued to The Western Colorado Power Company (Licensee) under section 15 of the Federal Power Act for the period April 13, 1975, to April 12, 1976, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Ouray Project No. 733, subject to the terms and conditions of its present license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-10259 Filed 4-17-75;8:45 am]

[Docket No. G-19040]

NORTHERN NATURAL GAS CO.

Order Denying Motion for Approval for Exploration Fund

APRIL 14, 1975.

On December 4, 1974, Northern Natural Gas Company (Northern) tendered for filing a "Motion of Northern Natural Gas Company for Approval of Exploration Fund Proposal" (Motion) wherein Northern proposes to utilize the refunds recently received from Phillips Petroleum Company (Phillips) incident to orders issued in Docket No. AR64-1 for the exploration of new gas reserves.

The procedural history of this proceeding began on September 18, 1970, when this Commission issued Hugoton Anadarko Area Rate Opinion No. 586 in Docket No. AR64-1, et al. (44 FPC 761). Under that Opinion Phillips was obligated to refund to Northern, with interest, amounts paid by Northern to Phillips at rate levels above the just and reasonable rate levels established in Opinion No. 586. On June 20, 1970, Phillips filed in Docket No. AR64-1, et al., a "Petition of Phillips Petroleum Company For Special Relief From Refund Obligations". By an order issued March 18, 1974, this Commission denied the requested special relief and directed Phillips to comply with the Commission's schedule for making refunds. On October 3, 1974, Phillips sent a check in the amount of $6,732,772.61 to Northern covering the principal and interest on the refunds required by Opinion No. 586. Under the provisions of Commission order issued March 18, 1974, in Docket No. AR64-1, et al. Northern was ordered to file on or before November 15, 1974, a plan for flow-through of said refunds. On November 15, 1974, Northern filed a "Motion for Deferral of Time of Filing Plan For Flow-Through of Refunds" wherein Northern requests a deferral of time in which to file its refund report since Northern intended to file an alternative proposal with respect to the disposition of said refunds.

Northern's alternate proposal was the December 4, 1974, Motion referred to earlier, Northern's motion points out that with the exception of the year 1972, Northern has experienced seven consecutive years where the acquisition of new gas reserves has fallen significantly short of its production from dedicated reserves. Furthermore, the December 4, 1974, motion states that Northern cannot reasonably increase its own investment in high risk gas exploration efforts given the constraints upon potential return imposed by the national rates in Docket No. R-389-B. Northern's Motion proposes to utilize the $6.7 million refund from Phillips to increase Northern's "near-term" exploration activities. A document entitled "Exploration Fund Proposal" attached to Northern's Motion provides that the funds will be used to explore for natural gas which "if found in commercial quantities" will inure to the benefit of Northern's jurisdictional customers. Northern states it will make every reasonable effort to spend the Phillips refund within eighteen months and that said expenditure shall be over and above the amount Northern would otherwise spend for such activities during the same eighteen month period. Finally, the Proposal states that Northern shall be "the sole judge and selector of Prospects for and in which Fund amounts shall be expended."

Northern's Motion was noticed on January 8, 1975, with comments, protests or petitions to intervene due on or before January 27, 1975. In response to the notice of Northern's Motion, many comments, protests and petitions to intervene were received by this Commission. Michigan Wisconsin Pipe Line Company (Mich-Wis), Wisconsin Gas Company (Wisconsin Gas) and North Central Public Service Company (North Central) filed petitions to intervene and took no position on the propriety of Northern's proposal. Farmland Industries, Inc. (Farmland), Wisconsin Power and Light Company (Wisconsin Power) and Terra Chemicals International, Inc. (Terra) also filed petitions to intervene. Terra and Farmland state that they support Northern's December 4, 1974 Motion provided the Commission require Northern to assure that any gas discovered as a result of said proposal will be used only for high priority use. Wisconsin Power also support Northern's proposal provided Northern be required to keep the Commission fully informed as to the manner in which these funds are expended and to account for such expenditures in accordance with the proper Commission requirements. Iowa Public Service Company (IPS) filed a petition to intervene and comments in full support of Northern's December 4, 1974, Motion. The Northern Distributor Group[1] filed joint comments wherein the distributors fully support the Northern exploration proposal. Natural Gas, Inc. filed comments in opposition to Northern's December 4, 1974, Motion on the basis that approval of Northern's Motion would be bad precedent. The Northern Municipal Defense Group[2] (MDS) and the Minnesota Municipal Utilities Association[3]

[1] See Appendix A.
[2] See Appendix B.
[3] See Appendix C.

(MMUA) filed a joint petition to intervene and comments in opposition to Northern's proposal because the groups maintain it is illegal to use customer contributed capital to underwrite a gas exploration and development fund.

Phillips filed a petition to intervene and states that it is strongly opposed to Northern's proposal. Phillips submits that Northern's December 4, 1974, Motion is similar in every material respect to the Phillips proposal rejected by the Commission's order of March 18, 1974. Phillips states that approval of Northern's proposal would constitute an undue preference in favor of Northern which is in violation of the Natural Gas Act. Northern filed an answer in opposition to Phillips' intervention. Northern submits that Phillips does not have any interest in the manner in which Northern disposes of the refund.

In an order issued March 17, 1975,[4] this Commission ordered the flow-through of all producer refunds which resulted from our decision in Opinion No. 586. As we stated in our March 17, 1975, order:

> We have given further consideration to the matter of possible pipeline entitlement to supplier refunds, and have concluded that the door to claims such as that made by Texas Eastern should be closed. As previously stated, the Commission found in Opinion No. 540 that neither the letter nor the spirit of the Natural Gas Act requires the Commission to entertain claims of "equitable entitlement" by pipelines to supplier refunds. We now further find that where we are not required to entertain such claims, we should not and will not do so. Consideration of pipeline "equitable entitlement" claims represents, in our view, a misapplication of the provisions of the Natural Gas Act, by permitting a pipeline in effect to file a rate increase application many years after the fact. Accordingly, any and all claims of entitlement by purchasers to the refunds herein ordered or to those previously refunded by Hugoton-Anadarko producers and presently being retained by the purchasers will be denied, and the full amount of refunds applicable to jurisdictional sales will be required to be flowed through by the pipelines to their jurisdictional customers.[5]

Because of our action in our March 17, 1975, order we believe that Northern's proposal as to the Phillips refund would not be in the public interest. That is, we believe that the public interest and prudent Commission policy requires that Northern flow-through its refunds to its jurisdictional customers. Accordingly, we shall deny Northern's Motion.

We realize, of course, that it may be argued by Northern that its proposal is distinguishable from the equitable entitlement claims permitted by Opinion 540 and subsequently disallowed in the March 17, 1975, order in Docket No. AR64–1, because those claims for retention of refunds were based on an alleged inadequate rate of return during the period in question, whereas Northern's reason for retention of refunds is to create an exploration and development fund. The March 17, 1975, order required the release and flow-through all Hugoton-Anadarko producer refunds[6] notwithstanding entitlement claims which may be raised by pipelines or producers for whatever reasons.

Moreover, although it is not necessary to our finding herein that Northern's proposal be denied, we believe that our action with respect to (1) the national rate as it affects both independent producers selling to Northern, as well as Northern's own pipeline production which became eligible for the new national rate;[7] (2) the Commission's prior orders permitting inclusion of advanced payments in Northern's rate base[8] and; (3) the level of return on common equity which the Commission allows pipelines, such as Northern, which is designed to compensate the pipelines inter alia for risks associated with pipelines' capital requirements for development of supplemental and alternate resources of gas supply; all make acceptance of Northern's proposal unnecessary.[9]

The Commission finds. Good cause does not exist to grant Northern's Motion of December 4, 1974.

The Commission orders. (A) Northern's Motion filed December 4, 1974, is hereby denied.

(B) Within fifteen days of the issuance of this order Northern shall file for flow-through of refunds by Phillips to Northern pursuant to our March 17, 1975, order. Northern's plan shall indicate the amount payable to each jurisdictional customer, the basis used in computing the amounts payable, the periods involved and the relevant docket numbers. Copies of said report shall be served on all jurisdictional customers and interested state commissions.

(C) Upon notification by the Secretary and the extent directed thereby, Northern shall proceed with the distribution of refunds to its jurisdictional customers in accordance with the report submitted.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

MEMBERS OF THE NORTHERN DISTRIBUTOR GROUP

Central Telephone & Utilities Corporation
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa-Power and Light Company
Iowa Public Service Company
Minnesota Gas Company
North Central Public Service Company
Northern States Power Company (Minnesota)
Northern States Power Company (Wisconsin)
Northwestern Public Service Company

APPENDIX B

THE MDC CONSISTS OF THE FOLLOWING CITIES

Brooklyn, Iowa
Cascade, Iowa
Coon, Iowa
Rapids, Iowa
Emmetsburg, Iowa
Gilmore City, Iowa
Graettinger, Iowa
Harlan, Iowa
Hawarden, Iowa
Manilla, Iowa
Manning, Iowa
Osage, Iowa
Preston, Iowa
Remsen, Iowa
Rolfe, Iowa
Sac City, Iowa
Sanborn, Iowa
Sioux Center, Iowa
West Bend, Iowa
Whittemore, Iowa
Woodbine, Iowa
Pender, Nebraska
Ponca, Nebraska

APPENDIX C

MMUA CONSISTS OF THE FOLLOWING CITIES

Austin, Minnesota
Circle Pines, Minnesota
Elk River, Minnesota
Fairmont, Minnesota
Glencoe, Minnesota
Hibbing, Minnesota
Hutchinson, Minnesota
Moose Lake, Minnesota
Mora, Minnesota
New Ulm, Minnesota
North Branch, Minnesota
Owatonna, Minnesota
Princeton, Minnesota
Rochester, Minnesota
Spring Valley, Minnesota
Two Harbors, Minnesota
Virginia, Minnesota
Wells, Minnesota
Willmar, Minnesota
Worthington, Minnesota

[FR Doc.75-10263 Filed 4-17-75;8:45 am]

[Docket No. RI75-122]

ROBINSON BROTHERS DRILLING CO.

Petition for Special Relief

APRIL 14, 1975.

Take notice that on April 4, 1975, Robinson Brothers Drilling Company (Petitioner), P.O. Box 1540, Midland, Texas 79701, filed a petition for special relief in Docket No. RI75-122, pursuant to Order No. 481 and Section 2.76 of the Commission's general policy and interpretations. Petitioner requests relief from the current rate of 25.3 cents per Mcf after Btu adjustment under the existing contract of December 9, 1960 to a rate of 51 cents per Mcf with annual escalation of 1 cent per Mcf, under an Amendatory Agreement dated February 18, 1975, between petitioner and El Paso Natural Gas Company. Petitioner states that with the installation of a 2-stage compression facility that it is uneconomical to continue production at the current price level. Petitioner further states that if relief is not granted, it will be necessary to abandon this lease, the result of which will be that the gas reserves in this property will not be delivered to the interstate market but would be irrevocably lost.

[4] Area Rate Proceeding, *et al.* (Hugoton-Anadarko Area), Docket Nos. AR64-1, *et al.*, order issued March 17, 1975.

[5] *Id.* at page 4.

[6] The exception relating to previously approved settlement agreements set forth in the March 17, 1975, order is not relevant to Northern's proposal.

[7] Opinion No. 699-H, Docket No. R-389-B, issued December 4, 1974.

[8] *Northern Natural Gas Company*, Docket Nos. RP71-107 (Phase II) and RP72-127, order issued January 4, 1974.

[9] Opinion 703, Consolidated Gas Supply Corporation issued August 27, 1974.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 30, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10255 Filed 4-11-75;8:45 am]

[Docket No. CI75-340]

SKYLINE OIL CO., ET AL.

Amendment To Application

APRIL 14, 1975.

Take notice that on April 8, 1975, Skyline Oil Company, Joseph Oil Corporation, Joseph S. Gruss, and Evmar Oil Corporation (Applicants), 418 Atlas Building, Salt Lake City, Utah 84101, filed in Docket No. CI75-340 an amendment to the application filed on November 22, 1974, by Skyline Oil Company, Joseph Oil Corporation and Joseph S. Gruss (original Applicants) in the subject docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited-term sale for resale and delivery of natural gas in interstate commerce to Columbia Gas Transmission Corporation (Columbia) from the Sweet Lake Land and Oil Company Well Nos. 1 and 2, Chalkley Field, Cameron Parish, Louisiana, by which amendment Applicants seek authorization to sell gas from Well No. 4 in said acreage under the requested certificate, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

The November 22, 1974, application indicates that sales of gas by original Applicants to Columbia commenced on November 18, 1974, within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) from Well Nos. 1 and 2 in the Chalkley Field. The application further indicates that such sales are proposed to be continued within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) at a rate of $1.00 per million Btu at 15.025 psia.

Applicants propose herein to include the gas production from another well, Well No. 4, in the Chalkley Field as an added source of gas for the proposed sale to Columbia. Applicants state that they commenced sales and deliveries of gas to Columbia from Well No. 4 on March 26, 1975, pursuant to § 157.29 of the regulations. The amendment indicates that there will be no change in the price or the estimated daily quantity of gas (2,500 Mcf) proposed to be sold as a result of this amendment.

By order issued March 17, 1975, the Commission determined that justification for the rate and term of the sale proposed in the application should be established in a formal hearing. The instant amendment will be considered in that hearing which is set for April 29, 1975.

Any person desiring to be heard or to make any protest with reference with said amendment should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Any person who has heretofore filed a protest or petition to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10256 Filed 4-17-75;8:45 am]

[Project No. 1390]

SOUTHERN CALIFORNIA EDISON CO.

Modification of Land Withdrawal

APRIL 9, 1975.

By letter dated November 20, 1936, to the General Land Office (now Bureau of Land Management) this Commission gave notice of the withdrawal of certain lands in secs. 11, 12, 13, 14, and 16, T. 2 N., R. 25 E., secs. 5 and 9, T. 1 N., R. 26 E., and secs. 18, 19, 31, and 32, T. 2 N., R. 26 E., Mount Diablo Meridian, California, pursuant to the filing on August 19, 1936, by the Nevada-California Power Company, of an application for license for Project No. 1390. The letter stated that approximately 757.75 acres were reserved for the project, however, a re-examination of our records shows that less acreage was involved.

On August 5, 1963, the Commission gave notice of the withdrawal of additional lands, aggregating approximately 8.65 acres, in sec. 24, T. 2 N., R. 25 E., secs. 5 and 6, T. 1 N., R. 26 E., and secs. 19, 30, and 31, T. 2 N., R. 26 E., Mount Diablo Meridian, pursuant to the filing on May 28, 1963, by the California Electric Power Company (successor to the Nevada-California Electric Corporation which had succeeded the Nevada-California Power Company) of an application for amendment of license for Project No. 1390.

On May 22, 1972, the Southern California Edison Company (successor to the California Electric Power Company) filed an application for amendment of license for Project No. 1390 which included a revised map Exhibit K covering the entire project area. This Exhibit K, as supplemented November 27, 1972, October 5, 1973, and May 13, 1974, consists of sheets 1A, 2, and 3 of 3 (FPC Nos. 1390-20, -13, and -14) which were approved and made part of the license by Commission order issued September 16, 1974, as corrected by erratum notice dated November 21, 1974.

In accordance with the provisions of section 24 of the Federal Power Act (41 Stat. 1063), as amended, notice is hereby given that pursuant to the May 22, 1972, filing for Project No. 1390 the lands hereinafter described, insofar as title thereto remains in the United States, are reserved from entry, location, or other disposal under the laws of the United States unless otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIFORNIA

All portions of the following described subdivisions lying within the project boundary as shown on approved map Exhibit K, sheets 1A, 2, 3 of 3 (FPC Nos. 1390-20, -13, and -14):

T. 2 N., R. 25 E.
sec. 11, SE¼SE¼;
sec. 12, NW¼SE¼, N½S½SE¼;
sec. 13, S½SW¼NE¼, NE¼NE¼NW¼, NW¼NW¼, W½SE¼;
sec. 14, E½NE¼, SW¼NE¼;
sec. 16, SW¼
sec. 24, NE¼SE¼.
T. 1 N., R. 26 E.
sec. 5, lot 1;
sec. 8, NW¼NE¼;
sec. 9, SE¼SW¼.
T. 2 N., R. 26 E.
sec. 18, S½NW¼NW¼, S½NW¼, NE¼SW¼;
sec. 19, W½NW¼SW¼, SW¼SW¼;
sec. 30, lot 9;
sec. 31, lots 5, 7, 12;
sec. 32, lots 1, 2.

(aggregating approximately 122.85 acres)

Most of the above described lands have heretofore been withdrawn for waterpower purposes by Power Site Reserve Nos. 58 and 421 and pursuant to the August 19, 1936, filing for Project No. 1390. Some of the land lie within the Inyo National Forest and some have been patented subject to the provisions of section 24 of the Federal Power Act.

The general determination made by the Commission at its meeting of April 17, 1922 (2nd Ann Rept. 128), is applicable to those lands reserved for transmission line purposes only. In accordance with this determination, such lands may be declared open to location, entry, or selection under the public land laws subject to the reservation of section 24 of the Federal Power Act.

The withdrawals for Project No. 1390 no longer serve a useful purpose insofar as they pertain to lands lying outside said approved project boundary and are hereby vacated to that extent.

Copies of the aforementioned maps have been transmitted to the Bureau of

Land Management, Geological Survey, and Forest Service.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10257 Filed 4-17-75;8:45 am]

[Docket No. CP75-273]

TRUNKLINE GAS CO.

Application

APRIL 14, 1975.

Take notice that on March 17, 1975, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75-273 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 28 miles of natural gas pipeline and appurtenant facilities necessary to receive and transport to its system and to Gulf Oil Company (Gulf) gas from the Grand Isle Block 95 Field (Grand Isle Blocks 93, 94, 95, and 96), offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that through various advance payments contracts with Mobil Oil Corporation (Mobil) Applicant is entitled to Mobil's share of developed reserves from the Grand Isle Block 95 Field (to be produced from platforms A and B), and has the right to purchase Mobil's gas from undeveloped reserves in the same field (to be produced from platform C).[1] Applicant further states that it has agreed to transport the remaining (45 percent) interest in the Grand Isle Block 95 Field gas on behalf of the interest holder Gulf. Applicant estimates total proven, probable and potential reserves of the Grand Isle Block 95 Field to be approximately 354 million Mcf of gas.

Applicant proposes to transport said gas from the Grand Isle Block 95 Field through a single line 11.1 miles to Gulf's existing platform in South Timbalier Block 151, where Gulf's portion of the gas will be delivered into Gulf's existing transmission facilities (for ultimate disposition onshore to Texas Eastern Transmission Company). Applicant's portion will be transported from Block 151, 12.7 miles to Applicant's existing platform in South Timbalier Block 175 for further transportation to shore through Applicant's existing South Timbalier system.

In order to implement the foregoing receipt and transportation of gas Applicant requests authorization to construct and operate the following facilities:

(1) 11.1 miles of 24-inch O.D. pipeline extending from Gulf's existing platform in South Timbalier Block 151 to the "B" platform in the Grand Isle Block 95 Field;

(2) 4 miles of 20-inch O.D. gathering lines connecting the "A" and "C" platforms in Grand Isle Blocks 93 and 95 to Applicant's proposed 24-inch line (above described), such lines being 1.4 and 2.6 miles in length, respectively;

(3) 122.7 miles of 20-inch O.D. pipeline extending from Gulf's existing platform in South Timbalier Block 151 to Applicant's existing platform in South Timbalier Block 175.

Applicant estimates the cost of the proposed facilities to be approximately $19,340,000, which cost will be financed from funds on hand, short-term borrowings and a contribution in aid of construction from Gulf. Applicant states that Gulf has agreed to share in the cost of the facilities needed to gather and transport Gulf's share of the gas to its platform in South Timbalier Block 151 by making a contribution approximately equal to its percentage of total gas production and by paying its portion of the direct out-of-pocket costs of operation and maintenance of such facilities. Applicant claims that Gulf's contribution will be reflected in Applicant's cost-of-service calculations.

Applicant states that the public convenience and necessity will be served by granting this application because the Grand Isle Block 95 Field gas will offset declines in Applicant's existing gas supplies and because the proposed transportation makes expedient use of the existing facilities of both Applicant and Gulf and avoids expenditures for duplicate gathering and transmission facilities in the Grand Isle Block 95 Field.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-10258 Filed 4-17-75;8:45 am]

[Docket Nos. CI75-45 etc.]

TENNECO OIL CO.

Petitions To Intervene

APRIL 14, 1975.

Tenneco Oil Company, CI75-45; Placid Oil Company, CI75-59; Hunt Petroleum Corporation, CI75-66; Hunt Industries, CI75-67; Hunt Oil Company, CI75-68; Kewanee Oil Company, CI75-69; Tenneco Oil Company, CI75-105; Shell Oil Company, CI75-107; Ashland Oil, Inc., CI75-122; TransOcean Oil, Inc., CI75-138; Tennessee Gas Pipeline Company, a Division of Tenneco Inc., CP73-339; Trunkline Gas Company, CP75-19; Tennessee Gas Pipeline Company, CP75-23; CP75-119; CP75-120; Trunkline Gas Company, CP75-149; Southern Natural Gas Company, CP75-151; CP75-152; Southern Natural Gas Company, United Gas Pipe Line Company and Florida Gas Transmission Company, CP75-153; Southern Natural Gas Company, CP75-163; Tennessee Gas Pipeline Company, a Division of Tenneco Inc., and Tenneco Chemicals, Inc., CP75-258; Ammonia Enterprises Pipeline, Inc., CP75-268.

The above proceedings each involve a portion of eight transactions by which interstate pipeline companies request authorization from the Commission, inter alia, to transport natural gas from producing wells to various gas consuming plants or facilities of petroleum and Chemical companies for their own use. In each transaction the basic pattern is an agreement by the producers to sell natural gas production to the pipeline and an agreement by the pipeline to transport the remaining part of production for the producers' own use, except where Ammonia P.L. sells all gas to Olin Corp. The instant proceeding also involves the transportation of natural gas from the Federal Domain to onshore locations, as well as onshore locations. A brief summary of these proposed transactions is as follows:

[1] Applicant points out that Mobil has the right to reserve up to 25 percent of said gas for its own use, but that Mobil intends to sell all its interest to Applicant pending implementation of Mobil's reserve right.

Pipeline	Destination	Source	Estimated transport volume (millions of cubic feet per day)
1. TGP	Conoco/Citgo	Block 33, East Cameron	50,000
2. TGP	Air Products	Vermillion, Block 246	2,000
		Various other points	67,000
3. TGP	Tenneco	do	15,000
4. TGP	Tenneco Chemicals	Starr City, Tex., Cameron Parish, La	14,500
5. Trunkline	Placid	South Marsh Island, Blocks 268, 269, 281	90,00
6. Southern	Hunt	do	5,400
7. Ammonia	PL Conoco	W. Cameron, Block 33	25,00
8. Southern	TransOcean	South Marsh Island, Blocks 268, 269, 281	38,500

In Docket No. CP75–19, Trunkline filed an application on July 23, 1974, as amended on November 13 and December 12, 1974 to abandon use of certain onshore compressor facilities, build a new compressor station, and construct two offshore gathering lines to connect natural gas to be purchased and transported from Ashland Oil, Inc.; Hamilton Brothers Exploration Company; Hamilton Brothers Oil Company; Highland Resources; (these producers have small producer certificates) Hunt Industries; Hunt Petroleum Company; Kewanee Oil Company; and Placid Oil Company (referred to herein as Placid, et al.). The producers, along with other producers, (TransOcean Oil, Inc. and Hunt Oil Company), own the oil and gas leases covering 11,450 acres contained in the South Marsh Island Block 268, 269 and 281 Field.

The total estimated proved and probable reserves are 325 billion cubic feet as of July 1, 1974. Of this total, 200 billion cubic feet are presently dedicated to Trunkline. Trunkline states that this field is in the early stages of development and the aggregate proved, probable, and possible reserve potential is estimated to be 1.2 trillion cubic feet. Pursuant to the Advance Payment Agreements and Gas Purchase contracts with the producers, approximately 60 percent of the reserves that may be discovered are committed to Trunkline. Therefore, the purpose of this application is to provide for the facilities required to permit Trunkline to purchase and receive into its system the gas herein.

In the original application, Trunkline proposed to build all the required facilities at the same time. However, since the original application was filed Trunkline and Southern have reached agreement to have Southern's dedicated reserves from the Field transported onshore through the facilities proposed by Trunkline. Further, Placid Oil Company (Placid) is in the process of building a new Patterson II Extraction Plant where a portion of the gas eventually will be processed. Accordingly, Trunkline now proposes to build a portion of the onshore facilities in two phases. The total cost of both phases proposed herein is $33,080,000. Phase I construction would consist of approximately 45.2 miles of 24-inch pipeline extending from the producers' platform in the Field to an existing tap of Trunkline's in South Timbalier system in East Atchafalaya Bay, and two 10¾ inch gathering lines connecting Blocks 269 and 281 to the production platform in Block 268, such lines being 1.8 and 2.0 miles in length, respectively, together with dehydration and related facilities. Phase II construction would consist of 4.5 miles of 24-inch, 2.9 miles of 20-inch, and 0.6 mile of 30-inch pipeline onshore Louisiana in St. Mary's Parish to deliver the gas for, and return the gas after, processing by the producers at the proposed Patterson II plant.

Trunkline further proposes, under Phase I, to remove five (5) 1,050 horsepower turbine compressors from its existing Station 313 at Centerville, Louisiana, purchase one (1) new compressor, and install them in a new station to be designated Station 315. Compressor Station 315 will contain a total of 6,300 hp and Station 313 will still have 12,000 hp remaining.

In Docket No. CP75–149 filed on November 18, 1974, Trunkline requests authorization to transport up to 140,000 Mcf per day for Southern on a firm basis to two points of redelivery in St. Mary's Parish, Louisiana. Southern is purchasing this gas from Hunt Oil Company (Hunt) and TransOcean Oil, Inc. (TransOcean) from the Field and delivering the gas herein to Trunkline in the Field. Southern is the purchaser of the remaining 40 percent of the reserves in the Field. The gas is to be transported through the South Marsh Line and Trunkline's existing Terrebonne system to the Calumet plant operated by Shell Oil Company and the proposed Patterson II plant to be operated by Placid, located in St. Mary's Parish, Louisiana. The gas will be redelivered to Southern at a new point of redelivery (Shadyside) 4.9 miles downstream of the Calumet plant at the intersection of Trunkline's 20-inch and Southern's 12-inch line. When the Patterson II plant becomes operative, Trunkline will deliver to Southern at the plant outlet.

Southern filed an application in Docket No. CP75–151 on November 19, 1974, requesting authorization to transport and exchange gas with United pursuant to an agreement dated November 18, 1974. By use of a portion of Southern's transportation capacity in Trunkline's South Marsh Line, Southern proposes to transport for United up to 20,000 Mcf per day of gas purchased from TransOcean from points of receipt in the Field to a point of redelivery designated as the Calumet Point of Redelivery or to a point of redelivery designated as the Bayou Sale Point which is the point of interconnection between the Southern and United systems near Bayou Sale in St. Mary's Parish. Southern assigned one-half (½) interest in its Advance Payment Agreement, Gas Purchase Contract, and Transportation Agreement with TransOcean in the Field to United. This point will be either at the tailgate of the Calumet plant or a point near said plant where gas is to be returned to Trunkline's 30-inch line from the proposed Patterson II plant.

The gas delivered to the Calumet Point by Southern will be the gas United has agreed to transport for TransOcean to Beaumont, Texas in Docket No. CP75–153 and that the remainder of United's gas will be redelivered by Southern at the Bayou Sale.

Southern proposes that United pay a monthly charge which is a proportionate part of the monthly charges paid by Southern to Trunkline, plus a commodity charge of 1.2¢/Mcf for gas delivered to Bayou Sale. In the Gas Transportation Agreement, filed herein as a portion of Exhibit P, Trunkline has agreed to add other points of receipt under this agreement. This was required to purchase or transport gas for Southern from other blocks, including Eugene Island Blocks 64, 65, 74, 75, and 83, offshore Louisiana.

In Docket No. CP75–152, Southern filed an application on November 15, 1974, requesting authorization to transport up to 5,400 Mcf per day for Hunt, again by means of Southern's capacity in Trunkline's South Marsh Line. Southern proposes to transport gas reserved by Hunt from production in the Field to the Calumet/Patterson II plant for processing. The processed gas, less plant volume reduction (PVR), and adjustment for Btu content, will then be transported by Southern by means of 430 miles of existing pipeline to Hunt's refinery near Tuscaloosa, Alabama, for refinery use. Southern states that it will construct 1½ miles of pipeline to transport the gas from the Patterson II plant to its existing pipeline for delivery to Tuscaloosa. Hunt is to pay Southern a pro rata share of the price Southern pays Trunkline for use of the South Marsh Line for transportation to the Calumet/Patterson II processing plant. For the transportation of the gas from the processing plant to Tuscaloosa, Hunt is to pay a demand rate of $2.00 per Mcf per month and a commodity rate of 8.5 cents per Mcf per month.

In Docket No. CP75–153, Southern, United, and Florida filed a joint application on November 19, 1974 to obtain a certificate to transport and exchange natural gas under an agreement between Southern and TransOcean, Southern has agreed to transport TransOcean's reserved gas to Beaumont, Texas. Southern assigned one-half (½) interest in these two agreements to United for United's agreement to perform one-half (½) the obligations therein, plus United agreeing to pay Southern one-half (½) of the advance payment paid to TransOcean by Southern including interest. Southern advanced TransOcean $24,365,000 on July 9, 1974.

Swift Chemical Company (Swift), TransOcean's affiliate, has contracted to acquire an existing nitrogen and fertilizer complex at Beaumont, Texas, ef-

fective January 1, 1976. The reserved gas to be transported for TransOcean is to supply gas for the Beaumont complex for twenty years. The transportation will be conducted in two parts. The first part of which will be conducted by use of Southern and United's transportation capacity in Trunkline's South Marsh Line to the inlet side of Patterson. The volume to be transported from the Field to the processing plant is 35,393 Mcf per day plus PVR gas and Btu adjustment gas for 40 MMcfd at 15.025 psia. The second part of Southern and United's transportation for TransOcean will be accomplished by means of an exchange agreement between Southern and Florida. Under this agreement Florida will deliver for Southern's account up to 38,500 Mcf per day at 14.73 psia to TransOcean or its nominee (Swift) at a point near Beaumont, Texas, for use in a fertilizer plant. Southern is to return equivalent volumes to Florida at existing points of interconnection near White Castle and/or Franklinton, Louisiana. United has entered into an agreement under which Southern has agreed to utilize its rights with Florida to deliver United's portion of TransOcean's gas. TransOcean shall pay Southern's and United's pro rata share of their costs of service for the transportation to the Patterson plant, plus a commodity rate of 3.12¢/Mcf and any additional costs of service incurred for the rest of the distance to Beaumont.

In Docket No. CP75–163, Southern filed an application on November 29, 1974, to obtain authorization to construct 1½ miles of pipeline, required compression, and receiving facilities which will connect Trunkline's 30-inch pipeline with its existing pipeline system near Shadyside, Louisiana. Trunkline has agreed to transport gas from the Field for Southern to a point where the facilities interconnect at Shadyside. Southern specifically requests authorization to construct and operate the following facilities: (a) approximately 1½ miles of 18-inch pipeline extending from the point of interconnection with Trunkline's 30-inch pipeline in St. Mary's Parish, Louisiana, to its existing compressor station at Shadyside, Louisiana; (b) 3,600 horsepower of compression at Shadyside is required in order to receive this gas into its system. The pressure in Trunkline's 30-inch pipeline is 650 psia and the pressure in Southern's system downstream of the Shadyside station is 1,030 psia. The compression facilities will be installed as needed as volumes of gas build up through deliverabilities from supplies in the Field. The estimated cost of these proposed facilities are $2,448,475.

Tennessee in Docket No. CP75–23 filed an application on July 29, 1974, for authority to continue a transportation service it has been rendering Tenneco since 1964, from various points in onshore Louisiana to a point of delivery at the tailgate of the Yscloskey processing plant, St. Bernard Parish, Louisiana. The points of receipt of gas are specified as Lake Barre, Terrebonne Parish, Louisiana; South Timbalier Blocks 22 and 27, offshore Louisiana, West Cameron Blocks 194 and 216, offshore Louisiana; and a point in De Soto Parish, Louisiana. At the Yscloskey plant, Tennessee delivers 15,000 Mcf per day to Creole for the account of Tenneco. Creole transports and resells such gas to Air Products for use in Air Products plant in Orleans Parish, Louisiana, as feedstock, process gas and boiler fuel in the manufacture of unspecified "products." During the past 24 months Air Products has utilized 11,052,268 Mcf as feedstock, 5,815,254 Mcf as process gas and 3,618,908 Mcf as boiler fuel. By letter dated January 13, 1975, Creole was requested to file an interdependent application in accordance with section 157.14 of the Commission's rules and regulations. On February 21, 1975, Creole filed an application in Docket No. CP75–241, which was noticed on March 14, 1975, for an exemption from the provisions under the Natural Gas Act, pursuant to section 1(c). Creole states in its application that gas delivered for Air Products is transported through the facilities of New Orleans Public Service, Inc. (NOPSI).

Tennessee proposes to increase the subject transportation volumes from the current level of 15,000 Mcf per day to a maximum of 22,500 Mcf per day, effective January 1, 1976. It also proposes to add two new points of receipt of gas from Tenneco—the Terrebonne Land Development, et al. Well No. 1, Terrebonne Parish, Louisiana; and Vermilion Block 246, offshore Louisiana (Tenneco will sell 75 percent of the Block 246 gas to Tennessee and reserve 25 percent as its own).

As of August 31, 1974, an imbalance of 12,552,438 Mcf of gas existed under the subject transportation arrangement, representing deficiencies in volumes which Tennessee delivered to Creole for Tenneco's account but did not actually receive from Tenneco. The parties have amended the transportation contract to provide for repayment of the deficient volumes, and have agreed that if, as of January 1, 1977, Tenneco has not eliminated the imbalance Tennessee will reduce its deliveries for the account of Tenneco by a maximum of 20 percent per month until the deficit is eliminated.

On February 7, 1975, the Commission issued an order to show cause to Tenneco and TGP in Docket No. CI75–466 directing an immediate balancing of receipts and deliveries and a hearing on why Tenneco should not immediately repay the imbalance owed the pipeline. By Order issued March 24, 1975, Motions for consolidation were denied and TGP was directed not to include a credit to Tenneco for nonshrinkage of gas, during the pendency of the show cause proceeding.

The original transportation rates by TGP for Tenneco Oil, comprising demand and commodity components, including a 75 percent minimum commodity bill, have been amended to provide for a monthly charge equal to the product of the total Mcf from each point of receipt multiplied by a rate based on the pipeline mileage involved and Tennessee's unit average charge per 100 Mcf miles. Tennessee's Form 2 for 1973 shows that Tenneco has been charged 1.56¢ per Mcf for transportation of natural gas from various points of delivery.

TGP filed an application in Docket No. CP75–119 on October 16, 1974, for authorization to continue a transportation service it has been providing Shell, comprising the receipt of Shell's gas at a number of points in offshore Louisiana and transportation and delivery to Creole at the tailgate of the Yscloskey processing plant in St. Bernard Parish, Louisiana, for the account of Shell. Creole resells such gas to Air Products. Tennessee proposes to increase the volumes of gas transported for Shell from the current level of 35,000 Mcf per day to a maximum of 42,500 Mcf per day, effective January 1, 1976.

The rate for the subject transportation is based on Tennessee's average transportation rate per 100 Mcf miles effective December 1, 1972. Tennessee's Form 2 for 1973 shows that Shell has been charged 2.16¢ per Mcf for natural gas transport from Main Pass Block 69 and 1.84¢ per Mcf for natural gas transported from Main Pass Block 35. The sources of Shell's gas are Main Pass Block 69 "B" platform; Southeast Pass Block 6 platform; Southwest Pass Block 24 and the Southwest Pass Block 27 delivery facilities; and a point on Tennessee's Main Pass Block 35 lateral line, offshore Louisiana, Federal Domain.

TGP and Tenneco Oil Co. filed a joint application on October 16, 1974, in Docket No. CP75–120 for authorization for the exchange and transportation of natural gas to permit Tenneco to utilize its gas as fuel for the production of gasoline, diesel and fuel oils, and kerosenes, at its Chalmette, Louisiana refinery. Under the exchange, Tenneco will tender volumes (unspecified as to amount) of gas to Tennessee at the existing points of delivery utilized in the transportation arrangement involved in Docket No. CP75–23, and at three additional points in Texas, the tailgate of Sun Oil Company's processing plant, Starr County, Texas; Milheim Field, Austin County, Texas; and North Ganado Field, Jackson County, Texas.

The volumes received by Tennessee in Texas will be exchanged for equivalent volumes at the existing Lake Barre, Louisiana, delivery point, and Tennessee will then transport all of Tenneco's gas tendered under this agreement to the Yscloskey plant, St. Bernard Parish, Louisiana, and deliver such volumes to Creole for the account of Tenneco. Creole will transport the gas to Tenneco's Chalmette refinery. The rate for the subject transportation by Tennessee will be a monthly transportation charge, calculated by multiplying the total Mcf transported by a rate based on Tennessee's average charge per 100 Mcf miles and on the pipeline mileage involved (a) from the Lake Barre Delivery Point for all such exchange gas and (b) from each

of the other points, if any, where gas is received for transportation thereunder.

On July 23, 1974, in Docket No. CI75–45, Tenneco Oil Company (Tenneco) requested issuance of a certificate with pregranted abandonment authorizing the sale of up to 22,500 Mcf of natural gas per day from several fields in the State of Louisiana and the Offshore Louisiana Federal Domain to Creole Gas Pipeline Corporation (Creole) for resale to Air Products and Chemicals, Inc. (Air Products) for use in Air Products' manufacturing plant in Orleans Parish, Louisiana.

Tenneco has been selling 15,000 Mcf per day to Creole since approximately July 1, 1965, pursuant to an August 13, 1964, contract, which provides that the gas will be used to operate Air Products' plant and that Creole may purchase an additional volume of 7,500 Mcf per day upon 6 months written notice provided Tenneco is able to obtain transportation for the additional volume. Tenneco states that when Creole recently exercised its option to receive the additional volume, a review of the facts and law was initiated and the conclusion reached is that contrary to the view of the law which prevailed when the sale to Creole was undertaken, Commission authorization is required for the sale of the original quantity of 15,000 Mcf as well as for the sale of the additional volume of 7,500 Mcf. In its application, Tenneco states that at the time the Creole contract was negotiated it believed that the reserves in the Lake Barre Field, Terrebonne Parish, South Louisiana, were sufficient to supply the necessary volumes. However, since deliverability in the Lake Barre Field has declined since 1964, Tenneco has designated gas from other sources for delivery to Creole. At present, gas from the Lake Barre Field, South Timbalier Blocks 22 and 27 (Federal Domain) and West Cameron Block 201 (Federal Domain) is being delivered to Creole. Tenneco is also purchasing gas from unidentified producers and is delivering such gas at a point in DeSoto Parish, North Louisiana, for resale to Creole. Tenneco's application also indicates that gas from a well in Terrebonne Parish and the Vermilion Block 246 (Federal Domain) will be used to assist in the fulfillment of the Creole contract.

On August 19, 1974, Shell in Docket No. CI75–107 filed a petition requesting that the Commission disclaim jurisdiction over its sale to Air Products. Shell has also been selling 15,000 Mcf of gas per day to Creole for resale to Air Products for use in the Orleans Plant, pursuant to an August 13, 1964, contract which is identical in terms and conditions to the above-described Tenneco-Creole contract.

In its petition, Shell contends that although the contract between Shell and Creole might appear to be a sale for resale if viewed in isolation, Shell has always considered the sale as a direct sale for the following reasons: (1) Shell's direct negotiations and letter commitment with Air Products, (2) Shell's undertaking of a direct obligation to deliver a certain daily quantity of gas to Creole during the term of the Shell-Creole contract (which term is a co-extensive with the contract between Creole and Air Products); (3) the interrelationship between the Shell-Creole and the Shell-Air Products contract, and (4) related circumstances. Shell requests that its petition in Docket No. CI75–107 be consolidated with Tenneco's application in Docket No. CI75–45 and the applications filed by Tennessee Gas Pipeline Company in Docket Nos. CP75–23 and CP75–119 since all the applications involve the issue of Commission jurisdiction over gas consumed by Air Products. In order to allow for the expeditious disposition of the case in the event the sales are jurisdictional, Shell is hereby directed to file a conditional certificate application.

Tenneco and Shell sell gas to Creole pursuant to identical contracts dated August 13, 1964, which provide that the term will be 25 years from the date of initial delivery. The current rate under the contracts is 19.0¢ in 1975, 21.5¢ in 1980, and 21.75¢ in 1985.

Hunt Oil Co. and TransOcean Oil, Inc. in Docket Nos. CI75–68 and CI75–138 respectively, request permanent certificates to initiate sales to Southern Natural Gas Company (Southern Natural) from their interest in Blocks 268, 269 and 281, South Marsh Island Area, Offshore Louisiana (Federal Domain), at the national rate in lieu of the base contract rate of 70.0¢ (15.025 psia). Placid Oil Co., Hunt Petroleum Corp., Hunt Industries and Hunt Oil Co. in Docket Nos. CI75–59, CI75–66, CI75–67 and CI75–69 request permanent certificates and Ashland Oil Co. in Docket No. CI75–122 requests a temporary and permanent certificate to initiate sales to Trunkline Gas Company from their interests in the same blocks at the national rate in lieu of the base contract rate of 67.0¢ (15.025 psia). Kewanee Oil Co. in Docket No. CI75–69 owns an interest in Block 269 only; all other applicants own an interest in each of the three blocks.

In addition, Trunkline will purchase gas in these blocks from Hamilton Brothers Oil Company, a small producer certificate holder in Docket No. CS71–1145, Highland Resources, Inc., whose application for a small producer certificate in Docket No. CS74–396 is pending and Hamilton Brothers Exploration Company, who has not yet filed for a small producer certificate. Approximately 60 percent of the reserves in the three blocks has been dedicated to Trunkline; the remaining 40 percent has been dedicated to Southern Natural.

Each related producer sales contract commits up to but not in excess of a stated quantity of recoverable gas reserves and provides that the producer may reserve up to 50 percent of the dedicated volume:

VOLUMES COMMITTED BY LARGE PRODUCERS

Producer	Docket No.	Date filed	Maximum commitment (billions of cubic feet)
Placid	CI75–59	July 31, 1974	78
Hunt Petroleum	CI75–66	Aug. 5, 1974	14
Hunt Industries	CI75–67	do	14
Hunt Oil	CI75–68	do	74
Kewanee	CI75–69	do	7
Ashland	CI75–122	Aug. 23, 1974	56
TransOcean	CI75–138	Sept. 3, 1974	130

VOLUMES COMMITTED BY SMALL PRODUCERS

Producer:	Maximum Commitment (in thousand cubic feet)
Highland	23,000,000
Hamilton Brothers Oil	23,000,000
Hamilton Brothers Exploration	4,000,000

In Docket Nos. CI74–734, et al., Superior Oil Co., et al., the Commission on March 20, 1975, set for hearing the applications of producers to limit the dedication of reserves for sale to an interstate pipeline, the same as is here proposed by Placid et al. These applicants shall therefore in the hearing hereafter provided for, demonstrate that the public interest is served by allowing these contractual provisions to take effect and whether the upper ceiling volumetric limits proposed herein are required by public convenience and necessity.

Each contract with Trunkline provides that seller has the right to elect to take for any use by it or on its behalf but not for sale to any purchaser for resale, up to 50 percent of its interest in developed reserves committed hereto remaining at the time of commencement of delivery of gas from such reserved volumes and the deliverability attributable thereto reseller's option, the reservation may be up to 50 percent of developed reserves and deliverability attributable thereto remaining at the date of Commission approval of such reservation. The contracts further provide that seller has the right during the 2 year period following any failure to take reserved volumes to make up that production by taking up to 110 percent of the production to which it would have otherwise been entitled. The option may be exercised at any time or times and seller may increase or decrease its elected percentage upon any subsequent election. Buyer and seller are to execute a transportation agreement after seller notifies buyer it has exercised its option and buyer will transport the reserved gas after receipt of satisfactory authorization.

The contract with Southern Natural submitted by the Hunt Oil in Docket No. CI75–68 provides that seller shall have the continuing right to reserve and

except, for use by seller in seller's onshore operations, or by others for seller's account in such party's onshore operations, or for any use or sale other than the sale for resale to an interstate gas purchaser (except buyer) or to an intrastate gas purchaser, a quantity of gas each day not to exceed 50 percent of the gas available each day; provided such reservations and exceptions do not exceed 50 percent of the then remaining committed gas attributable to seller's interest. The contract further provides that buyer is obligated to transport gas reserved by the seller and seller's reservation will not be effective for any purpose until authorization is received by buyer to transport the reserved gas.

The contract with Southern Natural submitted by the TransOcean in Docket No. CI75–138 provides that seller shall have the continuing right to reserve and except, for use in a nitrogen and fertilizer complex, daily quantities of gas up to 35,393 Mcf, plus gas used in processing plants for fuel and shrinkage and Btu adjustment gas, for ten calendar years beginning January 1, 1976, but not to exceed 11,743,875 Mcf, plus gas used in processing plants for fuel and shrinkage and Btu adjustment gas, in any one calendar year or 50 percent of the original reserves plus gas used in processing plants for fuel and shrinkage during the 10 year period.

Placid, Hunt Petroleum, Hunt Industries, Hunt Oil and Kewanee proposing sales to Trunkline (Docket Nos. CI75–59, CI75–66, CI75–67, CI75–69, and CI75–122) state that they are investigating the feasibility of using the reserved gas to manufacture ammonia fertilizer or ammonia and urea fertilizer and depending on the quantity of gas developed, they may desire to use the gas for other purposes. However, the time required to locate a suitable plant site, the investment required to purchase equipment and the plant site, and the planning require that the right of each producer to take up to 50 percent of the gas be established at the time authorization is granted to commence sales to Trunkline. These producers shall also demonstrate why the public interest is to be served by their limitation on dedication of gas reserves to purchasing interstate pipelines.

Hunt Oil Co. in Docket No. CI75–68 states that some of the reserved gas will be used in its refinery near Tuscaloosa, Alabama, and that some of the reserved gas may be used in the production of fertilizer in conjunction with the other producers. TransOcean Oil, Inc. in Docket No. CI75–138 states that the reserved gas will be used in an affiliate's fertilizer complex in Beaumont, Texas. In view of the above, each producer requests express Commission approval of the reservation of up to 50 percent of the gas and authorization to take such reserved gas for their own use.

By letter filed October 3, 1974, Highland Resources, Inc., requested the Commission to advise whether or not the reservation provision in its contract requires specific approval and if so, requested that its letter be treated as an application for such approval. Highland states that it is also investigating the feasibility of using the reserved gas to manufacture fertilizer in conjunction with the other producers. Highland will be joined herein to show the public interest will be served by its contract reservation.

Trunkline has made advance payments totalling $73,442,500 as follows:

Producer:	*Amount*
Ashland	$20,390,000
Placid	27,192,500
Kewanee	2,600,000
Hunt Industries	2,431,000
Hunt Petroleum	2,431,000
Highland Resources	8,498,000
Hamilton Brothers Oil	8,340,000
Hamilton Brothers Exploration	1,560,000

Southern Natural has made advance payments totalling $51,557,500 ($27,192,500 to Hunt Oil and $24,365,000 to TransOcean). Southern Natural later assigned 50 percent of its interest in the advance payment to TransOcean to United pursuant to the terms of the Sea Robin Joint Venture Agreement between Southern Deepwater Pipeline Company and United Offshore Company dated August 26, 1968.

On March 4, 1975, Tennessee Gas Pipeline Company, and Tenneco Chemicals, Inc. (Tenneco Chemicals), filed in Docket No. CP75–258 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale, transportation and exchange of natural gas in interstate commerce. Applicants request certificate authorization to sell, transport and exchange natural gas in accordance with a letter agreement between them dated July 23, 1974. Pursuant to said agreement and letter agreements between Tenneco Chemicals and Apexco, Inc., Corpus Christi Management Company and Coastal States Gas Producing Company, Tenneco Chemicals will deliver or cause to be delivered volumes of natural gas to Tennessee Gas at three delivery points. Those points where gas is proposed to be delivered to Tennessee Gas are: (1) at the tailgate of Mobil Oil Corporation's Cameron gas processing plant in Cameron Parish, Louisiana; (2) at the tailgate of Gulf Resources and Development Corporation's gas processing plant in Starr County, Texas; and (3) at the interconnection of Coastal States Gas Producing Company's and TGP's pipelines in Cameron Parish, Louisiana.

Gas delivered at points 1 and 2 above would be made through TGP's existing measuring facilities while Coastal States Gas Producing Company would install a tap and metering facility at its sole expense at the interconnection of its pipeline and TGP's line described as point 3 above. Tenneco Chemicals will deliver or cause to be delivered 14,500 Mcf of natural gas per day to TGP at the above described delivery points. The application states that at least one-third of the total volumes of gas so delivered to TGP by or for the account of Tenneco Chemicals will be sold by Tenneco Chemicals to Tennessee Gas. Applicants state that the remaining portion of the volumes of gas so tendered to TGP will be received by it for the transportation, exchange account of Tenneco Chemicals. Applicants state that TGP will cause all or a portion of such gas to be redelivered to Amoco Pipeline Company for the account of Tenneco Chemicals at the tailgate of Exxon's Katy Field Plant in Waller County, Texas. The application states further that during each winter period (November thru March) TGP can elect to utilize up to 30 percent of Tenneco Chemical's portion of gas volumes received by TGP for the transportation/exchange account of Tenneco Chemicals. It is stated that during each succeeding summer period (April thru October) TGP will redeliver to Tenneco Chemicals each day all of Tenneco Chemical's share of the gas received by TGP on such day and additionally TGP will make available for return to Tenneco Chemicals all gas which TPG elected to utilize during the preceding winter periods. The application indicates that Tenneco Chemicals will sell to TGP any gas utilized by TGP during the winter period which was tendered by TGP for redelivery and not taken by Tenneco Chemicals as of November 1 following such winter period. Applicants state that Tenneco Chemicals will sell gas to TGP at the average rate Tenneco Chemicals purchases such gas from Apexco, Inc., Corpus Christi Management Company and Coastal States Gas Producing Company, or at such lesser rate as TGP is authorized to pay Tenneco Chemicals by the Federal Power Commission.

Joint Applicants state further that Tenneco Chemicals will pay TGP a monthly transportation charge for the volumes of gas redelivered to it during each month to the extent those volumes exceed the volumes delivered to TGP downstream of the redelivery point during such month. The application states that volumes utilized by TGP during the winter period and returned to Tenneco Chemicals during the summer period will not be included in calculating the monthly transportation charge. Applicants state that the transportation charge will be calculated by multiplying the excess volume by a) TGP's average charge per 1 mile per Mcf and b) the distance all gas delivered upstream of the redelivery point was transported during such month. The proposed service is to provide gas for Tenneco Chemicals to produce acetylene, vinyl chloride monomer, methanol, ammonia, liquid nitrogen and liquid argon, which products are used in making plastics, coatings, lubricants and fertilizer.

Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) in Docket No. CP73–339 filed an application on June 21, 1973, seeking authority to construct and operate 14.82 miles of 16-inch diameter pipelines and related facilities in Block 33, East Cameron Area, offshore Louisiana, to connect new gas reserves, 50 percent of which are to be sold by the producers Continental Oil Company (Conoco) and Cities Service Oil Company (Citgo) and the remaining 50 percent transported for their own use

or sale onshore in the area of Lake Charles, Louisiana. Notice of the application was issued on July 10, 1973 (38 FR 19075).

Tennessee proposed to construct two segments of 16-inch diameter pipeline. The first segment consists of 0.4 mile from East Cameron Block 33A to East Cameron Block 33B. This segment was estimated to cost $573,000. The second pipeline segment proposed to be constructed by Tennessee is from East Cameron Block 16 Northwesterly to Tennessee's existing facilities onshore South of Station 507F. The second segment consists of 14.42 miles of 16-inch diameter pipeline. The total project cost was estimated at $4,779,500.

Tennessee stated in its application that the estimated gas reserves to be made available for purchase from the connection in East Cameron Block 33B at 69.8 Bcf. In Docket No. CI73-728, Citgo was issued a temporary certificate on June 22, 1973, to sell gas to Tennessee from this dedicated acreage. In Docket No. CI73-744, Conoco was issued a temporary certificate to sell gas to Tennessee from this Block on June 4, 1973. Both certificates were accepted by producers. These gas purchase and sales agreements with Citgo and Conoco dedicated 50 percent of the reserves to Tennessee and reserve 50 percent of the gas reserves for the use of the producers. The volume of gas which has been developed on these leases, which contain gas reserves to be purchased and transported by Tennessee, is limited at the present time.

Tennessee proposes to transport the reserved gas for producers to a point onshore adjacent to Tennessee's Sabine-Kinder 30-inch diameter pipeline located approximately 26 miles west of Kinder, Louisiana. No facilities are proposed to be constructed by Tennessee onshore Louisiana. Facilities for delivery of gas to be transported by Tennessee to the ultimate consumer have not been defined.

Tennessee proposes that the transportation cost is estimated to be 4.39¢ per Mcf. The gas to be purchased by Tennessee will be used as part of its over-all gas supply to meet the needs of its existing customers. On August 6, 1973, Conoco filed a petition to intervene. It stated that it is a party to existing contracts under which it delivers and sells natural gas in the Lake Charles, Louisiana Area to industrial users, and that it intends to use the reserved gas for delivery to PPG Industries, Olin Corporation, and Firestone Tire and Rubber Company. Conoco further stated that evidentiary support for such uses and the related volumes of natural gas used in each plant must come from the users, PPG, Olin and Firestone. On October 4, 1973, Firestone Tire and Rubber Company filed a petition to intervene, stating that it desired to receive the gas which Conoco proposes to have transported to it, and supports the application of Tennessee.

On November 1, 1973, Tennessee filed a supplement to its application stating that Citgo would use its gas to be transported by Tennessee in its Lake Charles refinery and chemical plant. Tennessee also stated that of the estimated total recoverable dry reserves [upon full development] of 239 Bcf, Conoco owns 70 Bcf (29.1 percent) and Citgo owns a like amount, or a total of 140 Bcf. Tennessee stated that if the producers are denied the right to have their reserved volumes transported, then the producers are committed to enter into a gas purchase and sales agreement no later than 5 years after the date of the transportation agreement or at the time when Tennessee has purchased and received all of the gas reserves originally committed under the gas sales agreement. Tennessee also has the option to receive a copy of any proposed contract between the producers and any third party and the right to elect to purchase such gas reserves pursuant to such notice.

On December 18, 1973, Conoco submitted end-use data of natural gas on behalf of three industrial customers to whom it proposes to sell and deliver gas. Conoco points out that certain of these requirements by PPG included anticipated future expansion of plant not now in existence. In furnishing the end-use data, Conoco stated that it does not necessarily support the projected uses by any customers which would entail substantial expansion or construction of new plants not now in operation. Firestone stated that its average monthly use of gas was 3,000,000 Mcf, of which 86 percent was boiler fuel and 13 percent for process heat. PPG Industries showed 1972 daily usage of 83,000 Mcf, 100,000 Mcf in 1973, 1974 and 1975, increasing to 149,500 Mcf in 1976, and 228,000 Mcf in 1977. In 1974, its use of gas was 57 percent for electric power generation and 39 percent for steam generation for process uses, the remaining percentage for furnace firing and other uses. Olin Corporation end-use data showed daily consumption of 77,200 Mcf, of which 26,500 Mcf was used for feed stock (principally ammonia), 26,800 Mcf for process gas and 23,900 Mcf for boiler fuel.

On February 28, 1974, Tennessee filed an amendment to its application to delete 14.42 miles of 16-inch diameter pipeline, estimated to cost $4.2 million, as development of reserves has not materialized as was expected and that the recoverable reserves which can be expected can be accommodated by constructing only the 0.4 mile of 16-inch pipe to East Cameron Block 33. Tennessee also requested that this proceeding be phased, with Phase I to be limited to authorization to Tennessee to construct and operate facilities solely for the purchase of gas from Citgo/Conoco and Phase II to be all matters related to the proposed transportation of gas for Citgo/Conoco to onshore locations. Tennessee requests that it be granted a certificate in Phase I in a noncontested statutory hearing and that the contested Phase II transportation matters be set for hearing. Notice of the amendment to the application was issued on March 6, 1974 (39 FR 9709). No party to the proceeding has objected to the proposed procedure and no protest has been filed.

On June 5, 1974, the Commission issued a certificate of public convenience and necessity to Tennessee to construct Phase I facilities to begin purchasing gas from Conoco/Citgo from Block 33, East Cameron. An order was issued on August 2, 1974, granting in part Tennessee's application for rehearing and supplementing the order of June 5. The Commission found (p. 8) that the hearing on the transportation issues should be deferred until after a decision in Dockets Nos. CP72-6, et al. (See also order paragraph E, p. 10). In view of the common issues of fact and law involving the proposal in Docket No. CP73-339 and other dockets hereafter discussed and consolidated, the order deferring hearing on the Phase II transportation issues will be vacated.

On March 10, 1975, Ammonia Enterprises Pipeline, Inc. (AEPI), filed in Docket No. CP75-268 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline to transport natural gas for Continental Oil Company (CONOCO), AEPI parent, from the outer continental shelf, Federal Domain, offshore Louisiana.

AEPI, a newly formed corporation and a wholly-owned subsidiary of Continental, proposes to construct and operate approximately 52 miles of 10.75-inch O.D. pipeline from West Cameron Block 66, offshore Louisiana, to Continental's West Gillis, Louisiana, gas processing plant and to acquire from Continental and operate approximately 0.777 mile of 10.75-inch O.D. pipeline, 7.359 miles of 16.0-inch O.D. pipeline, 0.795 mile of 24-inch O.D. pipeline, and 0.341 mile of 14.0-inch O.D. pipeline from the West Gillis Plant to Olin Mathieson Chemical Corporation's (Olin) ammonia plant, Lake Charles, Louisiana.

AEPI requests authorization to transport gas owned by CONOCO from The West Cameron Block 66 Field to the West Gillis Plant, where said gas will be processed by Continental and relieved of liquid hydrocarbons, then deliver the residue to Olin's plant for CONOCO's account. CONOCO proposes to sell gas under a gas sales contract with Olin dated April 1, 1964, as amended.

AEPI states that it would accept approximately 25,000 Mcf per day of gas from the Block 66 Field and that CONOCO would pay 43 cents per Mcf for the transportation service including a return at an estimated rate of 11.25 percent. AEPI further states that delivery of gas to Olin's plant would involve utilization of the gas for feedstock or raw material in the manufacture of anhydrous ammonia. The cost of construction of the proposed pipeline is $18,000,000, which would be financed initially with cash available from the issuance of capital stock to CONOCO and a loan. The pipeline is designed to have a maximum daily capacity of 57,500 Mcf. AEPI further states that total potential reserves in the area of the West Cameron

Block 66 Field are in excess of 120 million Mcf.

In Chandeleur Pipeline Company, Opinion No. 560, 42 FPC 20 (1969), remanded, Public Service Commission v. FPC, 436 F. 2d 904 (D.C. Cir. 1970), Opinion No. 560–A, 44 FPC 1747 (1970), affirmed 463 F. 2d 824 (D.C. Cir. 1972), the Commission issued a Certificate authorizing the transportation of an additional 85,000 Mcf/d from offshore Louisiana to the gasoline refinery of Standard Oil Company of California of natural gas for its own use. In Chandeleur, the Commission was concerned with the transportation of natural gas by a producer through its company-owned facilities from gas reserves in the Gulf of Mexico directly to its own refinery. In the proceeding, Docket Nos. CP72–6, et al., Tennessee Gas Pipeline Co., et al., Continental, Cities Service, Exxon, Amoco and Mobil seek to have gas, which they have reserved out of gas purchase contracts, transported through existing or augmented facilities of interstate pipeline companies to their plants for their own consumption or use. The distribution company interveners appeared to object to the proposed transportation of natural gas by the interstate pipeline companies for the producers' own use on the ground that such direct transportation deprives them of needed gas supplies for retail distribution. The transportation of gas for use by the producers from offshore Louisiana to various gas consuming plants or facilities is presently before the Commission in Docket Nos. CP72–6, et al., Tennessee Gas Pipeline Co., et al. As in these earlier proceedings, it is necessary that applicants and interveners present evidence of the end-use to which the gas proposed to be transported will be put, the availability of alternative fuels and alternative means of supplying requirements in order to adequately evaluate, on a current basis, whether the Commission should approve the transportation of gas for the producers' own uses and to present evidence of the current market and gas supply conditions with which they are faced, among other issues relevant to this proceeding. The record in the hearing hereinafter ordered should demonstrate, inter alia, whether the proposed rate is required by the public convenience and necessity, the necessity for the proposed facilities, adequacy of reserves, and economic feasibility.

Docket No.:	*Date of notice*
CP75–163	12–10–1974
CP75–19	8–6–1974
Amendment	11–26–1974
CP75–149	11–27–1974
CP75–151	11–27–1974
CP75–152	11–27–1974
CP75–153	11–27–1974
CP73–339	7–10–1973
CP75–268	3–19–1975
CP75–258	3–19–1975
CP73–23	8–7–1974
CI75–45	8–7–1974

Petitions to intervene and notices of intervention have been filed by:

Associated Gas Distributors.
Consumers Power Company.
Carolina Pipeline Company.
United Gas Pipeline Company.
Ashland Oil, Inc.
Swift Chemical Company.
TransOcean Oil, Inc.
Hunt Oil Company.
Southern Natural Gas Company.
Mississippi River Transmission Corporation.
United Gas Pipe Line Company.
Michigan Gas Utilities Company.
Michigan Public Service Commission.
Northern Indiana Public Service Company.
Swift Chemical Company.
Louisiana Department of Conservation.
Olin Corporation.
The Public Service Commisaion of New York.
Air Products and Chemicals, Inc.
Columbia Gas Transmission Corporation.
Consolidated Gas Supply Corporation.
Tenneco Oil Company.
Shell Oil Company.

The Commission orders. (A) The applications listed at the head of this order are hereby consolidated for hearing and decision.

(B) The petitioners named above are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission, provided that the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene and that the admission of such interveners shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) Pursuant to authority conferred on the Federal Power Commission by the Natural Gas Act and the Commission's regulations under the Natural Gas Act, a public hearing will commence on May 19, 1975, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., 20426, respecting the matters set forth above and more fully set forth in the applications in these dockets and designated as Tenneco Oil Co., et al., Docket Nos. CI75–45, et al.

(D) Applicants and persons in support of the applications shall serve prepared testimony in support thereof, including prepared testimony of witnesses and exhibits, on the Office of the Administrative Law Judge, the Commission's Staff, and every party to this proceeding on or before May 7, 1975.

(E) Shell Oil Company is directed to file a conditional application for certificate to sell gas to Creole Gas Pipeline Corp. for consideration together with its petition for declaratory judgment in Docket No. CI75–107.

(F) Ordering paragraph (E) of the order issued in Docket No. CP73–339 on June 5, 1975, is hereby vacated as to deferral of hearing. All other orders therein remain in full force and effect.

(G) A hearing examiner to be hereinafter designated by the Chief Examiner shall preside at the hearing and, in his discretion, shall control the proceedings thereafter.

(H) Highland Resources, Inc., Hamilton Brothers Oil Co. and Hamilton Brothers Exploration, Ltd. are hereby directed to appear as parties in these proceedings as applicants for permission to have their contracts containing limitation in reserve dedications approved by the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–10264 Filed 4–17–75;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCSHARES INC.

Merger of Bank Holding Company and Acquisition of Nonbanking Activities

American Bancshares Incorporated, North Miami, Florida, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with ComBanks Corporation, Winter Park, Florida. ComBanks Corporation is a registered bank holding company with respect to the following banks in Florida: ComBank/Winter Park, Winter Park; ComBank/Casselberry, Casselberry; ComBank/Fairvilla, Orlando; ComBank/Pine Castle, Pine Castle; ComBank/Apopka, Apopka; ComBank/Union Park, Orlando. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

American Bancshares Incorporated, North Miami, Florida has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to indirectly acquire, through the above merger, all the voting shares of ComBanks Mortgage Company, Winter Park, Florida.

Applicant states that the proposed subsidiary would engage in the activities of making, acquiring or servicing for its own account or for the account of others, loans and other extensions of credit normally made in the operation of a mortgage company, such loans would include construction loans, development loans, mortgage loans and all other types of real estate loans.

American Bancshares Incorporated, North Miami, Florida has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of ComBanks Data Processing Center, Winter Park, Florida and thereby engage in providing data processing services for the internal operations of the holding company and its subsidiaries and storing and processing other banking, financial and related economic data, such as performing payroll, accounts receivable or payable billing services, or other similar financial services. Notice of the applications was published on March 13, 1975 in the Sentinal Star a newspaper circulated in Orlando, Florida. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their

views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 14, 1975.

Board of Governors of the Federal Reserve System, April 11, 1975.

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

[FR Doc.75-10153 Filed 4-17-75;8:45 am]

DETROITBANK CORP.

Order Approving Acquisition of Bank

DETROITBANK Corporation, Detroit, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First National Bank of Warren, Warren, Michigan ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest bank holding company in Michigan, controls three subsidiary banks[1] with aggregate deposits of about $2.3 billion,[2] representing approximately 8.1 per cent of the total commercial bank deposits in the State. Applicant's acquisition of Bank would increase Applicant's share of commercial bank deposits in the State by 0.2 per cent and would not result in a significant increase in the concentration of banking resources in Michigan.

Bank (deposits of $45.2 million) is located in Warren, a suburb of Detroit, and operates in the Detroit banking market,[3] which is the relevant banking market. Some 41 banking organizations with a total of 638 offices compete in the Detroit banking market. Applicant's lead bank operates 85 offices in the Detroit banking market, including offices which serve the Warren area and compete directly with Bank. Thus, it appears that consummation of this acquisition would result in the elimination of some existing and future competition in the Detroit banking market, although this situation is mitigated to some extent by the large number of competing banks operating in the market. While it is the Board's view that consummation of the proposed acquisition would result in some adverse effects on competition in the Detroit banking market, this situation must be examined in light of the financial, managerial, and convenience and needs considerations discussed below.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as favorable. The financial and managerial resources and future prospects of Bank are not entirely satisfactory at the present time but are expected to show marked improvement as a result of Bank's affiliation with Applicant. Applicant has committed that, upon consummation of the acquisition, it would make a substantial contribution of funds to increase Bank's capital position and would provide additional experienced personnel to augment Bank's management. The Board regards these commitments as significant and believes that financial and managerial factors lend substantial weight toward approval of the application.

Affiliation with Applicant would enable Bank to draw upon Applicant's resources and expertise and thereby offer expanded services to its customers. Applicant states that, following consummation of the acquisition, Bank would make available to its customers numerous new and improved services, including: personal and corporate trust services, international banking services, accounts receivable financing, computerized services, lock boxes, and personal property leasing. It is expected that enabling Bank's customers to obtain these services through Bank would result in Bank's becoming a more attractive banking alternative and a strong competitor in the Warren area. Convenience and needs considerations also lend weight toward approval of the application. The Board is of the view that, under the circumstances of this case, the convenience and needs factors, considered together with the financial and managerial factors discussed above, outweigh in the public interest the adverse competitive effects of this proposal. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[4] effective April 11, 1975.

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

[FR Doc.75-10154 Filed 4-17-75;8:45 am]

[1] Two of Applicant's subsidiary banks are recently formed de novo banks.

[2] Banking data are as of June 30, 1974.

[3] The Detroit banking market is approximated by Macomb, Oakland, and Wayne Counties.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland and Coldwell. Absent and not voting: Governors Bucher and Wallich.

FIRST AMTENN CORP.

Acquisition of Bank

First Amtenn Corporation, Nashville, Tennessee, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Sparta, Sparta, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 14, 1975.

Board of Governors of the Federal Reserve System, April 11, 1975.

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

[FR Doc.75-10155 Filed 4-17-75;8:45 am]

FIRST BEMIDJI HOLDING CO.

Formation of Bank Holding Company

First Bemidji Holding Company, Bemidji, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company through acquisition of 80.1 percent or more of the voting shares of The First National Bank of Bemidji, Bemidji, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 8, 1975.

Board of Governors of the Federal Reserve System, April 11, 1975.

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

[FR Doc.75-10156 Filed 4-17-75;8:45 am]

GUARANTY BANCORP.

Formation of Bank Holding Company

Guaranty Bancorporation, Tulsa, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Guaranty National Bank, Tulsa, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 8, 1975.

Board of Governors of the Federal Reserve System, April 11, 1975.

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

[FR Doc.75-10157 Filed 4-17-75;8:45 am]

UNITED BANKS OF COLORADO, INC.

Order Denying Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3) to acquire 90 per cent or more of the voting shares of Republic National Bank of Englewood, Englewood, Colorado ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (39 FR 36394, October 9, 1974). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

Applicant controls 16 banks with aggregate deposits of about $918.6 million, representing approximately 13.7 per cent of the total commercial bank deposits in Colorado and is the second largest banking organization in the State.[1] The acquisition of Bank (deposits of $13.1 million) would increase Applicant's control of commercial bank deposits in Colorado by 0.2 of one per cent and would not alter Applicant's rank among Colorado banking organizations.

Bank, which is located in a suburban area about 7 miles from downtown Denver, competes in the Denver banking market (approximated by Denver, Adams, Arapahoe and Jefferson Counties and the Broomfield area of Boulder County) and controls approximately .3 of one percent of total market deposits. Applicant is also represented in the Denver market and ranks therein as the second largest banking organization with six subsidiaries in the market controlling approximately 17 percent of the total market deposits. Consummation of the proposed transaction would have some adverse effects on the concentration of banking resources by increasing Applicant's position in the market and by increasing the percentage of deposits held by the five largest organizations in the market to about 69.3 percent of the total.

In addition to the effects of the proposal on the concentration of banking resources, the proposal would have adverse effects on existing and future competition within the Denver market. As noted above, Applicant is already represented in the relevant market, and the record indicates that there is meaningful competition between Applicant and Bank which would be eliminated by this proposal, as evidenced by the fact that two of Applicant's subsidiaries derive significant amounts of loans and deposits from the area served by Bank. Furthermore, the proposal would foreclose the development of future competition by removing Bank as an independent competitor. Accordingly, the Board is of the view that consummation of the proposal would have adverse effects on both existing and future competition.

On the basis of the foregoing and other facts of record, the Board concludes that competitive considerations relating to this application weigh sufficiently against approval so that it should not be approved unless the anticompetitive effects are outweighed by other positive considerations reflected in the record such as the financial and managerial resources and future prospects of Applicant and Bank or the convenience and needs of the communities to be served.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval of the application, although such consideration do not provide weight for approval of the application. The same conclusion pertains to considerations relating to the convenience and needs of the communities to be served. Accordingly, the Board finds that neither the considerations relating to the banking factors nor those relating to convenience and needs outweigh the adverse competitive effects the Board finds present in Applicant's proposal.

On the basis of all the facts in the record, and in light of the factors set forth in section 3(c) of the Act, it is the Board's judgment that approval of the proposal would not be in the public interest.

Accordingly, the application is denied for the reasons summarized above.

By order of the Board of Governors,[2] effective April 11, 1975.

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

[FR Doc.75-10158 Filed 4-17-75;8:45 am]

UNITED BANKS OF COLORADO, INC.

Order Approving Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of United Bank of Monaco, N.A., Denver, Colorado ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (39 FR 41312, November 26, 1974). The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of Frontier Bank of Denver, Denver, Colorado ("Protestant"), in light of the facors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 16 banks with aggregate deposits of about $918.6 million, representing approximately 13.7 percent of the total commercial bank deposits in Colorado, and is the second largest banking organization in the State.[1] Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of commercial bank deposits in the State.

Bank is a new bank which has received preliminary charter approval from the Comptroller of the Currency and is to be located in southeast Denver within the Denver market, which is approximated by Denver, Adams, Arapahoe, and Jefferson Counties and the Broomfield area of Boulder County. With six subsidiaries in the Denver market (the relevant market), Applicant controls deposits of $659.8 million, representing about 17 percent of the market deposits, and ranks thereby as the second largest banking organization in the market. This first and third largest banking organizations in the market control, respectively about 22 and 14 percent of the market deposits. Since Bank is a proposed new bank, consummation of Applicant's proposal would not eliminate any existing competition, nor would

[1] All banking data are as of June 30, 1974, and reflect bank holding company formations and acquisitions approved by the Board through January 31, 1975.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Coldwell. Absent and not voting: Governors Bucher and Wallich.

[1] All banking data are as of June 30, 1974, and reflect bank holding company formations and acquisitions approved through January 31, 1975.

it have any immediate effect on Applicant's share of commercial bank deposits in the market. While Applicant is the second largest banking organization in the market, it is noted that its market share has been declining recently, and it does not appear that Applicant occupies a dominant position within the market.

In its analysis of the subject application, the Board has also considered the comments submitted on behalf of Protestant, a bank located less than two miles from the proposed site of Bank. Generally speaking, Protestant contends that the proposal would have anticompetitive effects. In support of this contention, Protestant argues that the area that will be served by Bank is "in the state of economic lethargy" and is not in need of a new bank; Applicant is already dominant in this area, and the establishment of a new bank by Applicant at this time would adversely affect Protestant, a recently opened bank.[2] In the Board's judgment, the issues raised by Protestant are not sufficient to warrant denial of the subject application.

On the basis of the facts of record, the Board disagrees with Protestant's assessment of the adverse effects of the proposal. As noted above, the relevant banking market for assessing the competitive effects of the proposal is the Denver market. Applicant's position within this market has been declining in recent years and the instant proposal represents, in the Board's view, an effort to serve the growing banking needs of the Denver area. Even though there are over 70 banks in the market, it appears that there is a need for additional banks to serve the Denver market, as indicated by a population per banking office ratio of approximately 18,000 as compared to about 9,000 for the State. Even using the service area delineated by Protestant (which is only a guesstimate that may prove inaccurate in actual practice), the Board is unable to conclude that Applicant is dominant in the area or that the area would not support an additional bank. In this latter connection, it is noted that the Denver area, including southeast Denver, has experienced significant growth in the past and, while the overall growth of the area has slowed recently, the prospects for future growth in the market, as well as the area in the vicinity of Bank, are favorable. Furthermore, the growth experienced by the banks in the vicinity of Bank's proposed site, including the significant growth of Protestant, indicate the area would support another bank. With respect to the final contention that the proposal would adversely affect Protestant, the Board recognizes that the introduction of a new banking alternative may slow the rate of Protestant's growth; however, the evidence in the record is not sufficient, in the Board's judgment, to conclude that the proposal would adversely affect Protestant as a viable banking organization.

Accordingly, on the basis of the facts of record and having considered the comments of Protestant, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on existing or potential competition and that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and its subsidiaries are regarded as generally satisfactory. Bank, a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to banking factors, therefore, are consistent with approval of the application. In regard to convenience and needs considerations, Bank would serve as an additional source of full banking services to the residents of the area, including the businesses and customers of the nearby shopping center who now must travel approximately two miles to the nearest bank. Accordingly, these considerations relating to convenience and needs lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) United Bank of Monaco, N.A., Denver, Colorado, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective April 11, 1975.

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

[FR Doc.75-10159 Filed 4-17-75;8:45 am]

UNITED BANKS OF COLORADO, INC.

Order Approving Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 97.5 percent of the voting shares of United Bank of Steamboat Springs, Steamboat Springs, Colorado ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act (40 FR 3237, January 20, 1975). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest bank holding company in Colorado, controls 16 banks with aggregate deposits of approximately $918.6 million, representing about 13.7 percent of total commercial bank deposits in the State.[1] Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of commercial bank deposits in Colorado.

Bank will be located in Steamboat Springs, the county seat of Routt County, approximately 110 miles northwest of Denver, and will be competing in the Steamboat Springs banking market.[2] Applicant's closest subsidiary bank is located approximately 158 miles from the proposed site of Bank. Since the proposal involves the establishment of a proposed new bank, consummation of the subject acquisition would eliminate no existing competition, and no immediate increase in the concentration of banking resources would result therefrom. Moreover, it does not appear that the proposal would adversely affect potential competition. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Bank would provide an additional alternative source of full banking services to the residents of the Steamboat Springs area. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) United Bank of Steamboat Springs, Steamboat Springs, Colorado, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of

[2] On March 26, 1975, the Board approved the application of Frontier Bancorporation of Denver, Inc., Denver, Colorado, to become a bank holding company. Protestant is a subsidiary of that bank holding company.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Coldwell. Absent and not voting: Governors Bucher and Wallich.

[1] All banking data are as of June 30, 1974 and reflect bank holding company formations and acquisitions approved by the Board through January 31, 1975.

[2] The Steamboat Springs banking market is approximated by the boundaries of Routt County.

Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective April 11, 1975.

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

[FR Doc.75-10160 Filed 4-17-75;8:45 am]

FEDERAL TRADE COMMISSION

LINE OF BUSINESS REPORTING PROGRAM

Proposed LB Reporting Form and Related Materials for Use in Collection of 1974 Data

Notice was published in the FEDERAL REGISTER on April 16, 1975 (40 FR 17081) of the availability for public inspection and written comment of the Federal Trade Commission's proposed FTC Form LB (Line of Business) and related information to be used for the collection of line of business data for the 1974 reporting year. Notice was also given that the Commission will hold an open hearing on May 20, 1975, for the purpose of receiving oral comments on the proposed form.

Persons desiring to make oral presentations should notify the Line of Business Program, Division of Financial Statistics, Federal Trade Commission, Washington, D.C. 20580 on or before May 9, 1975. Consolidation of presentations setting forth the same or similar views is encouraged. Persons should specify, as briefly as possible, the issues to be addressed. The Commission reserves the right to limit the number and duration of oral presentations. Details concerning time, place and procedures will be announced at a later date.

Issued: April 16, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-10367 Filed 4-17-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on April 8, 1975. (See 44 U.S.C. 3512 (c) & (d).) The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FCC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before May 5, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of an extension (no change) of FCC Form 301, Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station. It is required to be filed by applicants seeking authority to construct a new broadcast station pursuant to FCC rules and regulations (§ 1.533). In as much as the form is used for a wide variety of applications, respondent burden could vary considerably depending upon the nature of the application, ranging from 8 hours for a minor change in existing facilities to 2,000 hours for authority to construct a new facility. The FCC receives approximately 2,000 applications annually.

Request for clearance of an extension (no change) of FCC Form 313, Application for Authorization in the Auxiliary Broadcast Services. It is required to be filed by applicants for a radio station license in the auxiliary radio broadcast services and for renewing a station license if there has been a change in the information previously filed with the Commission in the initial application for a station license pursuant to FCC rules and regulations (§§ 1.533, 1.536, and 1.539). The respondent burden could vary according to the nature of the application. Compliance could take from one hour to six months. The time varies with the complexity of the auxiliary service and the size of the city to be served. The FCC receives approximately 3,250 applications annually.

Request for clearance of an extension (no change) of FCC Form 302, Application for New Broadcast Station License. It is required to be filed in all cases by applicants seeking a broadcast station license in the Radio Broadcast Services and the Experimental, Auxiliary, and Special Broadcast, and Other Program Distributional Services pursuant to FCC rules and regulations §§ 1.536, 1.537, and 1.546). The respondent burden could vary considerably from one day to 365 days depending on the nature of the application. When used to apply for either FM or TV licenses, approximately sixty hours is needed for completion. When used to apply for an AM license, the time needed can vary greatly. The FCC received approximately 950 applications annually.

Request for clearance of an extension (no change) of FCC Form 318, Request for Subsidiary Communications Authorization. It is required to be filed by licensees or permittees of FM Broadcast Station requesting authority to establish, modify, or renew a Subsidiary Communications Authorization service pursuant to FCC rules and regulations (§§ 1.533, 1.536, and 1.539). The respondent burden could vary considerably depending upon the nature of the application and the complexity of the proposed use. Completing an application could take as little as thirty minutes. However, when the form is used to apply for a more complex authorization, the applicant may need as much as one to two weeks to gather all required background data for the extra exhibits. The FCC receives approximately 500 requests annually.

Request for clearance of an extension (no change) of FCC Form 341, Application for Non-commercial Educational TV, FM, or Standard Broadcast Station License. It is required to be filed by applicants seeking a non-commercial educational TV, FM, or standard broadcast station license pursuant to FCC rules and regulations (§§ 1.536 and 1.537). The respondent burden varies according to the nature of the application. It is estimated that the total time needed to complete this ranges from one day to 365 days. A simple application could be completed in a day's time. On the other hand, a station with a complex directional antenna array may need 365 days to gather all the data needed to complete the form. The FCC received approximately 165 applications annually.

Request for clearance of an extension (no change) of FCC Form 340, Application for Authority to Construct or Make Changes in a Non-commercial Educational TV, FM, or Standard Broadcast Station. It is required to be filed by applicants seeking authority to construct or make changes in a non-commercial educational TV, FM, or standard broadcast station pursuant to FCC rules and regulations (§ 1.533). In as much as the form is used for a wide variety of applications, respondent burden could vary considerably depending upon the nature of the application, ranging from 8 hours for a minor change in existing facilities to 2000 hours for authority to construct a new facility. The FCC receives approximately 479 applications annually.

Request for clearance of an extension (no change) of FCC Form 342, Application for Renewal of Noncommercial Educational TV, FM, or Standard Broadcast Station License. It is required to be filed by licensees applying for renewal of a noncommercial educational TV, FM, or standard broadcast station license pursuant to FCC rules and regulations (§ 1.539). Respondent burden is estimated at 12 hours. The FCC receives approximately 225 applications annually.

Request for clearance of an extension (no change) of FCC Form 313-R, Application for Renewal of Auxiliary Radio Broadcast License (Short Form). It is to be filed by licensees to renew a station license in the auxiliary radio broadcast services if there has been no change in the information previously filed with the Commission in the initial application for a station license pursuant to FCC rules

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Coldwell. Absent and not voting: Governors Bucher and Wallich.

and regulations (§ 1.530). Respondent burden is estimated at thirty minutes. The FCC receives approximately 6,000 applications annually.

Request for clearance of an extension (no change) of FCC Form 315, Application for Consent to Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License. It is required to be filed by applicants in all cases when applying for consent to transfer of control of corporation holding radio broadcast station construction permit or license, pursuant to FCC rules and regulations (§ 1.540). The respondent burden varies according to the nature of the application. It is estimated that the total time needed to complete this form ranges from 140 to 440 hours. The variance is caused by the complexity of the legal work, and the market size, which affects the time required to make the ascertainment survey. The FCC receives approximately 320 applications annually.

Requests for clearance of an extension (no change) of FCC Form 314, Application for Consent to Assignment of Broadcast Station Construction Permit or License. It is required to be filed by applicants in all cases when applying for authority for assignment of a broadcast station construction permit or license pursuant to FCC rules and regulations (§ 1.540). Respondent burden varies according to the nature of the application. It is estimated that the total time needed to complete this form ranges from 140 to 440 hours. The variance is caused by the complexity of the legal work, and the market size, which affects the time required to make the ascertainment survey.

Request for clearance of an extension (no change) of FCC Form 408, Application for Temporary Authorization in Addition to Authority Contained in License. It is required to be filed by licensees in the International Fixed Public Radiocommunications Service to request temporary authorizations in addition to authority contained in license pursuant to § 23.50 of FCC rules and regulations. Respondent burden is estimated at one hour per application. The FCC receives about 25 applications annually.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-10181 Filed 4-17-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

[Task Group No. 12]

ADVISORY COMMITTEE FOR RESEARCH

Meeting

Task Group No. 12 of the Advisory Committee for Research will meet on May 5 and 6, 1975, at 9 a.m., in room 543 at 1800 G Street NW., Washington, D.C.

The purpose of the Task Groups, composed of members of the Advisory Committee for Research, is to provide the Committee with a mechanism to consider numerous issues of interest to the full Committee. The Task Groups function in accordance with the Federal Advisory Committee Act, Pub. L. 92-463.

From 9 a.m. to 12 noon on May 5 the Task Group will be reviewing the design and coverage of the evaluation of the International Biological Program. In the afternoon on May 5, and the morning on May 6, the Task Group will be reviewing the contractor's progress in the evaluation of the International Biological Program. This portion of the meeting (1 to 5 p.m. on May 5 and 9 a.m. to 12 noon on May 6) is concerned with matters which are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6), and will not be open to the public 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 afternoon on the last day of the meeting (1 to 3:30 p.m.) will be spent discussing further work and assignments of the Task Group.

Anyone who plans to attend the open portion of this meeting or would like more information about the Task Group should contact Mr. Leonard Gardner, Executive Secretary, Advisory Committee for Research, room 320, National Science Foundation, Washington, D.C. 20550, telephone 202/632-4278.

Summary minutes of the open portion of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, room 248, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

APRIL 15, 1975.

[FR Doc.75-10182 Filed 4-17-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON PILGRIM STATION, UNIT 2

Rescheduling of Meeting

The meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on Pilgrim Station, Unit 2, originally scheduled for April 25, 1975, notice of which was published at 40 FEDERAL REGISTER 16100, April 9, 1975 has been rescheduled as follows:

(a) The meeting will be held May 21, 1975 at the same location.

(b) Written statements may be submitted with a postmark no later than May 13, 1975.

(c) Information as to whether the meeting has been cancelled or rescheduled can be obtained by a prepaid telephone call, on May 20, 1975.

(d) A copy of the transcript of the open portion of the meeting will be available on or after May 23, 1975.

(e) A copy of the minutes of the meeting will be made available, on request, after August 21, 1975.

All other matters pertaining to the meeting remain unchanged. The open portion of the meeting will commence at 9 a.m., May 21, 1975.

Date April 15, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-10335 Filed 4-17-75;8:45 am]

[Docket Nos. 50-528A, 50-529A, and 50-530A]

ARIZONA PUBLIC SERVICE CO., ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to sction 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated April 8, 1975, a copy of which follows:

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's Rules of Practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 19, 1975 either (1) by delivery to the NRC Public Docketing and and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Section.

For the Nuclear Regulatory Commission.

ABRAHAM BRATTMAN,
Chief, Office of Antitrust and Indemnity, Nuclear Reactor Regulation.

ARIZONA PUBLIC SERVICE COMPANY, ET AL., PALO VERDE NUCLEAR GENERATING STATION, UNITS 1, 2, & 3

NRC DOCKET NOS. STN 50-528A, STN 50-529A, STN 50-530A

APRIL 8, 1975.

You have requested our advice pursuant to the provisions of Section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application.

The Facility. The Palo Verde Nuclear Generating Station (PVNGS) is a project owned jointly by six electric utility companies as tenants in common. Four of the participants serve areas in Arizona and two serve areas in New Mexico. PVNGS will consist of three units. Each unit will have a generating capacity of 1270 megawatts. The three units will be constructed on a site located approximately 36 miles west of Phoenix, Arizona. Unit No. 1 is scheduled for operation in 1981, Unit No. 2 in late 1982, and Unit No. 3 in 1984. The total cost of this project is estimated to be in excess of $2 billion. One of the participants, the Arizona Public Service Company, will have the responsibility for building, operating, and maintaining the facility.

The Applicants. The participants in PVNGS and their respective ownership interests, or "Generation Entitlement Shares," are as follows:

Applicant	Generation entitlement share (percent)
Arizona Public Service Co.	28.1
Salt River Project Agricultural Improvement and Power District	28.1
Tucson Gas and Electric Co.	15.4
Arizona Electric Power Cooperative, Inc.	2.4
El Paso Electric Co.	15.8
Public Service Company of New Mexico	10.2

ARIZONA PUBLIC SERVICE COMPANY

The Arizona Public Service Company (APSC) is an investor-owned utility providing service in eleven of Arizona's fourteen counties. Approximately 45 percent of the population of the state receives electrical power from this Applicant. Its electrical customers numbered 308,643 at the end of 1973. In terms of load, generating capacity, and transmission facilities, APSC is the largest of the six applicants. APSC's 1973 peak load was 2,191 mw. Its current dependable generating capacity is 1,984 mw and is expected to increase to over 5,000 mw during the next 10 years. Its share in PVNGS will be approximately 1,000 mw, representing one-third of its ten year growth and one-fifth of its then total generating capacity. APSC is a member of Western Energy Supply & Transmission Associates (WEST) which provides a forum for regional coordination of energy resources. APSC has interconnections with the other major bulk power suppliers in the area and participates in several joint ownership arrangements of large scale generating facilities.

APSC supplies full requirements to three wholesale customers: City of Wickenburg (peak load of 7.8 mw), Navapache Electric Cooperative (peak load of 18.8 mw), and Papago Tribal Utility Authority (peak load of 3.8 mw). In addition, APSC provides partial requirements to ten other wholesale customers (peak loads range from 2.4 mw to 158 mw). Two of the ten partial requirements customers rely on their self-generating capability for most of their power requirements. Another of the ten, the Arizona Power Authority (APA), is the marketing agent in Arizona for certain Government hydroelectric projects. Its primary sources of power are the Hoover Dam project and the Parker-Davis projects. The remaining seven partial requirements customers rely on the APA or the United States Bureau of Reclamation (USBR) as their primary source of power. All of the above, however, may have to look to APSC to satisfy their future load growth requirements.[1]

SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT

The Salt River Project Agricultural Improvement and Power District (SRP) is a publicly-owned utility organized under the laws of the State of Arizona. It has the legal status of a municipal corporation. It operates the Salt River Project, authorized under the Federal Reclamation Act of 1902, under contracts with the United States Government. SRP provides electrical service in a 2,900 square mile area in central Arizona. At the end of 1973, SRP served 225,926 electrical customers. In terms of system load and dependable generating capacity, SRP ranks second among the Applicants. Its 1973 system peak was 1,679 mw; and its dependable generating capacity was 1,365 mw, 239 mw of which is hydroelectric. In addition, SRP purchased another 500 mw of government-generated power. In terms of transmission capability, SRP owns 6,000 pole miles of distribution lines and 870 pole miles of transmission and subtransmission lines. SRP will have the responsibility for building and maintaining the 500 kv transmission lines associated with PVNGS. SRP has a number of coordinating agreements and joint participation arrangements with other major bulk power suppliers in the area.

SRP has one full requirements wholesale customer: Roosevelt Water Conservation District (peak load of 16 mw). SRP provides partial requirements to nine other distribution systems (peak loads from 1.2 mw to 48.5 mw). All of these nine systems rely on the Government power marketed by APA or the USBR (from the Colorado River Storage Project) as their primary source.

TUCSON GAS AND ELECTRIC COMPANY

The Tucson Gas and Electric Company (TGEC) is an investor-owned utility which serves an 1,155 square mile area consisting of the City of Tucson, Arizona, and its environs. TGEC served an estimated 140,000 electrical customers in 1973. Its peak load during the same period was 732 mw. TGEC has a current dependable generating capability of slightly over 1000 mw. It owns approximately 5,800 pole miles of subtransmission and distribution lines in the Tucson area and is a joint owner of the 500 kv and 345 kv lines that will be used to bring power from jointly owned units in northern Arizona (Navajo Project) and northwestern New Mexico (San Juan Project and Four Corners Project). TGEC has interconnections with other major utilities in the area. TGEC has no wholesale power supply contracts.

ARIZONA ELECTRIC POWER COOPERATIVE, INC.

The Arizona Electric Power Cooperative, Inc. (AEPCO) is a publicly-owned REA-financed cooperative. AEPCO owns two small generating plants (combined dependable capacity of 120 mw) and approximately 200 circuit miles of 115 kv and 69 kv transmission lines. It serves five member distribution cooperatives. Four are located in the southeast part of Arizona: Duncan Valley Electric Cooperative, Inc.; Graham County Electric Cooperative; Sulphur Springs Valley Electric Cooperative, Inc.; and Trico Electric Cooperative, Inc. The fifth member, Mohave Electric Cooperative, only recently joined the group and serves in two small areas in the western part of Arizona. AEPCO's peak load in 1973 was 150 mw. It purchases deficiency power and energy from USBR.

AEPCO sells bulk power only to its five members. It has no retail customers. One of its members, Graham County Electric Cooperative, provides partial requirements to two small towns in its service area. The Town of Safford generates part of its power requirements and purchases part from USBR. The Town of Thatcher also purchases its power from USBR. Both towns rely on the cooperative for emergency power and to satisfy load growth requirements.

EL PASO ELECTRIC COMPANY

El Paso Electric Company (EPE) is an investor-owned utility serving an area in southern New Mexico and western Texas. EPE had a peak load in 1973 of slightly over 600 mw and generating capacity of approximately 800 mw. It has an estimated 138,000 electric customers, the majority of which are served at retail. EPE is a member of the New Mexico Power Pool along with the other five G&Ts operating in western New Mexico and participates in several joint ownership arrangements of generating facilities. EPE provides partial requirements to two wholesale customers: Rio Grande Electric Cooperative (a Texas cooperative with a peak load of 6 mw) and Community Public Service Company (a Texas-based G&T serving a load of approximately 70 mw in New Mexico).

PUBLIC SERVICE COMPANY OF NEW MEXICO

The Public Service Company of New Mexico (PSCNM) is an investor-owned utility serving north central New Mexico. At the end of 1973, it was serving 160,000 electric customers. PSCNM had a 1973 peak load of 533 mw and a generating capacity in excess of 700 mw. PSCNM has one full requirements wholesale customer, the City of Gallup (peak load of 220 mw), and provides partial requirements to two other wholesale customers: Community Public Service Company (discussed supra), and Plains Electric Generation and Transmission Cooperative, Inc. (a small G&T cooperative with 50 mw generating capacity and approximately 100 mw peak load serving 11 distribution cooperative members at wholesale). Plains Electric Generation and Transmission Cooperatives, Inc. had until recently purchased all its power requirements, above what it could generate, from USBR. In mid-1974 it entered into a bulk power supply contract with PSCNM. PSCNM is a member of the New Mexico Power Pool and participates in several joint ownership arrangements of generating facilities with other utilities.

OTHER BULK POWER SUPPLY SOURCES IN THE SERVICE AREA OF THE APPLICANTS

The principal supplier of bulk power at wholesale in the service area of the Applicants has been the United States Government. The hydroelectric resources on the Colorado River have in the past been sufficient to satisfy the requirements of the municipal, cooperative, and other preference customers. APSC started providing firming power as the peak demands began to exceed the dependable capacity of the Government projects. SRP developed its own thermal sources to firm up its hydroelectric facilities and now provides firming power to small systems in the area. But, with the exception of the few systems noted previously, the USBR and the APA remain the primary source of bulk power to the independent distribution ssytems in Arizona and western New Mexico.

RESULTS OF THE ANTITRUST REVIEW

PVNGS was initially planned as a joint venture between APSC, TG&E, and SRP. Access was offered to other G&Ts and eventually to all electric utilities in Arizona and New Mexico. It appears to have been the practice of various of the joint applicants to achieve economies of scale by entering into joint ownership arrangements of generating facilities. This in turn has resulted in the joint ownership of transmission lines and/or reciprocal wheeling arrangements. The presence of the Government-owned hydroelectric resources and substantial Government-owned transmission has also resulted in numerous reciprocal bulk power arrangements and transmission services. These arrangements have included small systems as well as the large systems. No complaints were received and no other evidence was found of any refusal by any of the joint applicants to provide coordinating services to the smaller systems.

APSC and the SRP had on August 31, 1955 entered into an agreement which defined their respective service areas and provided that neither party would compete in the service area of the others. The 1955 agreement was recognized in the contracts which APSC subsequently entered into with TG&C, PSCNM, Utah Power and Light Company and Nevada Power Company with the result that these latter companies were restricted from

[1] The APA will have a 500 mw pumped storage project (Montezuma) available in 1980 and also has plans for a 1366 mw hydroelectric project (Hualapai) to be available in 1983. This latter project requires congressional approval.

disposing of any power delivered under the contracts in SRP's service area except through SRP. These applicants removed, of their own volition, the restrictive provisions contained in the above referenced agreements.

Certain other provisions contained in the power supply agreements between APSC and certain of its wholesale customers and between SRP and certain of its wholesale customers condition the wheeling of power under the agreement in a manner which could restrict competition. The agreements reserve to APSC (or SRP as the case might be) the exclusive right to serve residential, commercial and industrial loads while allowing the wholesale customer to serve only irrigation pumping loads. At the request of the Department, the Applicants agreed to conditions to the license relating to transmission services, a copy of which is attached hereto, which satisfactorily eliminates the anticompetitive effect of the restrictions.

CONCLUSION

In view of the fact that the applicants have agreed to license conditions which resolve the problems noted above, there is no other evidence currently before the Department that any of the applicants are using their market power to inhibit competition. There is no present reason to believe that licensing of the Palo Verde Nuclear Generating Station would have adverse antitrust aspects. A hearing on this application would therefore appear to be unnecessary.

PALO VERDE NUCLEAR GENERATING STATION (UNITS 1, 2, & 3)

APRIL 3, 1975

Palo Verde Nuclear Generating Station (Units 1, 2, & 3), Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Tucson Gas and Electric Company, Public Service Company of New Mexico, El Paso Electric Company, Arizona Electric Power Cooperative, Inc.

As I informed you in our telephone conversation earlier today, I have been authorized by Arizona Public Service Company and Salt River Project Agricultural Improvement and Power District to state on their behalf that each of them will consent to and accept the conditions set forth in the attachment hereto as conditions to the construction permits as may be issued by the Nuclear Regulatory Commission in NRC Docket Nos. STN 50-528, 50-529 and 50-530.

CONDITIONS TO PALO VERDE NUCLEAR GENERATING STATION, UNITS 1, 2 & 3, NUCLEAR REGULATORY COMMISSION, CONSTRUCTION PERMITS

[NRC DOCKET NOS. STN 50-528, 50-529 AND 50-530]

1. As used herein:

1.1 "Bulk Power" means the electric power, and any attendant energy, supplied or made available at transmission or subtransmission voltage by one entity to another.

1.2 "Entity" means a person, private or public corporation, a municipality, a cooperative, an association, a joint stock association or business trust owning, operating or proposing in good faith to own or operate equipment or facilities for the generation, transmission or distribution of electricity to or for the public as a utility.

1.3 "Joint Applicant(s)" means the Arizona Public Service Company and the Salt River Project Agricultural Improvement and Power District.

2. (a) Each Joint Applicant will transmit Bulk Power over its transmission system, between or among two or more Entities with which it is interconnected, or will be interconnected in the future, without restrictions on use or resale of the power so transmitted, provided that such services can reasonably be accommodated from a technical standpoint without impairing each joint applicant's reliability or its own use of its facilities.

(b) Each Joint Applicant is obligated under this condition to transmit Bulk Power on the terms stated above, and in connection with each Joint Applicant's plan to construct new transmission facilities for its own use, to include in its planning and construction program sufficient transmission capacity for such Bulk Power transactions, provided that such Applicant has received sufficient advance notice as may be necessary from a technical standpoint to accommodate the requirements of any requesting entity, and further provided that such entity(ies) are obligated as may be agreed (i) to share the capital, operating and maintenance costs of such new transmission facilities to the extent that additional cost burdens would be imposed on such Joint Applicant or (ii) to compensate the Joint Applicant fully for the use of its system.

3. The foregoing shall be implemented in a manner consistent with the provisions of the Federal Power Act as applicable and all rates, charges or practices in connection therewith are to be subject to the approval of regulatory agencies having jurisdiction over them.

[FR Doc.75-10146 Filed 4-17-75;8:45 am]

[Docket No. 50-471]

BOSTON EDISON CO. ET AL. (PILGRIM UNIT 2)

Further Special Prehearing Conference

Notice is hereby given that pursuant to the Board's Memorandum and Order of March 6, 1975 and pursuant to the telephone conference call held with the parties on April 7, 1975, a Further Special Prehearing Conference will be held at Suffolk County Courthouse, Room 227, Pemberton Square, Boston, Massachusetts 02108, at 10:30 a.m. on Tuesday, April 29, 1975.

The further conference will deal with the matters set forth in the Board's Order of March 6, to wit: The pending objections to discovery requests, a review of the progress of discovery, and the pending motions regarding such discovery procedures. In addition, the Board will hear reports from the parties as to the progress made in the consultations directed by the Board for a possible resolution of the pending objections on discovery.

It is so ordered.

Dated at Bethesda, Maryland this 14th day of April 1975.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN,
Chairman.

[FR Doc.75-10147 Filed 4-17-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Provisional Operating License No. DPR-22 issued to the Northern States Power Company (the licensee) which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant, located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment corrects typographical errors and clarifies the intent of several technical specifications.

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. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated November 15, 1974, (2) Amendment No. 9 to License No. DPR-22 with Change No. 18, and (3) the Commission's concurrently issued 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 Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. 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 10th day of April 1975.

For the Nuclear Regulatory Commission.

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

[FR Doc.75-10149 Filed 4-17-75;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 April 14, 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.

Requests for extension which appear to raise no significant issues 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

GENERAL SERVICES ADMINISTRATION

Financial Management Workshop Questionnaire, single-time, workshop participants, intergovernmental relations and regional oper 395–3477.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, interview report formatplacement activities of the handicapped in vocational education, OE 408, OE 408–1, single-time, state vocational education supervisors, Planchon, P., 395–3898.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, survey of programs and enrollments, and directory of postsecondary schools with occupational programs, OE 2358, OE 2358–1, single-time, postsecondary noncollegiate career schools, Planchon, P., 395–3898.

DEPARTMENT OF LABOR

Departmental and other, claim survey of closed W.C. claims, IWCF–1, single-time, insurers and self insurers, Human Resources Division, Strasser, A., 395–3532.

REVISIONS

DEPARTMENT OF AGRICULTURE

Economic research service, convenience foods—consumer use and attiude, single-time, individual in household who buys the food, Sunderhauf, M. B., Gonzalez, M., 395–4911.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, instruction for application for Federal assistance, OS–18–73, on occasion, individuals, Caywood, D.P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, fiscal operations report for the veterans' cost-of-instruction payments (VCIP) to institutions of higher education, OE 269–1, annually, postsecondary institutions, Caywood, D.P., 395–3443.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–10289 Filed 4–17–75;8:45 am]

LIST OF REQUESTS

Clearance of Reports

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 April 15, 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.

Request for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service, Alaska Forest Recreation Survey, single-time, residents of 4 towns ferryboat travelers, Planchon, P., 395–3898.

Agricultural Research Service, request for proposal for exploratory study of food, consumption measurements, single-time, homemakers and other individuals, Sunderhauf, M. B., 395–4911.

DEPARTMENT OF COMMERCE

Maritime Administration, sociological impact assessment, single-time, vessel ship crews, longshoremen, lock operation, Strasser, A., 395–3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, application for special incentive grant under ESEA Part B, OE 4510, annually, 25 State educational agencies, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, evaluation of school health education curriculum, CDCBHE0324, single-time, students in participating school districts-grade, Dick Eisinger, 395–4716.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Mammography Follow-Up Letter, OS NIH–CA–24, single-time, Mammography Study and Control Populations, Dick Eisinger, 395–4716.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Maternal Factors in Birth Defects, OS NIH–CH–22, single-time, women delivering since January 1975, Hall, George, 395–4697.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Annual Review of HUD-Approved Homeownership Counseling Agency, HUD–9910, annually, HUD-Approved Counseling Agencies, Community and Veterans Affairs Division, 395–3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, counselee evaluation form (default), HUD–9909, on occasion, low and moderate income homeowners, Community and Veterans Affairs Division, 395–3532.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, alcohol copy testing and tracking study for campaign, single-time, ARS-related adults, Strasser, A., 395–3880.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Phase II—Longitudinal Study of Functions and Education of Nurse Practitioners, BHRD 0319, single-time, nurse practitioners and employers of NP, Strasser, A., Dick Eisinger, 395–3880.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, 1975 Survey of Independent Health Insurance Plans, SSA–1807, annually, larger independent health insurance plans, Dick Eisinger, 395–4716.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Review of State Mental Institution Representative Payee Program (Soc. Sec.) Beneficiary Report, SSA–9585, on occasion, all State mental institutions and schools for the retarded, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Policy Review of State Mental Institution (Soc. Sec.) Representative Payee Program, SS–9584, on occasion, State mental institutions and schools for the retarded, Caywood, D. P., 395–3443.

VETERANS ADMINISTRATION

Veterans Administration, Information from remarried widow(er), 21–4103, on occasion, remarried widow(er), Caywood, DP., 395–3443.

VETERANS ADMINISTRATION

Veterans Administration, Statement of Income and Net Worth, 21–4100, on occasion, pension claimants, Caywood, D.P., 395–3443.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Nurse career-pattern study, 3A, on occasion, registered nurses, Strasser, A., Dick Eisinger, 395–3880.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–10290 Filed 4–17–75;8:45 am]

POSTAL RATE COMMISSION

[Docket No. N75–1]

RETAIL ANALYSIS PROGRAM FOR FACILITIES DEPLOYMENT

Request for an Opinion

APRIL 16, 1975.

On April 11, 1975, the United States Postal Service (Postal Service) filed in Docket No. N75–1 a Request for an opinion that implementation of its Retail Analysis Program For Facilities Deployment, does not constitute a "change in the nature of postal services which will generally affect service on a nationwide

or substantially nationwide basis" within the meaning of 39 U.S.C. § 3661(b), or, in the alternative, for an advisory opinion on the merits of this program in accordance with 39 U.S.C. 3661 (b), (c).

The use of this program became an issue in a lawsuit filed last year in the United States District Court for the Northern District of Alabama in which it was urged that the Postal Service could not use the program prior to Postal Service submission of the program to the Postal Rate Commission for an advisory opinion under 39 U.S.C. 3661 (b), (c). Use of the program was preliminarily enjoined by the District Court on May 14, 1974, and this preliminary injunction was affirmed by the United States Court of Appeals for the Fifth Circuit on February 19, 1975. Buchanan v. United States Postal Service, 375 F. Supp. 1014 (N.D. Ala. 1974), aff'd in part, vacated in part, 508 F. 2d 259 (5th Cir. 1975). Following the decision of the Court of Appeals, the parties to that proceeding entered into a stipulation of settlement which, among other things, obligated the Postal Service to "submit a proposal to the Postal Rate Commission requesting an advisory opinion on the * * * Retail Analysis Program * * *, pursuant to 39 U.S.C. 3661." This stipulation of settlement was approved by the District Court on March 28, 1975.

The Postal Service describes the Retail Analysis Program For Facilities Deployment as "a program to make market analysis techniques available to local managers to assist them in making decisions relating to the deployment of facilities in which postal services are sold." [Request at p. 1.] The Postal Service states that it proposes to begin full use of the Retail Analysis Program to assist in its facilities deployment on July 14, 1975, or earlier, if the Commission issues a final opinion in this proceeding before this date.

If any person desires to be heard with reference to this Request and to become a party to a proceeding or to participate as a party in any hearing on the Request, that person should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before April 30, 1975, and must be in accordance with section 20 of the Commission's rules of practice [39 CFR § 3001.20]. The Commission calls attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in a hearing. Alternatively, persons seeking limited participation, but who do not wish to become parties may file a written request for leave to be heard as a "limited participator," pursuant to section 19a of the Commission's rules [39 CFR § 3001.19a].

The Request of the Postal Service in this matter is on file with the Commission and available for public inspection.

JAMES R. LINDSAY,
Secretary.

[FR Doc.75-10334 Filed 4-17-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

APRIL 11, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 14, 1975 through April 23, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-10167 Filed 4-17-75;8:45 am]

[File No. 811-2334]

SUN LIFE INSURANCE CO. OF AMERICA

Application for an Order Declaring That Applicant has Ceased To Be an Investment Company

APRIL 11, 1975.

In the matter of Sun Life Insurance Company of America, the Series Investment Accounts, Sun Life Building, Charles Center, Baltimore, Maryland 21201.

Notice is hereby given that Sun Life Insurance Company of America, The Series Investment Accounts ("Applicant"), registered under the Investment Company Act of 1940 ("Act"), as an open-end, diversified, management class series investment company, filed an application on March 13, 1975, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. 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.

Applicant, a separate account (as that term is defined in the Act) established by the Board of Directors of Sun Life Insurance Company of America on November 22, 1972, registered under the Act by the filing of Form N-8A Notification of Registration on November 29, 1972. The variable annuity contracts issued by Applicant were registered pursuant to the Securities Act of 1933 which registration became effective on December 21, 1973. Sale of variable annuity contracts began in March, 1974. On August 23, 1974, all further sales of contracts were ceased and the Applicant's Board of Governors determined that liquidation should be recommended.

At a special meeting of contract owners on November 15, 1974, a plan of liquidation was approved by contract owners of each of the series. There were no votes cast in opposition to the plan of liquidation.

The plan of liquidation has now been completed. The assets of Applicant have been distributed in the manner elected by the contract owners. Applicant is not now making nor does it propose to make a public offering of its securities. Applicant has no liabilities and conducts no business of any kind.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 7, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

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

[FR Doc.75-10174 Filed 4-17-75;8:45 am]

[File No. 70-5650]

APPALACHIAN POWER CO.

Proposed Acquisition of Coal Cars

APRIL 11, 1975.

In the matter of Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia 24009.

Notice is hereby given that Appalachian Power Company ("Appalachian"), an electric utility subsidiary company of American Electric Power Company, a registered holding company, has filed with this Commission an application-declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("Act") regarding the acquisition by lease of coal cars and related transactions. Appalachian requests approval of these transactions, unless advised by the Commission that approval thereof under the Act is not required. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Appalachian states it has entered into an agreement with Bethlehem Steel Corporation for the manufacture of 750 triple hopper coal cars and the delivery of the cars to Appalachian for an aggregate purchase price of $18,750,000. By an assignment dated as of October 15, 1974, Appalachian assigned its right to purchase the cars to C.I.T. Financial Services, Inc. ("lessor"). Appalachian and lessor concurrently entered into a Lease of Railroad Equipment ("lease") in respect of the cars, the lease being made subject to the receipt of any required approval from this Commission under the Act.

Terms of the lease require Appalachian to pay rent on the cars in the following manner: Appalachian has paid, or will pay, to lessor, an initial installment of rent on January 2, 1975, in an amount equal to .035 percent of the purchase price of each car and thereafter Appalachian will pay in 60 consecutive quarterly installments an amount equal to 3.194 percent of the purchase price of the cars commencing April 2, 1975 (or approximately $598,875 per quarter). It is stated that the lease is a net lease pursuant to which Appalachian will pay the rents required thereunder unless such obligation to pay is excused or terminated under terms of the lease. The lease also contains a provision granting Appalachian the option to purchase the cars from the lessor at a fair market sales value, said value to be determined on the basis of an arm's-length transaction. This option to purchase may be exercised at the end of the lease or any extended term thereof. Appalachian and the lessor have further agreed that in the event this Commission has not approved Appalachian's participation in the proposed lease by May 15, 1975, Appalachian will purchase the cars from the lessor at a price for each car equal to the sum of (i) the purchase price of the car, plus (ii) .0355 percent of said purchase price for each day which has elapsed between the acceptance of such car to and including May 15, 1975, plus (iii) certain expenses and (iv) less an amount equal to the sum of the initial rental payment made by Appalachian under the lease and the quarterly rental payment for the cars paid on April 2, 1975.

It is further stated that Appalachian is presently utilizing 256 of the 750 cars for the delivery of coal to its plants from various suppliers. Until the cars are fully utilized, Appalachian has sub-let the remaining 494 cars to the Chesapeake and Ohio Railway Company ("C&O") under an agreement dated as of December 19, 1974 ("sub-lease"). Under terms of the sublease, Appalachian may terminate the sublease of any and all cars upon 10 days' written notice to C&O. It is stated that the rental payments to Appalachian from C&O are $270 per car per month and that this is substantially equal to Appalachian's cost under the lease.

The proposed sale and leaseback of the cars by Appalachian has been authorized by the Virginia State Corporation Commission. It is stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $20,000, including legal fees of $17,000.

Notice is further given that any interested person may, not later than May 6, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as it may be 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.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.75-10170 Filed 4-17-75;8:45 am]

[File No. 500-1]

AMERICAN AGRONOMICS CORP.

Suspension of Trading

APRIL 11, 1975.

The common stock of American Agronomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from April 13, 1975 through April 22, 1975.

By the Commission.

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

[FR Doc.75-10166 Filed 4-17-75;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

APRIL 11, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 13, 1975, through April 22, 1975.

By the Commission.

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

[FR Doc.75-10168 Filed 4-17-75;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Suspension of Trading

APRIL 11, 1975.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock of Winner Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 13, 1975, through April 22, 1975.

By the Commission.

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

[FR Doc.75-10169 Filed 4-17-75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE INC. AND THE AMERICAN STOCK EXCHANGE, INC.

Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") and the American Stock Exchange, Inc. ("Amex"), have filed proposed changes to their respective option plans pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). The changes concern amendments to the By-Laws and Rules of the Options Clearing Corporation ("OCC"). The OCC proposes to amend the following provisions of its By-Laws and Rules: Article I, section 1(m), 1(cc), and 1(hh) of the By-Laws; Article VI, section 5, 6, 8, and 9 of the by-Laws; Rules 801 and 803, as well as a proposed new Article VI, section 18 of the by-Laws. Note: The change to Rule 803 amends a previous change to Rule 803 noticed on March 27, 1975, 40 FR 13566.

The primary purpose for the proposed changes is to permit a change in the expiration date to permit exercise notices filed on the expiration date to be assigned over a weekend, rather than overnight. The extra time should permit assigned clearing members to be notified of assignments well before the opening of trading on the business day following the expiration, so that the assigned clearing members may in turn notify the writers or their brokers in sufficient time to allow the writers to take prompt action in the market on that same business day. An additional purpose for the proposed change is to reduce conflicts between expiration dates and holiday weekends, which tend to occur most frequently on the last weekend of the month.

The changes to the proposed amendment will become effective on May 19, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change or changes in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed changes to the proposed amendment to CBOE and Amex's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54 or 10-26. The proposed changes to the proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

Dated: April 10, 1975.

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

[FR Doc.75-10161 Filed 4-17-75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Delaying Effectiveness of Proposed Amendment To Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") has filed an amendment to a proposed change in its option plan filed pursuant to Rule 9b-1 (17 CFR 240.9b-1) delaying its effectiveness until a CBOE membership vote on the proposed amendment has occurred and until the Commission allows it to become effective or disapproves the change in whole or in part as being inconsistent with the public interest or the protection of investors.

The amendment was noticed on March 20, 1975 at 40 FR 12719. The proposed amendment to Rule 6.47 would according to CBOE exclude bids and offers in a Board Broker's book from being subject to the priority now afforded to split price orders.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

Dated: April 10, 1975.

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

[FR Doc.75-10162 Filed 4-17-75;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC. AND AMERICAN STOCK EXCHANGE, INC.

Proposed Amendments To Option Plans

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") and the American Stock Exchange, Inc. ("Amex"), have filed proposed changes in their respective option plans pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). The changes are amendments to the by-laws and rules of the Option Clearing Corporation ("OCC") concerning margin provisions. The OCC proposes to amend Article I, sections 1(z), 1(iii) and 1(jjj) of the by-laws, Article VI, sections 3(a), 3(f) and 13(f) of the by-laws; and Rules 601, 1105 and 1106. Also, a previously filed amendment Article VI, section 13(f) which was noticed on April 7, 1975, at 40 FR 13566, is being amended to correct a typographical error made in the filing to the Commission.

Essentially, the margin provisions, as amended in accordance herewith, would, according to OCC, permit a Clearing Member to "unsegregate" any long position carried in its customers' account or firm non-lien account if such long position is the "long leg" of a "spread" under the applicable margin rules of the exchange. All long positions would be deemed to be segregated unless instructions to the contrary were received by OCC. The proposed amendment to Rule 601 is intended to provide that the required margin on each short position maintained in a Clearing Member's customers' or firm non-lien account shall be 100 percent or such greater percentage as OCC may from time to time prescribe—OCC intends to build up to a 130 percent requirement in one or more stages—of the sum of the daily options marking prices for option contracts included in such short position. However, unsegregated long positions in the account are intended to be paired with short positions of the same class of options having the same or an earlier expiration date, and only the excess short value of such paired contracts would be subject to such margin requirement. The manner of computing margin in market-maker and firm lien accounts is not being modified by this filing.

The proposed amendments will become effective upon May 19, 1975, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change or changes in whole or part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the amendments to CBOE and Amex's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capital Street, NW., Washington, D.C. 20549. Reference should be made to file number 10-54 and 10-26. The amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

Dated: April 10, 1975.

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

[FR Doc.75-10163 Filed 4-17-75;8:45 am]

PBW STOCK EXCHANGE

Proposed Option Plan

Notice is hereby given that the PBW Stock Exchange, Inc. ("PBW") has filed with the Commission an amended option plan pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). PBW's proposed option plan was originally noticed for public comment in Securities Exchange Act Release No. 10950 (August 7, 1974) and on August 14, 1974 (39 FR 29242).

Certain of the changes in the proposed plan are substantive in nature and relate primarily to the following areas: Margin requirements, clearing and trading procedures, commission rates, availability of option quotations, distribution of last sale information and away-from-the-money options. Also included are new rules and procedures dealing with potential regulatory problems arising from the trading on the same exchange of options and their related underlying securities.

All interested persons are invited to submit their views and comments on the amended option plan on or before April 25, 1975. Written statements of views and comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C., 20549. Comments should refer to File No. S7-531. The proposed plan, including all amendments, is and all such comments will be available for public inspection in the Public Reference Room, Securities and Exchange Commission, 1100 L Street, NW., Washington, D.C. 20006.

Dated: April 10, 1975

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-10164 Filed 4-17-75;8:45 am]

[File Nos. 2-24449 (22-4039), 3-4648]

JONES & LAUGHLIN STEEL CORP.

Application and Opportunity for Hearing

APRIL 11, 1975.

Notice is hereby given that Jones & Laughlin Steel Corporation ("J & L Steel" or the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Mellon Bank N. A. ("Mellon") under two indentures one of which is qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Mellon from acting as Trustee under such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that: 1. J & L Steel proposes to enter into a Pollution Control Facilities Agreement to be dated as of April 1, 1975 (the "Facilities Agreement"), with the Beaver County Industrial Development Authority (the "Authority") providing for the acquisition and construction from time to time by the authority of facilities (the "Project Facilities") designed for the abatement of air and water pollution or the disposal of sewage or solid waste located at operations of J & L Steel situated in the Commonwealth of Pennsylvania, and for the sale thereof to J & L Steel. The Facilities Agreement will provide for financing the acquisition and construction of the Project Facilities by the Authority through the issuance from time to time of its Pollution Control Revenue Bonds (Jones & Laughlin Steel Corporation Project) (the "Pollution Control Revenue Bonds") in one or more series under a Trust Indenture, dated as of April 1, 1975 (the "Pollution Control Revenue Bond Indenture"), between the Authority and Mellon as Trustee (the "Pollution Control Revenue Bond Trustee"). J & L Steel will purchase Project Facilities from the Authority for a purchase price equal to the principal amount of any series of Pollution Control Revenue Bonds issued to finance the acquisition and construction of such Project Facilities. J & L Steel will satisfy its obligation to pay the purchase price of Project Facilities by delivery to the Pollution Control Revenue Bond Trustee of one or more series of its first mortgage bonds (the "First Mortgage Bonds") corresponding to the series of Pollution Control Revenue Bonds issued to finance the acquisition and construction of Project Facilities in respect of principal amount, interest rates, maturity dates and redemption provisions. All first Mortgage Bonds will be issued under and secured by the Indenture of Mortgage and Deed of Trust, dated September 1, 1947, from J& L Steel and certain subsidiary companies to Mellon National Bank and Trust Company (now Mellon) (the "Mortgage Trustee") and E. D. Hayes, as Trustees (D. A. Hazlett having succeeded E. D. Hayes as Individual Trustee), as amended and supplemented (the "Mortgage Indenture").

2. The Authority proposes to issue and sell $30,000,000 aggregate principal amount of its Pollution Control Revenue Bonds, 1975 Series A (the "Series A Pollution Control Revenue Bonds") to finance the initial Project Facilities. $12,000,000 of the Series A Pollution Control Revenue Bonds will be due April 1, 1985 and $18,000,000 of the Series A Pollution Control Revenue Bonds will be due April 1, 2005 subject to mandatory redemption through the operation of a sinking fund in each of the years 1995 through 2004. Concurrently with the issuance and the sale of the Series A Pollution Control Revenue Bonds, J & L Steel will deliver directly to the Pollution Control Revenue Bond Trustee, Series H and Series I First Mortgage Bonds issued under the Seventieth Supplemental Mortgage Indenture, dated April 1, 1975 (the "Seventieth Supplemental Mortgage Indenture"), to the Mortgage Indenture.

3. The principal amount, interest rate, maturity date and redemption provisions of each series of first Mortgage Bonds will correspond with those of a related issue of Series A Pollution Control Bonds. The First Mortgage Bonds will also be subject to mandatory redemption by J & L Steel prior to maturity subject to certain conditions, if the Mortgage Trustee (Mellon and Hazlett) receive a written demand for redemption from the Pollution Control Revenue Bond Trustee (Mellon) stating that, as a result of a failure to pay the principal of, premium, if any, or interest on, any Series A Pollution Control Revenue Bond, an Event of Default under the Pollution Control Revenue Bond Indenture has occurred and is continuing and that payment of the Series A Pollution Control Revenue Bonds has been accelerated by the Pollution Control Revenue Bond Trustee (Mellon). Authority will assign to the Pollution Control Revenue Bond Trustee as security for payment of the Pollution Control Revenue Bonds all of its right, title and interest in the Series H & I First Mortgage Bonds, the Facilities Agreement and amounts payable thereunder subject to certain exceptions.

4. The Mortgage Indenture was originally qualified under the Act as File No. 22-4039. The Fifty-Eighth Supplemental Mortgage Indenture, dated February 1, 1966, to the Mortgage Indenture contains the provisions permitted by the proviso to section 310(b)(1) of the 1939 Act. The Pollution Control Bonds and related First Mortgage Bonds are exempt from registration with the Commission pursuant to section 3(a)(2) of the Securities Act of 1933. Therefore, by virtue of section 304(a)(4) of the Trust Indenture Act of 1939, as amended (the "1939 Act"), the Pollution Control Revenue Bond Indenture is not required to be qualified under the Act. Certain provisions which would be required to be included in the Pollution Control Revenue Bond Indenture if it were qualified under the 1939 Act are not so included.

5. Since the Pollution Control Revenue Bonds will be payable from and secured by First Mortgage Bonds, the Pollution Control Revenue Bond Indenture is very similar to a "collateral trust indenture" with respect to which an exception to the provisions of section 310(b) of the

1939 Act is provided by clauses (1)(A) and (1)(B) thereof. Only in the event that for some unforeseen reason, such as a tax imposed upon payments received by the Pollution Control Revenue Bond Trustee on the First Mortgage Bonds, sufficient amounts are not available from the First Mortgage Bonds to make payments with respect to the Pollution Control Revenue Bonds will the Pollution Control Revenue Bond Trustee be required to look to the obligations of J & L Steel (provided for in the Facilities Agreement), rather than exclusively to the First Mortgage Bonds, for payment of the Pollution Control Revenue Bonds. Even in this event the First Mortgage Bonds would remain the primary collateral under the Pollution Control Revenue Bond Indenture.

6. The provisions of the Mortgage Indenture and those of the Pollution Control Revenue Bond Indenture and the Facilities Agreement are not so likely to involve Mellon in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Mellon Bank, N.A. from acting as Trustee under either of said Indentures.

The obligations of J & L Steel under the Mortgage Indenture are secured by a lien on substantially all the land, buildings and equipment of the Company, and each such obligation ranks equally with the other. J & L Steel is not in default under the Mortgage Indenture.

J & L Steel has waived notice of hearing and any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the Public Reference Section of the Commission at 1100—L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than May 5, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-10171 Filed 4-17-75;8:45 am]

[File No. 812-3769]

LIONEL D. EDIE CAPITAL FUND, INC.

[Rel. No. 8754 (812-3769)]

Application for an Order to Permit an Offer of Exchange; and Exemption

APRIL 11, 1975.

In the matter of Lionel D. Edie Capital Fund, Inc., Lionel D. Edie Ready Assets Trust, 530 Fifth Avenue, New York, New York 10036.

Notice is hereby given that Lionel D. Edie Capital Fund, Inc. (the "Fund") and Lionel D. Edie Ready Assets Trust (the "Trust") (collectively the "Applicants"), open-end diversified management investment companies registered under the Investment Company Act of 1940 (the "Act"), filed an application on February 27, 1975, and an amendment thereto on March 31, 1975, for an order (1) pursuant to section 11(a) of the Act permitting the Fund to offer to exchange its shares for shares of the Trust on a basis other than their relative net asset values per share and (2) pursuant to section 6(c) of the Act granting an exemption from section 22(d) of the Act in connection with such exchanges. 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.

The Fund and the Trust have the same investment adviser, Edie Management Service, Inc. and the same distributor, Edie Fund Sales, Inc.

The Fund, whose shares have been sold since 1973, seeks the highest total investment return consistent with prudent risk through a fully managed investment policy utilizing equity, debt, and convertible securities. The Trust, which begun selling shares in February of 1975, invests principally in money market securities and similar short term obligations. Shares of the Fund are sold at net asset value plus a maximum sales charge of 6.5 percent of the offering price. Trust shares, which require minimum initial purchases of $5000 and minimum subsequent purchases of $1000, are sold at their net asset value per share (which will be held at a constant $1.00 per share) plus a maximum purchase fee of 5/10 of 1 percent on the net amount invested.

Shareholders of the Fund who have held their shares for at least 60 days will be able to exchange all or part of their shares for shares of the Trust. The exchange will be based upon the respective net asset value of the shares without a sales charge or purchase fee.

It is also proposed to permit shares of the Trust to be exchanged for shares of the Fund on the basis of relative net asset value plus a sales charge equal to the difference between what the customary sales charge on such sale would be minus the purchase fee paid by the shareholder when such shares of the Trust were acquired. However, shares of the Trust acquired through an exchange of Fund shares, and shares of the Trust accumulated by reinvestment of dividends and distribution on such Trust shares, will be reexchanged for Fund shares at net asset value without any sales charge.

As a result, a shareholder acquiring shares of the Fund through an exchange of shares of the Trust that had been purchased would pay approximately the same overall sales charge that he would have paid had he directly purchased the shares of the Fund, but any shareholder of the Trust who had acquired his shares of the Trust through an exchange of Fund shares, with respect to which he would have previously paid a normal sales load, would be able to re-exchange the acquired Trust shares for Fund shares at net asset value.

Only shares of the Trust or the Fund with a minimum net asset value of $1,000 in the aggregate will qualify for the exchange privileges.

Should a Trust shareholder wish to exchange only a portion of his shares, then, unless the shareholder specifies otherwise, those shares that may be exchanged at relative net asset value without sales charge will be exchanged first and the remaining shares to be exchanged will be selected from those shares which are entitled to be exchanged upon payment of the lowest additional sales charge.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the shareholder of a security of such a company or of any other open-end investment company to exchange his security for a security in the same or another company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. The offer by the Trust to exchange its shares for Fund shares at relative net asset value is, therefore, permitted by section 11(a) without any further action of the Commission, but the offer by the Fund to exchange its shares for Trust shares, with the imposition of a sales charge, requires approval by the Commission.

Section 22(d) of the Act provides in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. Transactions permitted by section 11(a), such as the exchange by the Trust of its shares for Fund shares without any sales charge, are expressly excepted from the provisions of section 22(d). However, the exchange by the Fund of its shares for Trust shares with the imposition of a sales charge may be deemed to be not permitted by section 11. Therefore, such an exchange may be deemed not excepted by section 22(d) from its prohibitions. Since the customary sales charge de-

scribed in the prospectus of the Fund would be greater than the sales charge which would be applicable to the proposed exchange offer by the Fund of its shares for shares of the Trust, this exchange offer may be deemed in violation of section 22(d).

Applicants state that the exchange privilege with respect to which an order is requested allows shareholders of the Trust, a money market fund, the opportunity of switching to the Fund, a balanced fund, at minimal or no costs either when his investment objectives have changed or when market conditions favor one type of investment company over another. However, because Trust shareholders would have paid substantially less sales load on their investments than similarly situated investors in the Fund, Applicants assert that the exchange offer by the Fund to shareholders of the Trust should not be made at relative net asset values since such an exchange would be inequitable and discriminatory to other Fund shareholders and might also involve a violation of section 22(d) since it would provide a means to purchase Fund shares at a current offering price other than that disclosed in the Fund prospectus.

Section 6(c) provides, in part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities or transactions from any provision of the Act, if and to the extent such exemption is necessary or appropriate in 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 May 2, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following May 2, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-10172 Filed 4-17-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

SPOKANE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Spokane District Advisory Council will meet at 10 a.m., (p.d.t.), Thursday, May 8, 1975, in Room 695, U.S. Courthouse Building, West 920 Riverside Avenue, Spokane, Washington, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write William S. Schumacher, 651 U.S. Courthouse, P.O. Box 2167, Spokane, Washington 99210, (509) 456-3781.

Dated: April 16, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-10340 Filed 4-17-75;8:45 am]

DEPARTMENT OF LABOR

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON CONSUMER AND WHOLESALE PRICES

Meeting

The BRAC Committee on Consumer and Wholesale Prices will meet at 9:30 a.m., April 30, 1975, at the General Accounting Office Building, 441 G Street, N.W., Room 2106, Washington, D.C. The agenda for the meeting is as follows:

1. Opening Remarks
2. Developments in the Consumer Price Index Revision Program
   (a) The Treatment of Housing Services for Homeowners
   (b) The Selection of the Item Sample
   (c) The Selection of the Outlet Sample
   (d) The Techniques of Price Collection

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C. this 15th day of April 1975.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.75-10346 Filed 4-17-75;8:45 am]

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 14th day of April, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary
for Manpower.

APPLICATIONS RECEIVED DURING THE WEEK ENDING APRIL 11, 1975

Name of applicant	Location of enterprise	Principal product or activity
Katahdin Lumber & Supply Co., Inc.	Brownville, Me	Sawmill, and manufacturer of wood pallets and skids.
Wantage Excavating Co., Inc	Sussex, N.J	Sell excavators.
Jontan, Inc	Morgantown, W. Va	Restaurant.
Rodger Boggs	Lewisburg, W. Va	Bowling alley.
Bilbub, Inc	Greenwood, S.C	Restaurant.
Sumter Industries, Inc	Livingston, Ala	Conversion of paper products into folding paper cartons and packaging.
Cheraw Plywood Co., Inc	Cheraw, S.C	Cutting and sale of particle board and plywood.
Bonnie Plant Farm, Inc	Union Springs, Ala	Raising and sale of vegetable plants.
Dew Fresh Eggs Corp	Kershaw County, S.C	Raising chickens and processing eggs.
London Tiles, Inc	New London, Ohio	Manufacture of shale drain tile.
Johnston Supermarket and Johnston Properties, Inc.	Shelbyville, Ill	Construction of a supermarket and other retail stores.
Ray's IGA Supermarket	Caspian, Mich	Supermarket.
R. C. Construction	Rice Lake, Wis	Sewer, water, curb and gutter installation.
Millard Feed Mill, Inc	Elkhorn, Wis	Farm supply center.
Clifton L. and Viola M. Riley	Mineral Point, Wis	Bowling alley and supperclub.
Johnston, Inc. (Tenant of: city of Burnet).	Burnet, Tex	Manufacture of children's and infants enterware.
GEMCO	Rosenberg, Tex	Machine shop.
Crestpark Retirement Inns	Marianna, Helena and Wynne, Ark.	Nursing home.
Feather Fabrics, Inc. (Tenant of Dawson County, Texas).	Lamesa, Tex	Manufacture of cotton yarn.
Hesston Corp., Farm Equipment Division.	Hesston, Kans	Manufacture of specialized farm equipment.
Excel Industries, Inc. (Tenant of: city of Hesston)	do	Metal fabrication.
Grand Teton Lodge Co	Moran, Wyo	Development and sale of single family residential sites.
McNamara & Peepe, Lumber Co	Blue Lake, Calif	Wood chips for pulp; sawdust and shavings; and hog fuel.
Raymar Inn	Blue River, Oreg	Motel and restaurant.

[FR Doc.75-10098 Filed 4-17-75;8:45 am]

Occupational Safety and Health Administration

IOWA PLAN

Approval of State Standards; Correction

In FR Doc. 75-8936, appearing in the issue of Monday, April 7, 1975 (40 FR 15468), the heading, which read:

STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Iowa Plan

is corrected to read as follows:

IOWA PLAN

Notice of Approval of State Standards

Signed at Washington, D.C. this 14th day of April 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-10175 Filed 1-17-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

TEMPORARY AUTHORITY TERMINATION

[Notice 39]

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:

Temporary authority application	Final action or certificate or permit	Date of action
Forbes Transfer Co., Inc., MC-19105, Sub-40	MC-19105, Sub-41	July 23, 1974
Dotseth Truck Line, Inc., MC-20992, Sub-24	MC-20992, Sub-25	June 28, 1974
Popelka Trucking Co., MC-26396, Sub-73	MC-26396, Sub-78	July 9, 1974
Williams Motor Transfer, Inc., MC-28007, Sub-15	MC-28007, Sub-17	July 23, 1974
Southern Pacific Transport Co. of Texas and Louisiana, MC-30319, Sub-142.	MC-30319, Sub-143	July 2, 1974
Motorcar Transport Co., MC-60470, Sub-22	MC-60470, Sub-23	July 17, 1974
D. & R. Transport, MC-83744, Sub-12	MC-83744, Sub-12	July 5, 1974
Koschkee Transfer, Inc., MC-98809, Sub-6	MC-98809, Sub-5	July 25, 1974
Melton Truck Lines, Inc., MC-100666, Sub-253	MC-100666, Sub-257	July 2, 1974
Schilli Motor Lines, Inc., MC-106674, Sub-113	MC-106674, Sub-115	July 26, 1974
Pre-Fab Transit Co., MC-107295, Sub-633	MC-107295, Sub-635	July 24, 1974
Pre-Fab Transit Co., MC-107295, Sub-650	MC-107295, Sub-661	July 9, 1974
Poole Transfer, Inc., MC-108987, Sub-14	MC-108987, Sub-15	July 22, 1974
Groendyke Transport, Inc., MC-111401, Sub-368, Sub-408	MC-111401, Sub-397	July 26, 1974
Perchak Trucking, Inc., MC-112539, Sub-7	MC-112539, Sub-8	July 17, 1974
Bray Lines Inc., MC-112822, Sub-311	MC-112822, Sub-289	July 24, 1974
D.b.a., Utermoehlen Block & Coal Co., MC-113198, Sub-3	MC-113198, Sub-4	July 9, 1974
Trans-Cold Express, Inc., MC-114045, Sub-380	MC-114045, Sub-385	July 31, 1974
Trans-Cold Express, Inc., MC-114045, Sub-387	MC-114045, Sub-389	Do.
Purolator Security, Inc., MC-114896, Sub-14	MC-114896, Sub-10	July 9, 1974
Gilchrist Bros., Inc., MC-115481, Sub-4	MC-115481, Sub-5	July 5, 1974
Wilson Bros. Truck Line, Inc., MC-116544, Sub-143	MC-116544, Sub-144	Do.
Carl Subler Trucking, Inc., MC-116763, Sub-238	MC-116763, Sub-256	July 25, 1974
Haln Truck Lines, Inc., MC-117765, Sub-158	MC-117765, Sub-154	July 5, 1974

Temporary authority application	Final action or certificate or permit	Date of action
Schultz Transit, Inc., MC-118202, Sub-17	MC-118202, Sub-23	July 24, 1974
Westours Motor Coaches, Inc., MC-118832, Sub-6	MC-118832, Sub-7	July 19, 1974
D.b.a., J. & G. Contract Carrier, MC-118910, Sub-4	MC-118910, Sub-3	Do.
Marinari Bros., MC-118036, Sub-2	MC-118036, Sub-3	Do.
Diamond Transit System, Inc., MC-123048, Sub-249, Sub-250, Sub-261	MC-123048, Sub-261	Do.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-10085 Filed 4-17-75;8:45 am]

[Notice No. 41]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 15, 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 2860 (Sub-No. 145TA), filed April 7, 1975. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: W. Randall Tye, 1400 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen foodstuffs*, (except in bulk), from the plantsites and warehouse facilities of Ragu Foods, Inc., located at or near Owensboro, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and West Virginia, restricted to traffic originating at and destined to the above-named points, for 180 days. Supporting shipper: Ragu Foods, Inc., 1680 Lyell Avenue, Rochester, N.Y. 14606. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 28307 (Sub-No. 19TA), filed April 4, 1975. Applicant: FREDRICKSON MOTOR EXPRESS CORPORATION, 3400 N. Graham Street, P.O. Box 21098, Charlotte, N.C. 28206. Applicant's representative: Thomas D. Bunn, Box 527, Raleigh, N.C. 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Route 1—From Elkin, N.C., to the Virginia State Line over U.S. Highway 21 via Roaring Gap and Sparta, N.C. Route 2—From Mt. Airy, N.C., to the Virginia State Line over North Carolina Highway 89 via Bottom and Low Gap, N.C. Route 3—From the intersection of U.S. Highway 601 and North Carolina Highway 268 five miles south of Dobson, N.C., over North Carolina Highway 268 via Elkin, Ronda and Roaring River, N.C. to North Wilkesboro, N.C. Route 4—From North Wilkesboro, N.C. to Boone, N.C., over U.S. Highway 421, thence over North Carolina Highway 194 to intersection with U.S. Highway 221, thence over U.S. Highway 221 to West Jefferson and Jefferson, N.C., thence over North Carolina Highway 16 via Glendale Springs, Wilbar and Millers Creek, N.C., to North Wilkesboro, N.C., with the right to serve Zionville, Creston, Warrensville, and Lansing, N.C. irregularly as off-route points.

Route 5—From Lenoir, N.C., to Boone, N.C. over U.S. Highway 321. Route 6—From North Wilkesboro, N.C., over North Carolina Highway 18 to its intersection with North Carolina Highway 89, one mile south of the North Carolina-Virginia State Line. Route 7—From North Wilkesboro, N.C., over North Carolina Highway 268 to its intersection with U.S. Highway 321, six miles north of Lenoir, N.C. Route 8—From Jefferson, N.C. to Twin Oaks, N.C., over U.S. Highway 221. From Index, N.C., to Laurel Springs, N.C., over North Carolina Highway 88 Routes 1 through 8 to include return over the same route, serving all intermediate points. Route 9—Between Winston Salem, N.C., and North Wilkesboro, N.C. over U.S. Highway 421 with no service at intermediate points except as otherwise authorized, for 180 days. Supporting shippers: There are approximately 24 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: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 62162 (Sub-No. 5TA), filed April 1, 1975. Applicant: DAVE CAMPBELL, doing business as CAMPBELL TRUCK LINE, Lake City, Iowa 51449. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Detasseling machines, loading equipment, and harvesting machines* on shipper-owned trailers between points in Iowa, Kansas, Missouri, Nebraska, and Texas, for 180 days. Supporting shipper: Garst & Thomas Hybrid Corn Company, Coon Rapids, Iowa 50058. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 978TA), filed April 4, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Serby and Mitchell, P.O. Box 18584, 3379 Peachtree St., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Kraft Foods at Champaign, Ill., to points in Connecticut, New York, New Jersey, New Hampshire, Pennsylvania, Massachusetts, Rhode Island, Maine, and Vermont, (Authority to terminate upon expiration of work stoppage at Kraft Foods at Fogelsville, Pennsylvania plant), for 180 days. Supporting shipper: Kraft Foods Division of Kraftco Corp., 500 Peshtigo Court, Chicago, Ill. 60690. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 110098 (Sub-No. 154TA), filed April 7, 1975. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas* and (2) *bananas* when transported in mixed loads with commodities exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, from Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City, and Roma, Tex., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Fisher Bros., Inc., FBI Foods, Ltd., Fisher Bros., (U.S.A.), Inc., 1610 De-Beauharnois, Montreal, Quebec H4N 1J5, Canada. Send protests to: Richard H. Dawkins, District Supervisor, Bureau of Operations, Interstate Commerce Com-

mission, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 114569 (Sub-No. 119TA), filed April 7, 1975. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Stanley C. Geist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and related advertising matter* moving in vehicles equipped with mechanical temperature control devices, from Elkhart, Ind., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Michigan Wines Limited, P.O. Box 57, Elkhart, Ind. 46514. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 118263 (Sub-No. 57TA), filed April 2, 1975. Applicant: COLDWAY CARRIERS, INC., P.O. Box 38, Clarksville, Ind. 47130. Applicant's representative: William P. Whitney, Jr., 703–706 McClure Bldg., Frankfurt, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from plantsite and storage facilities of Kraftco Corp., at Champaign, Ill., to points in New York, New Jersey, New Hampshire, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Maine and Vermont, for 180 days. Supporting shipper: Kraft Foods Division of Kraftco Corp., 500 Peshtigo Court, Chicago, Ill. 60609. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn St., Indianapolis, Ind. 46204.

No. MC 119789 (Sub-No. 245TA), filed April 7, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *Bananas*, when transported in mixed loads with commodities exempt from economic regulation under Section 203 (b)(6) of the Interstate Commerce Act, from Brownsville, Hidalgo, Laredo, McAllen, Rio Grande City and Roma, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Fisher Bros., Inc., FBI Foods, Ltd., Fisher Bros. (U.S.A.), Inc., 1610 DeBeauharnois, Montreal, Quebec H4N 1J5. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 119822 (Sub-No. 13TA) (Correction), filed March 21, 1975, published in the FEDERAL REGISTER issue of April 4, 1975, and republished as corrected this issue. Applicant: CARTER TRUCKING CO., INC., P.O. Box 126, Locust Grove, Ga. 30248. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as used, sold, or dealt in by wholesale, retail and chain grocery and food business houses (except commodities requiring refrigeration and except commodities in bulk), from points in Massachusetts, Connecticut, New York, Pennsylvania, Maryland, New Jersey, Michigan, Illinois, Indiana, Ohio, Kentucky, and the District of Columbia, to the warehousing, storage and distribution facilities of Colonial Stores, Inc., at Atlanta and Thomasville, Ga., Columbia, S.C., Raleigh, N.C., and Norfolk, Va., for 180 days. Supporting shipper: Colonial Stores, Incorporated, 2251 N. Sylvan Road, East Point, Ga. 30344. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga. 30309. The purpose of this republication is to add Michigan as a destination point which was omitted in the previous publication.

No. MC 124328 (Sub-No. 77TA), filed April 8, 1975. Applicant: BRINK'S INC., 234 E. 24th Street, Chicago, Ill. 60616. Applicant's representative: Chandler L. Van Orman, 704 Southern Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precious metals and precious metal items, including corrosives and toxic materials*, between Malvern, Pa., and Winslow, N.J., on the one hand, and points in the contiguous forty-eight states on the other, for 180 days. Supporting shipper: Natthey Bishop, Inc., Malin Road, Malvern, Pa. 19355. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133106 (Sub-No. 51TA), filed April 8, 1975. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Drugs, medicines, toilet preparations, disinfectants, confectionery, dry beverage preparations, toothbrushes, chewing gum, chewing gum base, store display racks and stands, and packaging materials*, in mechanically refrigerated vehicles, from the plantsites and storage facilities of Warner-Lambert Company at or near Long Island City, N.Y., North Bergen, N.J., and Lititz, Pa., to points in Elk Grove Village, Ill.; and (2) *Drugs, medicines, toilet preparations, disinfectants, candy, confectionery, chewing gum, beverage preparations, and anti-acid mints*, in mechanically refrigerated vehicles, from the plantsites and storage facilities of Warner-Lambert Company at or near Elk Grove Village, Ill., to points in Oregon, California, Colorado, Nebraska, Kansas, Texas and Missouri, for 180 days. Supporting shipper: Warner-Lambert Company, 201 Tabor Road, Morris Plains, N.J. 07950. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 134404 (Sub-No. 21TA), filed April 7, 1975. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 499, South Bound Brook, N.J. 08880. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical care products*, and materials, equipment, and supplies used in the manufacture or preparation of medical care products, (1) from the facilities of Travenol Laboratories, Inc., located at or near Cleveland, Miss., Kingstree, S.C., North Cove, N.C., Memphis, Tenn., to Morrow, Ga., Birmingham, Ala., Cleveland, Ohio, Columbus, Ohio, Lockland, Ohio, Melvindale, Mich., McKees Rocks, Pa., Jessup, Md., Milwaukee, Wis., Minneapolis, Minn., New Orleans, La., St. Louis, Mo., Mansfield, Mass., Charlotte, N.C., Jacksonville, Fla., Miami, Fla., Tampa, Fla., Raleigh, N.C., Richmond, Va., Grand Rapids, Mich., Mobile, Ala., Jackson, Miss., Indianapolis, Ind., Buffalo, N.Y., Philadelphia, Pa., and Edison, N.J.; and (2) from the facilities of Travenol Laboratories, Inc., located at or near Cleveland, Miss., Kingstree, S.C., North Cove, N.C., and Memphis, Tenn., for 180 days. Supporting shipper: Travel Laboratories, Inc., Deerfield, Ill. 60015. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136605 (Sub-No. 4TA), filed April 7, 1975. Applicant: DAVIS BROS. DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soil conditioner* (except in bulk, in tank vehicles), from the plant facilities of U.S. Soil Conditioning Co., at or near Salida, Colo., to points in Montana, Washington, Oregon, Idaho, North Dakota and South Dakota, for 180 days. Supporting shipper: Western Montana Co-op, 400 W. Main, 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 139078 (Sub-No. 1TA), filed April 8, 1975. Applicant: MIDCOAST TRUCKING, 107 Roosevelt Avenue, Belleville, N.J. 07019. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: *Fresh bakery products*, from Totowa, N.J., to points in Chicago, Ill.; *Ingredients and containers* used in the manufacture and transportation of fresh bakery products, from Chicago, Ill., to points Totowa, N.J., for 150 days. Supporting shipper: S. B. Thomas, Inc., 930 N. Riverview Drive, Totowa, N.J. 07512. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 139725 (Sub-No. 3TA) (Correction), filed March 14, 1975, published in the FEDERAL REGISTER issue of March 26, 1975, and republished as corrected this issue. Applicant: DYOLL DELIVERY SERVICE, INC., P.O. Box 66, Netcong, N.J. 07857. 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: *Pile hammers and parts, air and steam core drills and parts, rough steel and iron castings* for such hammers and drills, component parts of special machinery manufactured to customer's specifications, between Dover, N.J., on the one hand, and, on the other, points in the states of Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, West Virginia, Virginia, and the District of Columbia, under a continuing contract or contracts with MKT Division, Koehring Co., Dover, N.J., for 180 days. Supporting shipper: MKT Division, Ioehring Co., 110 Richards Ave., Dover, N.J. 07803. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102. The purpose of this republication is to correct the spelling of Dover, N.J.

No. MC 140568 (Sub-No. 2 TA) (Amendment), filed March 10, 1975, published in the FEDERAL REGISTER issue of March 25, 1975, and republished as amended this issue. Applicant: DELIVERIES UNLIMITED, INC., 125 Magazine Street, Boston, Mass. 02119. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Computer parts*, between Nashua and Manchester, New Hampshire, and Portland, Maine, on the one hand, and, on the other, Lowell, Lawrence and Framingham, Mass. Restriction: The services authorized herein are subject to the following conditions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 150 pounds from one consignor at one location to one consignee at one location on any one day. (3) The service provided in the transportation of packages or article herein shall be accomplished on the same day upon which that package or article is tendered for transportation, for 180 days. Supporting shipper: Honeywell Information Systems, Inc., 200 Smith St., Waltham, Mass. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, Mass. 02114. The purpose of this republication is to include the service restrictions which was inadvertently omitted in the previous publication.

No. MC 140763 (Sub-No. 1TA), filed April 7, 1975. Applicant: ONEIDA-COLUMBUS EXPRESS COMPANY, P.O. Box 356, Oneida, Tenn. 37841. Applicant's representative: Marshall Kragen, Suite 805, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, processed, or dealt in by rubber product manufacturers and supplies incident to the conduct of such business, except commodities in bulk, between the plantsite of the B. F. Goodrich Company at Columbus, Ohio, for 180 days. Supporting shipper: The B. F. Goodrich Company, 500 South Main St., Akron, Ohio 44318. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A-422 Federal Bldg., 801 Broadway, Nashville, Tenn. 37203.

APPLICATION OF PASSENGERS

No. MC 72806 (Sub-No. 9TA), filed April 7, 1975. Applicant: RED-YELLOW CAB CO., doing business as BUCKEYE STAGES, 501 Phillips Avenue, Toledo, Ohio 43612. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round trip service, in special and charter operations, between Bowling Green, Ohio, on the one hand, and, on the other, points in the United States (excluding Alaska and Hawaii, but including points in Ohio), for activities sponsored or on behalf of Bowling Green University, Bowling Green, Ohio, for 180 days. Supporting shipper: Bowling Green University, Bowling Green, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10234 Filed 4-17-75;8:45 am]

[Notice No. 42]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 16, 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 offices to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 100666 (Sub-No. 296TA), filed April 7, 1975. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing material* (except in bulk, from Wynnewood, Okla., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Kerr-McGee Corporation, P.O. Box 25861, Kerr McGee Center, Oklahoma City, Okla. 73125. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 106398 (Sub-No. 727TA), filed April 8, 1975. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, 525 S. Main, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Woodbury County, Iowa, to points in Nebraska, South Dakota, North Dakota, Minnesota, Missouri and Kansas, for 180 days. Supporting shipper: Alseaco, Inc., Thomas Chapple, G. M., P.O. Box 2856, Sioux City, Iowa 51106. Send protests to: Marie Spillars, Transportation Asst., Bureau of Operations, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 109689 (Sub-No. 285TA), filed April 8, 1975. Applicant: W. S. HATCH

CO., 643 South 800 West, Woods Cross, Utah 84078. Applicant's representative: Mark K. Boyle, 345 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from Fremont County, Wyo., to points in Woods Cross, Utah, for 180 days. Supporting shipper: Phillips Petroleum Company, 154 Phillips Bldg., Annes, Bartlesville, Okla. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 111729 (Sub-No. 532TA) filed April 9, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cardiac pacemakers and accessories for cardiac pacemakers; business papers, records, audit and accounting media of all kinds, and advertising literature*, between Atlanta, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Louisiana, Minnesota, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: Medtronic, Inc., 1001 International Blvd., Suite 910, Atlanta, Ga. 30354. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 533TA), filed April 9, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut flowers, decorative greens, and florist supplies*, from Streamwood, Ill., to points in Indiana and Wisconsin; *Business papers, records, and audit and accounting media of all kinds*, between Streamwood, Ill., on the one hand, and, on the other, points in Indiana, and Wisconsin, for 180 days. Supporting shipper: World Wide Wholesale Florists, 1540 Burgandy, Streamwood, Ill. 60103. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 114533 (Sub-No. 320TA), filed April 9, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Graphic arts material*, between Menasha, Wis., on the one hand, and, on the other, points in Cook and DuPage Counties, Ill., for 180 days. Supporting shipper: George Banta Company, Inc., Menasha, Wis. 54952. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 117068 (Sub-No. 46TA), filed April 9, 1975. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., North Hwy. 63, P.O. Box 6418, Rochester, Minn. 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., 15th and New York Ave., NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Compressors*, from Michigan City, Ind., to points in Minnesota; (b) *Cranes and excavators*, from Lexington and Bowling Green, Ky., to points in Minnesota; (c) *Rock Drills*, from Claremont, N.H., to points in Minnesota, for 180 days. Supporting shipper: Road Machinery and Supplies, 4901 West 80th St., Minneapolis, Minn. 55437. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 118899 (Sub-No. 6TA), filed April 9, 1975. Applicant: BALTIMORE TANK LINES, INC., 180 Eighth Street, Glen Burnie, Md. 21061. Applicant's representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Bldg., Penn. Ave. & 13th NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Baltimore, Md., to points in Washington, D.C., Alexandria, Va., and points in Arlington, Fairfax, and Prince William Counties, Va., for 180 days. Supporting shippers: There are approximately 6 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 Bldg., Baltimore, Md. 21201.

No. MC 123061 (Sub-No. 74TA), filed April 8, 1975. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Applicant's representative: Harry D. Pugsley, 400 El Paso Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Salida, Colo., to points in Utah and Idaho, for 180 days. Supporting shipper: Romar, Inc., 23 Crocket Ave., Logan, Utah 84321. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 124621 (Sub-No. 6TA) (Correction) filed March 31, 1975, published in the FEDERAL REGISTER issue of April 11, 1975, and republished as corrected this issue. Applicant: CLEMENT RISBERG, doing business as, RISBERG TRUCK SERVICE, 2339 Southeast Grand Avenue, Portland, Oreg. 97214. Applicant's representative: John G. McLaughlin, 620 Blu Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Oregon, Washington, Idaho and California, for 180 days. Supporting shipper: Payless Drug Stores Northwest, Inc., 234 N.W. Fifth Avenue, Portland, Oreg. 97204. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204. The purpose of this republication is to correct the docket number.

No. MC 125522 (Sub-No. 8TA), filed April 8, 1975. Applicant: SUNBURY TRANSPORT, LIMITED, Hoyt, N. Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from ports of entry on the International Boundary line, located at or near Houlton, Vanceboro, and Calais, Maine to points in Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and Wisconsin, for 180 days. Supporting shipper: H. S. Gill & Sons, Ltd., 69 City View Ave., Nashwaaksis, Fredericton, New Brunswick, Canada. Send protests to: Donald G. Weiler, District Supervisor, Room 307, 76 Pearl Street, Portland, Maine 04111.

No. MC 128021 (Sub-No. 17TA), filed April 8, 1975. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORPORATION, 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plant bed and potting media*, in packages, except in bulk, from Sacramento, Calif., to points in Phoenix, Ariz.; Hartford, Conn.; Charlotte, N.C.; Salt Lake City, Utah; Seattle, Wash.; and Milwaukee, Wis., for 180 days. Supporting shipper: The Clorox Company, P.O. Box 24305, Oakland, Calif. 94623. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 133095 (Sub-No. 77TA) (Correction), filed April 1, 1975. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by

motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products* and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I, to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Illinois, Indiana, and Wisconsin, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102. The purpose of this republication is to correct the docket number.

No. MC 135231 (Sub-No. 7TA), filed April 8, 1975. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap motor vehicles, crushed, having value only for reclamation of materials*, from Karlstad, Minn., to points in Milwaukee and Madison, Wis., and Chicago, Ill., for 180 days. Supporting shipper: Karlstad Auto Parts, Co., Karlstad, Minn. 56732. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 136821 (Sub-No. 4TA), filed April 9, 1975. Applicant: SMERBER TRANSPORTATION, INC., Bldg. 504 Space Center, Mira Loma, Calif. 91752. Applicant's representative: James Smerber (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and material, insulation products and materials, supplies and equipment used in production and distribution thereof*, from the plantsite and storage facilities of Johns-Manville Fiber Glass, Inc., at or near Willows, Calif., to points in Arizona, Idaho, Nevada, Oregon, and Washington, for 180 days. Supporting shipper: Johns-Manville Corporation, Greenwood Plaza, Denver, Colo. 80217. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles St., Room 1312, Los Angeles, Calif. 90012.

No. MC 139343 (Sub-No. 5TA), filed April 8, 1975. Applicant: MEXICOACH, INC., 1050 Kettner Boulevard, San Diego, Calif. 92101. Applicant's representative: Eric Rath, 2415 Calle Del Oro, La Jolla, Calif. 92037. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Long Beach, California and Anaheim, California, on the one hand, and the Port of Entry on the United State-Mexico Border, located at or near San Ysidro, Calif., on the other hand, Restricted: To passengers on round trip tours, to and from Baja California, for 180 days. Supporting shippers: Agencia de Viajes Honold's S.A. De C.V., 608 Avenida Revolucion, Tijuana, B. C. Mexico. Queensway Hilton Hotel, Port of Long Beach, Long Beach, Calif. Cush Tours, Inc., 770 B St., Suite 415, San Diego, Calif. 92101. Queen Mary Hyatt Hotel, Port of Long Beach, Long Beach, Calif. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 1312, Los Angeles, Calif. 90012.

No. MC 140686 (Sub-No. 1TA), filed April 9, 1975. Applicant: V S M TRUCKING, INC., 901 N. Monroe Street, Abingdon, Ill. 61410. Applicants representative: Samuel G. Harrod, Eureka Professional Bldg., 107 East Eureka Avenue, Eureka, Ill. 61530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers' goods, bathroom and lavatory fixtures, and supplies therefor*, from the plantsite of Briggs at Abingdon, Ill., to points in the states of Alabama, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas and per: Briggs, Division of U.S. Pipe, 801 N. Main Street, Abingdon, Ill. 61410. Send protests to Richard K. Shullaw, District Supervisor Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 140827TA, filed April 8, 1975. Applicant: MARKET TRANSPORT, LTD., 33 Northeast Middlefield Road, Portland, Oreg. 97211. Applicant's representative: Philip G. Skofstad, 3067 East Burnside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and commodities* otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with bananas, from Los Angeles and Long Beach, Calif., to points in Milwaukie and Portland, Oreg., and Seattle and Tacoma, Wash., for 180 days. Supporting shippers: Fred Meyer, Inc., 2140 N. Webster St., Portland, Oreg. 97217. Garden Products, Inc., 326 N. River Road, Milwaukie, Oreg. 97222. Bazar, Inc., 1845 S. E. Third Avenue, Portland, Oreg. 97214. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140809 (Sub-No. 1TA), filed April 7, 1975. Applicant: SELECTIVE FILL TRUCKING, INC., 466 East Avenue, Sewaren, N.J. 07077. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump trucks, from the plantsite of Selective Fill Company, Inc., at Sayreville and Millstone, N.J., to points in Staten Island, N.Y., for 150 days. Supporting shipper: Selective Fill Company, Inc., 466 East Avenue, Sewaren, N.J. 07077. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

APPLICATION OF PASSENGERS

No. MC 140826TA, filed April 7, 1975. Applicant: STEVE LARSSON HOMER, doing business as MAR/AIR BUS COMPANY, P.O. Box 344, Haines, Alaska 99827. Applicant's representative: L. B. Jacobson, P.O. Box 1211, Juneau, Alaska 99802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in both scheduled and charter service by bus, between City of Haines, Alaska and Haines Junction, Y.T., Canada, with intermediate points at (1) "75-mile Camp", B.C. (2) Dezadeash Lodge at mile 125, Y.T., and (3) Kathleen Lodge at mile 139, Y.T.; all on the Haines Cut-Off Highway, for 180 days. Supporting shippers: Haines Chamber of Commerce, Box 75, Haines, Alaska 99827. Chilkat Press, P.O. Box 61, Haines, Alaska 99827. Chilkoot Agencies, P.O. Box 262, Haines, Alaska 99827. First National Bank of Anchorage, Haines Branch, Box 70, Haines, Alaska 99827. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, P.O. Box 1532, Anchorage, Alaska 99510.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-10235 Filed 4-17-75;8:45 am]

[AB 12 (Sub-No. 11)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment of Line

APRIL 14, 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 a newspaper of general circulation in Los Angeles County, California, on or before April 14, 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 gen-

eral 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 9th day of April, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

SOUTHERN PACIFIC TRANSPORTATION COMPANY ABANDONMENT BETWEEN WISE TRANSFER AND EL SEGUNDO, IN LOS ANGELES COUNTY, CALIFORNIA

The Interstate Commerce Commission hereby gives notice that by order dated April 9, 1975, it has been determined that the portion of the El Segundo Branch line of the Southern Pacific Transportation Company between Wise Transfer and El Segundo, a distance of 2.06 miles, all in Los Angeles County, California, 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 the low amount of traffic handled on the line and the absence of major ecological, historic, safety, or other environmental impacts involved. Abandonment would be fully consistent with plans of the California Department of Transportation to widen the segment of Sepulveda Boulevard at the intersection with El Segundo Boulevard. Abandonment would also make the right-of-way available for incorporation into adjacent park areas.

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 May 5, 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.75-10236 Filed 4-17-75;8:45 am]

[Notice 745]

ASSIGNMENT OF HEARINGS

APRIL 15, 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 115767, Sub 4, Terminal Transfer, Inc., now assigned April 22, 1975, at Salem, Oregon, is cancelled and transfered to Modified Procedure.

MC 139253 (Sub-No. 1), Southeastern Warehousing and Distribution Corporation, now assigned May 12, 1975, at *Johnson City*, Tennessee, is canceled and reassigned to May 12, 1975 (1 week), in the Housing Authority Community Room, 910 Pineridge Circle, *Elizabethton*, Tennessee.

MC 59583, Sub 146, The Mason and Dixon Lines, Incorporated, now assigned May 28, 1975, at Birmingham, Alabama; will be held in the GSA Conference Room, 345 Federal Building & U.S. Courthouse, 1800 5th Avenue North.

MC-F-12322, Tompkins Motor Lines, Inc.—Purchase—Cullman Banana Supply, now assigned May 29, 1975, at Birmingham, Alabama; will be held in the GSA Conference Room, 345 Federal Building & U.S. Courthouse, 1800 5th Avenue North.

MC 74321, Sub 110, B. F. Walker, Inc., now assigned June 2, 1975, at Birmingham, Alabama; will be held in the GSA Conference Room, 345 Federal Building & U.S. Courthouse, 1800 5th Ave. N.

MC 72243, Sub 38, Aetna Freight Lines, Inc., now assigned June 3, 1975, at Birmingham, Alabama; will be held in the GSA Conference Room, 345 Federal Building & U.S. Courthouse, 1800 5th Avenue North.

MC 115162, Sub 294, Poole Truck Line, Inc.; MC 121664, Sub 6, G. A. Hornady, Cecil M. Hornady, and B. C. Hornady, D.B.A. Hornady Brothers Truck Line and MC 126305, Sub 61, Boyd Brothers Transportation, now assigned June 6, 1975, at Birmingham, Alabama; will be held in the GSA Conference Room, 345 Federal Building & U.S. Courthouse, 1800 5th Avenue North.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-10232 Filed 4-17-75;8:45 am]

[Notice 6]

MOTOR CARRIER APPLICATIONS FOR TACKING AND GATEWAY ELIMINATION IN FINANCE PROCEEDINGS

APRIL 16, 1975.

The following notices are supplemental materials to the section 5(2) finance applications listed below wherein each applicant requests (1) to tack certain authorities in its respective pending finance application, and (2) to concurrently eliminate the gateway in order to provide the described direct service.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Protests to the granting of the requested authority must be filed with the Commission on or before May 19, 1975. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in this noticed portion of the finance proceeding.

A protest should comply with section 247(d) of the Commission's *General Rules of Practice*. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative or applicant if no representative is named.

MC-F-11327—National Freight, Inc.—Control—Cross Transportation, Inc.

MC-F-12224—Central Transfer Company — Purchase — Metropolitan Freight Carriers Corp.

MC-F-12339—H. W. Taynton Company, Inc. — Purchase — Bowser Transfer Company.

No. MC 2860 (Letter Notice directly related to MC-F-11327), filed February 3, 1975. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, carboys, demijohns, jars, bottles, packing glasses, caps, covers, stoppers, closures, or tops, boxes, paper, fiberboard, or pulpboard* in sheets or rolls, *fiberboard or pulpboard liners and fillers, and empty containers*, from Monmouth County, N.J., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Glassboro (Gloucester County), N.J. This letter notice is filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 3), noticed in the FEDERAL REGISTER issue of December 9, 1974; and is directly related to MC-F-11327 published in the FEDERAL REGISTER issue of October 6, 1971.

NOTE.—Applicant not required to file environmental impact statement with this notice.

No. MC 1403 (Sub-No. 3), filed February 28, 1975. Applicant: CENTRAL TRANSFER COMPANY, a corporation, 1080 Springfield Road, Union, N.J. 07083. Applicant's representative: Joseph R. Siegelbaum, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Philadelphia, Chester, and Easton, Pa., on the one hand, and, on the other, points in Orange, Rockland, Westchester, and Nassau Counties, N.Y., and New York, N.Y.; and (2) between points in Middlesex County, on the one hand, and, on the other, points in that part of New Jersey north of a line beginning at Trenton, N.J., and extending in a southeasterly direction through Lakehurst and Toms River, N.J., to the Atlantic Ocean, including the points named. The purpose of this filing is to eliminate the gateway at Middlesex County, N.J. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex

Parte No. 55 Sub-No. 8, noticed in the FEDERAL REGISTER issue of December 9, 1974; and directly related to MC–F–12224 published in the FEDERAL REGISTER of June 5, 1974.

No. MC 109821 (Sub-No. 40), filed February 18, 1975. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) between Westfield, Pa., on the hand, and, on the other, Big Run, Pa., and points within 25 miles thereof; (2) between Bradford, Pa., and points within 30 miles thereof, on the one hand, and, on the other, Philadelphia, Pa., and Pittsburgh, Pa.; and (3) *Manufactured glass products and commodities and equipment* used in the manufacture, sale and shipment thereof, between Dale Summit, Pa., on the one hand, and, on the other, Big Run, Pa., and points within 25 miles thereof. The purpose of this filing is to eliminate the gateways at Philadelphia, or at points in Elk County, Pa., within 25 miles of Big Run, Pa. This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 Sub-No. 8, noticed in the FEDERAL REGISTER issue of December 9, 1974; and directly related to MC–F–12339 published in the FEDERAL REGISTER of October 31, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–10231 Filed 4–17–75;8:45 am]

[Notice 267]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 18, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to section 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 May 8, 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–75554. By order entered April 8, 1975, the Motor Carrier Board approved the transfer to S.T.S. Motor Freight, Inc., Stratford, N.J., of the operating rights set forth in Certificate No. MC 44108, issued July 3, 1947, to Terminal Transportation Company, a corporation, Philadelphia, Pa., authorizing the transportation of general commodities, with the usual exceptions, between points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission in 17 M.C.C. 533, on the one hand, and, on the other, specified points in Pennsylvania and New Jersey. Mervin J. Hartman, 1400 Western Savings Bank Bldg., Philadelphia, Pa. 19107, and Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorneys for transferor and transferee, respectively.

No. MC–FC–75666. By order of March 26, 1975, the Motor Carrier Board approved the transfer to Dixie Warehousing, Inc., 1 Shove Street, Tiverton, R.I. 02878, of the operating rights in Certificate No. MC 43647 issued September 12, 1966, to Acushnet Van & Storage, Inc., doing business as Eastern Van Lines, 1 Shove Street, Tiverton, R.I. 02878, authorizing the transportation of household goods between points in Newport County, R.I., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island, and household goods as defined by the Commission, between points in Connecticut, Massachusetts, New York, and Rhode Island, on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia.

No. MC–FC–75733. By order of March 27, 1975, the Motor Carrier Board approved the transfer to James D. Cadden, doing business as Cadden's Moving & Storage, Scranton, Pa., of the operating rights in Certificate No. MC 95607, MC 95607 (Sub-No. 1), and MC 95607 (Sub-No. 4), issued October 24, 1949, October 28, 1954, and June 2, 1958, respectively to Kathryn Cadden, doing business as Cadden's Moving & Storage, Scranton, Pa., authorizing the transportation of various commodities from, to and between specified points in Pennsylvania and points in New York, New Jersey, Connecticut, Delaware, Massachusetts, Ohio, Michigan, Virginia, West Virginia, Indiana, Illinois, and Maryland. Michael W. Simon, North Penn Saving & Loan Assoc. Bldg., Scranton, Pa., attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75–10233 Filed 4–17–75;8:45 am]

federal register

FRIDAY, APRIL 18, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 76

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

COMMUNITY EDUCATION SERVICE

Proposed Rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 160c]

COMMUNITY EDUCATION PROGRAM

Proposed Rulemaking

Pursuant to the authority contained in section 405 of Pub. L. 93-380 (20 U.S.C. 1864), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 160c to read as set forth below.

The proposed regulations, which have been developed with the advice of the Community Education Advisory Council established by section 405(g) of Pub. L. 93-380, would set forth rules and criteria governing grant awards by the Commissioner of Education to (1) State and local educational agencies to plan, establish, expand, improve, and maintain community education programs (and to provide developmental and technical assistance in connection with the establishment, expansion, improvement, and maintenance of community education programs), and (2) institutions of higher education to develop and establish, or expand, programs which will train persons to plan and operate community education programs. The proposed regulations would apply to all grant awards made with funds appropriated pursuant to the Community Schools Act, section 405 of Pub. L. 93-380, or with funds made available for expenditure under the Community Schools Act pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93-380.

A. SUMMARY OF PROPOSED REGULATIONS

1. *Organization.* The proposed regulation is divided into three subparts: Subpart A contains general provisions applicable to all grants funded under the part; Subpart B contains provisions applicable to grants to local and State educational agencies; and Subpart C contains porvisions applicable to grants to institutions of higher education.

2. *Subpart A—General.* (a) Section 160c.3 sets forth minimum elements of a community education program. As indicated in §§ 160c.3 and 160c.8, a Federally funded project administered by a State or local educational agency can relate to a number of community education programs and can include planning and the provision of developmental and technical assistance from a central administrative office to specific community education programs administered by public elementary or secondary schools. The minimum elements set forth in § 160c.3 define the necessary characteristics of each existing community education program which Federal funds would help to expand, improve, or maintain. A Federal project to establish a new community education program would, following the grant period, achieve these minimum elements.

(b) Proposed § 160c.5 provides that project awards will be made on a one year basis. If a grantee seeks to receive funds on a multi-year basis, it must compete for new awards on an annual basis with other grantees and with new applicants. Noncompetitive continuation awards will not be made.

3. *Subpart B—State and Local Educational Agency Projects.* (a) Section 160c.8 describes the nature of Federally supported projects carried out by State and local educational agencies. Except when specifically authorized by the Commissioner in the grant award on the basis of considerations such as are set forth in § 160c.8(d), Federal grants will not contribute to the costs of actual program activities and services such as course offerings and instructors, equipment, and materials therefor. Rather, the Federal funds shall contribute to the essentially administrative costs of planning, organizing, and putting together overall community education programs at the State and local agency or individual school levels. In connection with developmental or technical assistance provided by a State educational agency or local educational agency to individual schools administering community education programs (which assistance is described in § 160c.8(e)(2)(ii)), § 160c.8(e)(2)(i) provides that such developmental and technical assistance must relate to specific and identified community education programs being planned, established, or administered in accordance with § 160c.3.

(b) Section 160c.9 provides further explanation with regard to the nature of State educational agency projects. Unless the State educational agency applies jointly with a local educational agency or unless it is directly responsible for administering a public school, its role under this part will be to provide developmental and technical assistance (as described in § 160c.8(e)(2)(ii)) to community education programs (in connection with the establishment, expansion, improvement, or maintenance of such programs) being administered by a local educational agency through a public elementary or secondary school. While the State educational agency may contract for the services of local educational agencies and other entities and individuals to assist it in carrying out a portion of the grant, it may not serve as a conduit for funds to other entities and may not pass responsibility for the project to other entities.

(c) Proposed §§ 160c.12 and 160c.13 set forth application requirements and evaluation criteria, respectively. Both sections are divided into three parts: (1) Requirements or criteria relating to all applications from State and local educational agencies; (2) requirements or criteria for all local educational agency applications and for those State educational agency applications which relate to community education programs which the State educational agency will directly administer; and (3) requirements or criteria for State educational agency applications to provide developmental or technical assistance to community education programs administered by local educational agencies. In the second of these parts, §§ 160c.12(b) and 160c.13(b), the proposed regulations focus on specific community education programs to be assisted under the project. These specific requirements and criteria are not applied to State educational agencies assisting community educational programs administered by local educational agencies because the State educational agencies cannot be held fully accountable for such community education programs.

(d) Section 160c.14 regulates in proposed form the Federal share of projects. It includes rules on when a project may qualify for the 80 percent statutory Federal share (for establishment of new programs) and when a project may apply for the statutory share applicable to expansion or improvement of programs.

4. *Subpart C—Training Projects in Institutions of Higher Education.* (a) Section 160c.16 provides that three types of grants will be made to institutions of higher education: (1) To train persons planning and operating community education programs in local educational agencies (or State educational agencies which are directly administering community education program), as described in § 160c.18; (2) to train persons in State educational agencies planning and providing developmental and technical assistance to community education programs administered by local educational agencies, as described in § 160c.19; or (3) (i) to assess training competencies needed in community education, how these competencies can be acquired, and existing training opportunities; and (ii) to develop appropriate training curricula and training materials, as described in § 160c.20. All three types of projects would have to be designed to build the capacity of the grantee institution of higher education to provide training on a larger scale or to recipient agencies not previously served by the grantee.

(b) General application requirements for institutions of higher education are set forth in § 160c.17.

(c) Under proposed §§ 160c.18 and 160c.19, grants to institutions of higher education to provide direct training to persons involved in planning and administering community education programs in State and local educational agencies would be for the purpose of providing ongoing, continuous in-service training, generally of a short-term nature offered on such a basis as to minimize interference by training activities with the carrying out by trainees of their responsibilities for planning and operating community education programs.

(d) Section 160c.21 contains proposed criteria for evaluating applications from institutions of higher education.

B. CITATIONS OF LEGAL AUTHORITY

As required by section 431(a) of the General Education Provisions Act, a citation of statutory or legal authority for each section of the regulations has been

placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

C. OTHER APPLICABLE REGULATIONS

The proposed regulations do not contain provisions relating to general fiscal and administrative matters. Requirements of this nature are covered by the Office of Education General Provisions Regulations (38 FR 30654, November 6, 1973), which include rules on direct and indirect costs.

In addition, a number of rules common to all of the programs, including the Community Schools Program, funded pursuant to the Special Projects Act are being prepared for publication as Part 160 of Title 45 of the Code of Federal Regulations. These would include definitions of terms used in this proposed regulation and in other regulations related to the Special Projects Act.

D. OPPORTUNITY FOR PUBLIC COMMENT

All interested parties are invited to submit written comments and recommendations concerning the proposed rule to Ms. Julie Englund, Special Assistant to the U.S. Commissioner of Education, Room 4181, 400 Maryland Avenue, SW., Washington, D.C. 20202. Such comments and recommendations will be available for public inspection in the above office between the hours of 9 a.m. and 5:30 p.m., Monday through Friday of each week. All relevant materials received on or before May 19, 1975 will be considered.

(Catalog of Federal Domestic Assistance Program No. 13.563, Community Education Program).

Dated: April 8, 1975.

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

Approved: April 11, 1975.

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

Subpart A—General

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Subpart C—Training Projects in Institutions of Higher Education

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160c.22 Allowable costs.

AUTHORITY: Section 405 of Pub. L. 93-380 (20 U.S.C. 1864).

Subpart A—General

§ 160c.1 Scope and purpose.

(a) *Scope.* This part applies to projects assisted with funds appropriated pursuant to the Community Schools Act, section 405 of Pub. L. 93-380, or with funds made available for expenditure under the Community Schools Act pursuant to the Special Projects Act, as enacted by section 402 of Pub. L. 93-380.

(b) *Purpose.* The purpose of the program carried out pursuant to this part is, through grants to State educational agencies, local educational agencies, and institutions of higher education, to encourage and assist:

(1) Public schools to involve the people of the community in programs designed to meet their educational, recreational, and cultural needs;

(2) A more efficient use of public education facilities through extending the times during which and purposes for which school buildings and equipment are used; and

(3) Public schools, in cooperation with other community groups and resources, to establish community education programs as centers for educational, recreational, cultural, and other related community activities and services in accordance with the needs, interests, and concerns of the community.

(20 U.S.C. 1864(b))

(c) *Other pertinent regulations.* Assistance provided under this part is subject to applicable provisions contained in (1) Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) (45 CFR Parts 100, 100a) and (2) Part 160 of this chapter relating to the Special Projects Act.

(20 U.S.C. 1864 (a) and (b))

§ 160c.2 Definitions.

As used in this part:

"Act" means the Community Schools Act, enacted as section 405 of the Education Amendments of 1974, Pub. L. 93-380.

"Institution of higher education" means an institution of higher education in any State as defined under the Higher Education Act of 1965, as amended (20 U.S.C. 1141).

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Program" means a community education program which meets each of the requirements set forth in § 160c.3, except as used in subpart C of this part, in which "program" means the training program of the institution of higher education which is developed, established, or expanded by a Federal project awarded under Subpart C.

"Program activities and services" offered by a community education program may include educational, cultural, recreational and other related community services in the form of formal classes or courses, activities making available the school and other public facilities and equipment for use by individuals or groups, services such as health or dental care, or special programs for particular target populations such as those designed to eliminate disproportionately high incidence of suspension, expulsion, or other disciplinary action involving minority group and other students or designed for persons who withdraw from school membership before completing the elementary and secondary school education, or designed for mentally or physically handicapped or other health-impaired persons.

"Project" means those activities of a grantee which the Commissioner determines to be eligible for Federal financial assistance, in accordance with the provisions of § 160c.8 (c), (d), and (e) or § 160c.16, as applicable.

"Public facility" means a facility owned by any department or branch of a State, county, or municipal government.

"State" means, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such office or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 1864)

§ 160c.3 Elements of a community education program.

(a) *Types of assistance.* Assistance will be provided under this part to: (1) State educational agencies and local educational agencies to plan, establish, expand, improve, maintain and/or provide developmental or technical assistance to one or more community education programs, and (2) Institutions of higher education to develop and establish, or to expand, programs which will train persons to plan and operate community education programs.

(b) *Significance of elements.* For the purposes of this part, the minimum elements of a community education program are described in paragraph (c) of this section.

(1) The minimum elements set forth in paragraph (c)(1) of this section, if specific community education programs to be assisted under a project proposed to be carried out by an applicant under Subpart B of this part rather than to the project as a whole. For example, with reference to the minimum element in paragraph (c)(1) of this section, if a local educational agency applies for a project to establish two new community education programs and to expand two existing community education programs, each of the individual community education programs to be expanded and established must be administered by a public elementary or secondary school. However, the overall project activities directed at expanding and establishing these programs may, for example, include the provision of developmental and technical assistance to the individual community education programs from a central school district office responsible for community education activities, and administration of the overall project could therefore be centered in a central school district office.

(2) The minimum elements set forth in paragraph (c) relate to specific community education programs assisted under a proposed project as follows: (i) A community education program which a State educational agency or local educational agency applicant proposes to expand or operate under this part (or to which a State educational agency or local educational agency proposes to provide developmental and technical assistance in connection with its expansion or operation) must meet these minimum elements; (ii) A project proposed for assistance under this part to plan and establish a new community education program or to provide developmental or technical assistance in connection with the establishment of a new community education program must have the purpose of securing achievement of these minimum elements; and (iii) Training programs at institutions of higher education assisted pursuant to this part must be designed to provide training in skills and understandings with reference to all of these elements.

(3) The minimum elements of a community education program described in paragraph (c) of this section also serve to distinguish a community education program from other related programs such as adult education programs and regular kindergarten through twelfth grade instructional programs, for purposes of determining when a program is a new community education program earning an 80 percent Federal share under § 160c.14.

(c) *Minimum elements.* The following are minimum elements of a community education program.

(1) *Program administration.* The program must be administered by a public elementary or secondary school.

(20 U.S.C. 1864 (c), (d)(1); S. REP. NO. 763, 93d Cong. 2d Sess. 72–73 (1974))

(2) *Community served.* The program must serve an identified community which is at least coextensive with the school attendance area for the regular instructional program of the school administering the program, except where special circumstances warrant the identification of a smaller community.

(20 U.S.C. 1864(b), (c))

(3) *Public facility as a community center.* (i) Program services to the community must be sufficiently concentrated and comprehensive in a specific public facility, including, but not limited to, a public elementary or secondary school or a public community or junior college, in terms of scope and nature of program services, hours of service, and other characteristics to constitute such facility as a community center; (ii) Satellite or mobile facilities related to the community center may be used by the center for the provision of a portion of program activities and services, and such satellite or mobile facilities may include nonpublic facilities which are made available for use by the public.

(20 U.S.C. 1864(c))

(4) *Scope of activities and services.* The program must extend the program activities and services offered by, and uses made of, the public facility in terms of the scope and nature of program services, the target population served, and the hours of service. For example, where a public elementary or secondary school is used as the facility, it would need to provide services beyond the regular kindergarten through twelfth grade instructional program.

(20 U.S.C. 1864(b))

(5) *Community needs.* The program must include systematic and effective procedures (i) for identifying and documenting on a continuing basis the needs, interests, and concerns of the community served with respect to community education activities and services, and (ii) for responding to such needs, interests, and concerns.

(20 U.S.C. 1864 (b) and (c))

(6) *Community resources.* The program must provide for the identification and utilization of educational, cultural, recreational, and other existing and planned resources located outside of the school (including but not limited to, services of volunteers) to enhance the size and quality of the program.

(20 U.S.C. 1864 (b) and (c))

(7) *Program clients.* The program must have the potential for accommodating all age groups in the community, including preschool children, children and youths in school, out-of-school youths, adults, and senior citizens, as well as groups within the community with special needs for community education services and activities, such as persons of limited English-speaking ability and mentally or physically handicapped or other health-impaired persons.

(20 U.S.C. 1864(c))

(8) *Community participation.* The program must provide for the active and continuous involvement, on an advisory basis, of institutions, groups, and individuals including, but not limited to, local community colleges, social, recreational, and health groups, and persons broadly representative of the community served, including representatives of parents of students in the regular instructional program of the school administering the program and other residents of the community, in the planning and carrying out of the program, including involvement in the assessment of community needs and resources and in program evaluation.

(20 U.S.C. 1864 (b), (c); H.R. REP. NO. 805, 93d Cong., 2d Sess. 50 (1974))

§ 160c.4 Limitation on number of applications.

(a) Except as provided in paragraphs (b) and (c) of this section, an applicant may submit only one application in a given fiscal year for assistance pursuant to this part.

(b) In the event that a State educational agency forms a cooperative arrangement with a local educational agency and applies jointly with the local educational agency, in accordance with § 100a.19 of this chapter, to plan, establish, expand, improve, or maintain one or more community education programs which the State educational agency (together with the local educational agency) directly administers, as provided in § 160c.9(a)(1), the State educational agency may file a separate application for each such cooperative arrangement in addition to the one application which it may singly file.

(c) An institution of higher education may apply for grants for each of the types of projects described in §§ 160c.18, 160c.19, and 160c.20, respectively. It must file a single and separate application with respect to each of the following sections under which it seeks assistance: §§ 160c.18, 160c.19, 160c.20.

(d) The limitation in paragraph (a) of this section applies to preapplications submitted by local educational agencies

if the Commissioner requires preapplications pursuant to § 160c.10.

(20 U.S.C. 1221e-3(a)(1), 1864(d)(4))

§ 160c.5 Duration of projects.

(a) Project awards pursuant to this part will be for a grant period of up to one year. If a grantee seeks to receive assistance pursuant to this part for an additional period beyond such grant period, it must submit a new application for a new grant award. Such new application will be evaluated in competition with applications from other former grantees as well as from applicants which have not previously received assistance under this part.

(b) The Federal share of the projects will be computed in accordance with § 160c.14, including § 160c.14(b)(2) which provides that a new community education program may qualify for the 80 percent Federal share for one or two years of funding.

(20 U.S.C. 1221e-3(a)(1), 1864))

§ 160c.6 Equitable geographical distribution.

In approving applications under this part, the Commissioner will insure that there is an equitable geographical distribution of community education programs throughout the United States in both urban and rural areas.

(20 U.S.C. 1864(h))

Subpart B—State and Local Educational Agency Projects

§ 160c.7 Eligibility.

State educational agencies and local educational agencies are eligible to receive grants pursuant to this subpart.

(20 U.S.C. 1864(d)(1))

§ 160c.8 Scope of Federally assisted projects.

(a) *General.* Grants of Federal funds pursuant to this subpart will be made for projects to plan, establish, expand, operate, and/or provide developmental and technical assistance to one or more community education programs meeting or making progress toward meeting the requirements of § 160c.3.

(20 U.S.C. 1864(d)(1))

(b) *Amount of award.* The Federal grant shall be an amount determined by the Commissioner and set forth in the grant award document, which in no case shall exceed the applicable percentage, determined pursuant to § 160c.14, of the amount which the Commissioner determines to be the total, reasonable, and necessary cost of the project, subject to paragraphs (c) and (d) of this section and to § 160c.15.

(20 U.S.C. 1864(d)(1) and (3))

(c) *Costs generally allowable.* For the purposes of this section, the project to which the Federal share (as determined pursuant to § 160c.14) will be applied may include: (1) Leadership, coordinating, and administrative costs of planning, establishing, expanding, operating, coordinating, and providing developmental and technical assistance to one or more community education programs, including costs such as the salaries of community education administrators, their staff, and appropriate community members responsible for planning and implementing the project and community education programs thereunder; (2) training for such persons and for the applicant's chief executive officer; (3) other costs incidental to scheduling, assessing community needs and interests, recruiting administrative and instructional staff for the program and program participants, dissemination of information to the community, obtaining community participation in the planning and carrying out of the project and programs (including the costs related to the functioning of advisory councils), budgeting and management, and identifying and obtaining the input of other community resources; and (4) other costs incidental to assisting community education programs in carrying out these functions and to building their capacity to discharge these functions (as provided in paragraph (e)(2)(ii) of this section)

(20 U.S.C. 1864(d); H.R. REP. NO. 805, 93d Cong., 2d Sess. 51 (1974))

(d) *Costs allowable when specifically authorized.* The project to which the Federal share will be applied may include costs beyond those described in paragraph (c) of this section, including costs such as instructor salaries, instructional materials and equipment, and other incidental expenses directly related to the provision of specific community education program activities and services (for example, course offerings and transportation for participants), only in exceptional circumstances when (1) the Commissioner determines that it would be in the interest of the Government in carrying out the purposes specified in § 160c.1 to contribute to such costs, based on such considerations as whether (i) Other public or private resources are available for such costs; (ii) the charging of enrollment fees to program participants to cover such costs is feasible or would create an excessive financial burden on potential program participants; (iii) proposed costs are reasonable in terms of the contributions which they will make to the purposes of the community education program and; (iv) failure to contribute to such costs would defeat the equitable distribution of assistance under this part; and (2) the grant specifically authorizes such costs.

(20 U.S.C. 1864(d))

(e) *Costs at agency and school levels.* (1) Projects eligible for assistance pursuant to this subpart may include leadership, coordinating, and administrative costs described in paragraph (c) of this section: (i) For activities within individual schools planning, establishing, or administering community education programs in accordance with § 160c.3, and (ii) for activities outside of such individual schools but within the grantee local educational agency and/or State educational agency planning and providing developmental and technical assistance to such schools.

(2)(i) *Relationship of agency level costs to programs.* Eligible leadership, coordinating, and administrative costs described in subparagraph (e)(1)(ii) of this section must relate to specific and identified community education programs being planned, established, or administered in accordance with § 160c.3. The project to which the Federal share will be applied may not include costs of the grantee local educational agency and/or State educational agency which do not relate directly to specific community education programs identified in the grant award.

(ii) *Developmental and technical assistance to programs.* Leadership, coordinating, and administrative costs of local educational agencies or State educational agencies described in paragraph (e)(1)(ii) of this section may include developmental and technical assistance to schools (and, in the case of awards to State educational agencies, to local educational agencies) in planning, establishing, expanding, improving, and maintaining community education programs. Such developmental and technical assistance may include, but need not be limited to: (A) Planning and developing applications for assistance; (B) helping to survey the community education needs and resources of the community; (C) planning and developing community education programs; (D) helping to establish and coordinate community education task forces and advisory bodies; (E) training local directors of community education programs, and their staff and community teams; (F) assistance in the preparation of budgets for community education programs; (G) identifying and cooperating with training programs of institutions of higher education to bring together local officials who need training with the institutions which can provide the necessary training; (H) helping communities to expand existing community education programs; (I) helping communities and local community education directors to develop evaluation plans and to conduct evaluations of community education programs; and (J) helping communities and local educational agencies bring their community education programs into conformity with any existing State plan for community education.

(20 U.S.C. 1864 (c), (d) (1), (3) and (4)(C))

§ 160c.9 State educational agency projects.

(a) *Types of assistance to State educational agencies.* State educational agencies may apply for assistance pursuant to this part (1) to plan, establish, expand, improve, or maintain one or more community education programs which they directly administer through a public elementary or secondary school in accordance with § 160c.3(c)(1) (in cases where the State educational agency is directly responsible for operating a public school or where it applies jointly with a local educational agency), or (2)

to plan and provide developmental and technical assistance to one or more community education programs (in connection with the establishment, expansion, improvement, or maintenance of such programs) being administered by a local educational agency through a public elementary or secondary school, as provided in § 160c.8(e)(2)(ii).

(20 U.S.C. 1864(d) (1) and (2))

(b) *Relationship to community education programs.* Projects proposed by State educational agencies described in paragraph (a)(2) of this section may relate to: (1) Community education programs for which the local educational agency administering the program is receiving or seeking Federal assistance pursuant to this part; or (2) community education programs administered by local educational agencies which are neither seeking nor receiving Federal assistance pursuant to this part.

(20 U.S.C. 1864(d) (1) and (2))

(c) *Incorporation by reference of information in local educational agency applications.* (1) Applications from State educational agencies described in paragraph (a)(2) of this section which relate to a community education program with respect to which a current application for assistance is submitted to the Commissioner by the local educational agency may incorporate by reference information with respect to the community education program provided in the application of the local educational agency.

(2) Any such information incorporated by reference into the application of the State educational agency will be considered by the Commissioner as if it were provided in the application of the State educational agency for purposes of satisfying the application requirements set forth in § 160c.12.

(3) The opportunity for review by the State educational agency of both preapplications if required by the Commissioner) and applications submitted by local educational agencies, as provided in §§ 160c.10(b)(4) and 160c.11, is designed to facilitate appropriate coordination of State educational agency and local educational agency applications and permit the State educational agency to avail itself of the provisions for incorporation by reference in this paragraph.

(20 U.S.C. 1221e-3(a)(1), 1864(d))

(d) *Subgrants; Service contracts.* (1) State educational agencies may not use any Federal funds awarded pursuant to this subpart to award subgrants to local educational agencies or to any other entities or individuals.

(2) State educational agencies as well as local educational agencies may, with Federal funds awarded pursuant to this part, enter into contracts with local educational agencies or other entities or individuals to secure services which will assist them in carrying out a portion of the project activities, as provided in § 100a.30 of this chapter, subject to the conditions set forth in § 100a.30 which prohibit transfer of responsibility (or conduit arrangements) by the grantee and require a statement of intention to enter a service contract in the approved application or an approved amendment thereto.

(20 U.S.C. 1221c(b)(1), 1232c(b)(1))

§ 160c.10 Preapplications from local educational agencies.

(a) The Commissioner may require local educational agencies applying for assistance pursuant to this part to submit preapplications to the Commissioner in accordance with § 100a.41 of this chapter.

(b) In the event that the Commissioner does require preapplications from local educational agencies:

(1) As part of the project narrative statement required in preapplication forms provided for by § 100a.41 of this chapter, which may not exceed ten double spaced, typewritten pages, local educational agency applicants must provide, with reference to each of the community education programs to be assisted under the project for which funding is sought, a description of:

(i) The objectives of the project;

(ii) How the community, school, public agencies, and other resources will be involved in planning, carrying out, and evaluating the project;

(iii) Procedures and strategies to achieve project objectives;

(iv) Resources available for support of the project; and

(v) How and why specific project objectives were chosen.

(2) Local educational agencies submitting the most highly rated preapplications will be invited to submit applications for review. The Commissioner may provide that only invited applications will be accepted at this second stage. If the Commissioner provides that only invited applications will be accepted, non-invited applications from local educational agencies will be returned to the applicants.

(3) Preapplications will be evaluated by the Commissioner on the basis of the applicant's and proposed project's prospects for meeting the application requirements described in § 160c.12 and for competing successfully with similar applications from other applicants in terms of the funding criteria set forth in § 160c.13.

(4)(i) A copy of the preapplication must be submitted by the local educational agency to the State educational agency of the State in which the local educational agency is located, concurrently with the submission of the preapplication to the Commissioner, to provide the State educational agency an opportunity to review and comment on such preapplication.

(ii) The Commissioner may establish a cut-off date for submission of comments by State educational agencies on local educational agency preapplications. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for a preapplication shall be deemed a waiver of the State educational agency's opportunity to comment on that preapplication.

(20 U.S.C. 1221c(b)(1), 1864(d)(4))

§ 160c.11 State review of local educational agency applications.

(a) The Commissioner will not approve an application submitted by a local educational agency in accordance with § 160c.12 unless the State educational agency of the State in which that local educational agency is located has been given an opportunity to review and comment on such application.

(b) A local educational agency must provide a copy of its application to the appropriate State educational agency concurrently with its submission of the application to the Commissioner.

(c) The Commissioner may establish a cut-off date for submission of comments by State educational agencies on local educational agency applications. If the Commissioner establishes a cut-off date for submission of comments, failure by a State educational agency to submit comments to the Commissioner within the period specified by the Commissioner for an application shall be deemed a waiver of the State educational agency's opportunity to comment on that application.

(d) State educational agencies are encouraged, in any comments which they submit pursuant to this section (and pursuant to § 160c.10(b)(4) for any preapplications from local educational agencies), to describe: (1) Any efforts which they undertook to solicit views from diverse community groups in the community proposed to be served on the application; (2) the results of any such efforts; and (3) any State or municipal laws which might deny or substantially limit use of public facilities for community education purposes.

(20 U.S.C. 1864(d)(4))

§ 160c.12 Application requirements.

The Commissioner will award a grant to a State or local educational agency under this subpart only upon an application submitted to the Commissioner which meets the following requirements, as applicable:

(a) *Requirements for all State and local educational agency applications.* All applications submitted by local educational agencies or State educational agencies under this subpart must contain:

(1) An explanation of the applicant's need for Federal resources to carry out the proposed project and of the reasons why the applicant is unable to implement the proposed project with its own resources, including, in the case of an application to expand, improve, or maintain an already existing community education program, information on the existing program's activities, budget, and sources of funds, and on the extent to

which such funding sources will contribute to the proposed project;

(2) Assurances that the applicant will pay from non-Federal sources the remaining costs over and above the Federal share determined pursuant to § 160c.14 of carrying out the proposed project;

(3) A description of each community education program for which assistance is sought in sufficient detail to apply the appropriate Federal share, in accordance with § 160c.14:

(i) (A) With respect to each community education program to be assisted under the proposed project, the applicant should indicate whether the proposed project is to establish a new community education program, to expand or improve an existing program, and/or to maintain or carry out an existing program, in accordance with the standards of § 160c.14. (B) Final determination of the classification of the project for the purposes of applying the Federal share pursuant to § 160c.14 is reserved in the Commissioner.

(ii) An application which would assist community education programs earning different Federal shares (for example, a project to establish a new community education program and to maintain another existing program) or which would assist an individual community education program in a manner which would earn different Federal shares (for example, a project which requests Federal assistance both to maintain an existing community education program at its current level and to expand the same program) must break out in the budget proposed project costs in relationship to each community education program and, as appropriate, each aspect of an individual program, to permit calculation of the appropriate Federal share for the project pursuant to § 160c.14.

(4) A project plan describing (i) project objectives which state specific and measurable outcomes for the project; (ii) a proposed time schedule for accomplishing such objectives; (iii) an explanation of proposed procedures, strategies, and activities for accomplishing such objectives; and (iv) an evaluation component providing for the collection, verification, and analysis of data to measure the extent to which such objectives are accomplished by the project.

(5) (i) Information on proposed organizational arrangements for administering the project and on the qualifications and roles of staff who will administer the project, and (ii) a description of provisions for securing appropriate training or retraining, where required, of a short-term, in-service or pre-service nature for administrators, staff, citizens and others such as the chief executive officer who will plan and carry out projects.

(6) Documentation of involvement in the preparation of the application on an advisory basis of community colleges, social, recreational, and health groups, and persons broadly representative of the area or areas to be served by the project, including a description of procedures used to provide the public at large with an opportunity to have input in the preparation of the application (such as through public notice or hearings).

(7) Provisions for dissemination of information on the results of the project, and of the means used to achieve the result, to State educational agencies, local educational agencies, other educational agencies and institutions, the Commissioner, and the national clearinghouse (established pursuant to subsection (f) of the Act).

(8) A commitment by the applicant to collect and make available such information as may be required by the Commissioner or by the Community Education Advisory Council, in accordance with such time constraints as they may designate, for purposes of carrying out program evaluations in accordance with subsection (g) of the Act.

(20 U.S.C. 1864 (b), (c), (d) (4), (f), (g))

(b) *Requirements for local educational agency applications and for State educational agency applications which relate to community education programs which the State educational agency will directly administer.* (1) The application requirements set forth in this paragraph apply: (i) To all applications submitted by local educational agencies and (ii) to those applications submitted by State educational agencies which propose to plan, establish, expand, improve, or maintain one or more community education programs which the State educational agency will directly administer, as provided in § 160c.9(a) (1).

(2) The application must provide information sufficient to satisfy the Commissioner that each of the community education programs to be established, expanded, maintained, or otherwise assisted by the proposed project already meets each of the requirements set forth in § 160c.3, or that substantial compliance by each program with the requirements in § 160c.3 will be achieved as a result of the carrying out of the proposed project.

(3) (i) In providing information pursuant to the requirements of paragraph (a) (4) of this section and paragraph (b) (2) of this section, an application covered by this paragraph must provide, in addition to such other information as may be required to satisfy paragraph (a) (4) of this section and paragraph (b) (2) of this section, information on the following aspects with respect to each community education program for which assistance is sought: (A) Organizational arrangements for administering the program; (B) qualifications and roles of staff administering the program or, in connection with new programs to be established, procedures and plans for recruiting and training qualified staff; (C) public facilities used; (D) identification of the community served, including a description of the geographic area to be served and the demographic characteristics of the area; (E) a general description of the scope and nature of program activities and services; (F) available community resources which might be applied in the program; (G) provisions for disseminating information on the program to the community served; and (H) a program budget.

(ii) In connection with projects to expand, improve, or maintain an existing community education program, the information required by clause (b) (3) (i) of this section must be provided with reference both to the existing program and to the program which will result from the proposed project.

(4) The application must provide: (i) An analysis and documentation, with respect to each community education program to be assisted by the project, of the educational, cultural recreational, health, and related needs of the community to be served, as reflected by census of other data and a preliminary survey of the community's interests and concerns; (ii) a proposed prioritization of the community needs expected to be served by the program; and (iii) an explanation of how overall project objectives specified pursuant to paragraph (a) (4) of this section relate to the community needs.

(5) The application must provide: (i) An explanation of the means by which a preliminary determination was made as to community needs and proposed priorities for each community education program and (ii) in the case of applications which do not propose services in each of the areas of educational, recreational, health, and cultural activities, documentation that community needs were examined in each such area in which services are not proposed and of the basis for not proposing the services.

(6) The application must provide documentation that each community education program to be assisted by the project is designed to avoid duplication of other services and activities available in the community.

(c) Requirements for State educational agency applications to provide developmental and technical assistance to community education programs administered by local educational agencies. Applications from State educational agencies to provide developmental and technical assistance to one or more community education programs administered by local educational agencies, as provided in § 160c.9(a) (2), are subject to the requirements in paragraph (a) of this section and to the following requirements:

(1) The application must provide information sufficient to satisfy the Commissioner that developmental and technical assistance will be provided only: (i) To help expand, improve, or maintain community education programs which already meet each of the requirements of § 160c.3; or (ii) to help new community education programs which are being planned and established for the purpose of securing achievement with each of the requirements in § 160c.3.

(2) The application must describe the applicant's plans for assisting specific community education programs in developing the kinds of information re-

quired by, and otherwise meeting the kinds of requirements in, paragraph (b) of this section (irrespective of whether or not the local educational agency intends to apply for assistance under this part).

(3) The application must (i) document that the State educational agency has carried out a general statewide survey of existing and planned community education programs, including community education programs in rural areas of the State, and of the needs of the programs for developmental and technical assistance from the State educational agency; and (ii), describe the results of the survey, including the basis for selecting for assistance those community education programs to receive developmental and technical assistance under the project.

(d) *Combined State educational agency projects.* If an application from a State educational agency proposes in part a project described in paragraph (b)(1) of this section and in part a project described in paragraph (c) of this section, the requirements in paragraph (b) will apply only to that part of the project which is described in paragraph (b)(1), and the requirements in paragraph (c) will apply only to that part of the project which is described in paragraph (c).

(20 U.S.C. 1864 (b), (c), (d), (f); S. REP. NO. 763, 93d Cong., 2d Sess. 73 (1974))

§ 160c.13 Criteria for evaluation of applications.

In order to achieve the purposes set forth in § 160c.1, the Commissioner, in determining whether to approve an application for a Federal grant and the amount of such grant pursuant to this subpart, will consider the following factors, weighted according to the indicated points:

(a) *All applications.* With respect to all applications submitted by local educational agencies or State educational agencies:

(1) (63 points)—The specific criteria set forth in § 100a.26(b) of this chapter, which will be weighted equally, except that the criterion set forth in § 100a.26(b)(3) concerning the adequacy of qualifications (not limited to formal training) of leaders and other staff designated to carry out the proposed project will be weighted twice as heavily as each of the other criteria in § 100a.26(b);

(2) (7 points)—The extent to which the application documents that other public and private resources are unavailable and, therefore, Federal assistance is needed to carry out the proposed project;

(3) (10 points)—The promise of the proposed project to enhance substantially the quality and/or scope of each of the community education programs to which it relates;

(4) (20 points)—The likelihood that activities to be carried out under the project will be sustained and expanded by the applicant following the expiration of Federal assistance, as measured by (i) evidence of financial and other commitment of the applicant, including its policy-making board, to the project and (ii) the extent to which the project is designed to build the capacity of the applicant to plan, establish, expand, improve, maintain, and/or assist community education programs.

(b) *Local educational agency applications and those State educational agency applications related to community education programs which the State educational agency will directly administer.* With respect to all applications submitted by local educational agencies and to those applications submitted by State educational agencies which propose to plan, establish, expand, improve, or maintain one or more community education programs which the State educational agency will directly administer, as provided in § 160c.9(a)(1):

(1) (60 points)—The extent to which the proposed project is designed to achieve high quality (beyond meeting minimum requirements) in each specific community education program to which the project relates with regard to each of the elements of a community education program set forth in the following subparagraphs of § 160c.3(c): (3), Concerning concentration of program activities and services in a community center; (4), concerning scope of activities and services; (5), concerning procedures for documenting and responding to community needs; (6), concerning identification and utilization of community resources; (7), concerning the potential for accommodating a broad client population; and (8), concerning community participation in planning and carrying out the program.

(2) (5 points)—The extent to which proposed activities and services in each of the community education programs to be assisted by the project are convenient to residents of the community or communities to be served, including consideration of any transportation problems, satellite facilities, or mobile facilities.

(3) (8 points)—§ 160c.3(c)(1) provides that each community education program must be administered by a public elementary or secondary school. Subject to this condition on administration of the program, there is no requirement that the program activities and services be centered in a public elementary or secondary school building. Other public buildings can serve as the center for the community education program, as provided in § 160c.3(c)(3). Nevertheless, priority will be given to projects related to community education programs in which a public elementary or secondary school building will serve as the center for the community education program activities and services.

(4) (10 points)—The extent to which community education programs to which the proposed project relates will provide for the integration of, and mutual reinforcement between, the administering school's regular instructional programs and its community education activities and services.

(5) (4 points)—The extent to which there is a history of active community participation in the planning and carrying out of the school's regular instructional program and of other public cultural, recreational, and health activities within the community to be served.

(6) (3 points)—The relationship of the project to fundamental community health, educational, and other social welfare needs demanding public attention and resources.

(7) (10 points)—With respect to applications submitted by local educational agencies, any comments provided to the Commissioner by the State educational agency for the State in which the local educational agency is located which bear upon the extent to which the proposed project complements other community education efforts within the State, including its relationship to any State plan adopted by the State for community education programs.

(c) State educational agency applications to provide developmental and technical assistance to community education programs administered by local educational agencies. With respect to applications from State educational agencies to provide developmental and technical assistance to one or more community education programs administered by a local educational agency, as provided in § 160c.9(a)(2):

(1) Evidence of commitment by the State Board of Education and by the chief state school officer to the furtherance in the State of the purposes set forth in § 160c.1, as reflected by factors such as the following:

(i) (10 points)—The existing or planned organizational status within the State educational agency of personnel with administrative responsibilities related to community education activities;

(ii) (10 points)—Whether or not the State educational agency has established or plans to establish appropriate groups or task forces within the State designed to secure the advice of representatives of educational, recreational, civic, and parents groups within the State in the planning and carrying out of community education activities and to assure coordination of community education activities with other activities of other educational, cultural, recreational, and civic resources in the State.

(2) (5 points)—The extent to which the proposed project responds to the needs of existing and planned community education programs in rural areas of the State for developmental and technical assistance from the State educational agency.

(d) *Combined State educational agency projects.* If an application from a State educational agency proposes in part a project described in paragraph (b) of this section and in part a project described in paragraph (c) of this section, the evaluation criteria in paragraph (b) of this section will apply only to that part of the project which is described in paragraph (b), and the evaluation cri-

teria in paragraph (c) will apply only to that part of the project which is described in paragraph (c).

(20 U.S.C. 1864(b), (c), (d); S. REP. NO. 763, 93d Cong. 2d Sess. 73 (1974))

§ 160c.14 Federal share of projects.

(a) *General.* For the purposes of funding grant projects in accordance with § 160c.8 of this subpart, the Federal share shall be: (1) 80 percent of a project to establish a new community education program; (2) 65 percent of a project to expand or improve a community education program for the first year in which the program is assisted under this subpart, and 55 percent in any fiscal year thereafter; and (3) 40 percent of a project to maintain or carry out a community education program.

(b) *Establishment of a new program.* (1) A project will qualify for the 80 percent Federal share under paragraph (a)(1) of this section with respect to a new community education program to be established in a community which has no existing community education effort with elements responding substantially to each of the subparagraphs in § 160c.3(c).

(2) A project to establish a new community education program will qualify for the 80 percent Federal share with respect to that program for one or two years of funding, depending upon the Commissioner's judgment as to whether one or two years are required to establish the program, and subject to the provisions of § 160c.5 which require the applicant to submit a new application for the second year of funding which will be evaluated on a competitive basis with other applications for assistance under this subpart. Any project award relating to the same program in successive fiscal years, whether to the same applicant or to another applicant, would earn one of the Federal shares designated under paragraphs (a) (2) and (3) of this section, as appropriate.

(c) *Expansion or improvement of a program.* (1) A project which does not qualify for the 80 percent share under paragraph (b) of this section with respect to a community education program will qualify for the 65 percent Federal share with respect to a community education program in the first year in which the program is assisted under this part if the project provides for: (i) An increase in the number and types of activities and services offered in the program in response to community needs and interests; (ii) A substantial improvement in the accessibility of the program's activities to the community and an increase in the numbers of people served by the program; (iii) an increase in the level of participation by residents of the community and by other community organizations and agencies in planning and implementing the program; (iv) a substantial increase in the times during, and purposes for, which a public facility is used in the program; or (v) substantial improvement in the quality of (A) the processes by which the community education program is administered with input by community residents and organizations or (B) the activities and services offered by the program.

(2) The Federal share provided for in this paragraph will be applied only against the incremental costs for the applicant of carrying out the expansion or improvement described in paragraph (c)(1)(i) through (v) of this section.

(d) *Calculation of share.* The Federal share for a project will be computed pursuant to this section by the Commissioner at the time of grant award with reference to each community education program to be assisted thereunder and, in connection with individual community education programs earning more than one Federal share, with reference to appropriate aspects of each such program.

(1) If a project proposes to establish one new community education program and maintain another existing community education program, eligible project costs related to the establishment of the new program would earn 80 percent Federal matching, while eligible project costs related to the maintenance of the existing program would earn 40 percent Federal matching. The Federal share for the project as a whole would therefore fall somewhere between 80 percent and 40 percent and would depend upon the relative project costs as between the new program and the maintained program.

(2)(i) With respect to a project which would expand or improve a given community education program, the applicant may seek Federal assistance pursuant to this subpart (A) both to maintain the program at its existing level and to expand or improve the program, or (B) only to improve or expand the program.

(ii) The Federal share specified in paragraph (a)(2) of this section will apply only to the incremental costs related to the expansion and improvement of the project, while the Federal share specified in paragraph (a)(3) of this section will apply to the costs associated with the maintenance of the program at its current level.

(iii) A project to expand or improve a community education program earning a 65 percent share of Federal assistance in the first year of assistance pursuant to this subpart which proposes in the second year merely to maintain the program at the level to which it was expanded or improved in the first year will earn only a 40 percent Federal share in the second year. The project will earn a 55 percent Federal share in the second year only to the extent that the community education program is improved or expanded in the second year.

(20 U.S.C. 1864(d)(3))

§ 160c.15 Allowable costs.

(a) Allowable costs under projects to which the applicable Federal share is awarded pursuant to this subpart shall be determined in accordance with cost principles set forth in Appendix B to Subchapter A of this chapter, subject to the limitations set forth in § 160c.8.

(b) There are no firm limits as to the amount of assistance provided under a grant pursuant to this subpart, but it is expected that a substantial number of grants of limited size will be awarded, and that the size of individual grant awards will depend upon the number of community education programs to be assisted in a way which satisfies applicable requirements and criteria in §§ 160c.12 and 160c.13, respectively, under the grant, whether the project is to establish (likely to receive the highest amount), expand, improve, and/or maintain community education programs, the specific criteria in § 160c.13, and the level of competition for funds.

(c) The costs of facilities, capital assets, and repairs which materially increase the value or useful life of capital assets generally shall be unallowable under this subpart and will only be allowed if the Commissioner specifically authorizes such costs.

(20 U.S.C. 1864 (c), (d) (1), (3), (4)(C))

Subpart C—Training Projects in Institutions of Higher Education

§ 160c.16 Nature of Federal projects.

(a) *General.* Grants of Federal funds pursuant to this subpart will be made to institutions of higher education to pay all or part of the costs of developing and establishing, or expanding, programs which will train persons to plan and operate community education programs.

(b) *Types of projects.* Each grant pursuant to this subpart will be for only one of the following types of projects to develop and establish, or expand: (1) Programs to train persons planning and operating community education programs in local educational agencies (or State educational agencies which are directly administering community education programs), as provided in § 160c.18; (2) programs to train persons in State educational agencies planning and providing developmental and technical assistance to community education programs administered by local educational agencies, as provided in § 160c.19; or (3) programs (i) to assess appropriate training competencies needed in local educational agencies and State educational agencies for the planning and administration of community education programs, how these competencies can be effectively acquired, and existing training opportunities available with respect to community education and (ii) to develop an appropriate training curriculum and training materials which would become broadly available for the training of community education leaders, administrators, related personnel, or community teams at local educational agencies and State educational agencies (including the chief executive officers of such agencies), as described in § 160c.20.

(c) *Capacity building.* (1) Projects supported pursuant to this subpart must be designed to build the capacity of the grantee institution of higher education to provide training (whether the training is provided directly or indirectly through the assessment of training needs

and the development of training curriculum) on a scale not previously provided by the grantee or to local educational agencies or State educational agencies not previously served by the grantee.

(2) Training projects described in §§ 160c.18 and 160c.19 must build the capacity of the grantee through the provision by the grantee of inservice, basically short-term, continuous training to local educational agencies and/or State educational agencies, as provided in §§ 160c.18 and 160c.19.

(d) *Non-duplication of costs.* Federal funds provided pursuant to this subpart may not be used to pay for any costs of training which are being separately funded under a local educational agency or State educational agency project funded pursuant to Subpart B of this part.

(20 U.S.C. 1864(e))

§ 160c.17 Application requirements for all institutions of higher education grants.

The Commissioner will award a grant to an institution of higher education under this subpart only upon an application submitted to the Commissioner which:

(a)(1) Contains a project plan describing (i) project objectives which state specific and measurable outcomes for the project; (ii) a proposed time schedule for accomplishing the objectives; (iii) an explanation of proposed procedures, strategies, and activities for accomplishing the objectives; and (iv) an evaluation component providing for the collection, verification, and analysis of data to measure the extent to which the objectives are accomplished by the project.

(2) In addition to such other information as may be required pursuant to paragraph (a)(1) of this section, the project plan described in subparagraph (1) must include: (i) A description of proposed workshops, conferences or seminars, including their locations, number of sessions planned, and approximate number of trainees; (ii) information on the qualifications of teaching and administrative staff to carry out the project; (iii) provision for disseminating information on the project to local educational agencies, State educational agencies, other institutions of higher education, and the national clearinghouse (established pursuant to subsection (f) of the Act); and (iv) a project budget.

(b) Provides a general description of existing training activities of the applicant in or related to community education, facilities and resources available for such activities, institutions and programs which benefit from its training activities, and the extent to which its present experience will contribute to the effectiveness of the proposed project; and

(c) Includes a statement of commitment that the applicant will, upon the expiration of Federal assistance, continue to carry out training activities for the institutions and programs to be benefited under the Federally funded project.

(20 U.S.C. 1864(e))

§ 160c.18 Training to local educational agencies.

(a) *Purpose.* Grants to institutions of higher education under this section will be for the purpose of providing on-going, continuous inservice training to eligible recipients of training in local educational agencies planning and administering community education programs and in State educational agencies directly planning and administering such programs.

(b) *Funding requirements.* Training provided under a grant awarded pursuant to this section must meet the following requirements:

(1) The training must be designed to provide training in skills and understandings with reference to each of the elements of a community education program set forth in § 160c.3 and must include training in such areas as: (i) Understanding the concepts of community education, (ii) data collection and interpretation; (iii) community organization; and (iv) knowledge of other community education programs of an exemplary nature.

(2) The training generally must be short-term in nature and offered at times and in such a manner as to allow participation by recipients of the training on a basis which will cause minimum disruption to the carrying out of their responsibilities in planning and in operating community education programs.

(3) The training activities must be provided for eligible recipients in specific local educational agencies (and in specific State educational agencies, as described in paragraph (a) of this section) on a continuing basis over the course of the grant period, with provisions for follow-up and reinforcement of specific training workshops or exercises.

(c) *Recipients of training.* Eligible recipients of training under grants awarded to institutions of higher education pursuant to this section include persons in local educational agencies (or in State educational agencies directly administering a community education program) involved in the planning and operation of community education programs, including the chief executive officer of the State educational agency or local educational agency, leaders, coordinators, administrators, and other staff of community education programs, and members of the community assisting in the planning and carrying out of such programs, and including persons certified by a local educational agency or State educational agency as about to undertake such responsibilities within that agency.

(d) *Application requirements.* In addition to meeting the requirements of § 160c.17, applications for grants under this section must:

(1) As part of the project plan required by § 160c.17(a), name each local educational agency (and State educational agency) to be served by the proposed training project and indicate the general scope of services to be provided to each such agency, officials or groups to receive the training and how they will be selected, and the skill or competency needs of recipient agencies and how the project will respond to the needs.

(2) Include as an attachment a letter of commitment from each local educational agency (or State educational agency) to be served by the project, indicating its intention to participate in the project, certifying its need for the services which the application proposes to provide to the agency, and indicating any financial assistance it is receiving or seeking pursuant to this part related to the proposed training services.

(3) Describe current training activities of the applicant, including approximate numbers and program affiliations of individuals trained, cost of training, and staff carrying out the activities.

(4) Provide information to satisfy the Commissioner that the requirements in § 160c.16 (c) and (d) and paragraphs (a), (b), and (c) of this section are satisfied.

(e) *Number and size of grants.* It is expected that a large number of small grants to institutions of higher education (or to consortia of institutions of higher education) will be awarded each fiscal year pursuant to this section. The size of grant awards will depend upon the number of local educational agencies (or State educational agencies) to receive training services, the scope and quality of the project as measured by criteria set forth in § 160c.21, and the level of competition for available funds.

(20 U.S.C. 1864(e))

§ 160c.19 Training to State educational agencies.

(a) *Purpose.* Grants to institutions of higher education under this section will be for the purpose of providing on-going, continuous inservice training to eligible recipients of training in State educational agencies planning and providing developmental and technical assistance to community education programs administered by local educational agencies.

(b) *Program requirements.* Training programs funded under this section must be designed to provide training:

(1) In the following skills and understandings: (i) General skills necessary and appropriate for the organization, development, and administration of statewide community education activities; (ii) technical skills related to carrying out needs and resources assessments, evaluation of community education programs, planning, and data collection; (iii) skills in the provision of developmental or technical assistance to local community education programs; (iv) a general understanding of the concepts of community education, including those reflected in § 160c.3; (v) identification of, and coordination with, other Federal and State resources, including the resources of other States;

(2) Through the provision of information on: (i) Successful community edu-

cation programs and State activities related thereto in other States; and (ii) information on community education programs, and research and development related thereto, available from the clearinghouse (established pursuant to subsection (f) of the Act), and from the Commissioner;

(3) Which involves training activities for eligible recipients in specific State educational agencies: (i) On a continuing basis over the course of the grant period, with provisions for follow-up and reinforcement of specific training workshops or exercises; and (ii) which are short-term in nature and offered at times and in such a manner as to allow participation by recipients of the training on a basis which will cause minimum disruption to the carrying out of their responsibilities in planning and providing assistance to community education programs.

(c) *Recipients of Training.* Eligible recipients of training under grants awarded to institutions of higher education pursuant to this section include:

(1) Leaders, coordinators, and administrators of community education activities in State educational agencies, including the chief State school officer;

(2) Members of any advisory bodies responsible for advising the State educational agency in the carrying out of community education activities; and

(3) Persons certified by a State educational agency as about to undertake positions described in paragraphs (c) (1) and (2) of this section within that State educational agency.

(d) *Application requirements.* Applications for grants under this section must meet the requirements of § 160c.17 and provide information to satisfy the Commissioner that the requirements in § 160c.16 (c) and (d) and paragraphs (a), (b), and (c) of this section are satisfied.

(e) *One grant.* It is expected that only one grant to an institution of higher education or to a consortium of institutions of higher education will be made pursuant to this section in the first year in which grants are made pursuant to this part. The grant award will have the purpose of providing training to eligible recipients in a large number of State educational agencies.

(20 U.S.C. 1864(e))

§ 160c.20 Training assessment and curriculum development.

(a) Grants to institutions of higher education under this section will be for one or more of the following purposes:

(1) To assess (i) appropriate training competencies needed in local educational agencies and State educational agencies for the planning and administration of community education programs and for the provision of developmental and technical assistance to such programs; (ii) how these competencies can be effectively acquired; and (iii) existing training opportunities available with respect to community education;

(2) To develop appropriate training curricula and training materials designed to train administrators (including chief executive officers) and related personnel planning and carrying out or assisting community education programs in local educational agencies and State educational agencies, including appropriate materials for long- and short-term training, and formal and informal training, materials appropriate for use by community education program personnel without trained instructors, packaged training modules susceptible to flexible use to meet particular training needs in different settings and for trainees with different experiences, and materials to train trainers in community education;

(b) Applications for grants under this section must meet the requirements of § 160c.17 and provide information on the potential benefits and uses, including potential users, of assessments carried out and materials developed under the project; and

(c) It is expected that about three grants to institutions of higher education (or to consortia of institutions of higher education) will be made pursuant to this section in the first fiscal year in which grants are made pursuant to this part. The grant awards will focus on assessment activities described in paragraph (a)(1) of this section. Grants in successive fiscal years are expected to focus on the development of training curricula and materials pursuant to paragraph (a)(2) of this section.

(20 U.S.C. 1864(e))

§ 160c.21 Criteria for evaluation of applications.

In order to achieve the purposes set forth in § 160c.1, the Commissioner, in determining whether to approve an application for a Federal grant and the amount of such grant pursuant to this subpart, will consider the following factors, weighted as indicated:

(a) (77 points)—The specific criteria set forth in § 100a.26(b) of this chapter;

(b) (8 points)—The extent to which the application reflects a knowledge of training needs in community education, with specific reference to agencies to be served or benefited in the project, and provides for responding to such needs;

(c) (5 points)—The extent to which the proposed project is likely to build the capacity of the grantee to serve as a training resource for local educational agencies and State educational agencies planning, carrying out, and/or assisting community education programs.

(d) (4 points)—The number of local educational agencies and/or State educational agencies to participate directly in, or benefit indirectly from, the proposed project;

(e) (6 points)—The extent to which training provided by the project is likely to form a foundation from which training participants (or users of materials developed by the project) may pursue long-term or formal degree training if they so desire.

(20 U.S.C. 1864(e))

§ 160c.22 Allowable costs.

Allowable costs under grants awarded pursuant to this subpart shall be determined in accordance with cost principles set forth in Appendix C–II to Subchapter A of this chapter, subject to applicable limitations set forth in this subpart and to the restrictions that (a) indirect costs will be allowed at either (1) the actual level of the institutional indirect costs or (2) 8 percent of total direct costs, whichever is the lesser and (b) the costs of facilities, capital assets, and repairs which materially increase the value or useful life of capital assets generally shall be unallowable under this subpart and will only be allowed if the Commissioner specifically authorizes such costs.

(20 U.S.C. 1864(e))

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PART III

COMMODITY FUTURES TRADING COMMISSION

Provisional Designation and Registration; Deferral of Effective Dates; Change in Chapter 1 Designation

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

COMMODITY FUTURES TRADING COMMISSION

Change in Chapter I Designation

On October 23, 1974, the Commodity Futures Trading Commission Act of 1974 ("CFTCA") was enacted into law. The CFTCA which amended the Commodity Exchange Act, as amended, established, as an independent agency of the United States Government, a Commodity Futures Trading Commission (the "Commission"). Upon the effective date of the CFTCA, April 21, 1975, the Commission will administer and enforce the Commodity Exchange Act, as amended, a responsibility which is presently that of the Secretary of Agriculture and the Commodity Exchange Commission.

The regulations adopted by the Department of Agriculture, under the Commodity Exchange Act, as amended, appear under Chapter I of Title 17 of the Code of Federal Regulations. Because, upon the effective date of the CFTCA, those regulations will be administered and enforced by the Commission,[1] the Commission has determined that the present designation of Chapter I is no longer appropriate. In addition, the Commission has found that, because the designation of Chapter I is nonsubstantive in nature, notice and public participation is unnecessary. The Commission, therefore, hereby redesignates Chapter I of Title 17 of the Code of Federal Regulations, effective immediately, as "Chapter I—Commodity Futures Trading Commission."

(Sec. 418(a), Pub. Law 93-463, 88 Stat. 1415; 7 U.S.C. 12a(5) as amended sec. 103 Pub. Law 93-463, 88 Stat. 1392)

Issued: April 17, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-10286 Filed 4-17-75;12:30 pm]

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Provisional Designations of Boards of Trade as Contract Markets; Provisional Registration of Futures Commission Merchants and Floor Brokers

The Commodity Futures Trading Commission ("Commission") is hereby adopting rules providing for provisional designation of boards of trade as contract markets, for periods of up to 90 days from April 21, 1975, and provisional registration of persons as futures commission merchants ("FCMs") or floor brokers, for periods of up to 90 days from April 21, 1975.

The Commodity Futures Trading Commission Act of 1974 ("CFTCA")[1] substantially expanded the scope and coverage of the Commodity Exchange Act ("Act"), 7 U.S.C. 1, *et. seq.*, and established the Commission as the agency to administer and enforce the Act, a function which had previously been that of the Secretary of Agriculture and the Commodity Exchange Commission. Recognizing that the Commission would have a brief amount of time available to it before the effective date of the CFTCA, which is April 21, 1975,[2] and in order to "permit the orderly implementation" by the Commission of the CFTCA,[3] Congress enacted Pub. Law 94-16, which authorizes the Commission to grant provisional designations and registrations for periods up to 90 days from April 21, 1975.[4]

1. *Designation of Boards of Trade as Contract Markets.* Section 4 of the Act, 7 U.S.C. 6, generally makes it unlawful for any person to make or execute any "contract of sale of any commodity for future delivery" except on a board of trade that has been designated as a contract market. Pursuant to section 5 of the Act, 7 U.S.C. 7, as amended by section 103 of the CFTCA, 88 Stat. 1392, the Commission is authorized and directed to designate a board of trade as a contract market if it has complied with and carried out the conditions and requirements prescribed in the Act for designation. The CFTCA has a major impact upon designation because it substantially expands the definition in section 2(a)(1) of the Act of a "commodity."[5] Because of this impending change, a number of boards of trade that are not designated as contract markets must obtain designation by April 21, 1975, in order for trading lawfully to continue on those boards after that date. Pub. Law 94-16 was enacted in recognition of the fact that the Commission would not have sufficient time available to it before April 21, to determine whether these boards of trade were in compliance with the conditions and requirements of designation. The Senate Committee on Agriculture and Forestry, which reported favorably upon the joint resolution that became Pub. Law 94-16, stated in its report:

> "There are certain things which the Commodity Futures Trading Commission cannot physically accomplish before April 21, 1975. The Commission cannot review the operations, bylaws, and rules of the currently unregulated commodity markets in sufficient depth to determine whether such markets should be designated as contract markets under the Act * * *. The designation of contract markets without proper review * * * would not be in the public interest."[6]

For the reasons stated by the Senate Committee in its report, and in order to avoid the disruption, and attendant harm to the public, that would occur if futures trading in the previously unregulated commodities were required abruptly to cease on April 21 because designations could not be granted by that date, the Commission has decided to exercise its authority to grant provisional designation.

The Commission is thus adopting a provisional designation rule which provides that any person will be provisionally designated as a contract market in the presently unregulated commodities for a 15-day period upon a showing by the applicant that it is in fact a "board of trade" within the meaning of section 2(a)(1) of the Act, and that contracts for future delivery of the commodities with respect to which it is seeking designation were open upon that board on April 15, 1975. An applicant that seeks to make such a showing should file with the Commission a list of its membership, a list of its board of directors and officers, a copy of the bylaws, rules, regulations and resolutions under which it operates, and any other material that the applicant considers relevant. This 15-day provisional designation will be extended for an additional period or periods, not to extend beyond July 18, 1975, if the board demonstrates to the Commission's satisfaction that:

(a) There is no reasonable likelihood that the trading of commodity futures contracts on the applicant, and related activities thereupon, during that extended period will operate as a fraud upon members of the public, *and*

(b) The abrupt cessation of trading and related activities on the applicant at the end of the 15-day period would impose substantial hardships upon persons engaging in transactions upon the applicant, *and*

(c) The applicant is acting diligently to comply with the conditions and requirements set forth in the Act for designation by the Commission as a contract market and there is a reasonable likelihood that the applicant will have so complied before the

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[1] Section 411 of the CFTCA provides that "All rules, regulations, and orders heretofore issued by the Commodity Exchange Commission and by the Secretary of Agriculture under the Commodity Exchange Act to the extent not inconsistent with the provisions of this Act shall continue in full force and effect unless and until terminated, modified, or suspended by the Commodity Futures Trading Commission."

[1] Pub. Law 93-463, 88 Stat. 1389.

[2] Sec. 418, Pub. Law 93-463, 88 Stat. 1415.

[3] S. Rep. No. 94-73, 94th Cong. 1st Sess. 1 (1975).

[4] Pub. Law 94-16 also authorizes the Commission to defer for 90 days the effective date of (1) sections 204 and 205 of the CFTCA, 88 Stat. 1397, which require the registration of commodity trading advisors, commodity pool operators and certain persons associated with futures commission merchants and (2) sections 210 and 407 of the CFTCA, 88 Stat. 1401, 1414, which, in general, relate to Commission review of contract market bylaws. The Public Law also defers for 90 days the effective date of section 106, which establishes a customer reparations procedure, and extends by 90 days the date by which the Commission must make certain determinations regarding commodity futures trading (see sections 203 and 404 of the CFTCA, 88 Stat. 1396, 1413).

[5] Pursuant to section 201(b) of the CFTCA, 88 Stat. 1395, which amends section 2(a)(1) of the Act, 7 U.S.C. 2, the term "commodity" will mean not only those goods and articles specifically set forth in section 2(a)(1), but also "all other goods and articles, except onions as provided in Public Law 85-839, and all services, rights, and interests in which contracts for future delivery are presently or in the future dealt in."

[6] S. Rep. No. 94-73, 94th Cong., 1st Sess. 3 (1975).

end of the extended provisional designation period.

With respect to those boards of trade that are presently designated as contract markets for particular commodities, the Commission has determined not to terminate, modify or suspend those designations, which were of course granted by the Secretary of Agriculture. Accordingly, pursuant to section 411 of the CFTCA, those designations shall continue in effect since they are "not inconsistent" with the provisions of the CFTCA.[7] That this was Congress' intention is apparent from the report of the Senate Committee on Agriculture and Forestry on Pub. L. 94–16, which states that "[c]ontract market designations previously made by the Secretary of Agriculture for presently-regulated commodities would continue in effect until terminated, modified or suspended by the new Commission."[8]

The Commission wishes to emphasize, however, that the CFTCA imposes various new requirements that the boards designated by the Secretary must meet. These conditions are that the board: (1) "demonstrates that transactions for future delivery in the commodity for which designation as a contract market is sought will not be contrary to the public interest";[9] (2) permits the delivery of any commodity, on contracts of sale thereof for future delivery, of such grade or grades, at such point or points and at such quality and locational price differentials as will tend to prevent or diminish price manipulations, market congestion or the abnormal movement of such commodity in interstate commerce;[10] and (3) provides a fair and equitable procedure for the settlement of customers' claims and grievances against any member or employee thereof.[11] It is thus incumbent upon the designated boards to make a showing to the Commission that they are in compliance with these new conditions. The Commission's determination that the Secretary's designations are "not inconsistent" with the CFTCA should not be construed as any finding or indication by the Commission that the designated boards have met these conditions.

2. *Registration.* As discussed above, the CFTCA's expansion of the term commodity will require previously unregulated boards of trade to become designated as contract markets by April 21, 1975 in order for trading on those boards lawfully to continue on and after that date. Upon such designation, persons operating on those boards on April 21, 1975 as floor brokers or trading through those boards on April 21, 1975 as futures commission merchants ("FCMs") must be registered with the Commission in order lawfully to conduct business as of that date.[12] Registration as an FCM or floor broker by the Secretary of Agriculture will continue in effect under the CFTCA.

Congress recognized, however, that the Commission would not have sufficient time before April 21 to review registration applications thoroughly.[13] Congress therefore provided in Pub. Law 94–16 that the Commission may grant provisional registration as an FCM or floor broker to any person, for a period not in excess of 90 days from the effective date of the CFTCA, under such terms and conditions as the Commission may prescribe. The purpose of giving the Commission authority to grant provisional registration was to permit the Commission to review applications for registration thoroughly, while, at the same time, permitting applicants, pending the completion of that review, to continue to engage in the business for which they were seeking registration.

The Commission has determined that it in fact does not have sufficient time before April 21, or in the period immediately thereafter, to give applications for FCM and floor broker registration the thorough review that the public interest requires. The Commission believes, however, that it would not be in the public interest if the FCM and floor broker applicants whose activities related solely to the previously unregulated commodities were required to cease operations on April 21, as that would cause a disruption of trading. Accordingly, the Commission has decided to exercise its authority to provisionally register FCMs and floor brokers for periods not to exceed 90 days from the effective date of the CFTCA, and is adopting rule 1.10a to implement that authority. As provided in the rule, the Commission will provisionally register any person who is engaged in an ongoing business and who, on the basis of a preliminary review of his application appears to meet the requirements set forth in rules 1.10 and 1.11 under the Commodity Exchange Act, as amended. A floor broker applicant must include with his application complete biographical information as to himself. An FCM applicant must include with his application complete biographical information as to each partner, director, officer, branch manager and beneficial owner of more than 10 percent of the equity stock of such applicant. Such biographical information should include date and place of birth; spouse's name, and date and place of birth; employment and addresses for the previous 10 years; other business connections; affiliations other than religious or political; and any aliases. This information is necessary for the Commission to conduct fitness checks on the applicants. In its preliminary review of an application, the Commission intends to apply the standards it uses in granting final registration pursuant to section 4f(1), but will accept as true and accurate the information contained in the application and supporting filings.

If the Commission grants provisional registration, it will continue to process the application, including FBI and SEC checks, to determine whether it will grant final registration pursuant to section 4f(1) of the Act. Persons who are provisionally registered will not be required to file a separate application for final registration.

3. *Statutory Authority.* Section 1 of Pub. Law 94–16, provides that the Commission may grant provisional designation to any board of trade as a contract market, and may grant provisional registration to any person as an FCM or floor broker, without prior notice or hearing. Because the purpose of provisional designation and registration is to permit the Commission to allow boards of trade, FCMs, and floor brokers, in appropriate cases, to operate as of April 21, 1975 (while it continues to review their applications), rules providing for provisional designation and registration must be effective before that date. Thus, the Commision finds good cause for dispensing with prior notice and hearing and for declaring the rules effective immediately.

In consideration of the foregoing, and pursuant to its authority under section 418(a) Pub. Law 93–463, 88 Stat. 1415, to adopt rules prior to the effective date of the CFTCA, Part I in Chapter I of Title 17 of the Code of Federal Regulations is amended, effective April 17, 1975, as follows:

§ 1.10a Provisional registration of futures commission merchants and floor brokers.

(a) The Commission may provisionally register as a futures commission merchant, for a period not to extend beyond

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[7] Section 411, 88 Stat. 1415, provides, *inter alia*, that all orders issued by the Secretary under the Act to the extent not inconsistent with the provisions of the CFTCA shall continue in full force and effect unless and until terminated, modified or suspended by the Commission. Since the Secretary's designations obviously have no applicability to the previously unregulated commodities, a designated board (just as any other board) must be designated by the Commission, provisionally or otherwise, as a contract market for any such commodity if futures trading therein is lawfully to continue upon that board on and after April 21, 1975.

[8] S. Rep. No. 94–73, 84th Cong., 1st Sess. 1 (1975).

[9] See section 207 of the CFTCA, 88 Stat. 1400, which amends section 5 of the Act, 7 U.S.C. 7.

[10] See section 5(f) of the Act, 7 U.S.C. 7(f), which makes it a condition of designation that the board comply in all respects with the requirements of the Act applicable to the board, and section 208(d) of the CFTCA, 88 Stat 1400.

[11] See n. 10 *supra*, and section 209 of the CFTCA, 88 Stat. 1401. In addition, section 107 of the CFTCA, 88 Stat. 1395, generally requires the Commission to take into consideration the "public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of [the] * * * Act."

[12] This is because the definitions of "futures commission merchant" and "floor broker" in section 2(a)(1) of the Act refer to persons who conduct business "on or subject to the rules of any contract market." Thus, when a previously unregulated board becomes designated as a contract market, any person acting as an FCM or floor broker thereon must be registered as such with the Commission in order to continue in business.

[13] S. Rep. No. 94–73, 94th Cong. 1st Sess. 3 (1974).

July 18, 1975, any person who, on April 15, 1975, was engaged in a business which, if engaged in on April 21, 1975, would require him to register as a futures commission merchant, and who files an application for registration as a futures commission merchant in compliance with the requirements prescribed in §§ 1.10 and 1.11, and includes therewith, as to each partner, director, officer, branch manager, and beneficial owner of more than 10 percent of the equity stock of such applicant, complete biographical information, including date and place of birth; spouse's name, and date and place of birth; employment and addresses for the previous 10 years; other business connections; organizational affiliations other than religious or political; and any aliases.

(b) The Commission may provisionally register as a floor broker, for a period not to extend beyond July 18, 1975, any person who, on April 15, 1975, was engaged in a business which, if engaged in on April 21, 1975, would require him to register as a floor broker, and who files an application for registration as a floor broker in compliance with the requirements prescribed in §§ 1.10 and 1.11, and includes therewith, complete biographical information, including date and place of birth; spouse's name, and date and place of birth; employment and addresses for the previous 10 years; other business connections; organizational affiliations other than religious or political; and any aliases, (7 U.S.C. 6f as amended sec. 103 Pub. Law 93–463, 88 Stat. 1392; sec. 1(b) Pub. Law 94–16, 89 Stat. 77; 7 U.S.C. 12a(5) as amended sec. 103 Pub. Law 93–463, 88 Stat. 1392.)

§ 1.52 Provisional designation of a Board of Trade as a contract market.

Any person that files an application with the Commission for designation as a contract market for any commodity or commodities not specifically set forth in section 2(a)(1) of the Commodity Exchange Act, as in effect prior to its amendment by Pub. Law 93–463, with respect to which contracts for future delivery thereon were open on April 15, 1975, will be provisionally designated, by Commission order, as a contract market for such commodity or commodities for a 15-day period, not to extend beyond July 18, 1975, if the applicant demonstrates to the Commission's satisfaction that it is a "board of trade" as that term is defined in section 2(a)(1) of the Act. Such provisional designation will be extended, by Commission order, for an additional period or periods, not to extend beyond July 18, 1975, if the board, within the 15-day provisional designation period, demonstrates to the Commission's satisfaction that:

(a) There is no reasonable likelihood that the trading of commodity futures contracts on the applicant, and related activities thereupon, during that extended period will operate as a fraud upon members of the public, *and*

(b) The abrupt cessation of trading and related activities on the applicant at the end of the 15-day period would impose substantial hardships upon persons engaging in transactions upon the applicant, *and*

(c) The applicant is acting diligently to comply with the conditions and requirements set forth in the Act for designation by the Commission as a contract market and there is a reasonable likelihood that the applicant will have so complied before the end of the extended provisional designation period.

(Sec. 1(a) Pub. Law 94–16, 89 Stat. 77; 7 U.S.C. 12a(5) as amended sec. 103 Pub. Law 93–463, 88 Stat. 1392)

Issued: April 16, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75–10285 Filed 4–17–75; 12:30 am]

COMMODITY FUTURES TRADING COMMISSION

REGISTRATION AND APPROVAL OF CONTRACT MARKET RULES

Deferral of Provisions in CFTCA Requiring Registration of Associated Persons, Commodity Trading Advisors and Commodity Pool Operators, and Requiring Commission Approval of Contract Market Rules

Pursuant to sections 204 and 205 of the Commodity Futures Trading Commission Act of 1974 ("CFTCA"),[1] it shall be unlawful, as of the effective date of the CFTCA, April 21, 1975, for any person who is a "commodity trading advisor" or "commodity pool operator"[2], as those terms are defined in the CFTCA, or who is an associated person, within the meaning of section 204 of the CFTCA, to continue in that capacity unless registered with the Commission. The Commission estimate that approximately 25,000 to 30,000 such persons will be required to register. Recognizing that the Commission might not be able before April 21, 1975, to issue the necessary regulations, review the applications, make meaningful fitness checks, and issue the required registrations,[3] Congress enacted Pub. Law 94–16, which authorizes the Commission to defer for up to 90 days the effective dates of sections 204 and 205 of the CFTCA. The Commission has determined that it in fact cannot complete these functions before April 21. The Commission believes, however, that it would not be in the public interest to require the cessation of operation by a substantial number of associated persons, commodity trading advisors and commodity pool operators and, thereby, cause disruption of the commodity futures industry; nor would it be in the public interest to register those persons without a fitness check. The Commission has decided therefore to defer the effective date of sections 204 and 205. The Commission believes that it will need the full 90 days to complete these functions.

Congress also authorized the Commission to defer, for a period not to exceed 90 days from April 21, the effective dates of sections 210 and 407 of the CFTCA.[4] Section 210 requires that contract markets submit for Commission approval, and that the Commission approve or disapprove within 30 days thereafter, all bylaws, rules, regulations, and resolutions which relate to the terms and conditions of futures contracts or other trading requirements (except those relating to the setting of levels of margin).[5] Section 407 amends section 5a of the Commodity Exchange Act. Before the amendment, subsection (8) of 5a required each contract market to enforce all bylaws, rules, regulations, and resolutions which relate to terms and conditions in contracts of sale to be executed on or subject to the rules of such contract market or relate to other trading requirements and which have not been disapproved by the Secretary of Agriculture, and to revoke and not enforce any such bylaw, rule, regulation, or resolution which has been so disapproved. Under section 407, each contract market would be required to enforce such bylaws, rules, regulations, and resolutions if they have been approved by the Commission, and would be required to revoke and not enforce any bylaw, rule, regulation, or resolution, which has been disapproved by the Commission.

In enacting Pub. Law 94–16, Congress recognized that it would be difficult for the Commission to review before April 21, 1975, all the bylaws, rules, regulations, and resolutions of the boards of trade, and, therefore, authorized the Commission without prior notice or hearing to defer the effective dates of sections 210 and 407 for a period not in excess of 90 days from April 21, 1975.

The Commission has concluded that, in the brief period allotted to it prior to April 21, 1975, it, in fact, cannot review adequately and approve all the bylaws, rules, regulations, and resolutions of the boards of trade before that date and therefore must defer the effective date of sections 210 and 407. The Commission believes that it will need at least the full 90 days to review these bylaws, rules, regulations and resolutions.

Accordingly, pursuant to its authority under section 1(c) Pub. Law 94–16, 89 Stat. 77, the Commission hereby orders that the effective dates of sections 204, 205, 210 and 407 of the CFTCA are deferred until July 18,1975.

Issued in Washington, D.C. on April 17, 1975.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc.75-10284 Filed 4-17-75;12:30 pm]

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[1] Sec. 204, 205, Pub. Law 93-463, 88 Stat. 1396, 1397.

[2] A commodity trading advisor or commodity pool operator is not required to register with the Commission if he does not make use of the mails or any means or instrumentality of interstate commerce in connection with his business as a commodity trading advisor or commodity pool operator. In addition, a commodity trading advisor is not required to register if, during the course of the preceding twelve months, he has not furnished commodity trading advice to more than fifteen persons and does not hold himself out generally to the public as a commodity trading advisor. Section 4m of the Commodity Exchange Act, as amended, 7 U.S.C. 6m.

[3] S. Rep. No. 94-73, 94th Cong., 1st Sess. 3 (1975).

[4] Sec. 210, 407, Pub. Law 93-463, 88 Stat. 1401, 1413.

[5] Nevertheless, during this interim period contract markets will be required, pursuant to section 5a(1) of the Act, to furnish the Commission with copies of all bylaws, rules, regulations, and resolutions, and copies of all changes or proposed changes therein.

federal register

FRIDAY, APRIL 18, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 76

PART IV

OFFICE OF MANAGEMENT AND BUDGET

■

1975 RESCISSIONS AND DEFERRALS

Cumulative Report

OFFICE OF MANAGEMENT AND BUDGET

1975 RESCISSIONS AND DEFERRALS
Cumulative Report

APRIL 1975.

This report is submitted in fulfillment of the requirements of section 1014 of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014 provides for a monthly report listing all budget authority for the current fiscal year with respect to which as of the first day of such month, a special message has been transmitted to the Congress. This March report includes those deferrals and rescissions in the eight special messages sent by the President to the Congress in September, October, November, December, and January.

Rescissions (Attachment A). Since the last cumulative report, action has been completed on all rescissions currently before Congress. During the month of March, H.R. 3075 and H.R. 4075 were passed and are awaiting Presidential disposition. The bills address $1,782 million that the President proposed for rescission. To that figure the Comptroller General added $415 million as reclassified deferrals for a total of $2,197 million. Deferrals reclassified as rescissions by the General Accounting Office are footnoted in the deferrals section of the cumulative report.

Congress approved for rescission $260 million. However, final passage occurred after the expiration of the forty-five days allowed for Congressional consideration. For this reason the report will carry such funds as "Amount Made Available" and subsequently "Amount Rescinded." The President has released the remaining $1,937 million with the exception of the HUD 235 program ($264 million) which has been rejected by the Congress as both a rescission and deferral. The HUD deferral is discussed below and footnoted in the report itself.

Deferrals (Attachment B). In the last month, Congress has completed action overturning deferrals via nine impoundment resolutions. These require action by only one House of Congress. The House of Representatives has rejected seven deferrals and the Senate two, representing a total of $400 million in budget authority.

The Attorney General has ruled that several deferrals reported in special messages are not subject to Congressional ratification or disapproval under the Impoundment Control Act since they were concluded before the Act became effective on July 12, 1974. These items, marked by asterisks, are included in the report to provide more complete information on the status of withheld funds. One deferral included in a Senate impoundment resolution covering the HUD 235 Homeownership Assistance program fits into this category and has not been released.

In addition to those items affected by impoundment resolutions, two agencies released a total of $3 million not shown as OMB/Agency releases in previous reports.

Information from Special Messages. The eight special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Monday, September 23 (Vol. 39, No. 185, Part III), Tuesday, October 8 (Vol. 39, No. 196, Part V), Tuesday, November 5 (Vol. 39, No. 214, Part III), Tuesday, November 19 (Vol. 39, No. 224, Part III), Thursday, December 5 (Vol. 39, No. 235, Part IV), Wednesday, January 8 (Vol. 40, No. 5, Part IV), and Thursday, February 6 (Vol. 40, No. 26, Part III).

JAMES T. LYNN,
Director.

ATTACEMENT A

STATUS OF RESCISSIONS

FISCAL YEAR 1975
(Amounts in thousands)

As of April 1, 1975

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
Executive Office of the President							
Special Action Office for Drug Abuse Programs							
Pharmacological Research	[R75-45]	[2,760]	[11-26-74]	-2,760	2/ 4/	[2,760]	[03-01-75]
Special Fund for Drug Abuse	[R75-46]	[2,240]	[11-26-74]	-2,240	2/ 4/	[2,240]	[03-01-75]
Funds Appropriated to the President							
Appalachian Regional Development Commission							
Appalachian Regional Development Programs	[R75-1]	[40,000*]	[09-20-74]				
	[R75-1A]	[40,000]	[11-13-74]	-40,000	12-31-74		
Department of Agriculture							
Extension Service:							
Extension service	[R75-47]	[3,200]	[01-30-75]			3,200	03-17-75
Farmers Home Administration:							
Rural Development Grants	[R75-50]	[3,750]	[01-30-75]			3,750	03-17-75
Rural Community Fire Protection Grants	[R75-51]	[3,500]	[01-30-75]			3,500	03-17-75

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
Agricultural Stabilization and Conservation Service							
Agricultural Conservation Program (REAP)	[R75-3]	[85,000*] 3/	[10-08-74]				
	[R75-4B]	[156,250]	[01-30-75]			156,250	03-17-75
Water Bank Act Program	[R75-8]	[11,213]	[11-26-74]				
	[R75-8A]	[21,213]	[01-30-75]		2/	[11,213]	[03-01-75]
				-7,856	4/	[10,000]	[03-17-75]
						13,357	4/
Rural Electrification Administration Loans*	[R75-2]	[455,635*]	[09-20-74]			455,635	12-11-74
Forest Service Cooperation in Forest Fire Control	[R75-9]	[4,921]	[11-26-74]		2/	4,921	03-01-75
Reforestation and Stand Improvement	[R75-10]	[10,000]	[11-26-74]		2/	10,000	03-01-75
Forest Roads and Trails and Roads and Trails for State National Forest Fund	[R75-4]	[63,553*]	[10-0-74]				
	[R75-4A]	[61,611]	[11-13-74]	-61,611	12-21-74		
Forestry Incentive Programs	[R75-49]	[25,000]	[01-30-75]			[25,000]	[03-17-75]
				-10,000	4/	15,000	4/
Department of Commerce							
Social and Economic Statistics Administration							
Salaries and Expenses	[R75-11]	[373]	[11-26-74]		2/	[373]	[02-28-75]
				-373	4/		
Economic Development Administration							
Economic Development Assistance Programs	[R75-12]	[2,000]	[11-26-74]		2/	2,000	02-28-75

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
Domestic and International Business Administration							
Financial and Technical Assistance	[R75-13]	[12,000]	[11-26-74]	-12,000	2/ 4/	[12,000]	[03-01-75]
United State Travel Service							
Salaries and Expenses	[R75-14]	[250]	[11-26-74]	-250	2/ 4/	[250]	[03-01-75]
Inter-American Cultural and Trade Center	[R75-52]	[5,000]	[01-30-75]	-5,000	4/	[5,000]	[03-14-75]
National Oceanic and Atmospheric Administration							
Operations, Research and Facilities	[R75-15]	[500]	[11-26-74]				
	[R75-15A]	[3,227]	[01-30-75]	-927	2/ 4/	[500] [2,727] 2,300	[03-01-75] [03-17-75] 4/
Patent Office							
Salaries and Expenses	[R75-16]	[700]	[11-26-74]	-700	2/ 4/	[700]	[03-01-75]
Department of Defense, Military							
Operation and Maintenance							
Army	[R75-17]	[41,000]	[11-26-74]	-20,500	2/ 4/	[41,000] -20,500	[03-01-75] 4/
Navy	[R75-18]	[27,500]	[11-26-74]	-13,750	2/ 4/	[27,500] -13,750	[03-01-75] 4/
Marine Corps	[R75-19]	[5,000]	[11-26-74]	-2,500	2/ 4/	[5,000] -2,500	[03-01-75] 4/
Air Force	[R75-20]	[40,000]	[11-26-74]	-20,000	2/ 4/	[40,000] -20,000	[03-01-75] 4/
Defense Agencies	[R75-21]	[1,900]	[11-26-74]	-950	2/ 4/	[1,900] -950	[03-01-75] 4/

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
Army Reserve	[R75-22]	[1,800]	[11-26-74]		2/	[1,800]	[03-01-75]
				-900	4/	-900	4/
Navy Reserve	[R75-23]	[1,100]	[11-26-74]		2/	[1,100]	[03-01-75]
				-550	4/	-550	4/
Air Force Reserve	[R75-24]	[400]	[11-26-74]		2/	[400]	[03-01-75]
				-200	4/	-200	4/
Army National Guard	[R75-25]	[1,400]	[11-26-74]		2/	[1,400]	[03-01-75]
				-700	4/	-700	4/
Air National Guard	[R75-26]	[500]	[11-26-74]		2/	[500]	[03-01-75]
				-250	4/	-250	4/
Aircraft Procurement Army	[R75-27]	[13,500]	[11-26-74]				
	[R75-27A]	[5,700]	[01-30-75]		2/	5,700	03-01-75
Air Force	[R75-28]	[248,000]	[11-26-74]				
	[R75-28A]	[152,500]	[01-30-75]		2/	[152,500]	[03-01-75]
				-122,900	4/	29,600	4/
Special Foreign Currency Program, 1973/1975	[R75-53]	[915]	[01-30-75]			[915]	[03-17-75]
				-915	4/		
Special Foreign Currency Program, 1974/1975	[R75-54]	[40]	[01-30-75]			[40]	[03-17-75]
				-40	4/		
Department of Health, Education and Welfare							
Health Services Administration: Health Services	[R75-55]	[25,681]	[01-30-75]			25,681	03-17-75
Center for Disease Control: Preventive Health Services	[R75-56]	[9,805]	[01-30-75]			9,805	03-17-75
National Institutes of Health: National Cancer Institute	[R75-57]	[123,006]	[01-30-75]			123,006	03-17-75

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
National Heart and Lung Institute	[R75-58]	[37,730]	[01-30-75]			37,730	03-17-75
National Institute of Dental Research	[R75-59]	[7,489]	[01-30-75]			7,489	03-17-75
National Institute of Arthritis, Metabolism, and Digestive Diseases	[R75-60]	[28,473]	[01-30-75]			28,473	03-17-75
National Institute of Neurological Diseases and Stroke	[R75-61]	[30,283]	[01-30-75]			30,283	03-17-75
National Institute of Allergy and Infectious Diseases	[R75-62]	[13,975]	[01-30-75]			13,975	03-17-75
National Institute of General Medical Sciences	[R75-63]	[30,794]	[01-30-75]			30,794	03-17-75
National Institute of Child Health and Human Development	[R75-64]	[23,978]	[01-30-75]			23,978	03-17-75
National Eye Institute	[R75-65]	[6,512]	[01-30-75]			6,512	03-17-75
National Institute of Environmental Health Sciences	[R75-66]	[6,922]	[01-30-75]			6,922	03-17-75
Research Resources	[R75-67]	[40,560]	[01-30-75]			40,560	03-17-75
Fogarty International Center	[R75-68]	[1,020]	[01-30-75]			1,020	03-17-75
National Library of Medicine	[R75-69]	[385]	[01-30-75]			385	03-17-75
Alcohol, Drug Abuse and Mental Health Administration: Alcohol, Drug Abuse and Mental Health	[R75-70]	[103,894]	[01-30-75]			103,894	03-17-75
Health Resources Administration: Health Resources	[R75-71]	[25,477]	[01-30-75]			25,477	03-17-75

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
Health Services Planning and Development	[R75-29]	[372,466]	[11-26-74]				
	[R75-29A]	[284,719]	[01-30-75]			284,719	02-07-75
Office of Education: Elementary and Secondary Education	[R75-72]	[35,856]	[01-30-75]			35,856	03-17-75
Education for the Handicapped	[R75-73]	[102,500]	[01-30-75]			102,500	03-17-75
Occupational, Vocational and Adult Education	[R75-74]	[39,712]	[01-30-75]			39,712	03-17-75
Higher Education	[R75-75]	[58,300]	[01-30-75]			58,300	03-17-75
Library Resources	[R75-76]	[49,433]	[01-30-75]			49,433	03-17-75
Social and Rehabilitation Services: Public Assistance	[R75-77]	[12,900]	[01-30-75]			12,900	03-17-75
Rehabilitation Services	[R75-78]	[29,848]	[01-30-75]			29,848	03-17-75
Office of Human Development: Human Development	[R75-79]	[41,582]	[01-30-75]			41,582	03-17-75
Department of Housing and Urban Development							
Housing Production and Mortgage Credit College Housing*	[R75-5]	[14,518*]	[10-04-74]	-14,518	12-21-74		
Department of the Interior							
Bureau of Land Management Public Lands Development Roads and Trails	[R75-6]	[4,891*]	[10-04-74]				
	[R75-6A]	[-,891]	[11-13-74]	-4,891	12-21-74		
National Park Service Road Construction	[R75-7]	[1-,000]	[10-04-74]				
	[R75-7A]	[10,461]	[11-13-74]	-10,461	12-21-74		

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
Department of Justice							
Federal Bureau of Investigation							
Salaries and Expenses	[R75-30]	[5,300]	[11-26-74]		2/	5,300	03-01-75
Immigration and Naturalization Service							
Salaries and Expenses	[R75-31]	[1,300]	[11-26-74]		2/	1,300	03-01-75
Bureau of Prisons							
Salaries and Expenses	[R75-32]	[5,250]	[11-26-74]	-5,250	2/ 4/	[5,250]	[03-01-75]
Buildings and Facilities	[R75-33]	[1,750]	[11-26-74]	-1,750	2/ 4/	[1,750]	[03-01-75]
Drug Enforcement Administration							
Salaries and Expenses	[R75-34]	[2,400]	[11-26-74]	-2,400	2/ 4/	[2,400]	[03-01-75]
Department of Labor							
Manpower Administration:							
Community Service Employment:							
For Older Americans	[R75-80]	[12,000]	[01-30-75]			12,000	03-17-75
Department of State							
International Organizations and Conferences							
Contributions to International Organizations	[R75-35]	[2,000]	[11-26-74]	-2,000	2/ 4/	[2,000]	[03-01-75]
International Trade Negotiations	[R75-36]	[100]	[11-26-74]	-100	2/ 4/	[100]	[03-01-75]
Department of Treasury							
Office of the Secretary							
Salaries and Expenses	[R75-37]	[310]	[11-26-74]	-310	2/ 4/	[310]	[03-01-75]

Agency Bureau Account	Rescission Number	Amount Proposed for Rescission	Date Special Message Transmitted to Congress	Amount Rescinded	Date Rescission Act Signed	Amount Made Available 1/	Date Made Available
Federal Law Enforcement Training Centers Salaries and Expenses	[R75-38]	[60]	[11-26-74]	-60	2/ 4/	[60]	[03-01-75]
Bureau of Accounts Salaries and Expenses	[R75-39]	[630]	[11-26-74]	-630	2/ 4/	[630]	[03-01-75]
U.S. Customs Service Salaries and Expenses	[R75-40]	[3,000]	[11-26-74]		2/	3,000	03-01-75
Internal Revenue Service Salaries and Expenses	[R75-41]	[530]	[11-26-74]	-530	2/ 4/	[530]	[03-01-75]
Accounts, Collection and Taxpayer Service	[R75-42]	[9,230]	[11-26-74]		2/	9,230	03-01-75
Compliance	[R75-43]	[10,240]	[11-26-74]		2/	10,240	03-01-75
General Services Administration Public Buildings Service Federal Buildings Fund	[R75-44]	[20,023]	[11-26-74]	-20,023	2/ 4/	[20,023]	[03-01-75]
Other Independent Agencies Consumer Product Safety Commission: Salaries and Expenses	[R75-81]	[1,709]	[01-30-75]	-500	4/	[1,709] 1,209	[03-17-75] 4/
TOTAL		-0-		-391,295		1,978,626	

1/ All amounts listed were made available as a result of the expiration of the 45-day period except for the REA loans item released on 12-11-74.

2/ As of March 1, 1975, Congress was considering legislation to either partially or fully rescind a number of these requests. Because of the expiration of the 45-day period, these amounts were made available for obligation.

3/ Contract Authority lapsed December 31, 1974.

4/ Enrolled bills H.R. 3260 and 4075 are awaiting Presidential disposition. These two bills represent action on all pending rescission proposals. In several cases involving these bills the President was forced to release funds which were later rescinded by Congress. In such cases, funds will be shown as "made available" and subsequently "rescinded."

STATUS OF DEFERRALS

ATTACHMENT B

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Funds Appropriated to the President

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Subsequent Actions Taken by			Adjustments	Amount Deferred as of 04-01-75
		Superseded	Current		OMB/Agency (Releases)	House	Senate		
Agency for International Development									
Prototype Desalting Plant, Economic Assistance*	D75-19		20,000*	10-04-74					20,000
TOTAL			20,000						20,000

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Agriculture

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
Agricultural Research Service									
Agricultural Research Service (Construction)*	D75-11		770*	09-20-74					770
Foreign Agriculture Service									
Special Foreign Currency Program*	D75-20		2,516*	10-04-74					2,516
Agricultural Stabilization and Conservation Service:									
Emergency Conservation Measures	D75-21	[5,000]		10-04-74 01-30-75				-5,000 1/	0
	D75-21A		11,688	01-30-75					11,688
Water Bank Program	D75-139		1,266	01-30-75 03-17-75	-1,266				0
Agricultural Marketing Service:									
Marketing Services	D75-22	[903*]		10-04-74 01-30-75				-903 1/	0
	D75-22A		1,459	01-30-75					1,459
Perishable Agricultural Commodities Act Fund	D75-23	[341*]		10-04-74 01-30-75				-341 1/	0
	D75-23A		511	01-30-75					511
Forest Service:									
Youth Conservation Corps	D75-88		3,081	11-13-74					3,081

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
Forest Roads and Trails and Roads and Trails for State National Forest Fund	D75-24	[420,000*]		10-04-74 11-13-74				-420,000 1/	0
	D75-24A		420,000	11-13-74					420,000
Construction and Land Acquisition	D75-90		6,865	11-26-74					6,865
Forest Fire Prevention	D75-25	[152]		10-04-74 01-30-75				-152 1/	0
	D75-25A		173	01-30-75					173
Expense, Brush Disposal	D75-26	[18,747*]		10-04-74 01-30-75				-18,747 1/	0
	D75-26A		26,141	01-30-75					26,141
TOTAL		445,143	474,470		-1,266			-445,143	473,204

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Commerce

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
General Administration:									
Special Foreign Currency	D75-140		1,500	01-30-75					1,500
Economic Development Administration:									
Job Opportunities Program	D75-141		125,000 1/	01-30-75					125,000 1
Social and Economic Statistics Administration									
Periodic Censuses and Programs	D75-91		327	11-26-74					327
Domestic and International Business Administration									
Operations and Administration	D75-92		750	11-26-74					750
Financial and Technical Assistance, Trade Adjustment Assistance*	D75-27	[1,780*]		10-08-74					
				11-26-74				-1,780 2/	0
United States Travel Service									
Inter-American Cultural and Trade Center*	D75-28	[4,891*]		10-08-74					
				11-26-74				-1,420	
				01-30-75				-3,471 3/	0
Inter-American Cultural and Trade Center	D75-93	[1,420]		11-26-74					
				01-30-75				-1,420 3/	0
National Oceanic and Atmospheric Administration									
Operations Research and Facilities	D75-94		6,800	11-26-74					
				01-30-75				-2,727 4/	
				03-25-75		-4,073			0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
Costal Zone Management*	D75-30	[3,175*]		10-04-74					
				10-26-74	-1,000				
				12-27-74				-2,175 5/	0
	D75-30A		2,175	12-27-74					2,175
Coastal Zone Management	D75-95		1,000	11-26-74					1,000
Promote and Develop Fishery Products and Research Pertaining to American Fisheries	D75-131		1,871	12-27-74					1,871
Fisheries Loan Fund*	D75-12	[4,039*]		09-20-74					
				12-27-74				-4,039 5/	0
	D75-12A		5,292	12-27-74					5,292
National Fire Prevention and Control Administration									
Operations, Research and Administration	D75-96		500	11-26-74					500
National Bureau of Standards									
Construction and Facilities*	D75-29		231*	10-04-74					
				01-30-75	-231				0
Office of Assistant Secretary for Science and Technology, Scientific and Technical Research and Services	D75-97	[3,718]		11-26-74					
				01-30-75				-3,718 2/	0
	D75-97A		4,628	01-30-75					4,628
Maritime Administration									
Ship Construction	D75-98		5,750	11-26-74					5,750
Research and Development	D75-99	[3,468]		11-26-74					
				01-30-75				-3,468 2/	0
	D75-99A		7,768	01-30-75					7,768
Operations and Training	D75-100		1,300	11-26-74					1,300

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 04-01-75
Office of the Assistant Secretary for Science and Technology:									
Scientific and Technical Research and Services*	D75-31	[2,468*]		10-04-74 11-26-74				-2,468 6/	0
TOTAL		24,959	164,892		-1,231		-4,073	-26,686	157,861

1/ The Comptroller General has reclassified this item as a rescission and Congress has denied it as such. In accordance with Congressional action the funds will be released prior to April 11, 1975.
2/ See Rescission No. R75-13.
3/ See Rescission No. R75-52.
4/ Amount proposed for rescission (R75-15A) was $3,227K. On 3-1-75, $500K was released.
5/ Subsequently incorporated in a supplementary report.
6/ See Deferral No. D75-97.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Defense, Military

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 04-01-75
Shipbuilding and Conversion, Navy	D75-32	[497,990]		10-04-74					
				12-27-74				-497,990 1/	0
	D75-32A		1,244,760	12-27-74					1,244,760
Military Construction, All	D75-33		156,893	10-04-74					
				10-25-74	-19,598				
				11-18-74	-1,636				
				12-04-74	-10,037				125,622
Special Foreign Currency Program Appropriations	D75-34	[955]		10-04-74					
				01-30-75				-955 2/	0
TOTAL		498,945	1,401,653		-31,271			-498,945	1,370,382

1/ Subsequently incorporated in a supplementary report.

2/ See Rescission Nos. R75-53 and R75-54.

STATUS OF DEFERRALS

FISCAL YEAR 1975
[Amounts in thousands]

Agency: Department of Defense, Civil

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Subsequent Actions Taken by			Adjustments	Amount Deferred as of 04-01-75
		Superseded	Current		OMB/Agency (Releases)	House	Senate		
Corps of Engineers, Civil									
Construction, General	D75-1		108	09-20-74					108
	D75-81		43,945	10-31-74					
				03-12-75		-43,945			0
Flood Control, Mississippi River and Tributaries	D75-82		14,503	10-31-74					
				03-12-75		-14,503			0
Soldiers' and Airmen's Home									
Capital Outlay*	D75-35	[613*]		10-04-74					
				10-01-74	-179				
				11-13-74				-434 1/	0
	D75-35A		434	11-13-74					434
Panama Canal Zone									
Capital Outlay*	D75-36	[500*]		10-04-74					
				11-13-74				-500 1/	0
	D75-36A		500	11-13-74					500
Wildlife Conservation Military Reservations*	D75-37	[297*]		10-04-74					
				11-13-74				-297 1/	0
	D75-37A		343	11-13-74					343
TOTAL		1,410	59,833		-179	-58,448		-1,231	1,385

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Health, Education, and Welfare

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
Health Services Administration									
Health Services Delivery*	D75-38		2,250*	10-04-74					
				10-31-74	-2,250				0
Health Services	D75-142		13,996	01-30-75					
				03-17-75	-13,996 4/				0
Indian Health Facilities*	D75-39		88*	10-04-74					
				11-15-75	-88				0
National Institutes of Health									
Buildings and Facilities*	D75-40	[10,441*]		10-04-74					
				11-18-74	-4,009				
				12-27-74				-6,432 1/	0
	D75-40A		6,432	12-27-74					6,432
Research Resources	D75-143		6,305	01-30-75					
				03-17-75	-6,305 4/				0
Alcohol, Drug Abuse and Mental Health Administration:									
Alcohol, Drug Abuse, and Mental Health	D75-144		2,326	01-30-75					
				03-17-75	-2,326 4/				0
Health Resources Administration									
Health Resources	D75-145		2,823	01-30-75					
				03-17-75	-777 4,5/				0
Health Resources (Health Facilities Construction)	D75-146	[301,340]		01-30-75					
				04-01-75				-301,340 6/	0
Health Manpower	D75-87		100	10-31-74					
				03-17-75	-100				0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	10 Amount Deferred as of 04-01-75
Health Manpower	D75-101	[3,550]		11-26-74 12-20-74				-3,550 2/	0
Program Management	D75-102	[1,400]		11-26-74 01-30-75				-1,400 1/	0
	D75-102A		740	01-30-75 04-01-75	-740				0
Office of Assistant Secretary for Health Scientific Activities Overseas*	D75-41		21,714*	10-04-74 01-10-75	-6,566				15,148
Education Division: Office of Education: Elementary and Secondary Education: Supplementary Services	D75-103	[9,278]		11-26-74 12-27-74				-9,278 2/	0
Equipment and Minor Remodeling	D75-104	[6,562]		11-26-74 12-27-74				-6,562 2/	0
Nutrition and Health	D75-105	[1,900]		11-26-74 12-27-74				-1,900 2/	0
School Assistance in Federally Affected Areas	D75-6	[16,000]		09-20-74 12-27-74				-16,000 1/	0
	D75-6A	[64,000]		12-27-74 12-07-74				-64,000 3/	0
Higher Education	D75-42	[8,788*]		10-04-74 01-30-75				-8,788 1/	0
	D75-42A		72,790	01-30-75					72,790
(University Community Services)	D75-3	[2,906]		09-20-74 12-27-74				-2,906 1/	0
	D75-3A	[5,812]		12-27-74 12-07-74				-5,812 2/	0
(Land Grant Colleges)	D75-4	[9,500]		09-20-74 12-07-74				-9,500 2/	0

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	11 Amount Deferred as of 04-01-75
(State Postsecondary Education Commission)	D75-5	[350]		09-20-74 12-27-74				-350 1/	0
	D75-5A	[700]		12-27-74 12-07-74				-700 2/	0
(Basic Opportunity Grants)	D75-147		298,714	01-30-75					298,714
Library Resources: (Public Libraries)	D75-2	[5,437]		09-20-74 12-27-74				-5,437 1/	0
	D75-2A	[10,874]		12-27-74 12-07-74				-10,874 2/	0
Library Resources	D75-148		2,792	01-30-75 03-17-75	-2,792				0
Social and Rehabilitation Service: Public Assistance (Child Welfare Assistance)	D75-8	[375]		09-20-74 12-27-74				-375 1/	0
	D75-8A	[750]		12-27-74 12-07-74				-750 2/	0
Work Incentives	D75-132	[50,000]		12-27-74 12-07-74				-50,000 2/	0
Rehabilitation Services (Innovation and Expansion)	D75-7	[5,000]		09-20-74 12-27-74				-5,000 1/	0
	D75-7A	[10,000]		12-27-74 12-07-74				-10,000 2/	0
Research and Training Activities Overseas	D75-43		8,158	10-04-74					8,158

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: CMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 04-01-75
Social Security Administration									
Limitation on Construction*	D75-44	[15,393*]		10-04-74					
				11-22-74	-2,865				
				12-27-74				-12,528 1/	0
	D75-44A	[12,528]		12-27-74					
				01-30-75				-12,528 1/	0
	D75-44B		20,576	01-30-75					20,576
Special Institutions									
Model Secondary School for the Deaf*	D75-45		803*	10-04-74					
				01-07-75	-803				0
Howard University	D75-46	[11,490*]		10-04-74					
				01-30-75				-11,490 1/	0
	D75-46A		6,323	01-30-75					6,323
Gallaudet College (Construction)	D75-149		1,267	01-30-75					1,267
Office of the Secretary									
Departmental Management	D75-106	[1,902]		11-26-74					
				12-20-74				-1,902 2/	0
TOTAL		566,276	468,197		-43,617			559,402	429,408

1/ Subsequently incorporated in a supplementary report.
2/ Enactment of P.L. 93-517 (December 7, 1974) ended deferral of funds provided by the Continuing Resolution.
3/ Enactment of P.L. 93-554 (December 27, 1974) ended deferral of these funds.
4/ Release of pay raise transfers previously reclassified as rescissions by the Comptroller General.
5/ Number revised from previous report.
6/ Program was deleted by Congress from the Continuing Resolution for the fourth Quarter.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Housing and Urban Development

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
Housing Production and Mortgage Credit									
Nonprofit Sponsor Assistance*	D75-47		7,995*	10-04-74					7,995
Homeownership Assistance* 1/	D75-48		264,117*	10-04-74					264,117
				03-13-75			264,117 4/		
Community Planning and Development									
Comprehensive Planning Grants	D75-107		50,000	11-26-74					
				03-13-75			50,000		0
Open Space Land Programs*	D75-49		55,161*	10-04-74					
				01-01-75				-55,161 2/	0
Grants for Neighborhood Facilities*	D75-50		48*	10-04-74					
				01-01-75				-48 2/	0
Grants for Basic Water and Sewer Facilities*	D75-51		401,734*	10-04-74					
				01-01-75				-401,734 2/	0
Public Facility Loans	D75-52	[199,290*]		10-04-74					
				10-04-74	-15,356				
				11-13-74				-183,934 3/	0
	D75-52A		183,934	11-13-74					
				01-01-75				-183,934 2/	0
New Communities Administration:									
New Communities Assistance Grants*	D75-53		1,799*	10-04-74					1,799

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
Policy Development and Research									
Research and Technology	D75-108		8,000	11-26-74					8,000
TOTAL		199,290	972,788		-15,356		—314,117	-824,811	281,911

1/ On November 6, 1974, the Comptroller General advised the Congress that, in his opinion, this item was misclassified and should have been submitted as a rescission.
2/ Authority for these programs expired January 1, 1975.
3/ Subsequently incorporated in a supplementary report.
4/ The Senate has passed an Irpoundment Resolution disallowing this deferral, however, the Attorney General has ruled that the item is not subject to Congressional action under the provisions of the Impoundment Control Act since the funds were reserved prior to the effective date of that Act.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of the Interior

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
Bureau of Land Management									
Public Lands Development Roads and Trails	D75-54	[30,000*]		10-04-74 11-13-74				-30,000 1/	0
	D75-54A		30,000	11-13-74					30,000
Oregon and California Grant Lands*	D75-13		23,693*	09-20-74					23,693
Bureau of Reclamation									
Loan Program	D75-83		900	10-31-74 03-12-75		-900			0
Construction and Rehabilitation:	D75-14		1,055	09-20-74 09-27-74	-25				1,030
	D75-84		17,955	10-31-74 03-12-75		-17,955			0
Colorado River Basin Project	D75-85		2,525	10-31-74 03-12-75		-2,525			0
Upper Colorado River Storage Project	D75-86		1,730	10-31-74 03-12-75		-1,730			0
Upper Colorado River Basin Fund	D75-15		1,150	09-20-74					1,150
Bureau of Outdoor Recreation									
Land and Water Conservation Fund*	D75-55		30,000*	10-04-74					30,000
Land and Water Conservation Fund	D75-109		20,000 (10,000) 2/	11-26-74 11-26-74					20,000 (10,000

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	16 Amount Deferred as of 04-01-75
Fish and Wildlife Service									
Federal Aid in Fish Restoration and Management*	D75-56		6,924*	10-04-74					6,924
Federal Aid in Wildlife Restoration*	D75-57		19,375*	10-04-74					19,375
National Wildlife Refuge Fund	D75-58		3,642	10-04-74					3,642
Proceeds from Sales, Water Resources Development Projects*	D75-59		4*	10-04-74					
				03-06-75	-4				0
National Park Service: Road Construction	D75-60		312,098	10-04-74					
				10-10-74	-55,962				
				12-18-74	-7,500				248,636
U.S. Geological Survey Payments from Proceeds, Sale of Water, Mineral Leasing Act, 1920	D75-61	[28*]		10-04-74					
				10-25-74	-1				
				11-13-74				-27 1/	0
	D75-61A		27	11-13-74					27
Bureau of Mines Drainage of Anthracite Mines*	D75-62		3,575*	10-04-74					3,575
Helium Fund	D75-133		47,500	12-27-74					47,500
Bureau of Indian Affairs Road Construction	D75-63	[110,423]		10-04-74					
				01-30-75				-110,423 1/	0
	D75-63A		135,175	01-30-75					135,175
Acquisition of Land and Loans to Indians of Oklahoma, Act of June 26, 1939*	D75-64		105*	10-04-74					105
TOTAL		140,451	657,433		-63,492	-23,110		-140,450	570,832

1/ Subsequently incorporated in a supplementary report.
2/ Deferral of outlays only.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Justice

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 04-01-75
Bureau of Prisons Buildings and Facilities*	D75-65		19,320*1/	10-04-74					19,320
TOTAL			19,320						19,320

1/ A proposed increase in the amount of this deferral is being prepared for transmission to the Congress.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Labor

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 04-01-75
Manpower Administration: Program Administration	D75-135	[200]		12-27-74 12-07-74				-200 1/	0
Comprehensive Manpower Assistance	D75-134	[5,000]		12-27-74 12-07-74				-5,000 1/	0
Departmental Management: Salaries and expenses	D75-136	[60]		12-27-74 12-07-74				-60 1/	0
Special Foreign Currency	D75-150		200	01-30-75 02-06-75	-200				0
Pension Benefit Guarantee Corporation: Pension Guaranty Fund	D75-89		343	11-13-74 01-06-75	-343				0
TOTAL		5,260	543		-543			-5,260	0

1/ Enactment of P.L. 93-517 (December 7, 1974) ended deferral of funds provided by the Continuing Resolution.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of State

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
Administration of Foreign Affairs									
Acquisition, Operation, and Maintenance of Buildings Abroad	D75-66		33,310	10-04-74 02-13-75	-7,850				25,460
International Boundary and Water Commission, U.S. and Mexico									
Construction	D75-67	[4,696*]		10-04-74 11-13-74				-4,696 1/	0
	D75-67A		4,696	11-13-74					4,696
International Center, Washington, D.C.	D75-16		500	09-20-74					500
TOTAL		4,696	38,506		-7,850			-4,696	30,656

1/ Subsequently incorporated in a supplementary report.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Department of Transportation

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
United States Coast Guard									
Acquisition, Construction, and Improvements	D75-68		7,614	10-04-74					7,614
Federal Aviation Administration									
Civil Supersonic Aircraft Development Termination and Civil Supersonic Aircraft Development	D75-69		8,113	10-04-74					8,113
Facilities and Equipment	D75-70		260,824	10-04-74					260,824
Federal Highway Administration									
Rail Crossings - Demonstration Projects	D75-72		8,015	10-04-74					8,015
National Scenic and Recreational Highway and Trust Fund Share of Other Highway Programs	D75-71		90,000	10-04-74					90,000
Federal Aid Highways									
1975 and prior	D75-17		4,370,090	09-20-74					
1976	D75-17		6,357,500	09-20-74 02-13-75	-1,591,104 1/				9,136,486
National Highway Traffic Safety Administration									
Traffic and Highway Safety	D75-151		1,800	01-30-75					1,800
TOTAL			11,103,956		-1,591,104 1/				9,512,852

1/ This figure includes the release of $2 billion announced by the President and $409 million in other adjustments. A proposed change in the amount of this deferral is being prepared for transmission to the Congress.

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Energy Research and Development Administration 1/

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
Operating Expenses									
Weapons Program	D75-110		4,000	11-26-74					4,000
Civilian Reactor Research and Development	D75-111		8,000	11-26-74					8,000
Civilian Reactor Research and Development	D75-112		6,700	11-26-74					6,700
Physical Research	D75-113		2,700	11-26-74					2,700
Controlled Therro-nuclear Research	D75-114		8,000	11-26-74					8,000
Biomedical and Environmental Research and Safety	D75-115		4,000	11-26-74					4,000
Operating Expenses/Plant and Capital Equipment									
Weapons Program	D75-116		4,700	11-26-74					4,700
Plant and Capital Equipment	D75-73	[1,500]		10-04-74 11-26-74				-1,500 2/	0
Plant and Capital Equipment									
Nuclear Materials	D75-117		12,000	11-26-74					12,000
Nuclear Materials	D75-118		12,000	11-26-74					12,000
Civilian Reactor Research and Development	D75-119		10,000	11-26-74					10,000
Civilian Reactor Research and Development	D75-120		1,500	11-26-74					1,500

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	22 Amount Deferred as of 04-01-75
Civilian Reactor Research and Development	D75-121		12,100	11-26-74					12,100
Civilian Reactor Research and Development and Controlled Thermonuclear Research	D75-122		13,000	11-26-74					13,000
Other Capital Equipment	D75-123		13,900	11-26-74					13,900
TOTAL		1,500	112,600					-1,500	112,600

1/ Effective January 19, 1975 all AEC deferrals were transferred to ERDA. AEC programs transferred to the Nuclear Regulatory Commission contained no deferrals. EPA, NSF, and Interior programs transferred to ERDA contained no deferrals.

2/ See Deferral No. D75-120.

FISCAL YEAR 1975
(Amounts in thousands)

Agency: Environmental Protection Agency

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
Abatement and Control									
Water Program Operations	D75-74		2,000	10-04-74					2,000
Water Planning and Standards	D75-75		30,000	10-04-74					30,000
Construction Grants	D75-9		9,000,000*	09-20-74					
				01-31-75	-4,000,000				
				02-21-75	-5,000,000				0
Air and Water Control Agency Grants	D75-152		9,375	01-30-75					9,375
TOTAL			9,041,375		-9,000,000				41,375

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: General Services Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message: Superseded	Amount Transmitted in Special Message: Current	Date of Action	Subsequent Actions Taken by: OMB/Agency (Releases)	Subsequent Actions Taken by: House	Subsequent Actions Taken by: Senate	Adjustments	Amount Deferred as of 04-01-75
Automatic Data and Telecommunications Activities:									
Automatic Data Processing	D75-10		18,300	09-20-74					
				09-30-74	-4,300				
				12-10-74	-14,000				0
Property Management and Disposal Service:									
Rare Silver Dollar Program	D75-137		2,184	12-27-74					2,184
TOTAL			20,484		-18,300				2,184

STATUS OF DEFERRALS

FISCAL YEAR 1975
(Amounts in thousands)

Agency: National Aeronautics and Space Administration

Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date of Action	Subsequent Actions Taken by			Adjustments	Amount Deferred as of 04-01-75
		Superseded	Current		OMB/Agency (Releases)	House	Senate		
Research and Development Manned Space Flight	D75-124		20,000	11-26-74					20,000
Space Science and Applications	D75-125		16,000	11-26-74					16,000
Aeronautical Research and Space Supporting Activities	D75-126		36,000	11-26-74					36,000
TOTAL			72,000						72,000

STATUS OF DEFERRALS

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FISCAL YEAR 1975
(Amounts in thousands)

Agency: Other Independent Agencies

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	Amount Deferred as of 04-01-75
District of Columbia									
Loans for Capital Outlay	D75-76		96,800	10-04-74					96,800
Federal Energy Administration									
Salaries and expenses	D75-77		11,929	10-04-74					
				01-25-75	-11,929				0
Foreign Claims Settlement Commission									
Payment of Vietnam Prisoners of War Claims	D75-18		10,500	09-20-74					10,500
Advisory Commission on Intergovernmental Relations									
Salaries and Expenses	D75-138		50	12-27-74					
				01-02-75	-50				0
National Foundation on the Arts and Humanities									
Salaries and expenses	D75-127		18,000	11-26-74					18,000
National Science Foundation									
Salaries and Expenses	D75-128		15,000	11-26-74					15,000
Salaries and Expenses (Energy R&D Appropriation Act, 1975)	D75-129		5,000	11-26-74					5,000
American Revolution Bicentennial Administration									
Salaries and Expenses	D75-78		11,000	10-04-74					
				11-20-74	-11,000				0
Commemorative Activities Fund	D75-79		6,310	10-04-74					
				12-05-74	-4,810				1,500

Bureau/Account	Deferral Number	Amount Transmitted in Special Message Superseded	Amount Transmitted in Special Message Current	Date of Action	Subsequent Actions Taken by OMB/Agency (Releases)	Subsequent Actions Taken by House	Subsequent Actions Taken by Senate	Adjustments	27 Amount Deferred as of 04-01-75
Railroad Retirement Board									
Railroad Unemployment Administrative Expenses Trust Fund*	D75-80		4,716*	10-04-74					4,716
Small Business Administration									
Business Loan and Investment Fund	D75-130		36,000	11-26-74					36,000
TOTAL			215,305		-27,789				187,516
TOTAL, ALL DEFERRALS		1,887,930	24,843,355		-10,801,998	-85,631	-314,117	2,508,124	13,283,486

*Action concluded prior to July 12, 1974, the day the Impoundment Control Act became effective.

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federal register

FRIDAY, APRIL 18, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 76

PART V

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 F.R. 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Alabama	AL75–1046
Arkansas	AR75–4082
Minnesota	MN75–2058

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.

Florida:	
AQ–4030	Oct. 26, 1973
FL75–1010	Jan. 24, 1975
FL75–1018	Feb. 7, 1975
Kansas:	
MO75–4059	Feb. 28, 1975
MO75–4071	Mar. 28, 1975
Maryland:	
AR–2086	Nov. 22, 1974
AR–2093	Dec. 20, 1974
Minnesota:	
AR–3166	Nov. 8, 1974
Ohio:	
AR–3043; AR–3044; AR–3045; AR–3046; AR–3047	Aug. 23, 1974
Pennsylvania:	
AR–2002; AR–2003; AR–2004; AR–2005; AR–2006	July 12, 1974
AR–2028	Sept. 20, 1974
PA75–3011	Jan. 31, 1975
PA75–3026	Mar. 28, 1975
PA75–3028; PA75–3029	Apr. 4, 1975
Texas:	
TX75–4022	Jan. 24, 1975
Utah:	
UT75–5026	Feb. 21, 1975
Virginia:	
VA75–3005; VA75–3006	Jan. 3, 1975
Wyoming:	
WY75–5028	Feb. 21, 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 decisions being superseded.

Alabama:	
AM–448(AL75–1047)	Aug. 20, 1971
AQ–4125(AL75–1048)	June 14, 1974
California:	
CA75–5015(CA75–5052); CA 75–5016(CA75–5053)	Feb. 7, 1975
Iowa:	
IA75–4066(IA75–4081)	Mar. 21, 1975
Michigan:	
AR–3108; AR–3111; AR–3116; AR–3122(MI75–2049); AR–3109 and AR–3112(MI75–2061); AR–3109(MI75–2062)	Aug. 16, 1974
AR–3148(MI75–2061); AR–3148(MI75–2062)	Oct. 11, 1974
AR–3165(MI75–2061); AR–3165(MI75–2062)	Oct. 18, 1974
New Mexico:	
MN75–4002(MN75–4079)	Jan. 10, 1975
Ohio:	
AR–3041(OH75–2060)	Aug. 23, 1974
Oklahoma:	
OK75–4049(OK75–4080)	Feb. 7, 1975
Pennsylvania:	
PA75–3030(PA75–3051)	Apr. 4, 1975

Signed at Washington, D.C., this 11th day of April 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Alabama COUNTIES: *See below
DECISION NO.: AL75-1046 DATE: Date of Publication
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Colbert, Franklin, Lauderdale, Lawrence, Marion, and Winston	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Air conditioning mechanic	4.03				
Bricklayers	5.00				
Carpenters	4.01				
Cement masons	3.75				
Dry wall hanger	4.00				
Electricians	5.81				
Ironworkers:					
Structural & Ornamental	3.55				
Laborers:					
Laborers	2.56				
Mason tenders	3.00				
Painters, brush	3.00				
Plumbers & pipefitters	5.50				
Roofers	4.90				
Sheet metal workers	3.50				
Tile setters	4.50				
Truck drivers	3.25				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	3.50				
Bulldozer	5.50				

NEW DECISION

STATE: Arkansas
DECISION NO.: AR75-4082
COUNTY: Crawford & Sebastian
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.90	.35	.50		.015
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS-Stonemasons	7.15	.30	.25		.02
CARPENTERS:					
Carpenters	6.95	.25	.25		.03
Millwrights & Piledrivermen	7.45	.25	.25		.03
CEMENT MASONS	6.91	.15			.03
ELECTRICIANS:					
Electricians	8.75	.25	1%		1/4%
Cable splicers	9.00	.25	1%		1/4%
ELEVATORS:					
Journeymen	7.05	.445	.29	3%+a+b	.02
Helpers	70%JR	.445	.29	3%+a+b	.02
Helpers (probationary)	50%JR				
IRONWORKERS	8.49	.30	.35		
LABORERS:					
Group I	5.37	.15	.20		.04
Group II	5.62	.15	.20		.04
Group III	5.72	.15	.20		.04
Group IV	5.77	.15	.20		.04
Group V	5.87	.15	.20		.04
Group VI	6.02	.15	.20		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete laborers, wrecking laborers, mechanic laborers, excavating laborers

Group II - Semi-skilled laborers; pipelayers, concrete and clay and mechanical tool; cement mixer, wet or dry, finishers and plasterers, mason tender, mortar mixer, asphalt raker and shovelers, creosote wood handlers, and chuck tenders

Group III - Air jack operators, shorers, bracers and cribbers (wood or steel) spademan, kemper and other pneumatic concrete placer operator

Group IV - Steel form setters, curb and gutters, grout and cement mockers

Group V - Swinging scaffold, wagon drill operator, burners

Group VI - Nozzleman (Gunite Grout, Cement and Sandblaster)

DECISION NO. AR75-4082

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Lineman; operator	$7.74	.25	1%		1/4%
Cable splicers	7.89	.25	1%		1/4%
Powderman	90%JR	.25	1%		1/4%
Truck driver	75%JR	.25	1%		1/4%
Groundman	65%JR	.25	1%		1/4%
Groundman (1st 6 mos.)	50%JR	.25	1%		1/4%
PAINTERS:					
Brush painters	5.90				
Roller work, sheetwork, finishing by machinery	6.15				
Spray painting	6.90				
Swing stage work	6.15				
Sandblasting - steam cleaning	6.90				
All pipe and steel	6.65				
All mitten and glove painting	6.90				
PLASTERERS	7.40				.02
PLUMBERS & STEAMFITTERS	7.80	.30	.35		.04
POWER EQUIPMENT OPERATORS:					
Group I	8.70	.25	.25		
Group IL	7.86	.25	.25		
Group III	7.48	.25	.25		
Group IV	6.29	.25	.25		
Group V	5.90	.25	.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I

Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rates by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground

GROUP II

Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cu. yds., as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead & traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP III - Heavy Equipment Operators:
All bulldozers, all front end loaders, all sideboom, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 10S & larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator

GROUP IV - Semi-Heavy Equipment Operators:
Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-Frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator operator inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All light equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant and engineer (dredge)

GROUP V - Light Equipment Operators:
All welding machines, light plants, pumps, space heaters, in units less than four, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump 5cu1id and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$6.55		.05		
SHEET METAL WORKERS	7.80	.35	.30		C
SPRINKLER FITTERS	8.35	.50	.70		.08

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:
a-1st 6 mos - none; 6 months to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.
b-Paid Holidays A through F
c-Apprenticeship Fund shall be 50¢ per month per journeymen and apprentice employed by contractors.

PAID HOLIDAYS: A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

KEY DECISION

STATE: Minnesota COUNTY: Olmsted
DECISION NUMBER: MN75-2058 DATE: Date of Publication
DESCRIPTION OF WORK: Building (Including Residential) Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
ASBESTOS WORKERS	$9.02	.51	.65		.02
BOILERMAKERS	8.90	.60	1.00		.02
BOILERMAKERS' HELPERS	8.65	.60	1.00		.02
BRICKLAYERS:					
Bricklayers; Stonemasons; Cement Blocklayers; Pointers; Caulkers & Cleaners	8.425	.35	.25		
CARPENTERS:					
Building	8.00	.40	.30		
Site Preparation, Excavation & Incidential Paving					
Carpenters & Piledrivermen	7.88	.50	.20		
CEMENT MASONS:					
Building	8.30				
Site Preparation, Excavation & Incidential Paving	8.30				
ELECTRICIANS	8.45	4%	1%	6%	.125%
GLAZIERS	7.71			.30	
IRONWORKERS	8.80	.55	.55		
LABORERS:					
General Laborer; Carpenter Tender; Flagman; Power Buggy Operator	6.85	.20	.15		
Mason Tender; Drill Runner; Vibrator Operator; Rebar Laborer	6.95	.20	.15		
Mortar Mixer; Air Actuated Tool	7.00	.20	.15		
Plasterer Tender	7.10	.20	.15		
Nozzleman	7.20	.20	.15		
LATHERS	8.50				
MARBLE SETTERS	7.585	.455	.23	.56	
PAINTERS:					
Brush	7.82	.35	.15		.02
Spray, Swing Stage & High Work	8.32	.35	.15		.02
PLASTERERS	8.65				
PLUMBERS & STEAMFITTERS	8.41	.25	.20		.02
ROOFERS	7.63	.42	.30		.02
SHEET METAL WORKERS	7.40	.37	.30	.75	.02
SPRINKLER FITTERS	9.40	.60	.70		.08
TILE SETTERS	9.54				
TRUCK DRIVERS	6.85				
WELDERS-Receive rate prescribed for craft performing operation to which welding is incidential.					

DECISION NO. MN75-2058

LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
CLASS 1	$6.90	.20	.15		
CLASS 2	7.00	.20	.15		
CLASS 3	7.05	.20	.15		
CLASS 4	7.15	.20	.15		
CLASS 5	7.30	.20	.15		
CLASS 6	7.35	.20	.15		
CLASS 7	7.40	.20	.15		

LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

CLASS 1
Unskilled Laborers; Bricklayer & Carpenter Tenders; Drill Runner Helper; Laborers-Wrecking & Demolition; Landscape Gardener; Pipe Handler (Water, Gas, Cast Iron); Salamander Heater & Blower Tender; Sod Layer & Nurseryman; Stonemason Tender.

CLASS 2
Bituminous Shoveler; Bottom Man (Sewer, Water or Gas Trench); Cement Coverman (Batch Trucks); Cement Handler (Bulk or Bag) Chain Saw Man; Compaction Equipment (Hand Operated) Concrete Mixer (1 Bag); Concrete Shoveler; Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (Heavy, incl. Churn Drill) Dumper (Wagon, Truck, etc.); Form Setter (Municipal Type Curb & Sidewalk); Formsetter (Pavement); Jackhammerman; Joint Sawer; Kettlemen (Bituminous or Lead); Mortar Mixers; Paving Buster; Power Buggy; Tunnel Laborer (Atmosperic Pressure).

CLASS 3
Bituminous Tamper

CLASS 4
Bituminous Raker; Floater & Utility Man; Caisson Work; Cofferdam

CLASS 5
Nozzleman (Gunnite)

CLASS 6
Pipelayer (Sewer, Water & Gas)

CLASS 7
Powderman; Tunnel Miner

DECISION NO. MN75-2058

POWER EQUIPMENT OPERATORS: BUILDING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS 1	$12.25	.35	.25		
CLASS 2	9.85	.35	.25		
CLASS 3	9.50	.35	.25		
CLASS 4	9.40	.35	.25		
CLASS 5	9.30	.35	.25		
CLASS 6	9.05	.35	.25		
CLASS 7	8.93	.35	.25		
CLASS 8	8.85	.35	.25		
CLASS 9	8.58	.35	.25		
CLASS 10	8.30	.35	.25		
CLASS 11	7.85	.35	.25		

POWER EQUIPMENT OPERATORS: BUILDING

CLASS 1-Helicopter Operators (Hoisting Material)
CLASS 2-Truck & Crawler Cranes with 200' of Boom & over including Jib
CLASS 3-Truck & Crawler Cranes with 150' of Boom up to & not including 200' of Boom including jib.
CLASS 4-Traveling Tower Crane
CLASS 5-Master Mechanic
CLASS 6-Derrick (Guy & Stiff Leg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator,(inside Building Perimeter); Truck & Crawler Cranes up to 150' of Boom including jib.
CLASS 7-Air Compressor Operator; Pump Operator & or Conveyor; 2 or more Mechanics; Hoist Engineer (2 drums); Mechanic or Welder; Pumpcrete or Complaco Type Machine Operator; Fork Lift Operator
CLASS 8-Boom Truck Operator; Concrete Mixer Operator; Drill Rigs (Heavy Duty Rotary or Churn Drill when used for caisson drillin or when drilling for elevator cylinder on Building Construction; Front End Loader Opr; Hoist Engineer (1 drum); Power Plant Engineer (100 KW & over); Straddle carrier Operator; Tractor Operator (Over D-2); Well Point Pump Operator
CLASS 9-Concrete Batch Plant Operator; Gunnite Operator; Tractor Operator (D-2 or similar size & Front End Loader Operator-up to ½ cu. yd.)
CLASS 10-Air Compressor Operator; Pump & or Conveyor Operator; Fireman-Temporary Heat; Brakemen; Pick Up Sweeper (combustion engine operated); Truck Crane Oiler
CLASS 11-Mechanic Space Heater (Temporary Heat) Oiler or Greaser

DECISION NO. MN75-2058

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.05	.35	.25		
GROUP II	8.76	.35	.25		
GROUP III	8.50	.35	.25		
GROUP IV	8.38	.35	.25		
GROUP V	8.28	.35	.25		
GROUP VI	7.60	.35	.25		
GROUP VII	7.30	.35	.25		

POWER EQUIPMENT OPERATORS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

GROUP I Helicopter Pilot
GROUP II Crane with over 135' boom, excluding jib, dragline and/or other similar equipment w/shovel type controls 3 cu. yards. & over Mfg. rates capacity
GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 3½, Derrick, Dragline and/ or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, Dredge Operator (power) 3 yds. & over, Grader or Motor Patrol Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving op., Road Mile Op., Incl. power supply, Packing Mach., incl. packing operations Conway or similar type, Refregeration Plant Engineer, Tandem, Scrapter, Tractor, Op. (Boom Type), Truck Crane Op., Dugboat Op. 100 HP & over
GROUP IV Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer
GROUP V Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary of Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu yds., Hoists Engineer, Hydraulic Tree Planter, Launcherman, Locomotive,all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machine,s Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar tupe, Pick-up Sweeper 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over 32, YD6 or similar HP with power tak-off, Tractor Op., over 50 HP without power Take-off, trenching Machine Op., (sewer water, gas) Turnapull Co., (or similar type) Well Point Installation, Dismantling or Repair Mechanic

DECISION NO. MT75-1098

POWER EQUIPMENT OPERATORS (CONT'D)
SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

GROUP VI Air compressor Op. 373 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. Spreader Op., Finishing Machine, Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 11S and under, Concrete saw Op. (Walk. Blade), Curb Mach. Op., Pine Grade Op., Form Trench Digger, Front End Loader op. (up to & include 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op (D2, TD6 or similar HP with power take-off

GROUP VII Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Spacer Heater, Oiler, Self-Prop. Vib Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

TRUCK DRIVERS: BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.75	.35	.30		
GROUP 2	7.45	.35	.30		
GROUP 3	7.35	.35	.30		
GROUP 4	7.15	.35	.30		

TRUCK DRIVERS: BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

GROUP 1
Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-Trailer; Off-Road Truck.

GROUP 2
Tri-Axle (including 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver.

GROUP 3
Bituminous Distributor Driver; Bituminous Distributor (1-Man Operation); Tandem Axle.

GROUP 4
Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster and Stableman; Tractor Operator (Wheel Type used for any purpose) Pilot car driver; Self Propelled Packer; Slurry Operator; Single Axle Trucks.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #40-4030 - Mod. #3 (38 FR 29727 - October 26, 1973) Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Wakulla, Walton and Washington Counties, Florida					
Omit:					
Under Counties: Bay, Gulf and Walton					
DECISION #FL75-1010 - Mod. #2 (40 FR 3884 - January 24, 1975) Hillsborough County, Florida					
Change:					
Asbestos workers	$8.91	.35	.35		.06
Electricians:					
Contracts over $50,000.00:					
Wiremen	9.43	4 1/2%	2%		.12
Cable splicers	9.78	4 1/2%	2%		.12
Contracts under $50,000.00:					
Wiremen	8.25	4 1/2%	2%		.12
Cable splicers	8.60	4 1/2%	2%		.12
Plasterers	8.36	.30	.50		.05
Sheetmetal workers	8.71	.41	.35		.04
DECISION #FL75-1018 - Mod. #2 (40 FR 6018 - February 7, 1975) Dade County, Florida					
Change:					
Electricians:					
Zone 1	10.25	4%	1%+.20	6%	3%
Zone 2	10.98	4%	1%+.20	6%	3%
Zone 3	11.71	4%	1%+.20	6%	3%
Zone 4	12.45	4%	1%+.20	6%	3%
Steamfitters	9.93	.69	1.00		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #75075-4059 - Mod. #2 (40 FR 8740 - February 28, 1975) Cass, Clay, Jackson, Platte and Ray Counties, Missouri; and Johnson and Wyandotte Counties, Kansas					
Change:					
CEMENT MASONS (Building Construction):					
Cement Masons	$9.225	.40	.50	.25	
Composition	9.475	.40	.50	.25	
ELECTRICIANS:					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill:					
Electricians	9.57	.23	1%+.27	.80	.03
Zone 2 - Remainder of Clay, Jackson, Platte and Cass Counties, Missouri:					
Electricians (contracts over $5,000)	9.57	.23	1%+.27	.80	.03
Electricians (contracts $5,000 and under)	9.02	.23	1%+.27	.80	.03
Zone 3 - Ray County, Missouri:					
Electricians (comtracts over $5,000)	9.57	.23	1%+.27	.80	.03
Electricians (contracts $5,000 and under)	8.41	.23	1%+.27	.80	.03
Zone 4 - Johnson and Wyandotte Counties, Kansas	9.57	.23	1%+.27	.80	.03
LABORERS:					
Building Construction					
Zone 1 - Cass, Clay, Jackson, and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
GROUP I	7.60	.45	.40		.10
GROUP II	7.695	.45	.40		.10
GROUP III	7.795	.45	.40		.10
GROUP IV	7.89	.45	.40		.10
GROUP V	7.99	.45	.40		.10

MODIFICATIONS P. 3

DECISION NO. 11075-4059 (Cont'd.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Building Construction					
Zone 2 - Ray County, Missouri					
GROUP I	$7.30	.45	.40		.10
GROUP II	7.40	.45	.40		.10
GROUP III	7.475	.45	.40		.10
GROUP IV	7.55	.45	.40		.10
GROUP V	7.65	.45	.40		.10
Site Preparation and Grading, Heavy and Highway Construction Zone 3 - Johnson and Wyandotte Counties, Kansas					
GROUP I	7.80	.50	.50	.70	.10
GROUP II	7.95	.50	.50	.70	.10
GROUP III	8.10	.50	.50	.70	.10
GROUP IV	8.30	.50	.50	.70	.10
GROUP V	8.60	.50	.50	.70	.10
LATHERS	9.10	.50			
PAINTERS:					
Brush and Tapers	9.34	.30	.35		.06
Spray	10.34	.30	.35		.06
PLASTERERS	10.25	.30			
PLUMBERS	9.64	.50	.60		.06
POWER EQUIPMENT OPERATORS:					
Building Construction					
GROUP I	9.75	.50	.75	.75	.10
GROUP II	9.50	.50	.75	.75	.10
GROUP III	8.25	.50	.75	.75	.10
GROUP IV	8.75	.50	.75	.75	.10
GROUP V	8.75	.50	.75	.75	.10
GROUP VI	9.00	.50	.75	.75	.10
GROUP VII	10.00	.50	.75	.75	.10
GROUP VIII	10.25	.50	.75	.75	.10
GROUP IX	9.75	.50	.75	.75	.10
GROUP X	10.75	.50	.75	.75	.10
GROUP XI	10.25	.50	.75	.75	.10
GROUP XII:					
(a)	9.50	.50	.75	.75	.10
(b)	9.25	.50	.75	.75	.10
(c)	9.25	.50	.75	.75	.10
(d)	8.50	.50	.75	.75	.10

MODIFICATIONS P. 4

DECISION NO. 11075-4059 (Cont'd.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Site Preparation and Grading, Heavy and Highway Construction Zone 1 - Johnson and Wyandotte Counties, Kansas					
GROUP I	$9.85	.50	.75	.75	.10
GROUP II	9.60	.50	.75	.75	.10
GROUP III	9.35	.50	.75	.75	.10
GROUP IV	8.35	.50	.75	.75	.10
GROUP V	8.85	.50	.75	.75	.10
GROUP VI	10.10	.50	.75	.75	.10
GROUP VII	10.35	.50	.75	.75	.10
GROUP VIII	9.85	.50	.75	.75	.10
ROOFERS HELPERS:					
1st 6 mos.	5.24	.30	.60		.04
2nd 6 mos.	5.69	.30	.60		.04
3rd 6 mos.	6.13	.30	.60		.04
4th 6 mos.	6.58	.30	.60		.04
5th 6 mos.	7.02	.30	.60		.04
6th 6 mos.	7.47	.30	.60		.04
7th 6 mos.	7.91	.30	.60		.04
SHEET METAL WORKERS	9.905	.35	.50		.02
TRUCK DRIVERS:					
Site Preparation and Grading, Heavy and Highway Construction Zone 1 - Johnson and Wyandotte Counties, Kansas					
GROUP I	8.34	.50	.75	.75	
GROUP II	8.34	.50	.75	.75	
GROUP III	8.85	.50	.75	.75	
GROUP IV	9.00	.50	.75	.75	
GROUP V	8.115	.50	.75	.75	

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #1075-4071 - Mod. #1 (40 FR 14226 - March 28, 1975) Cass, Clay, Jackson, Platte & Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Change:					
CARPENTERS, MILLWRIGHTS, PILEDRIVERMEN	$8.12	.33	.30	.25	.05
CEMENT MASONS:					
Cement masons	9.225	.40	.50	.25	
Composition	9.475	.40	.50	.25	
ELECTRICIANS (4 Stories):					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County; Northwestern portion of Cass County, Missouri, not including Pleasant Hill	9.57	.23	1%+.27	.80	.03
Zone 2 - Remainder of Cass, Clay, Jackson and Platte Counties, Missouri:					
Electricians (contracts $5,000 and over)	9.57	.23	1%+.27	.80	.03
Electricians (contracts under $5,000)	9.02	.23	1%+.27	.80	.03
Zone 3 - Ray County, Missouri:					
Electricians (contracts $5,000 and over)	9.57	.23	1%+.27	.80	.03
Electricians (contracts under $5,000)	8.41	.23	1%+.27	.80	.03
LABORERS:					
Building Construction					
Zone 1 - Cass, Clay, Jackson, and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Group 1	7.60	.45	.40		.10
Group 2	7.695	.45	.40		.10
Group 3	7.795	.45	.40		.10
Group 4	7.89	.45	.40		.10
Group 5	7.99	.45	.40		.10

MODIFICATIONS P. 6

DECISION NO. 1075-4071 (Cont'd.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Building Construction					
Zone 2 - Ray County, Missouri					
Group 1	$7.30	.45	.40		.10
Group 2	7.40	.45	.40		.10
Group 3	7.475	.45	.40		.10
Group 4	7.55	.45	.40		.10
Group 5	7.65	.45	.40		.10
Site Preparation and Grading					
Zone 3 - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidential Paving and Utilities Clay, Jackson, Platte and Ray Counties, Missouri					
Group 1	7.80	.50	.50	.70	.10
Group 2	7.95	.50	.50	.70	.10
Group 3	8.10	.50	.50	.70	.10
Group 4	8.30	.50	.50	.70	.10
Group 5	8.60	.50	.50	.70	.10
LATHERS	9.10	.50			
PAINTERS:					
Brush and Tapers	9.34	.30	.35		.06
Spray	10.34	.30	.35		.06
PLASTERERS	10.25	.30			
POWER EQUIPMENT OPERATORS:					
Building Construction (Zone 1)					
Group 1	9.75	.50	.75	.75	.10
Group 2	9.50	.50	.75	.75	.10
Group 3	8.25	.50	.75	.75	.10
Group 4	8.75	.50	.75	.75	.10
Group 5	8.75	.50	.75	.75	.10
Group 6	9.00	.50	.75	.75	.10
Group 7	10.00	.50	.75	.75	.10
Group 8	10.25	.50	.75	.75	.10
Group 9	9.75	.50	.75	.75	.10
Group 10	10.75	.50	.75	.75	.10
Group 11	10.25	.50	.75	.75	.10
Group 12:					
(a)	9.50	.50	.75	.75	.10
(b)	9.25	.50	.75	.75	.10
(c)	9.25	.50	.75	.75	.10
(d)	8.50	.50	.75	.75	.10

MODIFICATIONS P. 7

DECISION NO. MD75-4071(Cont'd.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Site Preparation and Grading - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidential Paving and Utilites - Clay, Jackson, Platte & Ray Counties, Missouri (Zone 2)					
Group 1	$9.85	.50	.75	.75	.10
Group 2	9.60	.50	.75	.75	.10
Group 3	9.35	.50	.75	.75	.10
Group 4	8.35	.50	.75	.75	.10
Group 5	8.85	.50	.75	.75	.10
Group 6	10.10	.50	.75	.75	.10
Group 7	10.35	.50	.75	.75	.10
Group 8	9.85	.50	.75	.75	.10
SHEET METAL WORKERS	9.905	.35	.50		.02
SOFT FLOOR LAYERS	7.55	.35	.45	.755	.06
TRUCK DRIVERS:					
Site Preparation and Grading - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidential Paving and Utilities - Clay, Jackson, Platte and Ray Counties, Missouri (Zone 2)					
Group 1	8.34	.50	.75	.75	
Group 2	8.54	.50	.75	.75	
Group 3	8.85	.50	.75	.75	
Group 4	9.00	.50	.75	.75	
Group 5	8.115	.50	.75	.75	
Add:					
ROOFERS HELPERS:					
1st 6 mos.	5.24	.30	.60		.04
2nd 6 mos.	5.69	.30	.60		.04
3rd 6 mos.	6.13	.30	.60		.04
4th 6 mos.	6.58	.30	.60		.04
5th 6 mos.	7.02	.30	.60		.04
6th 6 mos.	7.47	.30	.60		.04
7th 6 mos.	7.91	.30	.60		.04

MODIFICATIONS P. 8

DECISION NO. AR-2086 - Mod. #3
(39 FR 41127 - November 22, 1974)
Anne Arundel County, Maryland

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Electricians	$9.60	.50	1%+.20		3%
Glaziers:					
Glaziers	7.90	.25	.40		
Swinging Scaffold or Boson Chair	8.15	.25	.40		
Ironworkers:					
Structural, Ornamental, Rodmen, Finishers, Pre-Cast & Pre-Stress					
Erectors	9.07	.70	1.35		.04
Sheeters	9.32	.70	1.35		.04
Lathers	9.09		.35		.01
Line Construction:					
Linemen, Cable Splicers	10.15	.35	1%		3%
Groundmen (experienced)	6.82	.35	1%		3%
Terrazzo Workers Helpers:					
Remainder of County	6.50	.30	.20		

DECISION NO. AR-2093 - Mod. #3
(39 FR 44612 - December 20, 1974)
Baltimore, Harford and Howard Counties and the city of Baltimore, Maryland.

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Electricians:					
Zone 1 - From Baltimore City Hall to 25 Miles	9.60	.50	1$+.20		3%
Zone 2 - Over 25 Miles to 45 Miles from Baltimore City Hall	9.85	.50	1$+.20		3%
Zone 3 - Over 45 Miles from Baltimore City Hall	10.10	.50	1$+.20		3%
Glaziers:					
Glaziers	7.90	.25	.40		
Swingint Scaffold Or Bosun's Chair	8.15	.25	.40		
Ironworkers:					
Ironworkers, Finishers, Tackers, Pre-Cast & Pre-Stress Erectors	9.07	.70	1.35		.04
Sheeters	9.32	.70	1.35		.04
Lathers	9.09		.35		.01
Linemen & Cable Splicers:					
Zone 1 - From Baltimore City Hall to 25 Miles	10.15	.35	1%		1%
Zone 2 - Over 25 Miles to 45 Miles from Baltimore City Hall	10.40	.35	1%		1%
Zone 3 - Over 45 Miles from Baltimore City Hall	10.65	.35	1%		1%
Marble, Tile & Terrazzo Workers' Helpers	6.50	.30	.20		
Plasterers	8.80	.35	.30		

DECISION #AR-3166 - Mod. #2
(39 FR 39705 - November 8, 1974)
Anoka, Carver, Hennepin, Scott, Dakota, Ramsey & Washington Counties, Minnesota

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Electricians:					
Building:					
Townships of Anoka & Fridley in Anoka County	$8.55	6¼%	4%	9%	1%
Remainder of Anoka County & the Remaining Counties	8.90	6%	3%	10%	1.5%
Residential:					
Carver, Hennepin & Scott Counties & Townships of Anoka, Fridley, Grow & Ramsey in Anoka County	6.00	.36	1%	.27	1%
Dakota, Ramsey, Washington Counties & Remainder of Anoka County	6.00	.36	1%	.27	½ of 1%

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3043 - Mod. #1 (39 FR 30792 - August 23, 1974) Muskingum County, Ohio					
Change:					
Asbestos Workers	$10.39	.30	.85		.02
Carpenters	8.60	.35	.20		.02
Millwrights & Piledrivermen	8.90	.35	.20		.02
Electricians:					
Jobs 1,500 hrs. or less	8.75	.29	3%		.02
Jobs over 1,500 hrs.	9.05	.29	3%		.02
Elevator Constructors	9.715	.445	.29	3%+a+b	.02
Elevator Constructors' helper	6.80	.445	.29	3%+a+b	.02
Elevator Constructors' helper (Prob.)	4.86				
Line Construction:					
Linemen & Equipment Operators	9.05	.28	3%		
Truck Driver	6.65	.28	3%		
Groundman	6.40	.28	3%		

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3044 - Mod. #1 (39 FR 30794 August 23, 1974) Portage County, Ohio					
Change:					
Asbestos Workers	$ 9.985	.35	.80		.02
Bricklayers & Stonemasons	9.34	.50	.40		.02
Elevator Constructors	9.77	.445	.29	3%+a+b	.02
Elevator Constructors' helper	6.84	.445	.29	3%+a+b	.02
Elevator Constructors' helper (Prob.)	4.885				
Glaziers	9.73	.40	.65		.01
Line Construction					
Linemen - Townships of Charlestown, Edinburg, Freedon, Hiram, Nelson, Palmyra, Paris & Windham	10.79	.30	3%		
Marble Setters	8.91	.52	.25		
Marble Setters' Helpers	8.41	.52	.25		
Soft Floor Layers	9.35	.40	.55		
Sprinkler Fitters	9.80	.50	.70		.08
Terrazzo Workers and Tile Setters	8.91	.52	.25		
Terrazzo Workers Helper and Tile Setters Helpers	8.41	.52	.25		
Add:					
Laborers:					
Laborer	8.35	.50			.02
Power Tools - air, electric and gas driven	8.50	.50			.02
Pipelayer, jackhammer, hod carrier	8.55	.50			.02
Dynamite man, Gunnite nozzle man	8.85	.50			.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3045 - Mod. #1 (39 FR 30796 - August 23, 1974) Stark County, Ohio					
Changes:					
Asbestos Workers	$ 9.985	.35	.80		.02
Elevator Constructors	9.77	.445	.29	3%+a+b	.02
Elevator Constructors' helper	6.84	.445	.29	3%+a+b	.02
Elevator Constructors' helper (Prob.)	4.885				
Glaziers	8.49	.70	.57		.03
Ironworkers	9.47	.50	.50		.02
Painters: Brush and Roller	7.67	.55	.20		.02
Spray	8.17	.55	.30		.02
Paperhanger	7.77	.55	.30		.02
Industrial Brush and Roller	7.97	.55	.30		.02
Industrial Sandblasting, Bridge and Spray	8.47	.55	.30		.02
Industrial Structural Steel	8.69	.55	.30		.02
Plumbers and Steamfitters Canton and Vicinity	9.22	.35	.50		.05
Laborers					
Group A	7.01	.50	.30		.02
Group B	7.21	.50	.30		.02
Group C	7.61	.50	.30		.02
DECISION #AR-3046 - Mod. #2 (39 FR 30795 - August 23, 1974) Summit County, Ohio					
Changes:					
Asbestos Workers	$ 9.985	.35	.80		.02
Bricklayer and Stonemasons	9.94	.50	.40		.02
Elevator Constructors	9.77	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	6.84	.445	.29	3%+a+b	.02
Glaziers	8.49	.70	.57		.03
Marble Setters, Terrazzo Workers & Tile Setters	8.91	.52	.25		
Marble Setters Helpers, Terrazzo Workers Helpers, & Tile Setters Helper	8.41	.52	.25		
Soft Floor Layers	9.35	.40	.55		
Sprinkler Fitters	9.80	.50	.70		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3047 - Mod. #1 (39 FR 30800 - August 23, 1974) Trumbull County, Ohio					
Changes:					
Asbestos Workers	$10.24	.35	.50		.04
Electricians - Liberty and Hubbard Townships	10.26	.40	5%		.3%
Elevator Constructors	9.20	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	6.44	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (Prob.)	4.60				
Linemen, Cable Splicers Pole digging equipment operators	10.79	.30	1%		
Plumbers and Steamfitters: Remainder of County	10.05	.57	.55		.01
Sprinkler Fitters	9.80	.50	.70		.08
Power Equipment Operators					
Class I	9.87	.50	.50		.12
Class II	9.18	.50	.50		.12
Class III	8.82	.50	.50		.12
Class IV	8.41	.50	.50		.12
Class V	8.31	.50	.50		.12
Class VI	10.41	.50	.50		.12

DECISION #AR-3176 - Mod. #3
(39 FR 43451 - December 13, 1974)
Pike, Ross & Scioto Counties, Ohio

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers:					
Ross County	$10.39	.30	.85		.02
Elevator Constructors (Ross County)	9.715	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	6.80	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (Prob.)	4.86				
Painters:					
Pike and Scioto Counties					
Brush, Taping, paperhanging & Washing exterior of building under 40 feet	8.60		.20		
Rollers, floor sanding, power tools	8.85		.20		
Spray, Sandblasting, Steam cleaners, hazardous materials, burning, spray painting	9.60		.20		
Exterior buildings over 40 ft and epoxies	9.10		.20		
Plumbers: Ross County	10.42	.55	.80		.05
Sheet Metal Workers	9.12	.45	.51		.05
Power Equipment Operators					
Pike County					
Group A	9.61	.46	.80		.11
Group B	9.45	.46	.80		.11
Group C	9.09	.46	.80		.11
Group D	8.31	.46	.80		.11
Group E	7.98	.46	.80		.11
Group F	7.23	.46	.80		.11

Decision # AR-3008 - Mod. # 1
(39 FR 33904 - September 20, 1974)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY and HIGHWAY CONSTRUCTION					
TRUCK DRIVERS					
Class I	$7.42	.505	.4875	a+b	
Class II	7.52	.505	.4875	a+b	
Class III	7.72	.505	.4875	a+b	

Class I: Helpers, Stake Body Truck (single axle), Dumpster

Class II: Dump Trucks, Tandem and Batch Trucks, Semi-trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)

Class III: Euclid Type, Off-highway Equipment Back or Belly Dump Trucks and Double Hitched Equipment, Straddle (Ross) Carrier, Low-bed Trailers

FOOTNOTES:

a. Employee will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days (40 hours pay) per calendar year. During each two (2) consecutive month period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitle to all days of vacation, employees with five (5) years or more senority shall be eligible for two (2) weeks of vacation.

b. Paid Holidays: Memorial Day; Independence Day; Labor Day and (5) personal holidays for employees who have worked a minimum of thirty days and are on the employer's senority list, provided he works the scheduled work days before and after the said holidays.

DECISION #AR-2002 - Mod. #4
(39 FR 25892 - July 12, 1974)
Delaware County, Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers:					
Remainder of County	$9.46	.62	1.00		.01
Elevator Constructors	10.68	.445	.29	3%+b+c	.02
Elevator Constructors' Helpers	7.48	.445	.29	3%+b+c	.02
Elevator Constructors' Helpers (Prob.)	5.34				
Electricians	11.07	4.4%	3%+2.2%		½ of 1%
Line Construction:					
Linemen	11.57	.20	1%		.075%
Groundmen	6.94	.20	1%		.075%
Winch truck operator	8.10	.20	1%		.075%
Sheet Metal Workers	10.74	.88	.50		.01
Sprinkler Fitters	9.60	.50	.70		.08
Truck Drivers:					
(See Attached Schedule)					

DECISION #AR-2003 Mod. #4
(39 FR 25895 - July 12, 1974)
Chester County, Pennsylvania

Change:					
Elevator Constructors	10.68	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers	7.48	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers (Prob.)	5.34				
Electricians:					
West Clan, West Brandywine, Honey Brook, Wallace, West Natmeal, East Natmeal, Warwick, South Coventry, Valley Twps. and Coatesville	9.44	.38	1%		.03
Line Construction:					
Linemen	11.57	.20	1%		.075%
Groundman	6.94	.20	1%		.075%
Winch truck operator	8.10	.20	1%		.075%
Sheet Metal Workers	10.74	.88	.50		.01
Sprinkler Fitters	9.60	.50	.70		.08
Tile Setters	8.445	.80	.40		
Truck Drivers:					
(See Attached Schedule)					

DECISION #AR-2004 - Mod. #5
(39 FR 25899 - July 12, 1974)
Montgomery County, Pennsylvania

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Elevator Constructors	$10.68	.445	.29	3%+b+c	.02
Elevator Constructors' Helpers	7.48	.445	.29	3%+b+c	.02
Elevator Constructors' Helpers (Prob.)	5.34				
Line Construction:					
Linemen	11.57	.20	1%		.075%
Groundman	6.94	.20	1%		.075%
Winch truck operator	8.10	.20	1%		.075%
Electricians:					
Pottsgrave, Upper Pottsgrove, Douglas, and Pottstown	9.44	.38	1%		.03
Sheet Metal Workers	10.74	.88	.50		.01
Sprinkler Fitters	9.60	.50	.70		.08
Truck Drivers:					
(See Attached Schedule)					

DECISION #AR-2005 - Mod. #4
(39 FR 25902 - July 12, 1974)
Philadelphia, Pennsylvania

Change:					
Elevator Constructors	10.68	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers	7.48	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers (Prob.)	5.34				
Line Construction:					
Linemen	11.57	.20	1%		.075%
Groundmen	6.94	.20	1%		.075%
Winch truck operator	8.10	.20	1%		.075%
Sheet Metal Workers	10.74	.88	.50		.01
Truck Drivers:					
(See Attached Schedule)					

AR-2002 (Mod. # 4, Cont'd) AR-2003 (Mod. # 4, Cont'd) AR-2004 (Mod. # 5, Cont'd)
AR-2005 (Mod. # 4, Cont'd) AR-2006 (Mod. # 4, Cont'd) PA75-3011 (Mod. # 2, Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
DECISION #AR-2004 - Mod. #4 (39 FR 25905 - July 12, 1974) Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania					
Change:					
Elevator Constructors	10.68	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers	7.48	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers (Prob.)	5.34				
Line Construction:					
Linemen	11.57	.20	1%		.075%
Groundmen	6.94	.20	1%		.075%
Winch truck operator	8.10	.20	1%		.075%
Sheet Metal Workers	10.74	.88	.50		.01
Truck Drivers: (See Attached Schedule)					
DECISION #PA75-3011 - Mod. #2 (40 FR 4781 - January 31, 1975) Bucks County, Pennsylvania					
Change:					
Elevator Constructors	10.68	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers	7.48	.445	.29	3%+a+b	.02
Elevator Constructors' Helpers (Prob.)	5.34				
Line Construction:					
Linemen	11.57	.20	1%		.075%
Groundmen	6.94	.20	1%		.075%
Winch truck operator	8.10	.20	1%		.075%
Sheet Metal Workers	10.74	.88	.50		.01
Truck Drivers: (See Attached Schedule)					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
BUILDING CONSTRUCTION					
TRUCK DRIVERS					
Class I	$7.52	.505	.4875	a+b	
Class II	7.62	.505	.4875	a+b	
Class III	7.82	.505	.4875	a+b	

Class I: Warehousemen, Checker, Fork Lift Driver, Stake Body Truck (single axle), 1½ ton and under vehicles

Class II: Truck Driver over 1½ tons, Dump Trucks, Tandem and Batch Trucks, Semi-trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)

Class III: Euclid Type, Off-highway Equipment - Back or Belly Dump Trucks and Double - Hitched Equipment Straddle (Ross) Carrier, Low-bed Trailers

FOOTNOTES:

a. Employer will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days (40 hours pay) per calendar year. During each two (2) consecutive month period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all days of vacation, employees with five (5) years or more senority shall be eligible for two (2) weeks of vacation.

b. Paid Holidays: Memorial Day; Independence Day; Labor Day and (5) personal holidays for employees who have worked a minimum of thirty days and are on the employer's senority list, provided he works the scheduled work days before and after the said holidays.

MODIFICATIONS P. 21

Decision #PA75-3026 - Mod. # 1
(40 FR 14266 - March 28, 1975)
Allegheny & Beaver Counties,
Pennsylvania

Change:
Power Equipment Operators:
(See Attached Schedule)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.

MODIFICATIONS P. 22

PA-75-3026 (Mod. # 1, Cont'd)

PA-2-PEO-2-3- K

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I	$9.43	.50	.60		.09	
CLASS II	9.17	.50	.60		.09	
CLASS III	6.81	.50	.60		.09	
CLASS IV	6.36	.50	.60		.09	
CLASS V	6.21	.50	.60		.09	

PA-75-3026 (Mod. # 1, Cont'd) MODIFICATIONS P. 23

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd,) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy,) Job Work Boat (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Rosa Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-smaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (When hoisting and placing

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader

MODIFICATIONS P. 24

DECISION #PA75-3028 - Mod. #1
(40 FR 15313 - April 4, 1975)
Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania

Change:
Power Equipment Operators:
(See Attached Schedule)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.

PA75-3028 - Mod. # 1,
Jefferson County

MODIFICATIONS P. 25

PA-2-PDO-2-3- K

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I	$9.43	.50	.60		.09	
CLASS II	9.17	.50	.60		.09	
CLASS III	6.81	.50	.60		.09	
CLASS IV	6.36	.50	.60		.09	
CLASS V	6.21	.50	.60		.09	

PA75-3028 - Mod. # 1,
Jefferson County

MODIFICATIONS P. 26

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Scat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Frankl Pile Machine, Gradall (Remote control or otherwise) Grader (Power-fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Koehl, Koering Skooper, Lead Mechanic, Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Preaplitter Drill (self contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XII Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Near Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (C.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Forklift Loader, Grader Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered) Junk Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-scaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader

FA75-3098 - Mod. # 1
Remaining Counties

MODIFICATIONS P. 27
PA-5-PED-2-3-H

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I	$9.14	.50	.60		.09	
CLASS II	8.86	.50	.60		.09	
CLASS III	6.52	.50	.60		.09	
CLASS IV	6.03	.50	.60		.09	
CLASS V	5.92	.50	.60		.09	

FA75-3098 - Mod. # 1
Remaining Counties

MODIFICATIONS P. 28

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (S.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Boss Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-making and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader

MODIFICATIONS P. 29

DECISION #75-PA-3029 - Mod. # 1
(40 FR 15318 - April 4, 1975)
Armstrong, Blair,, Cameron, Centre Clarion, Clearfield,Crewford, Forest, Greene, Indiana, McKean, Venango and Warren Counties, Pennsylvania

Change:
Power Equipment Operators:
(See Attached Schedule)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.

MODIFICATIONS P. 30

PA-75-3029 - Mod. # 1

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

PA-2-PEO-2-3- K

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I	$9.43	.50	.60		.09	
CLASS II	9.17	.50	.60		.09	
CLASS III	6.81	.50	.60		.09	
CLASS IV	6.36	.50	.60		.09	
CLASS V	6.21	.50	.60		.09	

PA-75-3029 - Mod. # 1

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh William) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Gauge) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (S.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Fork-lift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
DECISION #TX75-4022 - Mod. #4 (40 FR 3927 - January 24, 1975) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change:					
Building Construction:					
Carpenters:					
Carpenters:					
Zone 2	$7.34	.18			
Millwrights & piledrivermen:					
Zone 1	7.74	.18			
Plumbers & pipefitters:					
Zone 1	8.05	.30	.30		.03
Zone 2	8.45	.30	.30		.03
Incidental Paving & Utilities (Bell & Coryell Counties):					
Plumbers:					
Zone 1	8.05	.30	.30		.03
Zone 2	8.45	.30	.30		.03
DECISION #UT75-5076 - Mod. #2 (40 FR 7860 - February 21, 1975) Statewide, Utah					
Change:					
Line Construction					
Lineman	$8.21	.35	1%		3/4%
Cable Splicer	9.03	.35	1%		3/4%
Line equipment operators	7.40	.35	1%		3/4%
Groundman	6.11	.35	1%		3/4%
Line equipment mechanic	7.78	.35	1%		3/4%
Line equipment serviceman	7.28	.35	1%		3/4%
Refrigeration and Air Conditioning:					
50 tons or over	8.65	.51	.75		04
Under 50 tons	7.90	.51	.75		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. [illegible]-3005 - Mod. #2 (40 FR 944 - January 3, 1975) The cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia.					
CHANGE:					
Electricians	$8.00	5%	1%+5%		1%
Linemen & Cable Splicers	8.00	5%	1%+5%		1%
DECISION NO. [illegible]-3006 - Mod. #2 (40 FR 946 - January 3, 1975) Henrico County and the city of Richmond, Virginia.					
CHANGE:					
Painters:					
Brush, paperhangers and sandblasters	6.45				
Structural steel, stage and bosun chair	6.70				
Spray	6.95				
DECISION #WY75-5028 - Mod. #2 (40 FR 7887 - February 21, 1975) Converse, Goshen, Laramie, Natrona, Niobrara, and Platte Counties, Wyoming					
Change:					
Asbestos Workers	$9.01	.38	.72		
Plumbers; Steamfitters:					
Converse, Natrona, Niobrara Counties					
Zone 1 (10 miles radius from P. O. in Casper)	8.06	.40	.50	.80	.09
Zone 2 (10 miles radius beyond Zone 1)	8.46	.40	.50	.80	.09
Zone 3 (20 miles radius beyond Zone 2)	8.86	.40	.50	.80	.09
Zone 4 (40 miles radius beyond Zone 3)	9.66	.40	.50	.80	.09
Zone 5 (Jurisdiction beyond Zone 4)	10.16	.40	.50	.80	.09
Sheet Metal Workers:					
Goshen, Laramie, and Platte Counties	8.51	.37	.10		.02

SUPERSEDEAS DECISION

STATE: Alabama COUNTIES: *See below
DECISION NUMBER: AL75-1047 DATE: Date of Publication
Supersedes Decision No.: AM 448 dated August 20, 1971 in 36 FR 16359
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: Jefferson, Blount, Saint Clair, Shelby, Talladega, and Walker	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	8.25	.25	.25		.05
Carpenters	4.81				
Cement Masons	4.00				
Dry Wall Finisher	4.00				
Dry Wall Hanger	5.00				
Electricians	4.25				
Laborers	2.50				
Mason tenders	4.03				
Mortar mixers	3.25				
Painters: Brush	4.20				
Plumbers	4.71				
Roofers	4.25				
Sheet metal workers	5.00				
Tile setters	4.00				
Truck Drivers	3.00				
POWER EQUIPMENT OPERATORS:					
Bulldozers	5.00				

SUPERSEDEAS DECISION

STATE: Alabama
DECISION NO.: AL75-1048
COUNTY: Tuscaloosa
DATE: Date of Publication
Supersedes Decision No.: AQ-4125 dated June 14, 1974 in 39 FR 20911
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Asbestos workers	7.71	.30	.30		.05
Bricklayers; Marble masons;					
Stonemasons	7.60		.20		.05
Carpenters	6.05				.015
Cement masons	5.175				
Electricians	8.50	.30	1%		½ of 1%
Glaziers	6.85	.20	.20		
Ironworkers	7.775	.42	.25		.04
Laborers:					
Laborers	3.15	.15	.10		
Mason tenders	3.15	.15	.10		
Mortar mixers	3.25	.15	.10		
Millwrights	6.20			.015	
Painters, brush	6.10				
Plasterers	5.175				
Plumbers; Steamfitters	8.85	.30	.35		.05
Roofers	5.45		.20		.05
Sheet metal workers	9.00	.45	.40		.05
Soft floor layers	5.45				
Tile setters	7.35		.20		.03
Truck drivers	2.50				
POWER EQUIPMENT OPERATORS:					
Tractors, farm	3.50				
Scrapers	4.00				
Bulldozers, Front end loader	5.00				
Pumps	5.64				
Oiler	6.25	.20	.20		
Cranes; Lift truck	7.60	.20	.20		

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Toulumne, Yolo and Yuba

DECISION NUMBER: CA75-5052

DATE: Date of Publication

Supersedes Decision No. CA75-5015 dated February 7, 1975, in 40 FR 5989.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.05	.90	.65	1.07	.06
BOILERMAKERS	9.95	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Cos.	10.02	.90	.58	1.00	
Alameda and Contra Costa Counties	10.15	.85	.95		.15
Fresno, Kings, Madera, Mariposa and Merced Counties	9.07	.48	.85		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.75	.73	.92		.22
Monterey and Santa Cruz Counties	9.75	.88	1.00	.75	
San Benito and Santa Clara Cos.	10.15	.85	.95		.15
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	9.20	.55	.60	1.00	
Tulare County	9.30	.70	1.00		.07
BRICK TENDERS:					
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	7.70	.80	1.40		
Alameda and Contra Costa Counties	7.70	.55	.95		
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	8.61	.70	.90		
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.65	.65	1.35	.80	
Stanislaus and Tuolumne Counties	5.75	.65	1.35	.80	
San Francisco and San Mateo Cos.	9.00	.65	.80		
Fresno, Kings, Madera and Tulare Counties	7.40	.80	1.40		

DECISION NO: CA75-5052

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Carpenters	$10.00	.72	1.15	.75	.04
Hardwood floor layers; Power saw operator; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	10.15	.72	1.15	.75	.04
Millwrights	10.50	.72	1.15	.75	.04
Piledrivermen, bridge, wharf and Dock builders	10.13	.60	.85	.75	.04
CEMENT MASONS:					
Cement Masons	8.46	.90	1.25	1.25	.05
Mastic; Magnesite; All comp. masons	8.71	.90	1.25	1.25	.05
Men working from swinging or slip form scaffolds	8.71	.90	1.25	1.25	.05
DRYWALL INSTALLERS	10.27	.60	.85	.75	.07
ELECTRICIANS:					
Alameda County					
Electricians	9.845	.70	4%		
Cable Splicers	11.07	.70	4%		
Tunnel:					
Electricians	8.85	.50	4%		
Cable Splicers	9.99	.50	4%		
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Electricians	9.94	.60	1%+.65		.045
Cable Splicers	10.93	.60	1%+.65		.045
Tunnel:					
Electricians	8.96	.31	1%+.55		.045
Cable Splicers	9.86	.31	1%+.55		.045
Lake Tahoe Area					
Electricians	10.34	.53	1%+.55		.03
Cable Splicers	11.37	.53	1%+.55		.03

DECISION NO. CA75-5052

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS (Cont'd)					
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties					
Electricians	$ 9.84	.60	1%+.40		.005
Cable Splicers	10.82	.60	1%+.40		.005
Tunnel:					
Electricians; Cable Splicers' helpers	10.33	.60	1%+.40		.005
Cable Splicers	11.37	.60	1%+.40		.005
Calaveras and San Joaquin Cos.					
Electricians; Technicians	9.00	.49	1%		.01
Cable Splicers	10.13	.49	1%		.01
Contra Costa County					
Electricians	9.80	.60	1%+.50		.02
Cable Splicers	11.05	.60	1%+.50		.02
Del Norte and Humboldt Counties					
Electricians	9.50	.47	1%+.35		.01
Cable Splicers	10.26	.47	1%+.35		.01
Tunnel:					
Electricians	9.46	.47	1%+.35		.01
Cable Splicers	10.32	.47	1%+.35		.01
Fresno, Kings, Madera and Tulare Counties					
Electricians	9.86	.50	1%+.70		.05
Cable Splicers	10.26	.50	1%+.70		.05
Lake, Marin, Mendocino and Sonoma Counties					
Electricians	9.50	.61	1%+.20		.02
Cable Splicers	10.45	.61	1%+.20		.02
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Electricians	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Electricians	11.15	.55	1%		.01
Cable Splicers	12.32	.55	1%		.01
Napa and Solano Counties					
Electricians	9.67	.58	1%+.60		.04
Cable Splicers	10.17	.58	1%+.60		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	$10.70	.52	1%+.60		.02
Cable Splicers	12.04	.52	1%+.60		.02
San Francisco County					
Electricians	10.67	.705	1%+.50		.04
Cable Splicers	12.00	.705	1%+.50		.04
San Mateo County					
Electricians	10.55	.69	1%+.35		.03
ELEVATOR CONSTRUCTORS	10.70	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston) Counties	7.77	.25	.55	8%	
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E. to Fairfield) Sonoma Counties	9.135	.60	.83		.01
Merced (Remainder of County), Fresno, Kings, Madera and Tulare Counties	7.68	.41	.55	.66	.05
Del Norte and Humboldt Counties	6.48	.35	.50	6.4%	
IRONWORKERS:					
Fence Erectors	8.89	.88	.1375	1.03	.03
Reinforcing	9.78	.88	.1375	1.03	.03
Ornamental; Structural	9.78	.88	.1375	1.03	.03
LATHERS:					
Alameda and Contra Costa Counties Butte, Colusa, Glenn, Humboldt, Lake, (That portion of County from Lakeport up to County Line),	9.81	.74	.715		.025

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS: (Cont'd)					
Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Cos.	$9.10	.48	.50		.01
Calaveras and San Joaquin Cos.	8.90	.58	.55		
Lake (from City of Lakeport down to County line), Marin, Mendocino and Sonoma Counties	8.14	.40	.45	1.00	1/8%
Monterey and Santa Cruz Counties	9.45	.58	.50	.95	.01
Napa and Solano Counties	8.88	.65	.40		.01
San Francisco and N½ of San Mateo County	10.08	.46	.65	1.00	.01
San Benito and Santa Clara Cos.	10.14	.73	.75		
Fresno County	9.83	.35	.45		
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.50				.01
Amador, El Dorado, Sacramento and Yolo Counties	8.15	.395	.75	1.00	
Southern Half of San Mateo	10.03	.32	1.00		
LINE CONSTRUCTION:					
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer, and Sierra Cos., excluding Lake Tahoe Area					
Line Equipment Operators	6.19	.31	1%+.55		.045
Linemen	6.88	.31	1%+.55		.045
Cable Splicers	7.57	.31	1%+.55		.045
Remaining portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties (Lake Tahoe Area)					
Groundmen	6.59	.33	1%+.25		.01
Line Equipment Operator	7.91	.33	1%+.25		.01
Linemen	8.79	.33	1%+.25		.01
Cable Splicers	9.67	.33	1%+.25		.01
Contra Costa County					
Groundmen	7.35	.60	1%+.50		.03
Line Equipment Operators	8.82	.60	1%+.50		.03
Linemen	9.80	.60	1%+.50		.03
Cable Splicers	11.05	.60	1%+.50		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Cont'd)					
Del Norte, Modoc and Siskiyou Counties					
Hole Digger	$5.91	.35	1%	.10	1/2%
Tree trimmer helper; Groundman	6.18	.35	1%	.10	1/2%
Head groundman; Head groundman (Chipper); Powdermen; Jackhammermen	6.56	.35	1%	.10	1/2%
Line equipment men	7.52	.35	1%	.10	1/2%
Linemen Polesprayer; Heavy line equipment men; Certified lineman; Welder	8.74	.35	1%	.10	1/2%
Tree trimmer	7.88	.35	1%	.10	1/2%
Cable splicer; Leadman; Pole sprayer	9.68	.35	1%	.10	1/2%
Fresno, Kings, Madera and Tulare Counties					
Line equipment operators	9.86	.50	1%+.70		.05
Linemen	9.86	.50	1%+.70		.05
Cable splicers	10.26	.50	1%+.70		.05
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Linemen	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Groundmen	8.37	.55	1%		.01
Linemen; Technicians	11.16	.55	1%		.01
Cable splicers	12.33	.55	1%		.01
Napa and Solano Counties					
Groundmen	7.54	.58	1%+.30		.03
Line Equipment operators	8.49	.58	1%+.30		.03
Linemen	9.42	.58	1%+.30		.03
Cable Splicers	9.92	.58	1%+.30		.03
MARBLE SETTERS	9.26	.81	.51	1.03	
PAINTERS:					
Butte, Colusa, Glenn, Lassen (except extreme S. E. corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Brush; Roller	5.40	.35	.25	1.05	
Spray; Sandblasters; Structural steel; Swingstages; Tapers	5.65	.35	.25	1.05	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	$8.22	.65	1.20	.80	
Spray; Sheetrock taper; Swing-stage; Scaffold, sandblaster; Structural steel	8.62	.65	1.20	.80	
Fresno, Kings, Madera, Tulare Cos.					
Brush; Tapers	9.32	.40	.20		
Spray; Structural steel	9.57	.40	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties, (excluding portions of Counties in the Lake Tahoe Area)					
Brush	8.27	.64	.65	.80	
Spray	8.52	.64	.65	.80	
Tapers	8.77	.64	.65	.80	
Lake Tahoe Area					
Brush	8.30	.50	.20		
Spray; Structural steel; Tapers	8.55	.50	.20		
Lake, Marin, Mendocino, San Francisco and Sonoma Counties					
Brush	9.07	.64	.65		
Spray	9.32	.64	.65		
Tapers	9.57	.64	.65		
Del Norte, Humboldt Counties					
Brush	6.90	.35	.20		
Paperhangers; Spray; Steel; Tapers	7.15	.35	.20		
Lassen County (that portion that lies Eastward of Hwy. #395, Northward to and including Honey Lake)					
Brush	9.65	.50	.20		
Spray; Structural steel; Tapers	9.90	.50	.20		
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.02	.70	.80	.80	
Spray	10.27	.70	.80	.80	
Tapers	10.72	.70	.80	.80	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Brush	$6.30	.35		.75	.02
Paperhangers; Spray; Tapers	6.55	.35		.75	.02
PAINTERS:					
Parking Lot Striping Work and/or Highway Markers:					
Fresno, Kings and Tulare Cos.					
Traffic delineating device applicator	6.82	.40	.20	b	
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	6.43	.40	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer, traffic surface protective coating applicator, striper)	5.43	.40	.20	b	
Remaining Counties					
Traffic delineating device applicator; Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster	6.82	.35	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer, protecteive coating applicator)	6.32	.35	.20	b	
Striper	7.92	.35	.20	b	
Striper, helper	6.82	.35	.20	b	
PLASTERERS:					
Alameda and Contra Costa Counties	8.94	.645	.58		.03
Butte, Colusa, Glenn, Lassen (South eastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Counties	7.85	.395	.50	1.00	.02
Monterey County	9.60	.71	.35		.01
Fresno, Kings, Madera and Tulare Counties	7.59	.56	.50		
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.65	.245	.25	.65	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS: (Cont'd)					
San Benito and Santa Clara Cos.	$ 7.63	.59	.50	.80	.01
San Francisco County	10.62	.63	1.00		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Lassen, (North western half of Lassen County), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	7.55	.53	.35	1.00	.01
Mariposa, Merced, Stanislaus and Tuolumne Counties	7.50	.65	1.05	1.00	
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	8.50	.55	1.00		
Fresno, Kings and Madera Counties	7.45	.80	1.40		
Marin County	6.66	.65	.65	1.00	
Napa County	6.90	.65		.80	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	6.515	.395	1.35	.70	
San Francisco and San Mateo Cos.	7.30	.50	.65	1.00	
San Benito, Santa Clara and Santa Cruz Counties	9.15	.70	.90		
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.65	.65	1.35	.80	
Stanislaus and Tuolumne Counties	5.65	.65	1.35	.80	
Monterey County	7.55	.80	1.40		
PLUMBERS:					
Alameda County	10.80	.78	1.40		.12
Contra Costa County	11.57	.88	1.50		.16
Del Norte and Humboldt Counties	10.83	.61	1.12	1.06	.05
PLUMBERS; Steamfitters:					
Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties, (excluding Lake Tahoe Area)	11.28	.77	1.30		.11
Lake Tahoe Area	9.89	.58	.60	1.95	.10
Marin, Mendocino, San Francisco, and Sonoma Counties	10.14	1.58	1.00	.985	.10
San Benito and Santa Clara Cos.	11.40	.61	1.39		.14
San Mateo County	10.49	.79	1.39	1.20	.25

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yuba Counties	$10.78	1.15	1.23		.06
Lake, Napa and Solano Counties	11.25	.77	1.40		.12
ROOFERS:					
Alameda and Contra Costa Counties					
Roofers	9.23	.77	.75	.35	.01
Mastic workers; Kettlemen (2 Kettles w/o pumps)	9.48	.77	.75	.35	.01
Bitumastic; Enamelers; Pipe-wrappers; Coal tar built up	10.23	.77	.75	.35	.01
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, and Tuolumne Counties					
Roofers (slate, tile composition and built up)	9.14	.65	.55		
Felt machine operator	9.29	.65	.55		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Roofers	8.54	.65	.40		
Fresno, Kings, Madera and Tulare Counties					
Roofers	8.45	.50	.50		
Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties					
Roofers	8.64	.45	.75	1.25	.04
Mastic workers; Kettlemen (2 Kettles w/o pumps)	8.89	.45	.75	1.25	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	9.64	.45	.75	1.25	.04
Del Norte and Humboldt Counties					
Roofers	8.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	8.20	.45	.60	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
San Francisco and San Mateo Cos.					
Roofers	$ 8.92	.50	.75	.90	.04
Mastic workers and kettlemen (2 kettles) without pumps	9.17	.50	.75	.90	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	9.92	.50	.75	.90	.04
Amador, Sacramento and Yolo Cos.					
Roofers (slate, tile and composition)	8.31	.64	.60		.02
Enameler and pitch	9.31	.64	.60		.02
San Benito and Santa Clara Cos.					
Roofers; Kettlemen (1 kettle)	8.51	.61	1.03		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	9.75	.48	1.40	12%	.02
Alpine, Calaveras and San Joaquin Counties	7.62	.36	.95	1.40	
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	8.46	.48	1.20	12%	.08
Del Norte, Humboldt and Trinity Counties	8.18	.38	.83		
Fresno, Kings, Madera and Tulare Counties	8.05	.38	.69	.80	.07
Lake, Marin, Mendocino and Sonoma Counties	8.55	.36	.44		.15
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.83	.36	.60		.03
Monterey, San Benito, Santa Clara and Santa Cruz Counties	8.45	.38	1.025	.845	
San Francisco County	8.48	.38	.55		10%
San Mateo County	11.10	.48	1.10		.12
Modoc and Siskiyou Counties	8.67	.42	.34		.005
SOFT FLOOR LAYERS:					
Alameda, Contra Costa, Napa and Solano Counties	7.50	.36	.30	.29c	.05
Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (excluding Honey Lake Area), Merced, (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS: (Cont'd)					
Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	$ 8.46	.59	.60	1.00	.07
Honey Lake Area and Lake Tahoe Area	9.25	.50	.20		
Fresno, Kings, Madera, Tulare Counties	8.80	.20			
Lake, Marin, Mendocino, San Francisco, San Mateo and Sonoma Counties	7.80	.60	.55	d	.05
Monterey, San Benito, Santa Clara and Santa Cruz Counties	7.39	.35	.30	.8%	.05
Del Norte and Humboldt Counties	7.20	.40	.50	8%	
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	13.41	.50	.70		.09
Remaining Counties	11.85	.50	.70		.08
STEAMFITTERS:					
Alameda and Contra Costa Counties	10.065	.75	1.25		.12
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, Trinity Counties	8.78	.85	.58	1.00	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.75	.73	.92		.22
TERRAZZO WORKERS' HELPERS:					
Terrazzo workers' helper	7.205	.505	.30		
Base machine operator	7.605	.505	.30		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Siskiyou, Solano, Sonoma and Trinity Counties	$ 8.05	.70	.60	.90	.025
Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties	8.07	.55	.30	1.00	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015
Fresno, Kings, Madera and Tulare Counties	8.27	.40	.35		
Monterey and Santa Cruz Counties	9.35	.795	.73		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service, and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund in 1st year of employment; $.30 per hour after 1 year, but less than 5 years' service; $.40 per hour after 5 years, but less than 10 years' service and $.50 per hour after 10 years' service.

c. 1st year employment employer contributes $.14 per hour to Vacation; 2nd thru 5th year $.30 per hour; 6th year and thereafter $.40 per hour.

d. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation and Holiday Fund.

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POWER EQUIPMENT OPERATORS: DREDGING SCHEDULE 1 CLAMSHELL AND DIPPER DREDGING (New Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1					
Bargeman; Deckhand; Fireman; Oiler					
Area 1	$7.76	.85a	1.37	.60	.14
Area 2	8.42	.85a	1.37	.60	.14
Area 3	8.67	.85a	1.37	.60	.14
Area 4	8.92	.85a	1.37	.60	.14
Group 2					
Deck Engineers; Deck Mate					
Area 1	9.23	.85a	1.37	.60	.14
Area 2	9.89	.85a	1.37	.60	.14
Area 3	10.14	.85a	1.37	.60	.14
Area 4	10.39	.85a	1.37	.60	.14
Group 3					
Welder; Mechanic Welder; Watch Engineer					
Area 1	9.59	.85a	1.37	.60	.14
Area 2	10.25	.85a	1.37	.60	.14
Area 3	10.50	.85a	1.37	.60	.14
Area 4	10.75	.85a	1.37	.60	.14
Group 4					
Clamshell Operator (up to and including 7 cu. yds. m.r.c.) (Long Boom Pay)					
Area 1	10.23	.85a	1.37	.60	.14
Area 2	10.89	.85a	1.37	.60	.14
Area 3	11.14	.85a	1.37	.60	.14
Area 4	11.39	.85a	1.37	.60	.14
Group 4-A					
Clamshell Operator (Over 7 cu. yds. m.r.c.) (Long Boom Pay)					
Area 1	11.20	.85a	1.37	.60	.14
Area 2	11.86	.85a	1.37	.60	.14
Area 3	12.11	.85a	1.37	.60	.14
Area 4	12.36	.85a	1.37	.60	.14

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DREDGING					
SCHEDULE II					
HYDRAULIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING					
Group A-1					
Bargeman; Deckhand; Leveehand; Fireman; Oiler					
Area 1	$7.74	.85*	1.37	.60	.14
Area 2	8.40	.85*	1.37	.60	.14
Area 3	8.65	.85*	1.37	.60	.14
Area 4	8.90	.85*	1.37	.60	.14
Group A-2					
Winchman (stern winch on dredge); Deckmate; Dock Engineer					
Area 1	8.59	.85*	1.37	.60	.14
Area 2	9.25	.85*	1.37	.60	.14
Area 3	9.50	.85*	1.37	.60	.14
Area 4	9.75	.85*	1.37	.60	.14
Group A-3					
Watch Engineer; Welder; Welder Mechanic					
Area 1	9.18	.85*	1.37	.60	.14
Area 2	9.84	.85*	1.37	.60	.14
Area 3	10.09	.85*	1.37	.60	.14
Area 4	10.34	.85*	1.37	.60	.14
Group A-4					
Leverman; Clamshell Operator					
Area 1	9.94	.85*	1.37	.60	.14
Area 2	10.60	.85*	1.37	.60	.14
Area 3	10.85	.85*	1.37	.60	.14
Area 4	11.10	.85*	1.37	.60	.14

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Tow Boats (Dredging): Work on self-propelled vessels (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transportation by water of personnel, materials, equipment and supplies					
Deckhand/Mechanic					
Area 1	$8.13	.64	1.24	1.00	
Area 2	8.63	.64	1.24	1.00	
Area 3	8.88	.64	1.24	1.00	
Area 4	9.13	.64	1.24	1.00	
Deckhand/Mechanic (Continuous Service Vessels)					
Area 1	8.13	.64	1.24	1.00	
Area 2	8.63	.64	1.24	1.00	
Area 3	8.88	.64	1.24	1.00	
Area 4	9.13	.64	1.24	1.00	
Operator/Mechanic; Watch Engineer					
Area 1	9.03	.57	1.36	1.00	
Area 2	9.53	.57	1.36	1.00	
Area 3	9.78	.57	1.36	1.00	
Area 4	10.03	.57	1.36	1.00	
Operator/Mechanic; Watch Engineer (Continuous Service Vessels)					
Area 1	9.03	.57	1.36	1.00	
Area 2	9.53	.57	1.36	1.00	
Area 3	9.78	.57	1.36	1.00	
Area 4	10.03	.57	1.36	1.00	

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Building and Heavy Construction Tow Boats (Dredging): Work on self-propelled vessels (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transportation by water of personnel, materials, equipment and supplies					
Deckhands					
Area 1	$ 7.15	.52	.84	1.00	
Area 2	7.68	.52	.84	1.00	
Area 3	7.93	.52	.84	1.00	
Area 4	8.18	.52	.84	1.00	
Boat Operators	8.00	.45	.93	1.00	

FOOTNOTES:
Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California.

Area 1 - Up to 20 road miles from said Centers.
Area 2 - More than 20 road miles to and including 30 road miles from said Centers.
Area 3 - Outside of 30 road miles from said Centers.
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe.

*Includes $.13 to Pensioned Health and Welfare Fund.

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver, Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 7.795	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	7.89	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	7.905	1.195	.65	1.00	
LIFT JITNEYS, Fork lift	7.925	1.195	.65	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	7.945	1.195	.65	1.00	
TRUCK REPAIRMAN HELPER	7.965	1.195	.65	1.00	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (UNDER 3,500 gals)	$ 7.975	1.195	.65	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	7.99	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	8.005	1.195	.65	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	8.045	1.195	.65	1.00	
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	8.055	1.195	.65	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	8.065	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level) Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	8.09	1.195	.65	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	8.105	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (high bed)	8.11	1.195	.65	1.00	

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROSS HYSTER and SIMILAR STRADDLE CARRIER	$8.135	1.195	.65	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	8.145	1.195	.65	1.00	
VACUUM TRUCK (5,500 gals and under 7,500 gals.)	8.155	1.195	.65	1.00	
JETTING TRUCK and WATER TRUCK (5,000 gals. & under 7,000 gals.)	8.205	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	8.245	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and incl. 12 yds. water level); Dump (8 yds. and incl. 12 yds. water level); Dumpcrete (8 yds. and incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and incl. 12 yds. water level); Dumpster (8 yds. and incl. 12 yds. water level)	8.33	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	8.34	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	8.345	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and incl. 18 yds. water level); Dump (over 12 yds. and incl. 18 yds. water level); Dumpcrete (over 12 yds. and incl. 18 yds. water level); Dumpster (over 12 yds. and incl. 18 yds. water level); Skids (debris box, over 12 yds. and incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and incl. 18 yds. water level)	8.37	1.195	.65	1.00	

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TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	$ 8.43	1.195	.65	1.00	
TRUCK REPAIRMAN	8.465	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	8.475	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-puls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	8.53	1.195	.65	1.00	

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TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 8.68	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	8.83	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	8.98	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level), Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level);					

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$9.13	1.195	.65	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS					
GROUP 1:	$6.785	.80	1.40	.90	.10
GROUP 1(a):	7.01	.80	1.40	.90	.10
GROUP 1(b):	6.835	.80	1.40	.90	.10
GROUP 1(c):	7.335	.80	1.40	.90	.10
GROUP 1(d):	6.985	.80	1.40	.90	.10
GROUP 2:	6.635	.80	1.40	.90	.10
GROUP 3:	6.535	.80	1.40	.90	.10
LABORERS (Gunite)					
GROUP 1: Nozzleman (incl. Gunman; Potman); Rodman; Groundman	7.245	.80	1.40	.90	.10
GROUP 2: Reboundman	6.635	.80	1.40	.90	.10
GROUP 3: General Laborer	6.535	.80	1.40	.90	.10
LABORERS (Tunnel & Shaft Work)					
GROUP 1:	8.195	.80	1.40	.90	.10
GROUP 2:	7.915	.80	1.40	.90	.10
GROUP 3:	7.745	.80	1.40	.90	.10
GROUP 4:	7.635	.80	1.40	.90	.10
LABORERS (Wrecking Work)					
GROUP 1:	6.785	.80	1.40	.90	.10
GROUP 2:	6.635	.80	1.40	.90	.10
GROUP 3:	6.535	.80	1.40	.90	.10
POWER EQUIPMENT OPERATORS (Piledriving)					
GROUP 1:	7.83	.85*	1.05	.60	.24
GROUP 1(a):	8.13	.85*	1.05	.60	.24
GROUP 1(b):	8.27	.85*	1.05	.60	.24
GROUP 2:	8.84	.85*	1.05	.60	.24
GROUP 2(a):	9.03	.85*	1.05	.60	.24
GROUP 3:	9.30	.85*	1.05	.60	.24
GROUP 3(a):	9.65	.85*	1.05	.60	.24
GROUP 4:	10.15	.85*	1.05	.60	.24
GROUP 5:	10.28	.85*	1.05	.60	.24

LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trench-jacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Rototiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction Laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, Maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Tunnel and Shaft Work)

GROUP 1: Diamond Driller; Groundmen; Gunite or Shotcrete Nozzlemen; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

GROUP 2: Bit Grinder; Blaster, Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headerman; High Pressure Nozzlemen; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable); Steel Form Raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

GROUP 3: Cabletender; Chucktender; Powderman-primer house; Vibratormen, Pavement Breakers

GROUP 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Reboundmen; Swamper

LABORERS (Wrecking Work)

GROUP 1: Skilled wrecker (Removing and salvaging of sash, windows, doors, plumbing and electric fixtures

GROUP 2: Semi-skilled wrecker (Salvaging of other building materials)

GROUP 3: General laborer (Includes all cleanup work, loading, lumber, loading and burning of debris)

POWER EQUIPMENT OPERATORS
(Piledriving)

GROUP 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

GROUP 1-A: Compressor Operator

GROUP 1-B: Truck Crane Oiler

GROUP 2: Tugger Hoist (hoisting material only)

GROUP 2-A Compressor operator (2-7); Generator (100 K. W. or over); Pump (2-7); Welding Machine (2-7) powered other than by electricity)

GROUP 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom Type Lifting Device

GROUP 3-A: Heavy Duty Repairman and/or Welder

GROUP 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered crane piledriver (w/o boiler) up to and incl. 1 cu. yd.; Truck Crane (up to and incl. 25 tons hoisting material only)

GROUP 5: Operator of Diesel or Gasoline powered Crane Piledriver without boiler, over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type driver (Raymond or similar type); Truck Crane (over 25 tons hoisting material or performing piledriving work)

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Apr. Tr.
	AREA 1	AREA 2				
GROUP 1:	$ 7.76	$9.03	.85*	1.05	.60	.24
GROUP 2:	8.08	9.35	.85*	1.05	.60	.24
GROUP 3:	8.27	9.54	.85*	1.05	.60	.24
GROUP 4:	8.77	10.04	.85*	1.05	.60	.24
GROUP 5:	8.96	10.23	.85*	1.05	.60	.24
GROUP 6:	9.09	10.36	.85*	1.05	.60	.24
GROUP 7:	9.23	10.50	.85*	1.05	.60	.24
GROUP 8:	9.59	10.86	.85*	1.05	.60	.24
GROUP 9:	9.79	11.06	.85*	1.05	.60	.24
GROUP 10:	9.97	11.24	.85*	1.05	.60	.24
GROUP 10-A:	10.07	11.34	.85*	1.05	.60	.24
GROUP 11:	10.23	11.50	.85*	1.05	.60	.24
GROUP 11-A:	11.20	12.47	.85*	1.05	.60	.24
GROUP 11-B:	11.45	12.72	.85*	1.05	.60	.24
GROUP 11-C:	11.71	12.98	.85*	1.05	.60	.24

* Includes 13c to Pensioned Health and Welfare Fund

POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multipurpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Sidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

POWER EQUIPMENT OPERATORS (AREAS I & II) (Cont'd)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Garries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS I & II) (Cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N,range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 13W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N,
into the Pacific Ocean.
Area 1 also includes that portion of Northern California
included within the following line:
Commencing at the Northerly boundary of the state of
California at the N.W. corner of township 48N, range 7W,
Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W,
on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of
California to the point of beginning.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA75-5053

DATE: Date of Publication

Supersedes Decision No. CA75-5016 dated February 7, 1975, in 40 FR 6005

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.05	.90	.65	1.07	.06
BOILERMAKERS	9.95	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	10.02	.90	.58	1.00	
Alameda and Contra Costa Counties	10.15	.85	.95		.15
Fresno, Mariposa and Merced Cos.	9.07	.48	.85		
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.75	.73	.92		.22
Monterey and Santa Cruz Counties	9.75	.88	1.00	.75	
San Benito and Santa Clara Cos.	10.15	.85	.95		.15
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	9.20	.55	.60	1.00	
BRICK TENDERS:					
Alameda and Contra Costa Counties	7.70	.55	.95		.10
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	8.61	.70	.90		
San Francisco and San Mateo Cos.	8.05	.50	.65		
Shasta and Tehama Counties	5.65	.65	1.35	.80	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Cos.	7.70	.80	1.40		
Fresno County	7.40	.80	1.40		
CARPENTERS:					
Carpenters	10.00	.72	1.15	.75	.04
Hardwood floor layers; Power saw operators; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	10.15	.72	1.15	.75	.04
Piledrivermen; Bridge, wharf and dock builders	10.13	.60	.85	.75	.04
Millwrights	10.50	.72	1.15	.75	.04

DECISION NO. CA75-5053

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Cement Masons	$ 8.46	.90	1.25	1.25	.05
Mastic; Magnesite; All Comp. Masons	8.71	.90	1.25	1.25	.05
Men working from swinging or slip form scaffolds	8.71	.90	1.25	1.25	.05
DRYWALL INSTALLERS	10.27	.60	.85	.75	.07
ELECTRICIANS:					
Alameda County					
Electricians	9.845	.70	4%		
Cable Splicers	11.07	.70	4%		
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed					
Electricians	9.94	.60	1% + .65		.045
Cable Splicers	10.93	.60	1% + .65		.045
Lake Tahoe Area					
Electricians	10.34	.53	1% + .55		.03
Cable Splicers	11.37	.53	1% + .55		.03
Shasta and Tehama Counties					
Electricians (Family residences, limited to 3 stories)	7.08	.60	1% + .40		.005
Electricians (4 stories):					
Electricians	9.84	.60	1% + .40		.005
Cable Splicers	10.82	.60	1% + .40		.005
Calaveras and San Joaquin Cos.					
Electricians	9.00	.49	1%		.01
Cable Splicers	10.13	.49	1%		.01
Contra Costa County					
Electricians	9.80	.60	1% + .50		.02
Cable Splicers	11.05	.60	1% + .50		.02
Del Norte and Humboldt Counties					
Electricians	9.50	.47	1% + .35		.01
Cable Splicers	10.26	.47	1% + .35		.01
Fresno County					
Electricians (Family residences, not to exceed 2 stories)	7.53	.50	1% + .70		.05
Electricians (3-4 stories):					
Electricians	9.86	.50	1% + .70		.05
Cable Splicers	10.26	.50	1% + .70		.05
Marin and Sonoma Counties					
Electricians	9.50	.61	1% + .20		.02
Cable Splicers	10.45	.61	1% + .20		.02

DECISION NO. CA75-5053

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Mariposa, Merced and Tuolumne Counties					
Electricians	$ 9.83	.62	1%		1%
Cable Splicers	10.61	.62	1%		1%
Monterey County					
Electricians	11.15	.55	1%		.01
Cable Splicers	12.32	.55	1%		.01
Napa and Solano Counties					
Electricians	9.67	.58	1% + .60		.04
Cable Splicers	10.17	.58	1% + .60		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	10.70	.52	1% + .60		.02
Cable Splicers	12.04	.52	1% + .60		.02
San Francisco County					
Electricians	10.67	.705	1% + .50		.04
Cable Splicers	12.00	.705	1% + .50		.04
San Mateo County					
Electricians	10.55	.69	1% + .35		.03
ELEVATOR CONSTRUCTORS	10.70	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston), Counties	7.77	.25	.55	8%	
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E of Fairfield), Sonoma Cos.	9.135	.60	.83		.01
Merced (remainder of County) and Fresno County	7.68	.41	.55	.66	.05
Del Norte and Humboldt Counties	6.48	.35	.50	6.4 %	
IRONWORKERS:					
Fence Erectors	8.89	.88	.1375	1.03	.03
Reinforcing	9.78	.88	.1375	1.03	.03
Ornamental; Structural	9.78	.88	.1375	1.03	.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS:					
Alameda and Contra Costa Counties	$ 9.81	.74	.715		.025
Humboldt, Nevada, Placer, Shasta and Tehama Counties	9.10	.48	.50		.01
Amador, El Dorado, Sacramento and Yolo Counties	8.15	.395	.70	1.00	
Calaveras and San Joaquin Counties	8.90	.58	.55		
Marin and Sonoma Counties	8.14	.40	.45	1.00	1/8%
Monterey and Santa Cruz Counties	9.45	.58	.50	.95	.01
Napa and Solano Counties	8.88	.65	.40		.01
San Francisco and N 1/2 of San Mateo County	10.08	.46	.65	1.00	.01
San Benito and Santa Clara Cos.	10.14	.73	.75		
Fresno County	9.83	.35	.45		
Mariposa, Merced and Tuolumne Counties	8.50				.01
Southern Half of San Mateo County	10.03	.32	1.00		
PAINTERS:					
Shasta, Sutter, Tehama and Yuba Counties					
Brush; Roller	5.40	.35	.25	1.05	
Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	5.65	.35	.25	1.05	
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	8.22	.65	1.20	.80	
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel	8.62	.65	1.20	.80	
Fresno County					
Brush; Tapers	9.32	.40	.20		
Spray; Structural Steel	9.57	.40	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Cos. (excluding portions of the Lake Tahoe Area)					
Brush	8.27	.64	.65	.80	
Spray	8.52	.64	.65	.80	
Tapers	8.77	.64	.65	.80	
Lake Tahoe Area					
Brush	8.30	.50	.20		
Spray; Structural Steel; Tapers	8.55	.50	.20		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Marin, San Francisco and Sonoma Counties					
Brush	$ 9.07	.64	.65		
Spray	9.32	.64	.65		
Tapers	9.57	.64	.65		
Del Norte and Humboldt Counties					
Brush	6.90	.35	.20		
Paperhangers; Spray; Tapers	7.15	.35	.20		
Mariposa, Merced and Tuolumne Counties					
Brush	6.30	.35		.75	
Paperhangers; Spray; Tapers	6.55	.35		.75	
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.02	.70	.80	.80	
Spray	10.27	.70	.80	.80	
Tapers	10.72	.70	.80	.80	
PLASTERERS:					
Alameda and Contra Costa Counties	8.94	.645	.58		.03
Sutter and Yuba Counties	7.85	.395	.50	1.00	.02
Fresno County	7.59	.56	.50		
Monterey County	9.60	.71	.35		.01
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.65	.245	.25	.65	
San Benito and Santa Clara Cos.	7.63	.59	.50	.80	.01
San Francisco County	10.62	.63	1.00		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Counties	7.55	.53	.35	1.00	.01
Mariposa, Merced and Tuolumne Cos.	7.50	.65	1.05	1.00	
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	8.50	.55	1.00		
Fresno County	7.45	.80	1.40		
Marin County	6.66	.65	.65	1.00	
Napa County	6.90	.65		.80	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	6.515	.395	1.35	.70	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS' TENDERS: (Cont'd)					
San Francisco and San Mateo Cos.	$ 7.30	.50	.65	1.00	
San Benito, Santa Clara and Santa Cruz Counties	9.15	.70	.90		
Monterey County	7.55	.80	1.40		
Shasta and Tehama Counties	5.65	.65	1.35	.80	
Tuolumne County	5.65	.65	1.35	.80	
PLUMBERS:					
Alameda County	10.80	.78	1.40		.12
Contra Costa County	11.57	.88	1.50		.16
Del Norte and Humboldt Counties	10.83	.61	1.12	1.06	.05
PLUMBERS; Steamfitters:					
Amador (Northern half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	11.28	.77	1.30		.11
Lake Tahoe Area	9.69	.58	.60	1.95	.10
Marin, San Francisco and Sonoma Counties	10.14	1.58	1.00	.985	.10
San Benito and Santa Clara Cos.	11.40	.61	1.39		.14
San Mateo County	10.49	.79	1.39	1.20	.25
Alpine, Amador (Southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties	10.78	1.15	1.23		.06
Napa and Solano Counties	11.25	.77	1.40		.12
ROOFERS:					
Alameda and Contra Costa Counties					
Roofers	9.23	.77	.75	.35	.01
Mastic workers; Kettlemen (2 kettles w/o pumps)	9.48	.77	.75	.35	.01
Bitumastic; Enamelers; Pipe-wrapper; Coal tar built up	10.23	.77	.75	.35	.01
Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties					
Roofers (slate, tile composition and built up)	9.14	.65	.55		
Felt machine operator	9.29	.65	.55		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
El Dorado, Placer, Shasta, Sutter and Yuba Counties					
Roofers	$ 8.54	.65	.40		
Fresno County					
Roofers	8.45	.50	.50		
Marin, Napa, Solano and Sonoma Counties					
Roofers	8.64	.45	.75	1.25	.04
Mastic workers; Kettlemen (2 kettles w/o pump)	8.89	.45	.75	1.25	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	9.64	.45	.75	1.25	.04
Del Norte and Humboldt Counties					
Roofers	8.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	8.20	.45	.60	1.00	
San Francisco and San Mateo Cos.					
Roofers	8.92	.50	.75	.90	.04
Mastic workers and kettlemen (2 kettles) without pumps	9.17	.50	.75	.90	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	9.92	.50	.75	.90	.04
Amador, Sacramento and Yolo Cos.					
Roofers	8.31	.64	.60		.02
Enameler and pitch	9.31	.64	.60		.02
San Benito and Santa Clara Cos.					
Roofers; Kettlemen (1 kettle)	8.51	.61	1.03		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Napa and Solano Counties	9.75	.48	1.40	12%	.02
Alpine, Calaveras and San Joaquin Counties	7.62	.36	.95	1.40	
Amador, El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	8.46	.48	1.20	12%	.08
Fresno County	8.05	.38	.69	.80	.07
Del Norte and Humboldt Counties	8.18	.38	.83		
Marin and Sonoma Counties	8.55	.36	.44		.15
Mariposa, Merced and Tuolumne Cos.	8.83	.36	.60		.03
Monterey, San Benito, Santa Clara and Santa Cruz Counties	8.45	.38	1.025	.845	
San Francisco County	8.48	.38	.55		10%
San Mateo County	11.10	.48	1.10		.12

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS:					
Alameda, Calaveras, Contra Costa, Napa and Solano Counties	$ 7.50	.36	.30	29b	.05
Alpine, Amador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Shasta, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area)	8.46	.59	.60	1.00	.07
Lake Tahoe Area	9.25	.50	.20		
Fresno County	8.80	.20			
Marin, San Francisco, San Mateo, and Sonoma Counties	7.80	.60	.55	c	.05
Monterey, San Benito, Santa Clara and Santa Cruz Counties	7.39	.35	.30	.89	.05
Del Norte and Humboldt Counties	7.20	.40	.50	8%	
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	13.41	.50	.70		.09
Remaining Counties	11.85	.50	.70		.08
STEAMFITTERS:					
Alameda and Contra Costa Counties	10.065	.75	1.25		.12
Del Norte and Humboldt Counties	11.13	.61	1.12	1.06	.05
TERRAZZO WORKERS					
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	8.78	.85	.58	1.00	
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.75	.73	.92		.22
TERRAZZO WORKERS' HELPERS:					
Terrazzo workers' helper	7.205	.505	.30		
Base machine operator	7.605	.505	.30		
TILE SETTERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	8.05	.70	.80	.90	.025

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS: (Cont'd)					
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	$ 8.07	.55	.30	1.00	
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015
Fresno County	8.27	.40	.35		
Monterey and Santa Cruz County	9.35	.795	.73		
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. 1st year employment employer contributes $.14 per hour to Vacation; 2nd year thru 5th year $.30 per hour; 6th year and thereafter $.46 per hour.

c. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation Fund.

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver, Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Kipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team Drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 7.795	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	7.89	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	7.905	1.195	.65	1.00	
LIFT JITNEYS, Fork lift	7.925	1.195	.65	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	7.945	1.195	.65	1.00	
TRUCK REPAIRMAN HELPER	7.965	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (UNDER 3,500 gals)	$ 7.975	1.195	.65	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	7.99	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	8.005	1.195	.65	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	8.045	1.195	.65	1.00	
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	8.055	1.195	.65	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	8.065	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	8.09	1.195	.65	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	8.105	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (high bed)	8.11	1.195	.65	1.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROSS HYSTER and SIMILAR STRADDLE CARRIER	$8.135	1.195	.65	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	8.145	1.195	.65	1.00	
VACUUM TRUCK (5,500 gals and under 7,500 gals.)	8.155	1.195	.65	1.00	
JETTING TRUCK and WATER TRUCK (5,000 gals. & under 7,000 gals.)	8.205	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	8.245	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and incl. 12 yds. water level); Dump (8 yds. and incl. 12 yds. water level); Dumpcrete (8 yds. and incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and incl. 12 yds. water level); Dumpster (8 yds. and incl. 12 yds. water level)	8.33	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	8.34	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	8.345	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and incl. 18 yds. water level); Dump (over 12 yds. and incl. 18 yds. water level); Dumpcrete (over 12 yds. and incl. 18 yds. water level); Dumpster (over 12 yds. and incl. 18 yds. water level); Skids (debris box, over 12 yds. and incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and incl. 18 yds. water level)	8.37	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	$ 8.43	1.195	.65	1.00	
TRUCK REPAIRMAN	8.465	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & ipcl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	8.475	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-puls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	8.53	1.195	.65	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 8.68	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	8.83	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	8.98	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level);					

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$9.13	1.195	.65	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
GROUP 1:	$6.785	.80	1.40	.90	.10
GROUP 1(a):	7.01	.80	1.40	.90	.10
GROUP 1(b):	6.835	.80	1.40	.90	.10
GROUP 1(c):	7.335	.80	1.40	.90	.10
GROUP 1(d):	6.985	.80	1.40	.90	.10
GROUP 2:	6.635	.80	1.40	.90	.10
GROUP 3:	6.535	.80	1.40	.90	.10
LABORERS (Gunite)					
GROUP 1:	7.245	.80	1.40	.90	.10
GROUP 2:	6.655	.80	1.40	.90	.10
GROUP 3:	6.535	.80	1.40	.90	.10

LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trench-jacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Roto-tiller; Sandblasters, potmen, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TWN-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Gunite)

GROUP 1: Nozzleman (incl. Gunman, Potman); Rodmen; Groundman

GROUP 2: Reboundman

GROUP 3: General laborers

POWER EQUIPMENT OPERATORS Except Piledriving and Steel Erection)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Apr. T
	AREA 1	AREA 2				
GROUP 1:	$ 7.76	$9.03	.85*	1.05	.60	.24
GROUP 2:	8.08	9.35	.85*	1.05	.60	.24
GROUP 3:	8.27	9.54	.85*	1.05	.60	.24
GROUP 4:	8.77	10.04	.85*	1.05	.60	.24
GROUP 5:	8.96	10.23	.85*	1.05	.60	.24
GROUP 6:	9.09	10.36	.85*	1.05	.60	.24
GROUP 7:	9.23	10.50	.85*	1.05	.60	.24
GROUP 8:	9.59	10.86	.85*	1.05	.60	.24
GROUP 9:	9.79	11.06	.85*	1.05	.60	.24
GROUP 10:	9.97	11.24	.85*	1.05	.60	.24
GROUP 10-A:	10.07	11.34	.85*	1.05	.60	.24
GROUP 11:	10.23	11.50	.85*	1.05	.60	.24
GROUP 11-A:	11.20	12.47	.85*	1.05	.60	.24
GROUP 11-B:	11.45	12.72	.85*	1.05	.60	.24
GROUP 11-C:	11.71	12.98	.85*	1.05	.60	.24

* Includes 13¢ to Pensioned Health and Welfare Fund

POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsmen (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

POWER EQUIPMENT OPERATORS (AREAS I & II) (CONT'D)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclain station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS I & II) (cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 13N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: IOWA

COUNTY: BENTON, IOWA, JOHNSON (EXCLUDING IOWA CITY), KEOKUK, MAHASKA, POWESHIEK, TAMA, & WASHINGTON

DECISION NO.: IA75-4081

DATE: DATE OF PUBLICATION

Supersedeas Decision No. IA75-4066, dated March 21, 1975, in 40-FR-12981

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Zone I-Keokuk	$6.55	.31			
Zone II -Benton, Iowa, Johnson, Mahaska, Poweshiek, Tama & Washington	5.25				
CEMENT MASONS	4.49				
LABORERS:					
Unskilled:					
Zone I-Keokuk	5.10				
Zone II-Benton, Iowa, Johnson, Mahaska, Poweshiek, Tama & Washington	3.59				
POWER EQUIPMENT OPERATORS:					
Asphalt plants	3.00				
Bulldozers, cranes, derricks, draglines	6.30	.40	.30		.03
Backhoes	5.17				
Front end loaders	4.58				
Mechanics	5.13				
Motor patrols, finish	5.71				
Motor patrols, rough	4.60	.40	.20		.01
Scrapers, self-loading	4.72				
Slip-form paver	4.80	.40	.20		.01
TRUCK DRIVERS:					
Single axle	3.80	.20			
Tandem	3.90	.20			

SUPERSEDEAS DECISION

STATE: Michigan

COUNTIES: Charlevoix, Emmet, Grand Traverse, Leelanau and Mason

DECISION NUMBER: MI75-2049

DATE:ODate of Publication

Supersedeas Decision Nos. AR-3108, AR-3111, AR-3116, and AR-3122 dated August 16, 1974 in 39 FR 29803, 39 FR 29814, 39 FR 29830 and 39 FR 29850 respectively

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories and Heavy Construction (excluding Bridge, Airport and Sewer Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.31	.66	.95		.02
BOILERMAKERS	9.69	.60	1.00	1.00	.01
BRICKLAYERS:					
Charlevoix and Emmet Counties	8.40	.60			
Grand Traverse and Leelanau Counties	7.94	.40	.25		
Mason County	8.20	.40	.25		
CARPENTERS:					
Mason County					
Carpenters	8.40	.50	.40		.01
Millwrights	9.30	.50	.40		.01
Piledrivers	8.80	.50	.40		.01
Remaining Counties					
Carpenters	7.47	.50	.40		.02
Millwrights	7.97	.50	.40		.02
Piledrivers	7.92	.50	.40		.02
CEMENT MASONS:					
Charlevoix and Emmet Counties	7.95	.60			
Grand Traverse and Leelanau Counties	7.49	.40	.25		
Mason County	8.20	.40	.25		
ELECTRICIANS:					
Charlevoix, Emmet, Grand Traverse, Leelanau and the Townships of Grant, Freesoil, and Meade in Mason County	8.90	.40	1% + .15		1/2%
Remainder of Mason County	8.86	.40	1% + .15		.01
Remaining Counties	7.45	.40	1% + .15		.01
ELEVATOR CONSTRUCTORS	8.12	.39	.26	2-1/2%	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.39	.26	2-1/2%	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Structural, Ornamental and Reinforcing	9.35	.50	.50		.03
LATHERS	7.85	.54	.10	.50	.01
MARBLE SETTERS:					
Charlevoix and Emmet Counties	8.40	.60			
Grand Traverse and Leelanau Counties	7.94	.40	.25		
PAINTERS:					
Mason County					
Brush	6.75				
Spray	7.50				

DECISION NO. MI75-2049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (CONT'D.)					
Grand Traverse and Leelanau Counties and that portion of Charlevoix County lying south of a straight drawn from Charevoix (City) to Elmira					
Brush	$6.53	.42			.02
Paperhangers	7.03	.42			.02
Spray; Tapers	7.13	.42			.02
PLASTERERS:					
Charlevoix and Emmet Counties	8.40	.60			
Grand Traverse and Leelanau Counties	7.94	.40	.25		
Mason County	8.20	.40	.25		
PLUMBERS; STEAMFITTERS					
Mason County	9.04	.71	.60		
Remaining Counties	8.87	.40	.40		.06
ROOFERS:					
Mason County					
Composition	7.85				
Slate and Tile	8.10				
Remaining Counties	7.45				
SHEET METAL WORKERS:					
Mason County	7.70	.52	.40	.67	
Remaining Counties	8.94	.40	.33	.95	.05
SPRINKLER FITTERS	9.65	.50	.70		.08
TILE AND TERRAZZO WORKERS:					
Charlevoix and Emmet Counties	8.40	.60			
Mason County	8.20	.40	.25		
TRUCK DRIVERS					
Mason County					
Pick-up	5.87	12.00a			
Flat bed and dump	5.97	12.00a			

FOOTNOTE:

a. Per week; Per employee

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. MI75-2049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Mason County					
GROUP 1	$ 5.61	.40	.30		.04
GROUP 2	5.76	.40	.30		.04
GROUP 3	6.06	.40	.30		.04
GROUP 4	5.86	.40	.30		.04
GROUP 5	6.01	.40	.30		.04
GROUP 6	5.96	.40	.30		.04
Remaining Counties					
GROUP 1	5.50	.40	.30		.04
GROUP 2	5.65	.40	.30		.04
GROUP 3	5.80	.40	.30		.04

CLASSIFICATIONS

MASON COUNTY

GROUP 1 - All Building and Heavy Construction Laborers not specified in Groups 2 through 6 below
GROUP 2 - Plasterer and Mason Tenders; Mortar Mixers; Material Mixers; All Power Tools; Vibrator; Chain Sawers, Nozzleman; Green Cut Concrete Work
GROUP 3 - Jackhammer and Acetylene and Porpane Torch; Windlass and tugger Operators; Wing Scaffold; Chimneys; Tower, Crane Scaffold Labor
GROUP 4 - Work on Scaffold 30 feet in height or more
GROUP 5 - Plasterers Tenders - machine pumped
GROUP 6 - Pipe or Crock Layers

REMAINING COUNTIES

GROUP 1 - Building and Heavy Construction Laborers
GROUP 2 - Mortar Mixers; Material Mixers (hand or machine); Vibrator Operators; Operators of Concrete Mixers; Chipping Hammers; Concrete BBreakers (90 lb. hammer or less); Tamping Machine (air, gas or electric); Sandblasters; Operators of Motor Driven Buggies; Plaster Mixers; Plasterers Tenders; Sewer, Caisson Workers, Layer of non-metallic pipe
GROUP 3 - Cement Gun Nozzlemen; Blasterers; Rock Drillers and Buster Operators

DECISION NO. MI75-2049

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
CLASS A	$10.30	.55	.65		.05
CLASS B	10.05	.55	.65		.05
CLASS C	9.80	.55	.65		.05
CLASS D	9.55	.55	.65		.05
CLASS E	9.45	.55	.65		.05
CLASS F	8.40	.55	.65		.05
CLASS G	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick

CLASS C Regular equipment operator, crane, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic, and head grease man

CLASS D Air tugger (single drum); material hoist; fork truck; boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment

CLASS E Pumps, 6" or over; well points; freeze systems

CLASS F Air compressor; generators; conveyors; pumps under 6"; grease man

CLASS G Oiler; fireman; heater operator

DECISION NO. MI75-2049

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$ 10.65	.55	.65		.05
CLASS B	10.40	.55	.65		.05
CLASS C	10.15	.55	.65		.05
CLASS D	9.90	.55	.65		.05
CLASS E	8.75	.55	.65		.05
CLASS F	7.70	.55	.65		

CLASSIFICATIONS

CLASS A Crane operator, with main boom and jib 220' or longer

CLASS B Crane operator, with main boom and jib 140' or longer; tower cranes; gantry cranes; whirley derrick

CLASS C Regular equipment operator, crane, dozer, loader, hoist, straddle wagon; job mechanic

CLASS D Air tugger (single drum); material hoist, pump 6" or over

CLASS E Air compressor; generators; conveyors

CLASS F Oiler and Fireman

DECISION NO. MI75-2049

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen; Heavy Equipment Operator	$ 7.88	.35	1%		1/4%
Cable Splicer	8.21	.35	1%		1/4%
Combination Digger Oper., Tractor Operator; First six months	5.73	.35	1%		1/4%
Over Six Over six month	6.18	.35	1%		1/4%
Light Equipment Oper. - Groundman; Distribution Line Truck Driver Operator Groundman					
First Six Months	4.99	.35	1%		1/4%
Over Six Months	5.43	.35	1%		1/4%
Combination Winch Truck Driver Groundman					
First Six Months	4.55	.35	1%		1/4%
Over Six Months	5.19	.35	1%		1/4%
Combination Truck Driver Groundman	4.40	.35	1%		1/4%

SUPERSEDEAS DECISION

STATE: Michigan

COUNTIES: Bay, Genesee, Huron, Lapeer, Saginaw, St. Clair, Sanilac, Shiawassee and Tuscola

DECISION NO: MI75-2061

DATE: Date of Publication

Supersedes Decision Numbers: AR-3112 and AR-3109 dated August 16, 1974 in 39 FR 29817 and 39 FR 29807 and Decision Number: AR-3148 dated October 11, 1974 in 39 FR 36754 and AR-3165 dated October 18, 1974, in 39 FR 37341

DESCRIPTION OF WORK: Building (excluding single family homes and garden-type apartments up to and including 4 stories) and Heavy (excluding Bridge, Airport and Sewer) Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
St. Clair County	$10.32	.84	1.06		
Remaining Counties	9.31	.66	.95		.02
BOILERMAKERS	9.69	.60	1.00		.01
BRICKLAYERS:					
Genesee, Lapeer & Shiawassee Cos.	9.60	.40	.75		
St. Clair & Sanilac Counties	9.37	.56	.37	.56	
Remaining Counties	9.02	.50	.50		
CARPENTERS; PILEDRIVERS:					
Sanilac (except the West five miles) and St. Clair Counties	9.3474	.60	8%	10%	.02
Remaining Counties and the West five miles of Sanilac Co.	8.74	.50	.40		.01
CEMENT MASONS:					
Genesee & Shiawassee Counties	8.15	.30	.18		.02
Lapeer County	8.25	.40	.75		
St. Clair and Sanilac Counties	8.70	.56	.37	.56	
Remaining Counties	8.27	.50	.50		
ELECTRICIANS					
Bay County	10.15	.40	1%+.30		3%
Genesee, Lapeer and Shiawassee Cos	10.00	.40	1%+.45		.01
Saginaw and Tuscola Counties	10.60		1%+.30		3%
Remaining Counties	10.15	1.35	1%+.80		.06
ELEVATOR CONSTRUCTORS:					
St. Clair County					
Elevator Constructors	10.52	.445	.29	3%	.02
Elevator Constructors' helpers	7.36	.445	.29	3%	.02
Elevator Constructors' Helpers (Probationary)	5.26				
Remaining Counties					
Elevator Constructors	9.735	.445	.29	3%	.02
Elevator Constructors' Helpers	6.81	.445	.29	3%	.02
Elevator Constructors' Helpers (Probationary)	4.87				
IRONWORKERS:					
Structural and Ornamental	9.03	8%	1.6	17%	.07
Reinforcing	8.3857	.75	15%	15%	.03
LATHERS	7.85	.54	.10	.50	.01
MARBLE, TILE & TERRAZZO WORKERS:					
Genesee, Lapeer & Shiawassee	8.89	.40	.75		

DECISION NO. MI75-2061

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE, TILE & TERRAZZO WORKERS (CONT'D)					
St. Clair & Sanilac Counties					
Marble Workers	$ 9.53	.35	.55	.70	
Terrazzo Workers	8.85	.35	.55	70	
Remaining Counties	8.90				
MARBLE SETTERS' HELPERS					
St. Clair & Sanilac Counties	8.25	.35	.55	.70	
PAINTERS:					
Bay County, Huron County (West of M-53) and the townships of Akron, Almer, Columbia, Elkland, Ellington, Elmwood, Fairgrove, Gilford, Novesta, and Wisner in Tuscola County					
Brush	7.50	.42	.40		
Spray	8.30	.42	.40		
Saginaw County and Remainder of Tuscola County					
Brush	8.10		.35		.01
Spray	8.85		.35		.01
Genesee, Lapeer & Shiawassee Cos.	7.85	.50	.60		
Huron County (East of M-53), St. Clair & Sanilac County	9.29	.42	.50		.01
PLASTERERS:					
Bay, Huron, Saginaw & Tuscola Cos.	8.67	.45			
Genesee and Shiawassee Counties	8.83	.40	.25		.03
Lapeer County	8.50	.40	.75		
St. Clair & Sanilac Counties	8.90	.56	.37	.56	
PLUMBERS:					
Bay, N ½ of Tuscola & the nw ¼ of Huron (running from Port Austin south to the Sanilac County line	8.79	.50	.50	1.00	
Genesee, Lapeer and Shiawassee Counties	9.63	.60	.76		
Saginaw and S ½ of Tuscola (including Caro, Waahjamega, & south to the Lapeer County line) Counties	10.10	.49	.60		.01
Remaindor of Huron County and St. Clair and Sanilac Counties	9.17	1.10	.885	1.34	.0025

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Bay, Huron, Saginaw & Tuscola Counties	$ 9.50	.60	.50		
Genesee, Lapeer & Shiawassee Cos.					
Composition	9.60	.60	.40		
Slate and Tile	9.95	.60	.40		
St. Clair and Sanilac Counties	6.35				
SHEET METAL WORKERS:					
Bay, Huron, Saginaw and Tuscola Counties	9.69	.40	.75		
Genesee, Lapeer and Shiawassee Counties	7.79	.59	.90	1.00	
St. Clair and Sanilac Counties	9.32	1.09	.72½	1⅛+.01	.07
SOFT FLOOR LAYERS					
St. Clair and Sanilac (except the west five miles) Counties	8.42	.55	6%	8%	.03
Remaing Counties and the West five miles of Sanilac County	8.03	.50	.40	.56	.01
SPRINKLER FITTERS	9.65	.50	.70		.08
TERRAZZO WORKERS' HELPERS:					
St. Clair and Sanilac Counties	8.24	.35	.40	.65	
TILE SETTERS' HELPERS:					
St. Clair and Sanilac Counties	8.25	.35	.55	.70	
TRUCK DRIVERS:					
Bay, Saginaw and Tuscola Counties:					
Under 8 cu. yds.	5.97	18.00a	22.00a	.20	
8 cu. yds. and over	6.07	18.00a	22.00a	.20	
Euclid type equipment	6.17	18.00a	22.00a	.20	
Genesee, Lapeer and Shiawassee Counties	6.83	15.00a	13.00a		
Huron, St. Clair and Sanilac Counties					
Pole Trailers, low boys straddle carriers, double bottoms and special load permits drivers	7.87	17.00a	14.00a		
Semi drivers	7.77	17.00a	14.00a		
All other truck	7.62	17.00a	14.00a		
WELDERS: receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTE:
a. Per Week; Per Employee

DECISION NO. MI-75-2061

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bay, Huron, Saginaw and Tuscola Counties:					
CLASS A	$ 7.09	.40	.30		.04
CLASS B	7.21	.40	.30		.04
CLASS C	7.29	.40	.30		.04
CLASS D	7.86	.40	.30		.04
Genesee, Lapeer & Shiawassee Cos.					
CLASS A	7.29	.40	.40		.04
CLASS B	7.39	.40	.40		.04
CLASS C	7.49	.40	.40		.04
CLASS D	7.59	.40	.40		.04
CLASS E	7.84	.40	.40		.04
St. Clair and Sanilac Counties					
GROUP 1	7.93	.40	.30		.04
GROUP 2	8.05	.40	.30		.04
GROUP 3	8.18	.40	.30		.04
GROUP 4	8.10	.40	.30		.04
GROUP 5	8.07	.40	.30		.04
GROUP 6	8.22	.40	.30		.04
GROUP 7	8.28	.40	.30		.04

LABORERS:
Bay, Huron, Saginaw, and Tuscola Counties:
CLASS A All Construction Laborers on Building and Heavy Construction not specified in Classes B, C, and D below; Also includes pumps with a 3" or less discharge and not hooked up in a battery; Mechanized Buggy Operator and Mortar Mixer when done by hand
CLASS B Mechanized Mortar Mixers; Air, Electric and Gas Driven Tools; Vibrators
CLASS C Air or electric driven pavement breakers; Plasterer Tender; Plaster Mixers; Crock and/or Pipelayer; Signal Men and Top Man; Windlass and Tugger Operator; Caisson Worker
CLASS D Drillers and Blasters; Burners
Genesee, Lapeer and Shiawasse Counties:
CLASS A Construction Laborers not specified in Classes B-E below
CLASS B Mortar Mixer (includes concrete mixer ½ c.y. or smaller); Signal Men and Top Men (on caisson work; Air, Gasoline or Electric Tool Operators
CLASS C Jackhammer and Air Spade; Tunnel Men; Windlass Operators (on caisson work); Burner
CLASS D Crock or Pipe Layers; Conduit and any Vitrified Tile, except 4" drain tile around building; Caisson Workers and Tunnel Muckers
CLASS E Tunnel Miners

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LABORERS (CONT'D)
St. Clair and Sanilac Counties
GROUP 1 General Laborers; Mason Tenders; All Demolition Laborers
GROUP 2 Mortar Mixers (hand or machine)
GROUP 3 Air, Electric and Gas Tool Operators
GROUP 4 Crote Gas Buggies; Concrete Saw Operators
GROUP 5 Signal Men and Top Men on Caisson Construction
GROUP 6 Tunnel Men; Concrete Shovelers; Car Pushers; Windlass and Tugger Operators on Caisson Work
GROUP 7 Crock or Pipe Layers; Caisson Workers and Muckers

POWER EQUIPMENT OPERATORS St. Clair County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.0485	.55	.65	10%	.05
CLASS B	9.8212	.55	.65	10%	.05
CLASS C	9.5939	.55	.65	10%	.05
CLASS D	9.3667	.55	.65	10%	.05
CLASS E	8.4498	.55	.65	10%	.05
CLASS F	7.8258	.55	.65	10%	
Remaining Counties					
CLASS A	10.30	.55	.65	10%	.05
CLASS B	10.05	.55	.65	10%	.05
CLASS C	9.80	.55	.65	10%	.05
CLASS D	9.55	.55	.65	10%	.05
CLASS E	9.45	.55	.65	10%	.05
CLASS F	8.40	.55	.65	10%	.05
CLASS G	7.70	.55	.65	10%	

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POWER EQUIPMENT OPERATORS:
St. Clair County
CLASS A Engineer when opeating crane with boom and jib or leads 220' or longer
CLASS B Engineer when operating crane with boom and jib leads 140' or longer, up to 220'
CLASS C Regular crane operator
CLASS D Regular Engineer
CLASS E Engineer when operating compressor or welding machine
CLASS F Fireman; oiler
Remaining Counties
CLASS A Crane operator, with main boom and jib 220' or longer
CLASS B Crane operator with main boom 140' or longer up to 220'; Tower cranes; gantry crane; whirley derrick
CLASS C Regular equipment operator, crane, stiff leg derrick, scrapper, dozer, grader, front end loader, hoist, job mechanic, and head grease man
CLASS D Air tugger (single drum); material hoist, fork truck, boom truck (non-swinging); boiler operator; sweeping machine; winch truck; bob cat and similar type equipment
CLASS E Pumps, 6" or over; well points; freeze systems
CLASS F Air compressor; generators; conveyors' pumps under 6"; grease man
CLASS G Oiler; fireman; heater operator

POWER EQUIPMENT OPERATORS: Steel Erection	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$10.75	.55	.65	10%	.05
CLASS B	10.51	.55	.65	10%	.05
CLASS C	10.03	.55	.65	10%	.05
CLASS D	9.88	.55	.65	10%	.05
CLASS E	9.02	.55	.65	10%	.05
CLASS F	8.05	.55	.65	10%	

POWER EQUIPMENT OPERATORS:
Steel Erection
CLASS A Engineer when operating combination of boom and jib 220' or longer
CLASS B Engineer when operating combination of boom and jib 140' or longer, up to 220'; tower crane; derrick operator (where operator's work station is 50' or more above first sub-level)
CLASS C Crane Operator; Job Mechanic
CLASS D Hoisting operator
CLASS E Compressor operator
CLASS F Fireman; oiler

DECISION NO. MI75-2061

POWER EQUIPMENT OPERATORS: Underground Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 8.90	.55	.75	10%	.05
CLASS II	8.78	.55	.75	10%	.05
CLASS III	8.12	.55	.75	10%	.05
CLASS IV	7.60	.55	.75	10%	.05

POWER EQUIPMENT OPERATORS:
Underground Construction

CLASS I Backfiller Tamper; Backhoe; Batch Plant Operator (concrete); Clamshell; Concrete Paver (two drum or larger); Conveyor Loader (Euclid Type); Crane (crawler, truck type or piledriving); Dozer (9 ft. blade and over); Dragline; Elevating grader; Endloader (over 1½ c.y. capacity); Gradall (and similar type machine); Grader; Mechanic; Power Shovel; Roller (asphalt); Scraper (self-propelled or tractor drawn); Side Boom Tractor (type D-4 or equivalent and larger); Slip Form Paver; Slope Paver; Trencher (over 8 ft. digging capacity); Well Drilling Rig

CLASS II Boom Truck (power swing type boom); Crusher; Dozer (less 9 ft. blade); Endloader (1½ cubic yard capacity and smaller); Hoist; Pump (one or more -- 6 in. discharge or larger -- gas or diesel powered or powered by generator of 300 amperes or more - inclusive of generator); Side Boom Tractor (smaller than type D-4 or equivalent); Sweeper (Wayne type and similar equipment); Tractor (pneu-tired, orther than backhoe or front-end loader); Trencher (8' digging capacity and smaller)

CLASS III Air Compressors (600 cfm or larger); Air Compressor (2 or more - less than 600 cfm); Boom Truck (non-swinging, non-powered type boom); Concrete Breaker (self-propelled or trunk mounted-includes compressor); Concrete Paver (one drum - ½ yard or larger); Elevator (other than passenger); Maintenance Man; Pumps (2 or more 4" up to 6" discharge gas or diesel powered - excluding submersible pumps); Pumpcrete Machine (and similar equipment); Wagon Drill (Multiple); Welding Machine or Generator (2 or more, 300 amps. or larger - gas or diesel powered)

CLASS IV Boiler; Concrete Saw (40 hp or over); Curing Machine (self-propelled); Farm Tractor (with attachment); Finishing Machine (concrete); Fireman; Hydraulic Pipe Pushing Machine; Mulching Equipment; Oiler; Pumps (2 or more up to 4" discharge if used 3 hours or more per day - gas or diesel powered excluding submersible pumps); Roller (other than asphalt); Stump Remover; Trencher (service) Vibrating Compactor Equipment, Self-propelled (6' wide or over)

DECISION NO. MI75-2061

LINE CONSTRUCTION: Bay, Genesee, Saginaw and Shiawassee Counties:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Lineman; Heavy Equipment Oper.	$ 7.88	.35	3%		3%
Cable Splicer	8.21	.35	3%		3%
Combination Digger Oper. - Tractor Operator Groundman:					
First Six Months	5.73	.35	3%		3%
Over Six Months	6.18	.35	3%		3%
Light-Equipment Oper. Groundman; Distribution Line Truck Driver Operator:					
First Six Months	4.99	.35	3%		3%
Over Six Months	5.43	.35	3%		3%
Combination Winch Truck Driver-Groundman					
First Six Months	4.55	.35	3%		3%
Over Six Months	5.19	.35	3%		3%
Combination Truck Driver-Groundman	4.40	.35	3%		3%
Remaining Counties:					
Lineman	10.90	.85	3.4%		3%
Cable Splicer	11.37	.85	3.4%		3%
Combination Equipment Oper. Groundman	8.80	.85	3.4%		3%
Combination Driver - Groundman	8.31	.85	3.4%		3%
Groundman	7.67	.85	3.4%		3%

SUPERSEDEAS DECISION

STATE: Michigan

COUNTIES: Genesee, Lapeer, Saginaw, St. Clair, and Shiawassee Counties

DECISION NUMBER: MI75-2062

DATE: Date of Publication

Supersedes Decision Numbers: AR-3109 dated August 16, 1974 in 39 FR 29807; AR-3148 dated October 11, 1974 in 39 FR 36754 and AR-3165 dated October 18, 1974 in 39 FR 37341

DESCRIPTION OF WORK: Residential Construction consisting of single family homes & garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
St. Clair County	$10.32	.84	1.06		
Remaining Counties	9.31	.66	.95		.02
BOILERMAKERS	9.69	.60	1.00		.01
BRICKLAYERS:					
Genesee, Lapeer & Shiawassee Cos.	9.60	.40	.75		
Saginaw County	9.02	.50	.50		
St. Clair & Sanilac Counties	9.37	.56	.37	.56	
CARPENTERS:					
Saginaw County	6.67	.50	.40		.01
St. Clair County	9.3474	.60	8%	10%	.02
Remaing Counties	8.74	.50	.40		.01
CEMENT MASONS					
Genesee and Shiawassee Counties	8.15	.30	.18		.02
Lapeer County	8.25	.40	.75		
Saginaw County	8.27	.50	.50		
St. Clair County	8.70	.56	.37	.56	
ELECTRICIANS:					
Genesee, Lapeer and Shiawassee Counties	10.00	.40	1%+.45		.01
Saginaw County	10.60		1%+.30		2%
St. Clair County	10.15	1.35	1%+.80		.06
ELEVATOR CONSTRUCTORS:					
St. Clair County:					
Elevator Constructors	10.52	.445	.29	3%	.02
Elevator Constructors' Helpers	7.36	.445	.29	3%	.02
Elevator Constructors' Helpers (Probationary)	5.26				
Remaining Counties:					
Elevator Constructors	9.735	.445	.29	3%	.02
Elevator Constructors' Helpers	6.81	.445	.29	3%	.02
Elevator Constructors' Helpers (Probationary	4.87				
IRONWORKERS:					
Structural and Ornamental	9.03	8%	14%	17%	.07
Reinforcing	8.3857	.75	15%	15%	.03

DECISION NO. MI75-2062

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Saginaw County					
Laborers; Mortar Mixers (hand)	$ 7.09	.40	.30		.04
Mortar Mixers (machine); Air, Electric and Gas Tools	7.21	.40	.30		.04
Plasterer Tender; Plaster Mixers; Crock and/or Pipe Layer	7.29	.40	.30		.04
Genesee, Lapeer and Shiawassee Counties					
Laborers	7.29	.40	.40		.04
Mortar Mixer; Air, gas, or electric tool operator	7.39	.40	.40		.04
Crock or Pipe Layers	7.59	.40	.40		.04
St. Clair County					
Laborers; Mason Tenders	7.93	.40	.30		.04
Mortar Mixers	8.05	.40	.30		.04
Air, Electric or Gas Tool Opers.	8.18	.40	.30		.04
Crock or Pipe Layers	8.28	.40	.30		.04
LATHERS	7.85	.54	.10	.50	.01
MARBLE, TILE & TERRAZZO WORKERS:					
Genesee, Lapeer and Shiawassee Counties	8.89	.40	.75		
Saginaw County	8.90				
St. Clair County					
Marble Workers	9.53	.35	.55	.70	
Terrazzo Workers	8.85	.35	.55	.70	
Marble Helpers	8.25	.35	.55	.70	
PAINTERS:					
Genesee, Lapeer and Shiawassee Counties	7.85	.50	.60		
Saginaw County	8.10		.35		.01
St. Clair County	9.29	.42	.50		.01
PLASTERERS:					
Genesee and Shiawassee Counties	8.83	.40	.25		.03
Lapeer County	8.50	.40	.75		
Saginaw County	8.67	.45			
St. Clair County	8.90	.56	.37	.56	
PLUMBERS:					
Genesee, Lapeer and Shiawassee Counties	9.63	.60	.76		
Saginaw County	10.10	.49	.60		.01
St. Clair	9.17	1.10	.885	1.34	.0025

DECISION NO. MI75-2062

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
St. Clair County:					
Regular Engineer	9.3667	.55	.65	10%	.05
Regular Crane Operator	9.5939	.55	.65	10%	.05
Remaining Counties:					
Regular Equipment Operator; Scraper; Dozer; Grader; Front End Loader	9.80	.55	.65		.05
Bob Cat and similar	9.55	.55	.65		.05
Air Compressors; Generators	8.40	.55	.65		.05
ROOFERS:					
Genesee, Lapeer & Shiawassee Counties	9.60	.60	.40		
Saginaw County	9.50	.60	.50		
St. Clair County	6.35				
SHEET METAL WORKERS:					
Genesee, Lapeer & Shiawassee Counties	7.79	.59	.90	1.00	
Saginaw County	9.69	.40	.75		
St. Clair County	9.32	1.09	.72½	11%+.01	.07
SOFT FLOOR LAYERS					
St. Clair County	8.42	.55	6%	8%	.03
Remaining Counties	8.03	.50	.40	.56	.01
SPRINKLER FITTERS	9.65	.50	.70		.08
TRUCK DRIVERS:					
Genesee, Lapeer and Shiawassee Counties	6.83	15.00a	13.00a		
Saginaw County:					
Under 8 cu. yds.	5.97	18.00a	22.00a	.20	
8 cu. yds. and over	6.07	18.00a	22.00a	.20	
Euclid type Equipment	6.17	18.00a	22.00a	.20	
St. Clair County					
Truck Driver	7.62	17.00a	14.00a		
Semi-Trucks	7.77	17.00a	14.00a		

FOOTNOTE:
a. Per Week; Per Employee

SUPERSEDEAS DECISION

STATE: New Mexico
DECISION NO.: NM75-4079
COUNTY: Statewide
DATE: Date of Publication
Supersedes Decision No. NM75-4002 dated January 10, 1975 in 40 FR 2391
DESCRIPTION OF WORK: Commerical Building and Heavy Engineering Construction (including Residential in Santa Fe, McKinley, San Juan and Bernalillo Counties but not on the Navajo Indian Reservation).

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers (Statewide, except Union, Harding, Lea, Roosevelt, Curry, and Quay Counties)	$9.23	.50	87a		.03
Asbestos Workers (Union, Harding, Lea, Roosevelt, Curry, and Quay Counties)	8.45	.35	.30		.02
Boilermakers	8.25	.65	1.00		.02
Bricklayers - Stonemasons:					
Zone I-A	8.36	.48	.40		.02
Zone I-B	8.86	.48	.40		.02
Zone I-C	9.36	.48	.40		.02
Zone II	8.66	.48			
Zone III	9.16	.48			
Zone IV	7.34	.48			
Zone V	7.345	.48			

Bricklayers' Zone Definitions

Zone I - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Socorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties:
From basing point of Albuquerque Main Post Office:
Zone I-A - 0 to 25 road miles
Zone I-B - 25 to 50 road miles
Zone I-C - Over 50 road miles
Zone II - Chaves, Curry, Roosevelt, DeBaca, Guadalupe, Quay, Lea, Eddy and Otero Counties

Zone III - Lincoln County

Zone IV - Dona Ana, Grant, Hidalgo and Sierra Counties

Zone V - Luna County

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Dwelling houses and apartments not to exceed two stories in height:					
Zone I-A	$7.36	.65	.60		.20
Zone I-B	8.11	.65	.60		.20
Zone I-C	8.61	.65	.60		.20
General Building and Heavy Engineering and Residential Construction (Dwelling Houses and apartments over two stories in height):					
Zone 2-A	7.86	.65	.60		.20
Zone 2-B	8.61	.65	.60		.20
Zone 2-C	9.11	.65	.60		.20

CARPENTERS' ZONE DEFINITIONS

CARPENTERS (STATEWIDE) - From nearest basing points of the following Cities or Towns: Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Espanola, Eunice, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Tucumcari:
Zone I - Dwelling houses and apartments not to exceed two stories in height:
Zone I-A - 0 - 15 road miles from nearest basing point
Zone I-B - 15 to 35 road miles from nearest basing point
Zone I-C - Over 35 road miles from nearest basing point
Zone II - General Building and Heavy Engineering and Residential Construction (Dwelling Houses and Apartments over two stories in height):
Zone 2-A - 0 to 15 road miles from nearest basing point
Zone 2-B - 15 to 35 road miles from nearest basing point
Zone 2-C - Over 35 road miles from nearest basing point

MILLWRIGHTS AND PILEDRIVERMEN:					
Zone 1	8.36	.65	.60		.20
Zone 2	9.11	.65	.60		.20
Zone 3	9.28	.65	.60		.20

MILLWRIGHTS & PILEDRIVERMEN ZONE DEFINITIONS

MILLWRIGHTS & PILEDRIVERMEN (STATEWIDE) - From nearest basing points of the following cities or towns: Albuquerque City Limits; Santa Fe City Limits; the Main Post Office at Las Cruces and Carlsbad
Zone 1 - 0 to 15 road miles from nearest basing point
Zone 2 - 15 to 35 road miles from nearest basing point
Zone 3 - Over 35 road miles from nearest basing point

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	App. Tr.
CEMENT MASONS:					
Dwelling houses and apartments not to exceed two stories in height:					
Cement Mason	$ 6.82	.48	.30		
Dwelling houses and apartments over two stories in height:					
Cement Mason	7.02	.48	.30		
Composition or Mastic	7.27	.48	.30		
ELECTRICIANS:					
ZONE I					
Zone 1-A	8.40	.30	1%+.70		1/4%
Zone 1-B	8.99	.30	1%+.70		1/4%
Zone 1-C	9.49	.30	1%+.70		1/4%
Zone 1-D	10.08	.30	1%+.70		1/4%
ZONE II	9.49	.30	1%+.70		1/4%
ZONE III	5.80	.30	1%		1/4%
ZONE IV					
Zone 4-A	7.30		1%		1/10%
Zone 4-B	7.55		1%		1/10%
Zone 4-C	7.70		1%		1/10%
ZONE V					
Zone 5-A	8.00	.25	1%		1/2%
Zone 5-B	8.30	.25	1%		1/2%
ZONE VI					
Zone 6-A	8.45	.30	1%		1/2%
Zone 6-B	9.04	.30	1%		1/2%
Zone 6-C	9.55	.30	1%		1/2%
Zone 6-C	10.14	.30	1%		1/2%
ZONE VII					
Zone 7-A	8.10	.30	1%		.01
Zone 7-B	8.45	.30	1%		.01
Zone 7-C	8.60	.30	1%		.01
Zone 7-D	8.85	.30	1%		.01

ELECTRICIANS' ZONE DEFINITIONS

ELECTRICIANS

ZONE I - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Sandoval, Valencia, Socorro, Catron, Sierra and Grant Counties and all San Juan County excluding the Navajo Indian Reservation.

From nearest basing point cities or towns and mileage from main post office in the following towns:

Albuquerque - 15 miles
Santa Fe - 10 miles
Las Vegas - 8 miles
Farmington - 8 miles
Raton - 6 miles
Socorro - 6 miles

Zone 1-A - Shall be established at each of these locations which shall comprise an area as designated from the main post office in the town
Zone 1-B - Shall extend up to 20 miles beyond Zone 1-A
Zone 1-C - Shall extend up to 30 miles beyond Zone 1-A
Zone 1-D - Any area beyond 30 miles from Zone 1-A

ZONE II - Los Alamos County

ZONE III - Single or multiple, family dwelling or apartments up to and including 26 units under one roof not exceeding two stories - Bernalillo, Santa Fe Counties and all of San Juan County excluding the Navajo Indian Reservation

ZONE IV - Chaves, Curry, Lincoln and Roosevelt Counties - the following zones shall be designated from the main post office in Roswell, Rudioso, Portales and Carrizozo:

Zone 4-A - 0 to 12 miles from main post office
Zone 4-B - 12 to 22 miles from main post office
Zone 4-C - Anything beyond 22 miles from main post office

ZONE V - Dona Ana, Otero, Luna, Hidalgo Counties

Zone 5-A - Within 5 mile radius from the post office in Las Cruces and Alamogordo
Zone 5-B - Dona Ana, Otero, Luna and Hidalgo Counties (except that area specified in Zone 5-A)

ZONE VI - McKinley County

Zone 6-A - Includes that City of Gallup and extending 10 road miles from Main Post Office
Zone 6-B - Extending up to 20 road miles beyond Zone 6-A
Zone 6-C - Extending up to 30 road miles beyond Zone 6-A
Zone 6-D - Anything extending 30 road miles beyond Zone 6-A

ZONE VII - Eddy and Lea Counties - the following zones shall be designated from the main post office of Artesia, Carlsbad, Hobbs and Lovington:

Zone 7-A - 0 to 12 miles from main post office
Zone 7-B - 12 to 22 miles from main post office
Zone 7-C - 22 to 40 miles beyond main post office
Zone 7-D - 40 miles and beyond main post office

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION

CABLE SPLICERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE I					
Zone 1-A	$9.24	.30	1%+.70		1/4%
Zone 1-B	9.83	.30	1%+.70		1/4%
Zone 1-C	10.33	.30	1%+.70		1/4%
Zone 1-D	10.92	.30	1%+.70		1/4%
ZONE II	10.33	.30	1%+.70		1/4%
ZONE III					
Zone 3-A	7.65		1%		1/10%
Zone 3-B	7.90		1%		1/10%
Zone 3-C	8.05		1%		1/10%
ZONE IV					
Zone 4-A	8.25	.25	1%		1/2%
Zone 4-B	8.55	.25	1%		1/2%
ZONE V					
Zone 5-A	9.30	.30	1%		1/2%
Zone 5-B	9.89	.30	1%		1/2%
Zone 5-C	10.40	.30	1%		1/2%
Zone 5-D	10.99	.30	1%		1/2%
ZONE VI					
Zone 6-A	8.45	.30	1%		.01
Zone 6-B	8.80	.30	1%		.01
Zone 6-C	8.95	.30	1%		.01
Zone 6-D	9.20	.30	1%		.01

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CABLE SPLICERS' ZONE DEFINITIONS

CABLE SPLICERS

ZONE I - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Sandoval, Valencia, Socorro, Catron, Sierra, and Grant Counties and all San Juan County excluding the Navajo Indian Reservation.

From nearest basing point cities or towns and mileage from main post office in the following towns:

Albuquerque - 15 miles
Santa Fe - 10 miles
Las Vegas - 8 miles
Farmington - 8 miles
Raton - 6 miles
Socorro - 6 miles

Zone 1-A - Shall be established at each of these locations which shall comprise an area as designated from the main post office in the town
Zone 1-B - Shall extend up to 20 miles beyond Zone 1-A
Zone 1-C - Shall extend up to 30 miles beyond Zone 1-A
Zone 1-D - Any area beyond 30 miles from Zone 1-A

ZONE II - Los Alamos County

ZONE III - Chaves, Curry, Lincoln and Roosevelt Counties - the following zones shall be designated from the main post office of Roswell, Ruidoso, Portales and Carrizozo:

Zone 3-A - 0 to 12 miles from main post office
Zone 3-B - 12 to 22 miles from main post office
Zone 3-C - Anything beyond 22 miles from main post office

ZONE IV - Dona Ana, Otero, Luna, Hidalgo Counties

Zone 4-A - Within 5 miles radius from the post office in La Cruces and Alamogordo
Zone 4-B - Dona Ana, Otero, Luna, and Hidalgo Counties (except that area specified in Zone 4-A)

ZONE V - McKinley County

Zone 5-A - Includes that City of Gallup and extending 10 road miles from Main Post Office
Zone 5-B - Extending up to 20 road miles beyond Zone 5-A
Zone 5-C - Extending up to 30 road miles beyond Zone 5-A
Zone 5-D - Anything extending 30 road miles beyond Zone 5-A

ZONE VI - Eddy and Lea Counties - the following zones shall be designated from the main post office of Artesia, Carlsbad, Hobbs, and Lovington:

Zone 6-A - 0 to 12 miles from main post office
Zone 6-B - 12 to 22 miles from main post office
Zone 6-C - 22 to 40 miles beyond main post office
Zone 6-D - 40 miles and beyond main post office

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GENERAL BUILDING CONSTRUCTION AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Counties:					
Elevator constructors	$8.655	.445	.29	3%+b+c	.02
Elevator constructors helper	70%JR	.445	.29	3%+b+c	.02
Elevator constructors helper (prob.)	50%JR				
Chaves, Hidalgo, Dona Ana, Eddy, Grant, Lea, Luna, Otero and Sierra Counties:					
Elevator constructors	6.72	.445	.29	3%+b+c	.02
Elevator constructors helper	70%JR	.445	.29	3%+b+c	.02
Elevator constructors helper (prob.)	50%JR				
GLAZIERS:					
Zone I	5.47	.24			
Zone II	6.49	.40			.02

GLAZIERS' ZONE DEFINITIONS

GLAZIERS

Zone I - Dona Ana, Luna, Otero and Quay Counties

Zone II - Catron, Chaves, Colfax, Curry, DeBaca, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Roosevelt Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union and Valencia Counties

IRONWORKERS:					
Zone I	7.99	.50	.75		
Zone II	7.99	.55	.60		.10
Zone III	8.99	.55	.60		.10

IRONWORKERS' ZONE DEFINITIONS

Zone I - Bernalillo, Catron, Colfax, DeBaca, Guadalupe, Lincoln, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance and Valencia Counties, New Mexico

Zone II - Dona Ana County with the exception of that portion of the county that lies within the White Sands Missile Range; Chaves County, Eddy County except the Potash Basin and defined as the area 10 road miles on Highway 62 and Highway 180, east of Carlsbad.

Zone III - Curry, Harding, Quay, Union, Hidalgo, Grant, Lea, Luna, Otero, and Sierra Counties; also Potash Basin, White Sands and McGregor Missile Ranges

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
GENERAL BUILDING, HEAVY ENGINEERING AND RESIDENTIAL CONSTRUCTION (Dwelling Houses and Apartments over two stories in height):					
Group I	$5.32	.34	.25		
Group II	5.62	.34	.25		
Group III	5.72	.34	.25		
Group IV	5.925	.34	.25		
Group V	6.075	.34	.25		

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine Operator, Power Buggy Operators, Rodmen, Sand blasterers (pot men), Nozzlemen, Window washer, wagon, core, and diamond drillers tenders outside

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hodcarriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemen, Pipe layer, Pumpcrete nozzlemen

GROUP V - Powdermen and Blasterers

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
RESIDENTIAL CONSTRUCTION (Dwelling houses and apartments not to exceed two stories in height):					
Group I	$4.87	.34	.25		
Group II	5.17	.34	.25		
Group III	5.27	.34	.25		
Group IV	5.475	.34	.25		
Group V	5.625	.34	.25		

LABORERS' CLASSIFICATION DEFINITIONS

GROUP I - UNSKILLED: Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand

GROUP II - SEMI-SKILLED: Air and power tool operator, Asphalt rakers, Demolition, Gunite rebound men, Fog Machine operator, power buggy operator, Rodmen, Sand blasterers (pot men), Nozzlemen, Window washer, wagon, core, and diamond drillers tenders outside

GROUP III - Wagon Core, Diamond Drillers

GROUP IV - Concrete Burner, Cement mason tenders, Hod carriers, Mortar mixers, Plaster spreader operators, Plaster tenders, Gunite nozzlemen, Pipe layer, Pumpcrete nozzlemen

GROUP V - Powdermen and Blasterers

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS:					
Zone 1	$7.395	.48		.50	.02
Zone 2	5.70				.01

LATHERS' ZONE DEFINITIONS

LATHERS
Zone 1 - Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Velencia Counties
Zone 2 - Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe and Taos Counties

LINE CONSTRUCTION:					
Bernalillo County					
Cable Splicers	7.71	.30	1%		1/2%
Linemen	7.17	.30	1%		1/2%
Technicians	7.17	.30	1%		1/2%
Equipment Operators	6.82	.30	1%		1/2%
Equipment Mechanics	6.25	.30	1%		1/2%
Powderman	6.25	.30	1%		1/2%
Groundmen and Jackhammers Oprs.:					
1st 6 months	3.77	.30	1%		1/2%
2nd 6 months	4.29	.30	1%		1/2%
Experienced	5.02	.30	1%		1/2%
STATEWIDE (except Bernalillo Co.)					
Cable Splicers	8.42	.30	1%		1/2%
Linemen	7.85	.30	1%		1/2%
Technicians	7.85	.30	1%		1/2%
Equipment Operators	7.46	.30	1%		1/2%
Equipment Mechanics	6.82	.30	1%		1/2%
Powdermen	6.82	.30	1%		1/2%
Groundmen and Jackhammer Oprs.:					
1st 6 months	4.13	.30	1%		1/2%
2nd 6 months	4.69	.30	1%		1/2%
Experienced	5.49	.30	1%		1/2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE, Tile and Terrazzo Workers:					
Zone I	$6.375	.30			
Zone II	7.50	.30			
MARBLE, Tile and Terrazzo Helpers:					
Zone I	4.80	.30			
Zone II	5.925	.30			

MARBLE, TILE, TERRAZZO WORKERS & HELPERS ZONE DEFINITIONS

ZONE I - Bernalillo, Sandoval, Santa Fe, and Valencia Counties with the exception of a 15 mile radius from the center of the City of Cuba in Sandoval County and Grants in Valencia

ZONE II - Catron, Chaves, Colfax, Curry, Dobuca, Dona Ana, Eddy, Grant Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, San Juan, San Miguel, Sierra, Socorro, Taos, Torrance and Union Counties, and 15 mile radius from the center of the City of Cuba in Sandoval and Grants in Valencia

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: ZONE I					
Zone 1-A	$6.67	.30	.20		.01
Zone 1-B	7.37	.30	.20		.01
Zone 1-C	7.12	.30	.20		.01
Zone 1-D	7.45	.30	.20		.01
Zone 1-E	7.20	.30	.20		.01
Zone 1-F	7.52	.30	.20		.01
Zone 1-G - ½ cent per foot above the 75 foot scale		.30	.20		.01
PAINTERS: ZONE II					
Zone 2-A	5.70	.30	.20		.01
Zone 2-B	5.95	.30	.20		.01
Zone 2-C	6.35	.30	.20		.01
Zone 2-D	6.20	.30	.20		.01
Zone 2-E	6.20	.30	.20		.01
Zone 2-F	6.20	.30	.20		.01
Zone 2-G	7.40	.30	.20		.01
Zone 2-H	7.70	.30	.20		.01
PAINTERS: ZONE III					
Zone 3-A	6.04	.24			.01
Zone 3-B	6.455	.24			.01
Zone 3-C	6.185	.24			.01
Zone 3-D	6.465	.24			.01
Zone 3-E	6.89	.24			.01
Zone 3-F	7.14	.24			.01
PAINTERS: ZONE IV					
Zone 4-A	6.00	.30			
Zone 4-B	6.50	.30			
Zone 4-C	6.25	.30			
PAINTERS: ZONE V					
Zone 5-A	6.95	.30			
Zone 5-B	7.45	.30			
Zone 5-C	7.20	.30			

PAINTERS

ZONE I - San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeBaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo and Curry Counties:

Zone 1-A - Painters, roller and hand textures
Zone 1-B - Painters, spray, sandblasting, painter on steel bridges, tanks towers, pipe and structural
Zone 1-C - Paperhanger
Zone 1-D - Drywall finisher; Ames tool operator
Zone 1-E - Hand finisher machine texture
Zone 1-F - Painting 30 to 75 feet above ground or floor
Zone 1-G - Painting 75 feet or more above ground floor

ZONE II - Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union, and Santa Fe Counties,

Zone 2-A - Painters and roller
Zone 2-B - Paperhangers
Zone 2-C - Spray, Sandblast, pressure roller and gunnite operator
Zone 2-D - Steel painter; bridges, structural steel, machinery tank, towers, pipe boiler rooms and power plant brush and spray
Zone 2-E - Drywall finisher tool and machine texture
Zone 2-F - High pay - 30 to 75 feet
Zone 2-G - High pay - 75 to 100 feet
Zone 2-H - High pay - 100 feet and over

ZONE III- Luna, Otero and Dona Ana Counties

Zone 3-A - Brush and Tapers
Zone 3-B - Spray, swing stage, sand water blasting; Spray and blasting on stage
Zone 3-C - Ames tool and steel brush
Zone 3-D - Stripping machine
Zone 3-E - Radio towers, water tanks, smoke stacks - over 100 feet
Zone 3-F - Radio towers, water tanks, smoke stacks 200 to 300 feet

ZONE IV - Lea and Eddy Counties shall encompass Carlsbad, New Mexico and an area within a radius of 40 miles from the courthouse in Carlsbad, New Mexico

Zone 4-A - Brush and roller
Zone 4-B - Paperhangers and sandblaster
Zone 4-C - Spray and dry wall finisher

ZONE V - Lea and Eddy Counties shall include the rest of the area in Eddy and Lea Counties

Zone 5-A - Brush, roller and drywall finisher
Zone 5-B - Spray
Zone 5-C - Paperhanger and sandblaster

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
PLASTERERS	7.60	.48	.30		.06
PLUMBERS-PIPEFITTERS - Zone I					
Zone 1-A	9.34	.42	.75		.12
Zone 1-B	9.74	.42	.75		.12
Zone 1-C	10.19	.42	.75		.12
Zone 1-D	10.64	.42	.75		.12
Zone 1-E	11.09	.42	.75		.12
PLUMBERS-PIPEFITTERS - Zone II	9.97	.42	.75		.12

PLUMBERS-PIPEFITTERS' ZONE DEFINITIONS

ZONE I - Basing point Cities or Towns: Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucumcari, Truth or Consequences.

Zone 1-A - Shall extend a distance of five road miles inclusive beyond the city or town limits of any of the basing point cities or towns as set forth above
Zone 1-B - Shall extend a distance of eight road miles inclusive beyond the outer perimeter of Zone 1-A
Zone 1-C - Shall extend a distance of ten miles inclusive beyond the perimeter of Zone 1-B
Zone 1-D - Shall extend a distance of ten road miles inclusive beyond the outer perimeter of Zone 1-C
Zone 1-E - Shall apply to all areas not within Zones 1-A, 1-B, 1-C, or 1-D

ZONE II Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range and/or Proving Grounds, Atlas Missile Complex Sites in Chaves and Lincoln Counties, and the Oro Grande Camp in Dona Ana and Otero Counties.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION POWER EQUIPMENT OPERATORS: (Residential and General Building Construction)					
Group 1	$6.18	.35	.40		.10
Group 2	6.72	.35	.40		.10
Group 3	6.80	.35	.40		.10
Group 4	6.86	.35	.40		.10
Group 5	6.92	.35	.40		.10
Group 6	7.02	.35	.40		.10
Group 7	7.12	.35	.40		.10
Group 8	7.30	.35	.40		.10
Group 9	8.10	.35	.40		.10
Group 10 - $.15 per hour above regular rate.		.30	.30		.08
POWER EQUIPMENT OPERATORS (Heavy Engineering Construction)					
Group 1	5.78	.30	.30		.08
Group 2	6.32	.30	.30		.08
Group 3	6.40	.30	.30		.08
Group 4	6.46	.30	.30		.08
Group 5	6.52	.30	.30		.08
Group 6	6.62	.30	.30		.08
Group 7	6.72	.30	.30		.08
Group 8	6.90	.30	.30		.08
Group 9	7.70	.30	.30		.08

CLASSSIFICATION DEFINITIONS

RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS:

Group 1: Firemen, Oiler, Helper - Mechanics Welders, Greaser Truck Screedman Scale Operator such a (Bin-A-Batch), Rubber-tired Farm-type Tractor, Tractors under 50 HP w/o attachments, Breakman, Concrete Paving Curing Machine (bridge type)

Group 2: Rollers, Sheepsfoot or Pneumatic Self-propelled w/o Dozer, Concrete Conveyor, Service Truck Operator (head oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plant, Concrete Mixers (under 1 c.y.), Concrete Saw of Grinder-span type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-farm type (under 50 HP w/attachments) Motor Man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (under 2 c.y.), Power Plants which generate over 15 KW, Welding Machines

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POWER EQUIPMENT OPERATORS DEFINITION (CONT'D)
RESIDENTIAL AND GENERAL BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS (CONT'D)

Group 3: Bituminous Distributors Boilers, Retort and Hot Oil Heaters, Concrete Paver-single drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment-Refrigeration, Slusher, jumbo form, Trenching Machines (all types), Pump Crete and Cunite Machines, Slipform Paver, Mechanical Bullfloats, Concrete Slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants

Group 4: Form End Loader (2 thru 10 c.y.), Rollers, Steel Wheeled-all types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plantr, Self-propelled Rollers-equipd with Dozer, Twin-bowl Scrapers and Quad 8 or 9 Pushers (35c over basic rate) Three Bowl Scrapers (60c over basic rate)

Group 5: Hydraulic Cranes - with less than 50 ft. of boom (20 tons and under), Concrete Paver-double drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist-2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader-Finish, Mechanic-Welder

Group 7: Steam engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel type Equipment: Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemoble, (No.20) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "CMI" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Mole), Pipe Mobile

Group 10: Shaft and Tunnel Work

HEAVY ENGINEERING CONSTRUCTION
POWER EQUIPMENT OPERATORS

Group 1: Fireman, Oiler, Helper - Mechanics Welders, Greaser Truck, Screedman Scale Operator such a (Bin-A-Batch), Rubber-tired Farm-type Tractor, Tractors under 50 HP w/o attachments, Breakman, Concrete Paving Curing Machine (bridge type)

Group 2: Rollers, Sheepsfoot or Pneumatic Self-propelled w/o Dozer, Concrete Conveyor, Service Truck Operator (head oiler), Air Compressor (300 CFM and over), Pumps (6" and over), Screening Plants, Concrete Mixers (under 1 c.y.), Concrete Saw of Grinder-span type, Hoists, 1 drum, Air Tugger, Elevating Belt Type Loaders, Forklift Lumber Stacker, Tractor-farm type (under 50 Hp w/attachments) Motor Man and Industrial Locomotive Operator, Winch Trucks, Front End Loader (under 2 c.y.), Power Plants which generate over 15 KW, Welding Machines

Group 3: Bituminous Distributors Boilers, Retort and Hot Oil Heaters, Concrete Paver - single drum, Drilling Equipment, Motor Graders (Rough), Shaft and Tunnel Equipment - Refrigeration, Slusher, jumbo form, Trenching Machines (all types), Pump Crete and Gunite Machines, slipform Paver, Mechanical Bullfloats, Concrete Slab, Spreading Machine, Concrete Slab Finishing Machine, Asphalt Plants, Bituminous Finishing Machines, Crushing Plants

Group 4: Front End Loader (2 thru 10 c.y.), Rollers, Steel Wheeled-all types, Bulldozers, Scrapers, (Motor or Towed), Elevating Graders, Concrete Batching Plants, Self-propelled Rollers - equiped with Dozer, Twin-bowl Scrapers and Quad 8 or 9 Pushers (35c over basic rate) Three Bowl Scrapers (60c over basic rate)

Group 5: Hydraulic Cranes - with less than 50 ft. of Boom (20 tons and under), Concrete Paver - double drum, Cat Cranes, Hysters, Side and Swingboom Cats, Hoist - 2 drum, Auto Fine Grader

Group 6: Mucking Machines - all types, Motor Grader - Finisher, Mechanic - Welder

Group 7: Steam Engineers, Loader (Front End over 10 c.y.)

Group 8: All Shovel Type Equipments
Cranes, Draglines, Backhoes, Derricks, Guy and Stiff Leg, Pipemobile (No. 20p) Pile Driver, Hydraulic Cranes (20 tons and over), Mine Hoist (Belt Loader "CMI" type), Cranes, Draglines - with Booms and Jib over 150 ft. 25c per hour additional

Group 9: Shovel (wheel type), Boring Machine (Tunnel or Shaft Mole), Pipe Mobile

DECISION NO. NM75-4079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$5.70				
SHEET METAL WORKERS					
Zone 1	9.06	.48	.40		.02
Zone 2	7.90	.29	.25		.005
Zone 3	8.35	.20			.05
Zone 4	10.06	.48	.40		.02

SHEET METAL WORKERS ZONE DEFINITIONS

Zone 1 - Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Union, Taos, Torrance, Valencia, San Juan Counties, Kirtland Air Force Base,

Zone 2 - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties
Zone 3 - Holloman Air Force Base, White Sands and McGregor Ranges
Zone 4 - Los Alamos County

SOFT FLOOR LAYERS					
Zone 1	6.41	.24			.01
Zone 2	6.35	.30			.02

SOFT FLOOR LAYERS' ZONE DEFINITIONS

Zone 1 - Dona Ana, Luna and Otero Counties
Zone 2 - Statewide (excluding Dona Ana, Luna and Otero Counties)

DECISION NO. NM75-4079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
SOUND INSTALLERS:					
Zone I - Bernalillo County					
Zone II - Valencia, Sandoval, Santa Fe, Torrance and Socorro, Counties					
Zone III - Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Roosevelt, Chaves, Lincoln, Curry and Los Alamos Counties, all of San Juan County excluding the Navajo Indian Reservation.					
Soundman:					
Zone I	$8.10	.30	1%		1/4%
Zone II	8.225	.30	1%		1/4%
Zone III	8.475	.30	1%		1/4%
Technicians:					
Zone I	6.48	.30	1%		1/4%
Zone II	6.48	.30	1%		1/4%
Zone III	6.605	.30	1%		1/4%
Sound Installers:					
Zone I	5.27	.30	1%		1/4%
Zone II	5.395	.30	1%		1/4%
Zone III	5.645	.30	1%		1/4%
SPRINKLER FITTERS	9.05	.50	.70		.08
Truck Drivers (General Building and Residential Construction - Dwelling houses and apartments over two stories in height)					
Group 1	5.20	.48	.35		
Group 2	5.32	.48	.35		
Group 3	5.40	.48	.35		
Group 4	5.52	.48	.35		
Group 5	5.57	.48	.35		
Group 6	5.67	.48	.35		
Group 7	5.77	.48	.35		
Group 8	5.91	.48	.35		
Group 9	6.06	.48	.35		

DECISION NO. NM75-4079

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
TRUCK DRIVERS (Cont'd) (RESIDENTIAL CONSTRUCTION - Dwelling houses and apartments not to exceed two stories in height)					
Group 1	$4.90	.48	.35		
Group 2	5.02	.48	.35		
Group 3	5.10	.48	.35		
Group 4	5.22*	.48	.35		
Group 5	5.27	.48	.35		
Group 6	5.37	.48	.35		
Group 7	5.47	.48	.35		
Group 8	5.61	.48	.35		
Group 9	5.76	.48	.35		
TRUCK DRIVERS (HEAVY ENGINEERING CONSTRUCTION)					
Group 1	5.40	.48	.35		
Group 2	5.52	.48	.35		
Group 3	5.60	.48	.35		
Group 4	5.72	.48	.35		
Group 5	5.77	.48	.35		
Group 6	5.87	.48	.35		
Group 7	5.97	.48	.35		
Group 8	6.11	.48	.35		
Group 9	6.26	.48	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1: Pickup 3/4 ton and under; Light Tire Repair or Washer; Swamper or Riding Helper; Teamster 2 or 4 up

Group 2: Bus or Taxi Driver; Dump or Batch Truck under 8 C.Y.W.L.A.; Flatbed (bobtail) 2 ton and under; Warehouse including Material Checker; Mechanic and Welder Helper; Forklift, under 5 ton MRC

Group 3: Dump Truck (including all highway and off-highway) 8 up to 16 C.Y.W.L.C.; Water, Fuel or Oil Trucks less than 3,000 gallons; Flatbed (bobtail) over 2 tons

Group 4: Distributors Driver; Heavy Tire Repair; Lumber Carrier Driver; Yound Buggy or similar equipment transit mix or agitator 2 or 3 axle bobtail equipment; Scissor Truck; Bulk Cement Bobtail 2 or 3 axles; Semi-trailer Driver (flatbed or van single axle); Forklift 5 ton and over M.R.C.; Field Equipment Serviceman

Group 5: Dumpsters and Dumpcrete Driver; Water, Fuel or Oil Truck, 3,000 to 6,000 gallon capacity; Lowboy, light equipment driver; Euclid type tank wagon under 6,000 gallons

Group 6: Vacuum Truck; Dump Truck (including all highway and off-highway 16 up to 22 C.Y.W.L.C.

Group 7: Transit Mix or Agitator semi or 4 axle equipment driver; Flaherty Truck type Spreader Box Driver; Slurry Trucks 4 axle Bobtail; Winch Truck and "A" Frame Dump Trucks (including all highway and off-highway) 22 C.Y. up to 35 C.Y.W.L.C. Head Field Equipment Serviceman

Group 8: Euclid Diesel powered Turnarochor; Terra Cobra; DW 10; DW 20; LeTourneau Pulls and similar diesel powered equipment when used to haul materials and assigned to a Teamster; Lowboy Heavy Equipment Driver; Water, Fuel or Oil Trucks 6,000 gal. and over (including tank wagon drivers); Semi-trailer Driver (flatbed or van tandems); Light equipment mechanic; Dump Trucks (including all highway and off-highway) 35 C.Y.W.L.C. and over; Truck and Trailer or Semi-trailer (flatbed eject all)

Group 9: Lowboy (heavy equipment, double gooseneck); Heavy equipment mechanics; Welder (body and fender man)

TEAMSTERS CLASSIFICATION not listed, shall be paid a rate comparable to classification listed.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Includes $0.07 contribution to the Occupational Health Fund.
b. 1st 6 months - none; 6 months to years, 2%; over 5 years, 4% of basic hourly rate.
c. Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Ohio
DECISION NUMBER: OH75-2060
SUPERSEDES DECISION NO: AR-3041, dated August 23, 1974 in 39 FR 30788
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Lucas & Fulton
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$10.58	.35	.50		.02
Boilermakers	11.10	.50	.60		.01
Bricklayers, Stonemasons and Marble Setters	10.335	.55	.40		.01
Carpenters, Millwrights & Pile-drivermen	10.25	.55	.50		.04
Cement Masons	10.04	.40			.02
Electricians	10.75	.30	1%+.55		1/10of1%
Elevator Constructors	10.42	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	7.29	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (Prob.)	5.21				
Glaziers	9.125	.50	.45		.01
Ironworkers	10.32	.55	7%		.04
Lathers	10.55	.25	.10		.01
Lead burners	8.75		.30	c	.01
Linemen	11.16	.35	1%	a	.25%
Cable Splicers	11.41	.35	1%	a	.25%
Painters:					
Brush, paperhangers, drywall taper	8.99	.55	.40		
Open structural steel, bridge railings, Powerhouse, refinery tanks	9.24	.55	.40		
Spray, sandblasting, pressure cleaning	9.54	.55	.40		
Plasterers	10.40	.55			.01
Plumber and Steamfitters	10.535	.55	.75	f	.06
Roofer	9.64	.50	.20		.01
Sheet Metal Workers	10.425	.55	.60		.045
Sprinkler fitters	9.80	.50	.70		.08
Terrazzo workers and Tile Setters	9.57	.55	.40		
Truck Drivers:					
Single axle, tandem or Semi	7.56	64.25d	.14.00e	g&h	
Heavy duty 5 axle or over winch trucks, carry all or low boys	7.79	64.25d	.14.00e	g&h	

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PAID HOLIDAYS: (Where 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 providing employee worked the day preceding and the regularly scheduled day next following such holiday (except excused absences).

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays; A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 whole days during the 120 calendar days prior to the holiday, and the regular scheduled work days preceding and following the holiday.

d. Per month per employee.

e. Per week per employee.

f. One paid holiday; Labor Day

g. Five paid holiday; B.C.D.E.F. Providing the employee worked the last scheduled work days preceding the holiday and the first scheduled work day after the holiday

h. Employee in service at least one year - 1 week paid vacation employee in service 10 or more years 2-weeks paid vacation

DECISION NO. OH75-2060

OHIO 29-LAB

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 8.94	.50	.30		.01
GROUP 2	9.07	.50	.30		.01
GROUP 3	9.14	.50	.30		.01
GROUP 4	9.095	.50	.30		.01
GROUP 5	9.195	.50	.30		.01
GROUP 6	9.65	.50	.30		.01

CLASSIFICATION DEFINITIONS

GROUP 1- Unskilled laborers
GROUP 2- Mason tenders
GROUP 3- Gunnite pot men, mortar mixers
GROUP 4- Concrete pump nozzle men, all power driven tools and power buggies, burner and torchman.
GROUP 5- Pipe layers, bellman and bottom man for fire brick work only.
GROUP 6- Nozzle operators for gunnite work.

DECISION NO. OH75-2060

OHIO 4-PEO R

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$9.89	.46	.80		.11
GROUP B	9.73	.46	.80		.11
GROUP C	9.38	.46	.80		.11
GROUP D	8.57	.46	.80		.11
GROUP E	8.24	.46	.80		.11
GROUP F	7.48	.46	.80		.11

CLASSIFICATION DEFINITIONS

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.
GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.
GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.
GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.
GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishin machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).
GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

SUPERSEDEAS DECISION

STATE: Oklahoma

COUNTIES: Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Pottawatomie and Seminole

DECISION NO.: OK75-4080 DATE: Date of Publication

SUPERSEDES DECISION NO. OK75-4049 dated February 7, 1975 in 40 FR 6112

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.95	.30	.60		.02
BOILERMAKERS	8.00	.35	.76		.02
BRICKLAYERS-STONEMASONS:					
Oklahoma, Cleveland, Canadian and McClain Counties	8.37	.40	.35		.05
Lincoln, Pottawatomie and Seminole Counties	8.50				
Kingfisher County	6.85				
Logan County	6.95				
Caddo and Grady Counties	6.75		.20		
CARPENTERS - ZONE I					
Carpenters	7.20				
Power saw operator	7.45				
Millwrights-Piledrivermen	8.25	.30			.04
CARPENTERS - ZONE II					
Carpenters	8.00	.30			.04
Millwrights-Piledrivermen	8.25	.30			.04
Power saw operator	8.25	.30			
CARPENTERS - ZONE III					
Carpenters	7.40	.30	.25		.04
Power saw operator	7.65	.30	.25		.04
Millwrights-Piledrivermen	7.65	.30	.25		.04
CARPENTERS - ZONE IV					
Carpenters	6.50	.25	.25		.02
Millwrights-Piledrivermen	7.325	.25	.25		.02
CARPENTERS - ZONE V					
Carpenters	6.25				
Millwrights-Piledrivermen	6.605				

CARPENTERS AREA DEFINITION

ZONE I - Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway 99

ZONE II - Pottawatomie County and part of Lincoln County south of Turner Turnpike; the City limits of Moore in Cleveland County; all of Oklahoma, Canadian, Kingfisher and Logan Counties.

ZONE III - McClain County and Cleveland County (except that area covered by the City limits of Moore)

ZONE IV - Seminole County

Zone V - Caddo and Grady

DECISION NO. OK75-4080

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Lincoln, Oklahoma, McClain, Caddo, Grady, Cleveland, Canadian, Logan, and Kingfisher Counties	7.73	.25			
ELECTRICIANS:					
Zone I	8.20	.30	1%+.50		1/2%
Zone II	8.45	.30	1%+.50		1/2%
Zone III	8.70	.30	1%+.50		1/2%
CABLE SPLICERS:					
Zone I	8.45	.30	1%+.50		1/2%
Zone II	8.70	.30	1%+.50		1/2%
Zone III	8.95	.30	1%+.50		1/2%

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION

ZONE I - the area within the twelve mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City

ZONE II - the area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area.

ZONE III - the area outside zones 1 & 2 and within the local union area

ELEVATOR CONSTRUCTORS	7.51	.395	.26	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER	70%JR	.395	.26	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPER(PROB.)	50%JR				
GLAZIERS	7.20				
IRONWORKERS	8.49	.30	.35		.08
LABORERS:					
ZONE I					
Group I	5.50	.10	.15		
Group II	5.70	.10	.15		
ZONE II					
Group I	4.55	.25	.20		
Group II	4.80	.25	.20		
ZONE III					
Group I	4.75	.25	.20		
Group II	5.05	.25	.20		
ZONE IV					
Group I	4.40	.25	.20		
Group II	4.60	.25	.20		

LABORERS CLASSIFICATION DEFINITION

GROUP I - Unskilled laborers
GROUP II - air tool operator (jackhammer, vibrator), mason tenders, mortar mixers, pipelayers (concrete and clay), plasterer tenders

AREA COVERED BY LABORERS ZONES

ZONE I - Oklahoma, Canadian, Logan, Pottawatomie, Lincoln and Cleveland Counties
ZONE II - McClain, Caddo and Grady Counties
ZONE III - Seminole County
ZONE IV - Kingfisher County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$8.00				.01
LINE CONSTRUCTION:					
Lineman	8.00		1%		1/2%
Cable splicers	8.48		1%		1/2%
Hole digger operator	7.26		1%		1/2%
Heavy equipment operators (or pole cat equivalent)	7.26		1%		1/2%
Line truck driver (winch op.)	6.57		1%		1/2%
Jack hammerman	5.99		1%		1/2%
Powderman	7.26		1%		1/2%
Truck driver (flat bed, ton and half and under)	5.70		1%		1/2%
MARBLE MASONS	8.05		.20		
PAINTERS:					
Brush	6.95	.40	.35	.25	.03
Spray under 30 feet	7.45	.40	.35	.25	.03
Spray over 30 feet	7.95	.40	.35	.25	.03
Sandblasting under 30 feet	7.45	.40	.35	.25	.03
Sandblasting over 30 feet	7.95	.40	.35	.25	.03
Hazardous work	7.45	.40	.35	.25	.03
Paperhanging	7.95	.40	.35	.25	.03
Tapers using machine tools	7.45	.40	.35	.25	.03
PLASTERERS (Pottawatomie County)	7.475				.01
PLASTERERS (Canadian, Cleveland, Kingfisher, Logan, Caddo, Grady, McClain, Oklahoma and Lincoln Counties)	8.80				.01
PLUMBERS	8.70	.55	.50		.10
PIPEFITTERS	8.57	.60	.55		.10
POWER EQUIPMENT OPERATORS:					
Group I	8.25	.35	.40		.12
Group II	8.00	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.80	.35	.40		.12
Group VIII	6.50	.35	.40		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group I - All crane type equipment with 100' of boom or over (including jib), all tower cranes and all crane type of 3 cu. yd. or more.
Group II - Heavy duty mechanic, welder, crane hook and over head monorail, whirley, panel board batch plant operator, derrick, piledriver, engineer, dragline, shovel, clamshell, backhoe, sideboom, gradall, hydro crane, cherry picker, hoists while operating 2 or more drums.
Group III - Motor patrol (blade), dozer (engine h.p. 65 or over), Fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, Tournapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator of hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control; power driven hole digger, trenching machine, concrete pump-boom type
Group IV - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist when operating one drum welding machine, 3 to 6, air compressor, 3 to 6; 500 cu. ft. and under, air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment, generator plant engineer, Diesel electric, winch trucks with A-Frame; rollers-all types, outside elevator or building of personnal hoist, concrete buster, or tamper, heater under jurisdiction of op.; engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor with or without attachments, batch plant operator, (portable), conveyor operator-dual, continous or belt, bulk handling, screened operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machine when operated from consols 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); fireman; conveyor operator-single continous belt bulk handling
Group VI - Greaser, tilt top trailor operator
Group VII - Asphalt lay machine back end man helpers
Group VIII - Truck crane oiler driver or truck crane oiler
Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.
Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above listed rates.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$7.25	.25	.25		.04
SHEET METAL WORKERS	8.00	.40	.40		.05
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	7.45	.40			
SPRINKLER FITTERS	9.05	.40	.70		.08

DECISION NO. OK75-4930

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
TERRAZZO WORKERS	$8.05		.20		
TERRAZZO WORKERS' HELPERS	6.28				
TERRAZZO FLOOR MACHINE MAN	6.38				
TERRAZZO BASE MACHINE MAN	6.58				
TILE SETTERS	8.05		.20		
TILE AND MARBLE HELPERS:					
Experienced helpers	5.95				
TRUCK DRIVERS:					
Group I	6.02				
Group II	6.02				
Group III	5.72				

TRUCK DRIVERS CLASSIFICATION DEFINITION

Group I - Truck drivers for heavy equipment such as lowboys, heavy winch and floats

Group II - Heavy earth moving equipment such as dump trucks and Euclids.

Group III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies, and 3/4, and 1/2 ton pick-up trucks.

WELDERS - received rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

A. 1st 6 mos. - none; 6 mos. to 5 yrs. 2%; over 5 yrs. - 4% of basic hourly rate.

B. Paid Holidays A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO.: PA75-3051
DATE: Date of Publication
COUNTIES: Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Mercer & Somerset
Supersedes Decision No. PA-75-3030, dated April 4, 1975, in 40 FR 15323.
Description of work: Heavy & Highway Construction.

PA-26--1ct-2--3-A

Heavy & Highway Construction:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Carpenters (Counties) Butler, Washington, Westmoreland, Fayette, Erie, Lawrence, Mercer	$8.85	7¼%	7%		
Cambria & Somerset	8.51	7½%	7%		
Carpenter-welder (Counties) Butler, Washington, Westmoreland, Fayette, Erie, Lawrence & Mercer	9.20	7¾%	7%		
Cambria & Somerset	8.86	7¾%	7%		
Cement Masons	7.525	.4515	.75% +.4515		
Piledrivermen	8.79	5%	5% 7%		
Ironworkers Butler, Fayette, Lawrence, Mercer, Washington & Westmoreland	6.925	.785	.775		
Landscape Laborers	4.85	.30	.30		
Skilled Landscape Laborer	5.00	.30	.30		
Cambria, Erie & Somerset Landscape Laborers	4.75	.30	.30		
Skilled Landscape Laborers	4.90	.30	.30		
LABORERS Heavy & Highway Construction					
Class 1	6.91	.40	.40		
Class 2	7.10	.40	.40		
Class 3	7.41	.40	.40		
Class 4	7.53	.40	.40		
Class 5	7.60	.40	.40		
Class 6	8.75	.40	.40		
Class 7	6.91	.40	.40		
Class 8	7.15	.40	.40		
Class 9	7.41	.40	.40		
Class 10	7.53	.40	.40		
Class 11	7.60	.40	.40		

LABORERS

PA-75-3051 P. 2

Class 1: Construction laborers (including tenders handling Salamanders, L.P. gas heaters or similar, etc.), Air or electric Impacton Wrench, Air Tamper Operator, Asphalt Tampers, Batchman (weigh), Blaster's Helper, Blower Man (bulk cement), Brakeman, Coffer Dam, Concrete Pitman, Puddler including Vibrator Operator, Drill Runner's Helper (includes drill mounted on truck, track or similar and heavy drills (spots - clean-up and helps to maintain), Fence Construction, Form Stripper and Mover, Hydro-jet Blaster Nozzleman, Manually moved Emulsion Sprayer, Radio actuated traffic control operator (non-automatic), Rip Rap Work, Scaffolds and runways (as per agreement of record), Shooters and Shorers, Structural Concrete Top Surfacer, Walk Behind Street Sweeper, Welder's Helper (pipeline), Wood Chipper

Class 2: Asphalt, Batch and Concrete Plant Operator (manually operated), Asphalt Rakers, Burner, Caisson Man (open air), Carryable Pumps, Chain Saw Operator, Chipping Hammer or similar (air or otherwise), Combination Tamper and Vibrator, Concrete Buster (paving breaker), Cribbing (concrete or steel), Curb Machine Operator (asphalt and concrete)(walk behind), Earth Drill, Fork Lift (walk behind), Form Setter (road forms line man), Handyman, Highway Slab Reinforcement Placers (including joint and basket setter), Hydraulic Pipe Pusher, Jack Hammer Operator, Liner Plates (tile or vitrified clay), Manually operated Diamond Head Core Drill, Mechanical Joint Sealer, Dope Pot, and Tar Kettle, Mortar Mixer (hand or machine), Pin Drivers or Puller (power-highway), Pipe Layers, Plant set-up, Maintenance Men, Portable single unit Conveyor, Post Hole Auger (2 or 4 cycle)(hand operated), Power Fence Operator, Power Wheelbarrows and Buggies, Rail Porter, or similar, Screed Operator, Signal Man, Whacker, All Railroad Track Work: Adzing Machine, Ballast Router, Bolting Machine, Power Jacks, Rail Drills, Railroad Brakeman, Rail Saws, Spike Drivers, Spike Pullers, Tamping Machine

Class 3: Cement Mortar Lining (Air Pusher), Cement Mortar Mixer (pipe relining), Cement Saw Operator (walk behind), Form Setter (road forms-lead man), Grout Machine Operator, Gunnite (nozzle and machine men), Paving Block Rammers, Wagon Drill (air track or similar) Operators, Walk Behind Power Rollers (1 or 2 barrel), Walk Behind Roller and Tamper, Walk Behind Ditching Machine (trencher or similar)

Class 4: Blacksmith, Blaster, Brick and Block Pavers (wood, belgain and asphalt), Curb Cutters and Setters, Manhole or Catch Basin Builder (brick, block, concrete or any prefabrication)

Class 5: Multi-plate Pipe (aligning and securing) Placing Wire Mesh on Gunite projects, Reinforcing steel placers (bending, aligning and securing), Welder, elevated roadway drainage

Class 6: Welder (pipeline)

Class 7: Tunnel and Shaft Work (Inside): Change House Attendent

Class 8: Muckers, Brakemen and all other labor (includes installation of utility lines), Signal Man, Drill Runner Helper

Class 9: Miners and Drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment and jumbos)

Class 10: Caisson and Tunnel Men under pressure (0-18 pounds)

Class 11: Reinforcing steel placers (bending, aligning and securing)

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PA-2-PEO-2-3- K

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
CLASS I	$9.43	.50	.60		.09	
CLASS II	9.17	.50	.60		.09	
CLASS III	6.81	.50	.60		.09	
CLASS IV	6.36	.50	.60		.09	
CLASS V	6.21	.50	.60		.09	

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HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhoe - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (S.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Rose Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Lodavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (When hoisting and placing

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader

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PA-2-TD-23-G

TRUCK DRIVERS (Heavy and Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
Class 1	$6.40	7.3%	4.2%		
Class 2	6.55	7.3%	4.2%		
Class 3	6.64	7.3%	4.2%		
Class 4	6.73	7.3%	4.2%		
Class 5	6.71	7.3%	4.2%		
Class 6	6.46	7.3%	4.2%		
Class 7	6.50	7.3%	4.2%		

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TRUCK DRIVERS

Class 1: Truck under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment, parts man and warehousemen)

Class 2: Trucks over 33,000 lbs. gross load catergory (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease), Ready-mix Concrete trucks with towed or built-in attachments (10c per hour additional to respective size truck, Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.) Tandem-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 3: Tri-axle trucks, Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as euclids: end or belly dump, single twin-engined or tandem: Athey wagon: Pay loader, Tournawagons, and similar equipment when not self-loaded rated under forty-five tons), (Tri-axle Ready-Mixed Concrete trucks (such as agitators, barrel, redi-mix concrete trucks, etc.), Tar and asphalt trailer trucks

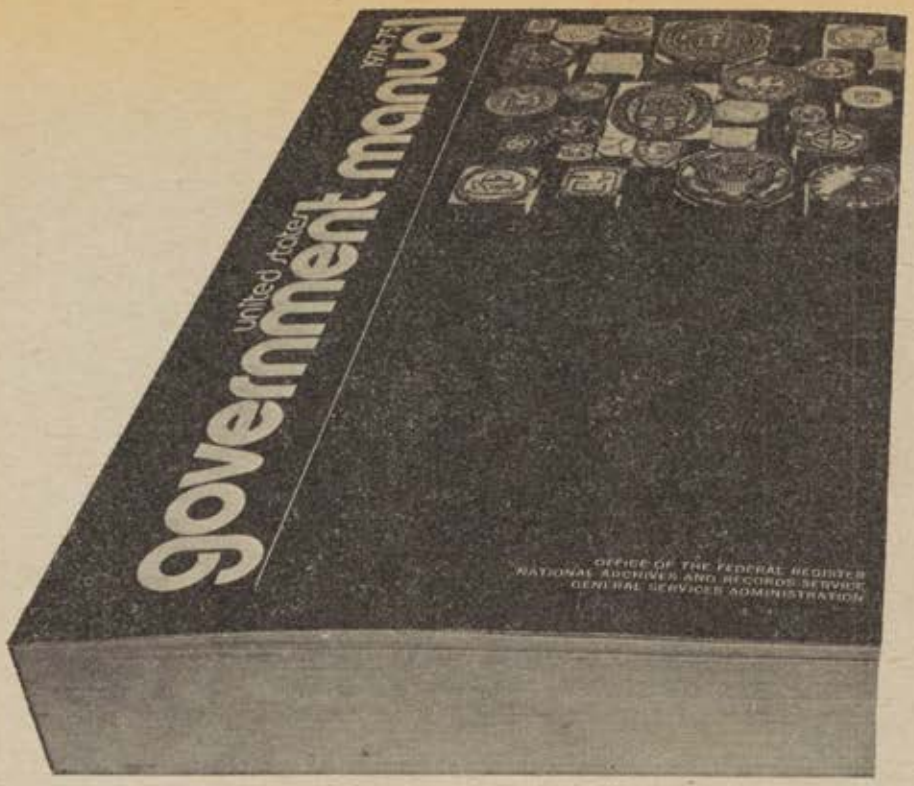
Class 4: Heavy off-the-road equipment (rated at forty-five tons or over), bottom or belly-dump trucks

Class 5: Heavy duty trailer, such as low boy, Hi-boy, Pole trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form trucks, Dual-purpose trucks (when load has been loaded or unloaded with truck, winch, loading, hauling and unloading), Mechanical tailgate trucks, Bucket self-loading trucks, Farm tractors (when pulling and hauling), Fork lift trucks (in storage areas and warehouses)

Class 6: Single-axle Ready-mixed Concrete trucks (such as agitators, barrel, redi-mix Concrete trucks, etc.)

Class 7: Trucks with dolly or trailer

[FR Doc.75-9890 Filed 4-17-75;8:45 am]



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