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Title 3—The President

PROCLAMATION 4390

National Saint Elizabeth Seton Day

By the President of the United States of America

A Proclamation

Among the most important elements of America's Bicentennial observance—and of everyday American life for nearly 200 years—is the religious heritage of our Nation, rich in its diversity and its quality.

The singular devotion, faith and courage of such servants of God as Elizabeth Ann Seton give life to that heritage and inspiration to us all.

On Sunday, September 14, 1975, His Holiness Pope Paul VI will confer upon "Mother Seton," as she is known to millions of Roman Catholics, the rites of canonization. From that day, Mother Seton will be Saint Elizabeth Seton, the first American-born saint of the Roman Catholic Church.

Born in New York more than 200 years ago, Mother Seton was content in her early years to live the common life of the 18th century woman. But tragedy entered her life, leaving her a widow at a young age and with five children. Moving to Emmitsburg, Maryland, she turned to the work of her church, took the vows of a nun and later founded the Sisters of Charity of St. Joseph, an order of nuns devoted to teaching.

Mother Seton established the first parochial school in America, the foundation for an educational system that has brought the priceless gift of knowledge to millions of Americans, including a multitude of newly arrived immigrants whom Mother Seton and her followers instructed in the language and the ways of their new homeland.

For her devout faith and diligent service in the Kingdom of God, her church is bestowing its highest honor on Mother Seton on September 14, 1975.

For her service to her country, we, as a Nation, and believers in many faiths, also have just cause to honor the memory of Mother Seton on that special day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in accordance with Senate Joint Resolution 125, do hereby designate Sunday, September 14, 1975, as National Saint Elizabeth Seton Day, and call for such memorials and other observances as are appropriate to the occasion.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two-hundredth.

Gerald R. Ford

[FR Doc.75-24576 Filed 9-11-75;11:54 am]

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 7—Agriculture

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

[Grapefruit Reg. 76]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade and Size Regulations

This regulation, effective during the period September 15 through October 26, 1975, prescribes minimum grade and size requirements applicable to domestic and export shipments of Florida grapefruit as follows: Domestic shipments of seeded grapefruit—U.S. No. 1 and 3 1/2/16 inches in diameter; domestic shipments of seedless grapefruit—Improved No. 2 and 3 5/16 inches in diameter; export shipments of seeded grapefruit—U.S. No. 1 and 3 5/16 inches in diameter; and export shipments of seedless grapefruit—Improved No. 2 and 3 5/16 inches in diameter. The minimum grade and size requirements specified for Florida grapefruit are prescribed during the present stage of the development of the crop to guard against the shipment of lower quality and smaller size fruit, which tends to weaken the market for such fruit.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum grade and size requirements specified herein reflect the Department's appraisal of the need for regulation of shipments of grapefruit during the period September 15 through October 26, 1975, based on the available supply and current and prospective market demand conditions. Available data indicate that during the 1975–76 season fresh market outlets will take about 50 carlots of seeded grapefruit and 36,750 carlots of seedless grapefruit. The minimum grade and size requirements specified herein for seeded and seedless grapefruit are necessary during the early part of the season to prevent the handling of such fruits that are of a lower grade or smaller size in order to provide good-quality fruit to consumers and promote orderly marketing.

The specified grade and size requirements for export shipments of such grapefruit are necessary to assure the exportation of good-quality fruit and thereby aid the expansion of export markets.

It is concluded that the grade and size requirements hereinafter provided are necessary to provide good-quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof 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; 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. Shipments of grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 4, 1975, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendations of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such fruits; it is necessary to make this regulation effective on September 15, 1975, to preclude the shipment of lower quality grapefruit, as hereinafter set forth, and to otherwise effectuate the declared policy of the act; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.563 Grapefruit Regulation 76.

Order. (a) During the period September 15, 1975, through October 26, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3 1/2/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than 3 5/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

(b) During the period September 15, 1975, through October 26, 1975, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3 5/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than 3 5/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

(c) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, except Improved No. 2 grade, and diameter, as used herein, shall have the same mean-

ing as is given to the respective term in the revised United States Standards for Florida Grapefruit (7 CFR 51.750–51.784).

(d) Grapefruit Regulation 75 (39 F.R. 32976, 37186, 40745, 42899; 40 F.R. 8321, 11345, 14889, 20061, 21467) is hereby terminated at the effective date hereof.

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

Dated, September 10, 1975, to become effective September 15, 1975.

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

[FR Doc.75-24430 Filed 9-11-75;8:45 am]

[Orange Reg. 74; Tangerine Reg. 47; Tangelo Reg. 47]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade and Size Regulations

These regulations specify minimum grade and size requirements for the period September 15, 1975, through October 26, 1975, applicable to the handling of oranges, tangerines and tangelos grown in the production area in Florida. The regulations are necessary to ensure the shipment of fruit of appropriate grades and sizes in the interest of both growers and consumers. The action is necessary to promote orderly marketing conditions by preventing the adverse effect on the market caused by shipment of lower-quality and smaller-size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of shipments of oranges, including Navel, Temple and Murcott Honey oranges, Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, tangerines, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum grade and size requirements specified herein reflect the Department's appraisal of the need for regulation of shipments of the specified varieties of oranges, tangerines, and tangelos during the period September 15 through October 26, 1975, based on the available supply and current and prospective market demand conditions. Available data indicate that during the 1975–76 season fresh market outlets will take about 21,500 carlots of round oranges, 3,500 carlots of Temple oranges, 4,000 carlots of tangelos, 4,000 carlots of tangerines, and 1,850 carlots of murcotts. The minimum grade and size requirements specified for Early and Midseason type oranges are prescribed during the present stage of maturity and development of such oranges to guard against the shipment of lower quality and smaller size fruit which tends to weaken the market for such fruit. The U.S. No. 1 Golden grade requirement specified herein for Navel oranges is consistent with the fact that Navel oranges tend to possess more surface discoloration.

The size and grade requirements specified herein for tangerines and tangelos are necessary during the early part of the season to prevent the handling of such fruits that are of a lower grade or smaller size in order to provide good-quality fruit to consumers and promote orderly marketing.

The specified grade and size requirements for export shipments of the named varieties of oranges, tangerines and tangelos are necessary to assure the exportation of good-quality fruit and thereby aid the expansion of export markets.

It is concluded that the grade and size requirements hereinafter provided are necessary to provide good-quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these regulations until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which these regulations are based became available and the time when these regulations must become effective in order to effectuate the declared policy of the act is insufficient; 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. Shipments of oranges, tangerines, and tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 4, 1975, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of these regulations, including the effective time hereof, are identical with the aforesaid recommendations of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such fruits; it is necessary to make these regulations effective on September 15, 1975, to preclude the shipment of lower quality oranges, tangerines, and tangelos, as hereinafter set forth, and to otherwise effectuate the declared policy of the act; and compliance with these regulations will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.560 Orange Regulation 74.

Order. (a) During the period September 15, 1975, through October 26, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos: *Provided*, That such tolerance for undersize oranges shall be based only on those oranges in such lot which are of a size $2^{11}/_{16}$ inches in diameter or smaller;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(4) Any Navel oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance for undersize Navel oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance for undersize Temple oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than $2^{11}/_{16}$ inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That during the period September 15, 1975, through September

28, 1975, such oranges may be shipped if they grade at least U.S. No. 2 Russet; and

(10) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2⅝ inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos: *Provided*, That such tolerance for undersize oranges shall be based only on those oranges in such lot which are 2¹⁄₁₆ inches in diameter or smaller.

(b) During the period September 15, 1975, through October 26, 1975, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Naval oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2⅛ inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(4) Any Navel oranges, grown in the production area, which are of a size smaller than 2⅛ inches in diameter except that a tolerance for undersize Navel oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than 2⅛ inches in diameter except that a tolerance for undersize Temple oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2⅝ inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That during the period September 15, 1975, through September 28, 1975, such oranges may be shipped if they grade at least U.S. No. 2 Russet; and

(10) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than 2⅛ inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; Florida No. 1 grade for murcotts shall have the same meaning as provided in Rule No. 20–35.03 of the Regulations of the Florida Citrus Commission, and all other terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1180) or the revised United States Standards for Florida Tangerines (7 CFR 51.1810–51.1835).

§ 905.561 Tangerine Regulation 47.

Order. (a) During the period September 15, 1975, through October 26, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2⅛ inches in diameter, except that a tolerance for undersize tangerines shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines.

(b) During the period September 15, 1975, through October 26, 1975, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than 2⅝ inches in diameter, except that a tolerance for undersize tangerines shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (7 CFR 51.1810–51.1835).

§ 905.562 Tangelo Regulation 47.

Order. (a) During the period September 15, 1975, through October 26, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangelos, grown in the production area, which are of a size smaller than 2⅝ inches in diameter, except that a tolerance for undersize tangelos shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos.

(b) During the period September 15, 1975, through October 26, 1975, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico.

(1) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangelos, grown in the production area, which are of a size smaller than 2⅛ inches in diameter, except that a tolerance for undersize tangelos shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1180).

Orange Regulation 73 (39 FR 32976, 37186, 40745, 42899, 40 FR 2792, 12646, 14889, 25799); Tangerine Regulation 46 (39 FR 32976, 37186, 40745, 41239, 42899, 44735; 40 FR 8321, 12646); Tangelo Regulation 46 (39 FR 32976, 37186, 40745, 42899, 40 FR 12646) and Export Regulation 24 (39 FR 32976, 37186, 40 FR 2792, 11345, 12646, 14889, 16210, 20061, 21467, 24174, 25799) are hereby terminated on the effective date hereof.

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

Dated, September 10, 1975, to become effective September 15, 1975.

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

[FR Doc.75-24429 Filed 9-11-75;8:45 am]

[Lemon Reg. 10]

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 September 14–20, 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.

§ 910.310 Lemon Regulation 10.

(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 is generally easier. Average f.o.b. price was $8.29 per carton the week ended September 6, 1975, compared to $7.99 per carton the previous week. Track and rolling supplies at 92 cars were down 10 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to 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 September 9, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 14, 1975, through September 20, 1975, is hereby fixed at 225,000 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: September 11, 1975.

CHARLES R. BRADER,
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CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 441.4]

PART 1832—EMERGENCY LOANS

Deletion of Subpart

Subpart B of Part 1832, "Emergency Loan Processing," (37 FR 7293; 38 FR 29599; 39 FR 16117; 39 FR 25641) is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. The provisions of the Subpart have been incorporated into the revised Subpart A.

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date. This deletion is effective on September 12, 1975.

Dated: September 8, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

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[FmHA Instruction 441.5]

PART 1832—EMERGENCY LOANS

Deletion of Subpart

Subpart E of Part 1832, "Special Emergency Loan Policies and Authorizations Implementing Applicable Provisions of Public Law 93–237," (39 FR 3667; 39 FR 7569; 40 FR 4118) is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. The provisions of this Subpart have been incorporated into the revised Subpart A.

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date. This deletion shall become effective on September 12, 1975.

Dated: September 8, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

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[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies, Procedures and Authorizations

REVISION

Part 1832, Title 7, Code of Federal Regulations is revised by combining Subparts A, B, and E into Subpart A; Subparts B and E are reserved. The revision of Subpart A of this Part 1832 (37 FR 7293; 37 FR 19119; 37 FR 21158; 38 FR 2169, 2170; 38 FR 14820; 38 FR 16631; 38 FR 20245, 20246; 39 FR 787; 39 FR 3667; 39 FR 14500; 39 FR 20677; 39 FR 41169; 39 FR 41511, 41512) makes numerous changes in the Emergency (EM) loan policies and procedures which are designed to improve the processing of EM loan applications and to implement the changes made in the Emergency loan program by Public Law 94–68, an amendment to the Consolidated Farm and Rural Development Act. This revision incorporates the EM loan processing and special policies and authorizations contained in former Subparts B and E, and sets out the revised policies, procedures, and authorizations for making EM loans to provide financial assistance to eligible farmers, ranchers, and aquaculture operators to cover losses, make major adjustments, pay operating expenses, and other essential needs for a sound operation in order that they may continue their farming, livestock, or aquaculture operations after the occurrence of a natural disaster. The major changes will:

(1) Include a test for credit except for applications filed by the close of business on July 8, 1975;

(2) Change the method of making Emergency loans available;

(3) Provide for the forming of Emergency loan support teams;

(4) Change the eligibility requirements from having a 10 percent loss of gross income to a 20 percent loss in a single basic enterprise;

(5) Change the terms of loans;

(6) Change loan purposes to include in addition to actual losses at a 5 percent interest rate, annual loans for operating purposes as well as loans for reorganization of operations at a market rate of interest determined by the Secretary of Agriculture;

(7) Change the method of determining a normal year's production to be the average production per acre for the applicant's five-year history immediately preceding the disaster year, and change the method of calculating loss payment;

(8) Change the policy for securing EM loans and permitting the use of depreciated security; and

(9) Include as Appendix I a statement of the relationship between the Federal Disaster Assistance Administration and the Farmers Home Administration.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. This revision, however, is being published without prior notice of proposed rulemaking because such notice would delay the granting of Emergency loans to eligible disaster victims causing possible financial losses, and therefore be contrary to the public interest. Upon enactment of Public Law 94-68, it was necessary to cease processing and approval of applications received in Farmers Home Administration County Offices on or after July 9, 1975. Applications for Emergency loans cannot be processed until these revised regulations are issued. Any delay in the issuance of the regulations may cause extreme hardship to many disaster victims. In addition, such delay may cause an adverse effect on local economy of areas affected by natural disasters.

In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data or arguments to the Office of Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before October 14, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this Subpart A as revised will remain effective until it is further revised or amended in order to permit the public business to proceed expeditiously. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours (8:15 a.m. to 4:45 p.m.).

As revised, Subpart A reads as follows:

Subpart A—Emergency Loan Policies, Procedures, and Authorizations

Sec.

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Appendix II—Memorandum of understanding between Small Business Administration (SBA) and the United States Department of Agriculture—Farmers Home Administration (USDA-FmHA) pertaining to disaster type loan assistance for agribusiness and farming enterprises
Appendix III—Memorandum of understanding and coordination between the Agricultural Stabilization and Conservation Service (ASCS) and the Farmers Home Administration (FmHA) pertaining to disaster type assistance

AUTHORITY: 7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

§ 1832.1 General.

This Subpart A of Part 1832 prescribes the policies, procedures, and authorizations of the Farmers Home Administration (FmHA) for making Emergency (EM) loans to farmers, ranchers, and aquaculture operators.

§ 1832.2 Objectives.

The basic objective of EM loans is to provide financial assistance to eligible farmers, ranchers, and aquaculture operators to cover losses, make major adjustments, pay operating expenses, and other essential needs for a sound operation in order that they may continue their farming, livestock, or aquaculture operations. Also, the objective is to permit the disaster victims to return to local sources of credit as soon as possible, but in no event longer than six full crop years after the disaster. These objectives will be accomplished through the extension of credit and such supervisory assistance as is determined necessary to achieve the objectives of the loan and protect the Government's interest. Supervisory assistance will be given in accordance with the provisions of Part 1802 of this chapter (430 series of FmHA Instructions.)

§ 1832.3 Definitions.

(a) *Farm.* This term includes a tract or tracts of land with or without improvements considered to be a farm or ranch, operated or managed by the applicant, and used in the production for sale of crops or livestock, including the production of aquatic organisms under a controlled or selected environment.

(b) *Farming or farm enterprise.* These terms are defined as the business of producing crops, livestock, livestock products, and aquatic organisms through the management of land, water, labor, capital, and basic raw materials, including seed, feed, fertilizer, and fuel. Farming and farm enterprise consist of a total farming or aquaculture operation, or a portion thereof, which produces different types of products, including crops, livestock, livestock products, and aquatic organisms. The following types of enterprises are eligible for FmHA EM loan assistance and are classified into the categories listed below:

(1) Production of crops including:

(i) Field crops—feed, fiber, and tobacco;

(ii) Fruits, vegetables, nuts, greenhouse crops, and mushrooms;

(iii) Flowers, ornamental plants, shrubs and trees, and sod;

(iv) Nursery stock for fruits and nuts;

(v) Vegetable and small fruit plants for transplanting; and

(vi) Water plants.

(2) Production and/or feeding of livestock or poultry including milk and egg production in the applicant's owned or rented facilities. This does not include feeding operations which function primarily as a service to others.

(3) Operation of hatcheries for the production of baby chicks, turkey poults, ducklings, goslings, and other poultry where the hatchery maintains its own breeding flocks in its own facilities, regardless of whether the hatchery raises or sells them.

(4) Operation of aquaculture farms or hydrophonic farms.

(5) Production of fur bearing animals, game animals, or game birds.

(6) Production of aquatic organisms under a controlled or selected environment.

(7) Non-farm enterprises located on the farm and needed to supplement farm income. Non-farm enterprises which make farming incidental to the applicant's total operation would not be eligible for consideration for an EM loan. Only those non-farm enterprises which the farmer depends upon to supplement his farm income are eligible for EM loan assistance.

(c) *Farmers.* This term also includes ranchers and others engaged in farming or farm enterprises as defined in paragraph (b) of this section. They may be individuals, partnerships, or private domestic corporations engaged in the production of agricultural commodities for sale.

(d) *Aquaculture.* This term means the husbandry of aquatic organisms under a controlled or selected environment.

(l) *Aquatic organism planters.* This term means performing or actively managing the aquatic operations. Such operations must be conducted on the applicant's owned, leased, or permit grounds. Such grounds are grounds under water on which the planting operations are conducted. Other types of operations, such as contract operations, gathering such organisms, and harvesting those planted in public water, are not eligible for EM loans unless these waters are identified and a permit is issued to the applicant. An applicant who performs the aquatic functions in connection with such operations owned by others (share operators), or is employed by others in any type of aquatic operation is not eligible.

(e) *Major Disaster.* This term means any natural disaster in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance above and beyond normal emergency services by the Federal Government, to supplement the efforts and available resources of States, local government, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(f) *Presidential Emergency.* This term means any natural disaster in any part of the United States which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster, and it is of such magnitude that the President makes a declaration.

(g) *Natural disaster.* This term means a natural disaster as determined by the Secretary of Agriculture when designating EM loan areas, or by an FmHA State Director when he authorizes the making of EM loans. Natural disasters can be caused by such natural phenomena as hurricanes, tornadoes, cyclones, excessive rainfall, floods, earthquakes, blizzards, freezes, electrical storms, snowstorms, drought, excessively high temperatures, and hail; insects where abnormal weather contributed substantially to the spreading and flourishing of such insects; fires resulting from lightning, and fires of other origins which could not be controlled because of abnormal weather; and plant and animal diseases where abnormal weather contributed substantially to such diseases spreading into epidemic stages.

(h) *Designated counties or similar areas.* This term means a county or similar political subdivision in which EM loans are authorized to be made under designation by the Federal Disaster Assistance Administration (FDAA) pursuant to a Presidential declaration of a major disaster or emergency; under designation by the Secretary of Agriculture based on damage caused by a natural disaster which substantially affected farming, ranching, or aquaculture operations; and when authorized by the State Director without a formal designation when 25 or less farming, ranching, or aquaculture operations are substantially affected by a natural disaster.

(i) *Qualifying disaster.* This term means the major disaster, Presidential Emergency, or natural disaster for which EM loans were made available.

(j) *Incidence period.* This term means the specific time frame established for the occurrence of the qualifying disaster during which qualifying losses were sustained.

(k) *Termination dates.* Termination dates are those dates specified in disaster declarations, designations, or State Director authorizations which establish the final dates after which EM loan applications may no longer be received. For physical losses, 60 days from the date of declaration, designation, or State Director authorization, and for production losses, 9 months from such date. The 60-day and 9-month periods will commence on the first workday following the designation. The final day for accepting applications will always be on a workday. Therefore, if the last day falls on a nonworkday, Saturday, Sunday, or Federal holiday, the next workday will be the final day.

(l) *Normal year's production.* This is the average production per animal or acre of the applicant's or farm's 5-year history based on the total production (acres X yield) or (number X production) for the 5 years immediately preceding the disaster. None of the years may be discounted. The applicant will be required to furnish proof of his 5-year production history. Such proof will be his records for that period. If the applicant cannot supply records for one or more of the 5 years he farmed the farm, the production will be counted zero for that year or years and used in the 5-year calculation unless the applicant's records were destroyed by the disaster. In such case the policy outlined below will be followed. If the applicant does not have a 5-year history for the enterprise on that farm the County average for the previous 5 years as provided by the Crop Reporting Service for each year for which he did not farm that farm will be used in determining his normal year's production. The disaster year's production will be obtained from the Agricultural Stabilization and Conservation Service (ASCS) when they have made a disaster payment to the applicant. If the applicant has farmed less than 5 years, his production will be determined as described above for a 5-year period.

(m) *Single enterprise.* This term means an enterprise which constitutes part of the applicant's farming, ranching, or aquaculture operation. The following are examples of "single enterprises":

(1) All cash field crops;
(2) All cash vegetable crops;
(3) All cash fruit crops;
(4) All feed crops;
(5) Beef operations;
(6) Dairy operations;
(7) Hog operations; and
(8) Aquaculture operations.

NOTE.—Some crops such as corn may be produced as a cash or feed crop. In such cases the actual acres produced for each purpose for the past 5 years will be used in determining a ratio of production for acres of the crop grown for feed or for sale.

(n) *Basic enterprises.* This term means any single enterprise which constitutes not less than 25 percent of the applicant's total farming operation's gross income. The value of the feed produced for livestock use to qualify feed crops as a basic enterprise must be at least equal to 25 percent of the value of the total feed fed to the livestock annually. However, for a feed crop to be considered a basic enterprise one or more of the livestock enterprises must qualify as a basic enterprise. To determine a basic enterprise the applicant must show records of the income he received on all enterprises for the year before the disaster year so that a determination can be made as to which are basic enterprises. The records may be from records he maintains, computer records, income tax return, or sales slips. If the applicant's system of farming or certain enterprises have materially changed for the disaster year, the County Supervisor with the assistance of the applicant will project the affect of the changes on his basic enterprises and record that information in the County Office case file.

(o) *Production loss.* To qualify for a production loss the applicant must have sustained at least a 20 percent loss of normal per acre or per animal production as a result of the disaster in one or more basic enterprises. Livestock increases (calves, pigs, etc.) are considered as production losses. Reductions in the production of livestock products due to feed crop losses will not be considered as production losses when purchased feed is available to purchase, regardless of the cost of feed. When the disaster has severely disrupted the usual feeding pattern of a livestock enterprise because of extended utility failure or inaccessibility to the livestock, a loss in production (i.e. milk, eggs, weight losses, etc.) may be calculated based on the reduction from normal for the disruption period in order to bring production to the normal level.

(p) *Physical loss.* This damage to or destruction of physical property including farmland (except sheet erosion); structures on the land such as buildings, fences, dams, etc.; machinery, equipment, and tools; basic livestock; and supplies.

(q) *Mortgage.* This term includes any form of real estate security interest or lien upon any rights or interest in real property of any kind.

(r) *Security.* This term includes any rights or interests in property of any kind subject to a real or personal property lien.

(s) *Basic security property.* This term means all foundation herds, flocks, aquaculture animal organisms, and all machinery and equipment necessary to the successful operation of the farm.

(t) *Normal income security property.* This term means property produced for sale during the year.

(u) *Insured loan.* This term means a loan made from the Agricultural Credit Insurance Fund.

(v) *Guaranteed loan.* This term means a loan made by a bank or other legally organized lending institution where FmHA guarantees 90 percent of the principal and interest on the loan.

(w) *Subsequent loans.* This term means additional EM loans made to a borrower who is indebted for an EM loan. The disaster designation number has no affect on determining whether an EM loan is a subsequent loan.

(x) *USDA Emergency Board.* This term means State (SEB) and County (CEB) Emergency Board. There is a United States Department of Agriculture (USDA) Emergency Board to serve every State and county (or comparable subdivision) in the United States, Puerto Rico, and the Virgin Islands. The boards coordinate USDA State or county activities relating to defense preparedness and natural disaster programs. Members of the SEB's represent those USDA agencies which have major emergency responsibilities in the field; ASCS; Cooperative Extension Service, FmHA, Soil Conservation Service, Animal and Plant Health Inspection Service, Forest Service, and Statistical Reporting Service. The CEB's are composed of representatives of the first four of these agencies, with additional representation as available or warranted. The ASCS member usually chairs the board. The SEB's and the CEB's natural disaster responsibilities are contained in *"USDA State Emergency Memorandum No. 54, Natural Disaster Responsibilities of USDA State and County Emergency Boards."* A copy of USDA State Emergency Memorandum No. 54 is available for inspection at any State Office of the FmHA or ASCS and in the National Office of FmHA at 14th and Independence Avenue S.W., Washington, D.C. 20250.

(y) *Substantially affected.* This term means a natural disaster that has had a strong impact on farming, ranching, or aquaculture operations to the extent that Federal assistance is necessary to supplement normal assistance available in the area to permit such operators to continue their operations on a sound basis. This judgment determination must be supported by the number of farmers affected and the dollar amount of physical and/or production losses reflected on the Damage Assessment Report (DAR).

(z) *Abbreviations.* A list of abbreviations used in this regulation and their meaning are listed below.

(1) ASCS—Agricultural Stabilization and Conservation Service.

(2) CEB—County USDA Emergency Board.

(3) DAR—Damage Assessment Report.

(4) ELST—Emergency Loan Support Team.

(5) ECM—Emergency Conservation Measures.

(6) EM—Emergency loans.

(7) FDAA—Federal Disaster Assistance Administration.

(8) FmHA—Farmers Home Administration.

(9) FMI—Forms Manual Insert.

(10) LFP—Emergency Livestock Feed Program.

(11) MDDN—Major Disaster Declaration Number.

(12) OGC—Office of the General Counsel.

(13) PEDN—Presidential Emergency Declaration Number.

(14) SBA—Small Business Administration.

(15) SDAN—State Director Authorization Number.

(16) SDDN—Secretarial Disaster Designation Number.

(17) SEB—State USDA Emergency Board.

(18) UCC—Uniform Commercial Code.

(19) USDA—United States Department of Agriculture.

§ 1832.4 Relationship between FmHA and other Federal Agencies.

(a) *FDAA and FmHA.* An arrangement between the FDAA and the USDA-FmHA is set forth in Appendix I.

(b) *Small Business Administration (SBA) and FmHA.* A Memorandum of Understanding between the SBA and USDA-FmHA is attached as Appendix II. In implementing the intent of paragraph IV A 1(a) of this memorandum, the provisions of § 1832.15(d) of this regulation must be observed particularly with respect to the requirement that a partnership or corporation must engage primarily in farming, ranching, or aquaculture to be considered for EM loan eligibility.

(c) *ASCS and FmHA.* An agreement between the ASCS and FmHA is attached as Appendix III.

§ 1832.5 FmHA Emergency Loan Support Teams (ELST).

(a) *Purpose and use.* Each State Director shall form an ELST to be deployed, when needed, in areas affected by a major disaster, Presidential emergency, or a natural disaster. Such ELST shall assist the State Director in expediting the carrying out of his responsibilities in making EM loans available to victims of disasters.

(1) An ELST is to be used when a disaster is of such a nature as to warrant immediate attention by FmHA in implementing the EM loan program or when such unusually large numbers of EM loan applications are received that personnel from other areas are required to be temporarily assigned to assist in rendering prompt service to the affected area.

(2) State Directors shall use the ELST formed in their State(s) and all other State personnel to meet the conditions described in subparagraph (1) of this paragraph. If help is needed above that which is available to the State Director, including temporary personnel, he shall advise the National Office of his needs.

(3) Upon request of a State Director, the Administrator will consider detailing ELST's from other States to assist in the making of EM loans.

(b) *Composition.* ELST's will consist of a team leader and team members.

(1) The team leader and individual members shall be selected by the State Director.

(2) In order that no one person or county unit bears an unfair burden, team members will be rotated from time to time. This will also provide training in EM loan making to all County Supervisors. The District Director is responsible for notifying the State Director of any need to change a team member within his district for any reason.

(c) *Training.* ELST's will be trained as follows:

(1) The National Office will hold a training meeting or workshop for ELST leaders as needed.

(2) State ELST leaders are responsible for training and keeping the State team and all other personnel in the State current on all phases of EM loan making.

(d) *State Instructions.* Each State Director will issue a State Instruction establishing an ELST for their State(s). This Instruction will name the team leader and all members. A copy of this Instruction will be sent to the National Office, Attention: Director, Emergency Loan Division.

§§ 1832.6–1832.8 [Reserved]

§ 1832.9 Reporting natural disasters.

(a) *Purpose.* The purpose of reporting natural disaster is to provide a systematic procedure for rapid reporting of natural disasters which may result in a need for EM loans in an area.

(b) *Action.* Immediately after the occurrence of a natural disaster the following action will be taken:

(1) The County Supervisor will report immediately to the CEB, as specified in USDA State Emergency Memorandum No. 54, the occurrence of any natural disaster causing substantial property loss, damage, or injury, including severe production losses in his County Office area, regardless of whether EM loans will be needed. He will assist the CEB in preparing the report required in paragraph (b)(2) of this section. If the CEB has not completed a 24-hour report within two workdays after a disaster he will report to the State Director on Form FmHA 441–27, "Report of Natural Disaster." In urgent situations the report may be made by telephone followed by the CEB report or Form FmHA 441–27. The CEB report or Form FmHA 441–27 will be based on information obtained from personal knowledge and from farmers, agricultural and community leaders, representatives of other agricultural agencies, agricultural lenders, and from any other reliable sources. The County Supervisor will advise the Chairman of the CEB of any information he has on the disaster, and also provide him with a copy of Form FmHA 441–27 if prepared.

(2) The CEB will report the natural disaster (in accordance with USDA State Emergency Memorandum No. 54) to:

(i) SEB, and

(ii) Appropriate county government representative.

(3) The SEB provides copies of reports to:

(i) USDA Washington-(ASCS, FmHA, and Office of Intergovernmental Affairs).

(ii) Governor's Emergency Coordinator and State Department of Agriculture.

(4) The State Director will inform the National Office of each natural disaster as soon as possible. He will forward copies of the CEB report or Form FmHA 441–27, with any attachments to the National Office. The CEB report or Form FmHA 441–27 will be supplemented by his comments, including any additional information he may have, and his recommendation as to the number of farmers, ranchers, or aquaculture operators affected by the disaster. In urgent situations he should report to the National Office by telephone and immediately thereafter send a written report to the National Office. The State Director will advise the Chairman of the SEB of any additional information he receives on the natural disaster.

(5) When the National Office is advised by a State Director of the occurrence of a natural disaster, the FmHA Administrator will advise the Office of the Secretary of Agriculture of the natural disaster and of any action taken or planned by the FmHA. The National Office will also provide the same information to members of Congress and FDAA, if so requested.

(6) When inquiries are received from victims of natural disasters before the area is designated by the Secretary of Agriculture or before EM loans are authorized by a State Director, the following actions will be taken:

(i) Inquiries from victims of natural disasters received in County Offices will be advised:

(A) That EM loans are not available at this time.

(B) As to what assistance would be available if EM loans are authorized for the area.

(C) That he may file an application for an EM loan or wait to file if EM loans are authorized at a later date. However, he must understand that the application cannot be processed until EM loans are authorized. Frequently, the credit needs of an individual can be met under regular FmHA programs if EM loans are not authorized.

(ii) If the inquiry is received in either the State or National Office, the individual will be advised in accordance with paragraph (b) (6) (i) of this section and refer him to the appropriate County Office.

(7) The action stated in paragraph (b) of this section will be taken even if the Governor of the State has requested the President to declare the county a major disaster or emergency area.

(8) When inquiries are received from county governing bodies or Indian Tribal Councils concerning the designation of an area they will be advised of the procedure for making EM loans available as contained in § 1832.10. Individuals will be advised of the procedure for designation and asked to discuss the needs for emergency designation of the area with his representative of the local governing body.

§ 1832.10 Making EM Loans Available.

EM loans will be made available in counties named by FDAA as eligible for Federal assistance under a major disaster or emergency declaration by the President; in counties designated by the Secretary of Agriculture; and in counties authorized by the State Director.

(a) *Declaration by the President.* Designation by the Secretary of Agriculture is not necessary for making EM loans available in counties determined by FDAA to be eligible for Federal assistance under a major disaster or emergency declaration by the President. Therefore, when there is a Presidential major disaster or emergency declaration, the National Office will notify the State Director and the Director of the Finance Office. The notification will specify the type of disaster; the names of the county or counties determined by FDAA to be eligible for Federal assistance; the termination dates for receiving EM applications, the incidence period for the disaster or emergency; the major disaster (MDDN-Example: M 501) or Presidential emergency (PEDN-Example: P 102) declaration number; and the date loan activity reporting will commence. Each Senator and Congressman representing the area involved will be notified simultaneously of the action taken.

(1) *State Director.* The State Director will notify the appropriate County Supervisor immediately and instruct him to make EM loans available. Notification will be confirmed by a State Instruction or a revision thereof. The State Director will also notify the SEB Chairman in writing and will make such public announcements as appear to be appropriate.

(2) *County Supervisor.* Immediately upon receiving notice about counties under his jurisdiction, the County Supervisor will notify the appropriate CEB Chairman and make such public announcements as appear to be appropriate. Also, the County Supervisor will explain the assistance available under the EM loan program to agricultural lenders and leaders in the area.

(b) *Designation by the Secretary of Agriculture.*

(1) The Secretary of Agriculture may designate a county as an EM loan area when:

(i) Unusual and adverse weather conditions have resulted in severe production losses and/or damage or losses to livestock, farm machinery, farmland, or buildings, and aquaculture operations;

(ii) A natural disaster has substantially affected farming, ranching, and aquaculture operations and more than 25 farmers have been affected;

(iii) The request for designation has been made within three months from the last day of the occurrence of the natural disaster; and

(iv) He receives a formal written request for designation from the Governor of the State.

(2) A Governor's request for EM loan area designation will be sent to the Secretary of Agriculture with a copy of the request to the FmHA State Director. Upon receiving the Governor's request the Administrator, FmHA, will immediately take the following actions:

(i) Acknowledge the Governor's letter on behalf of the Secretary.

(ii) Advise FmHA State Director by phone and confirm by letter of the request. The State Director shall thereafter send the Administrator, Attention: Director, Emergency Loan Division, a monthly report of the action taken on the request, an estimate of the situation and the estimated time complete information will be available. The Governor will be advised by the National Office if there will be any delay in processing his request, the reason for the delay and when action will be taken. These reports will be referred to by a Governor's request (GR) number assigned by the National Office. Example: GR (State Abbreviation) 001, 002, 003, etc.

(3) Upon reviewing his copy of the Governor's request the State Director will immediately take the following actions:

(i) Advise the SEB Chairman that a Damage Assessment Report (DAR) is needed in accordance with USDA State Emergency Memorandum No. 54, for the requested county or counties. The State Director will request the SEB Chairman, to ask the CEB Chairman to invite the county governing body to participate in the CEB meeting. The SEB Chairman will ask the CEB Chairman to have his DAR in by a specific date.

(ii) Advise the County Supervisor(s) of the request and remind him of his responsibility to assist the CEB in preparing the DAR.

(4) The CEB meets and prepares the DAR in accordance with USDA Emergency Memorandum No. 54. The county governing body or its appropriate representatives will be encouraged to attend the CEB meeting. The completed DAR will be sent to the SEB Chairman.

(5) The SEB Chairman shall edit each county DAR as necessary in cooperation with FmHA and other board members as appropriate and indicate the SEB concurrence and recommendation. The SEB Chairman will provide the FmHA State Director a copy of the completed DAR with the SEB recommendation.

(6) The State Director will review each DAR and take one of the following actions:

(i) Refer the DAR to the National Office, Attention: Director, Emergency Loan Division, by letter, recommending when he agrees with the SEB recommendation for designation and provide his comments. These comments should indicate his views on the entire situation as it relates to the need for EM loans as a direct result of the natural disaster. If he has additional supporting information not contained in the DAR, he should present this information.

(ii) Refer the DAR to the National Office, Attention: Director, Emergency Loan Division, by letter recommending that a designation not be made and the reasons for the recommendation. The National Office will advise the Secretary of Agriculture of the reasons for not recommending the area. The Secretary will advise the Governor of the rejection.

(iii) If EM loans are needed and less than 25 farmers in a county have been affected, the State Director can authorize EM loans in accordance with paragraph (c) of this section.

(7) The National Office will review the information furnished by the State Director and send it to the Secretary with recommendations for designation or rejection.

(8) When a county is designated by the Secretary of Agriculture, the National Office will notify the State Director and the Director of the Finance Office. The notification will specify the type of disaster; the county or counties designated; the termination dates for receiving EM loan applications; the incidence period for the disaster; the Secretarial Disaster Designation Number (SDDN) (Example: A205); and the date loan activity reporting will commence. The Governor of the state and each Senator and Congressman representing the area involved will be notified simultaneously of the action taken.

(i) The State Director will immediately notify the appropriate County Supervisors. This notification will be confirmed by a State Instruction or a revision thereof. The State Director will also notify in writing the SEB Chairman and make such public announcements as appear to be appropriate.

(ii) Immediately upon receiving notice of the designation of the county or counties under his jurisdiction, the County Supervisor will notify the appropriate CEB Chairman and make such public announcements as appear to be appropriate. Also, the County Supervisor will explain the assistance available under the EM loan program to agriculture lenders and leaders in the area.

(c) *State Director Authorization.* If the State Director finds in any county that the requirements of paragraph (b)(1) (i), (ii), and (iii) of this section are met, except that 25 or less farmers have been substantially affected by the natural disaster, EM loans may be authorized by the State Director. The authority to make EM loans available by the State Director will only be exercised after the Governor, the county governing body or its authorized representative, or an Indian Tribal Council, and the CEB has made a formal written request for such action to the State Director and he has given prior notice to the National Office by telephone. This authorization may not be used to make EM loans available immediately in anticipation of a later designation by the Secretary of Agriculture based on the same natural disaster.

(1) The State Director Authorization Number (SDAN) (Example: N186), termination dates for receiving EM loan applications, the date loan reporting will commence, and the incidence period for the disaster will be established by the National Office when the prior telephone notice is given.

(2) Applications for EM loans will be received by County Supervisors only after authorization by the State Director except as provided in § 1832.9(b)(6)(i)(C).

(3) The State Director will send to the National Office a copy of his authorization letter written to the County Supervisor; the DAR; and the formal written request from the Governor; the county governing body or its authorized representative, or CEB.

(4) The National Office will notify the Secretary of Agriculture and the Director of the Finance Office of the action taken by the State Director.

(5) The State Director will direct appropriate County Supervisors to take EM loan applications in the county or counties he has authorized. Simultaneously, he will notify the SEB chairman. The State Director will also make appropriate public announcements.

(6) Immediately upon receiving notice of the State Director authorization of loans for a county or counties under his jurisdiction, the County Supervisor will notify the appropriate CEB Chairman and make appropriate public announcements. He will also explain the assistance available under the EM loan program to agricultural lenders and leaders in the area.

(d) *Continuing disaster conditions.* When a need occurs for EM loans resulting from a subsequent natural disaster, or the continuation of a natural disaster in any area presently designated for EM loans under paragraphs (a), (b), or (c) of this section, such need may be met by completing one of the following actions:

(1) *Declarations By The President.* EM loans are made available in counties determined by FDAA to be eligible for Federal assistance under a major disaster or emergency declaration by the President without establishing that a substantial number of farmers, ranchers, or aquaculture operations have been affected. The conditions which led to the major disaster or emergency declaration and which affect agricultural crops may extend beyond the incidence period established by FDAA, or the disaster conditions which lead to the original declaration may have been prolonged in the same area by a new natural disaster which affects the same crops, livestock, or aquaculture operations during the same crop year. Under such circumstances, the Secretary of Agriculture may designate the area as a natural disaster area under paragraph (b) of this section and establish an incidence period commencing on, or subsequent to, the date of the commencement of the incidence period for the major disaster or emergency declaration, provided the requirements of paragraph (b) of this section are met. In those cases, the Secretary will establish a new termination date for the incidence period for the natural disaster extending beyond the termination date originally established for the major disaster or emergency declaration. He may also establish new termination dates for accepting applications in connection with a designation under paragraph (d)(1) of this section.

(2) *Designation By The Secretary Of Agriculture And State Director Authorization.* Certain types of natural disasters which affect farming such as drought, floods, and insect infestation, may extend beyond the incidence period established in connection with a Secretary's designation pursuant to paragraph (b) of this section or a State Director's authorization pursuant to paragraph (c) of this section. Furthermore, the disaster conditions which led to the original designation may be prolonged in the same area by a new natural disaster *which affects the same farming operation during the same crop year.* Under these circumstances, additional authorization by the Secretary is not necessary to extend the incidence period to cover the continuing or subsequent natural disaster. To extend the designation the following actions must be taken:

(i) County Supervisor will advise the State Director on any continuing or subsequent natural disaster and provide him with the CEB report or Form FmHA 441–27.

(ii) State Director will request the National Office by letter for an extension of the designation.

(iii) If the request is justified, the National Office can, by letter or telegram, authorize the extension of the incidence period for the designation and establish new termination dates for receiving applications. However, in areas authorized by State Directors extensions may not be authorized if such extensions will result in more than 25 farmers in any one county having had losses from the same disasters.

§§ 1832.11–1832.12 [Reserved]

§ 1832.13 Scope of operations to be financed.

No ceiling has been established on the size of operations that may be financed with EM loans nor on the size of loans that may be made. Therefore, subject to the eligibility requirements and other provisions of this regulation, EM loans may be made to finance larger than family farm operations.

§ 1832.14 Receiving applications.

(a) Applications for EM loans will be received as outlined in Subpart A of Part 1801 of this Chapter (FmHA Instruction 410.1) only in designated counties, except as provided in § 1832.9(b)(6)(i)(c). Form FmHA 410–1, "Application for FmHA Services," will be used for this purpose.

(b) If the applicant is a partnership, personal financial statements will be obtained from each of the partners and included in the loan docket, in addition to the partnership's financial statement.

(c) If the applicant is a corporation, the following additional information will be obtained and included in the loan docket:

(1) A complete list of stockholders, showing the address, principal occupation, and the number of shares of stock held in the corporation by each.

(2) A current personal financial statement from each of the principal stockholders. For this purpose a principal stockholder is one owning or controlling as much as 20 percent of the outstanding stock of the corporation, or if no stockholder owns or controls as much as 20

percent, all stockholders will be considered principal stockholders. Any other stockholder whose financial statement, in the judgment of the County Supervisor or the loan approval official, would be pertinent to a consideration of the financial strength of the corporation and its stockholders will also provide personal financial statements.

(3) A copy of the corporation's charter, articles of incorporation and bylaws, and a resolution(s) adopted by the Board of Directors or stockholders authorizing specified officers of the corporation to apply for and obtain the desired EM loan and execute required debt, security, and other instruments and agreements.

(4) A copy of any lease, contract, or agreement entered into by the corporation which may be pertient to a consideration of its application.

(d) The applicant's statement of loss or damage will be obtained in support of his application on Form FmHA 441-22, "Certification of Disaster Losses."

(1) Production losses will be shown on Form FmHA 441-22, by listing the estimated or actual crop yields or livestock production for the disaster year; the five year history of crop yields and animal units produced for all farm enterprises (see § 1832.3 (1)); and information stating when and how the designated disaster caused the production losses.

(2) Physical losses will be shown on Form FmHA 441-22 by indicating the actual loss as the market value of the property at the time of the disaster, except in case of repair or restoration the actual cost of repair or restoration may be shown as long as it does not exceed the market value of the property at the time of the disaster.

(e) The applicant's production losses in a designated county or counties must constitute at least a 20 percent loss of normal per acre or animal production as a result of the disaster in one or more basic single enterprises to qualify him for an EM loan based on production losses. Regardless of the situation, losses to farming enterprises which have acreage in a county or counties which have not been designated, such acres or livestock in that county or counties *cannot* be counted in determining the amount of the loss.

§ 1832.15 Eligibility Requirements.

To be eligible for an EM loan, an applicant must:

(a) Be unable to provide the necessary funds from his own resources or to obtain sufficient credit from local commercial sources to finance his actual needs at reasonable rates and terms available to other farmers in the area, taking into consideration prevailing private and cooperative rates and terms for loans for similar purposes and periods of time in the community in or near which he resides. The applicant's equity in real estate, chattels, and other assets will be considered in determining his ability to obtain credit from private and cooperative sources. For partnerships or corporations, the principal partners or principal stockholders, either individually or collectively, must be unable to obtain the required funds with their own resources or with credit obtained by them from other sources. Any partner or stockholder owning or controlling as much as 20 percent or more interest in a partnership or a corporation's stock, or if no partner or stockholder owns or controls as much as 20 percent, all partners or stockholders will be considered as a principal partner or stockholder. The facts concerning the findings in either case must be documented in the County Office case files. The provisions of this paragraph do not apply to applications filed prior to July 9, 1975. These applicants will be made EM loans for actual losses only without regard to whether the required financial assistance is otherwise available from private, cooperative, or other responsible sources. If such applicants desire to be considered for an EM loan for other than actual losses, they must file an additional application and the test for credit will apply to these applicants.

(b) Be required to prove in writing from major financing sources (such as banks, Farm Credit Administration, or individuals) that he is unable to obtain the credit needs elsewhere.

(c) Be a citizen of the United States, if an individual. If a partnership, the individual partners must be citizens of the United States. If a corporation, the corporation must be incorporated under the laws of the United States or any State thereof, and the principal stockholders must be citizens of the United States. Also, the corporation must be authorized to conduct farming operations in the State in which the farming operation is conducted.

(1) One or more of the following sources of information should be used in determining whether applicants qualify for EM loans as a partnership.

(i) Written partnership agreements that set forth the farming arrangements and ownership of property prior to the starting of the operation.

(ii) County ASCS office records.

(iii) Local bank and Production Credit Association records.

(iv) Invoices and receipts reflecting purchase of farm supplies, livestock, and machinery.

(v) Records or receipts from sale of farm production products or commodities.

(vi) Written farm rental agreements.

(vii) Income tax returns and personal property tax records.

(viii) Financial statements.

(2) When an EM loan is made to a corporation or partnership, only one EM loan can be made to the entity constituting the farming operation. However, this does not prohibit an individual stockholder or partner from obtaining a separate EM loan to cover his losses in a *separate farming operation* which he is conducting as an individual on a different farm tract.

(3) Individual members of a partnership will not receive individual loans to finance their interest in the joint or partnership farming operation. The partnership will be considered for one loan to cover the loss in the farming operation. In the event the membership of a partnership changes after the disaster the new partnership may receive consideration for a loan provided no substitutes other than heirs or remaining partners are involved.

(d) Be an established farmer doing business as an individual, partnership, or corporation, either as an owner-operator or tenant, who manages the farming operations. If the applicant is a partnership or corporation, it must be engaged primarily in farming operations and the operation(s) must be managed by one of the partners or stockholders. An applicant who does not devote full time to his farming operation may be considered as the manager provided that he (or the managing partner or stockholder) visits the farm at sufficiently frequent intervals to exercise control and see that the operations are being carried on properly, pursuant to his directions. Any operation that involves a full-time hired manager or management service does not qualify irrespective of the number of visits made.

(e) Operate in a county or counties where EM loans have been authorized under a major disaster or emergency declaration by the President; natural disaster designated by the Secretary of Agriculture; or State Director's Authorization.

(f) Have suffered qualifying production losses or property damages in one or more counties in which EM loans are authorized; such losses or damages must be directly related to the disaster that brought about the EM loan authorization for that county or counties; and the losses or damages must have occurred during the incidence period.

(1) For production losses the applicant must have actually suffered a 20 percent loss in a basic farming enterprise, as a direct result of the designated disaster. Production loss eligibility will be determined in accordance with § 1832.16.

(2) Physical damages or losses, not compensated by insurance or otherwise, to farm dwellings including home equipment, furnishings, and personal possessions; farm service buildings and facilities; land and water resources; farm supplies including harvested or stored crops; and livestock essential to normal farm operations, would qualify an applicant for a loan only to repair, replace, or restore such property, or to reimburse the applicant for costs incurred for such purpose. Physical losses eligibility will be determined in accordance with § 1832.16. Sheet erosion would not qualify as a physical loss.

(g) Show an intent to continue farming or agriculture operations after the disaster. Those applicants who may have stopped temporarily because of the disaster loss or damage to their operations, but intend to continue with EM loan assistance, will be considered to meet this requirement.

(h) Possess legal capacity to contract for the loan, under applicable state law. State Instructions will be issued with the advice of the Office of the General Counsel (OGC) with respect to this requirement.

(i) Be of good character and possess the ability, industry, and experience necessary to carry out the proposed farming operations to assure a reasonable prospect for success with the assistance of the loan, and will honestly endeavor to carry out the undertakings and obligations required in connection with the loan.

§ 1832.16 Determining Losses and Maximum Amount Of Loan For Actual Losses.

(a) *For Production Losses.*

(1) To determine which single enterprises are basic enterprises it will be necessary to determine the applicant's normal gross farm income. This will be determined as follows and all calculations will be recorded on Form FmHA 441-26, "County Supervisor's Calculations and Verification of Qualifying Production Losses."

(i) For any farm enterprise the applicant's 5-year average of production history for those enterprises will be used (see 1832.3 (1)) Examples:

(A) Cash crops: During the 5 years immediately preceding the disaster the applicant's per acre average production of soybeans was: 29.1 bu.+28.9 bu.+27.3 bu.+24.5 bu.+32.2 bu.=142.0 bu.÷5 =28.4 bu. per acre.

(B) Livestock: During the 5 years immediately preceding the disaster the applicant's actual calf production in a cow-calf operation was: 92%+88%+90%+ 87%+93%=450÷5=90 percent normal calf crop.

(C) Feed crops: During the 5 years immediately preceding the disaster the applicant's per acre average production of hay was: 3 ton+2.9 ton+2.8 ton+3.1 ton+2.7 ton=14.5÷5=2.9 tons per acre.

(ii) Normal gross farm income will be calculated by multiplying: the acreage of crops and/or number of livestock which actually constituted the farming operation during the disaster year by the yield per acre or units of production for each farming enterprise as determined in paragraph (a) (1) (i) of this section and by the average market price for the commodity as established by the State Director. The State Director will prepare and distribute to all County Offices, by a State Bulletin or Instruction, a list of the average market price for commodities during the past calendar year if available, otherwise using crop year or harvest season average market price, whichever is available, for such commodities. These prices are from State and Federal Marketing Services and other reliable sources if not available from the State Crop Reporting Service.

(iii) Total each single enterprise separately and then add together to determine the applicant's normal gross farm income.

NOTE.—Feed crops will not be included in this total and will not be considered at all if no livestock enterprise is a basic enterprise. Any single enterprise except feed crops which constitutes not less than 25 percent of the applicant's total farming operation's gross income as follows:

(A) Cash crops	$55,910
(B) Feed crops (not totaled)	22,127
(C) Dairy enterprise	77,637
(D) Hog enterprise	18,275
Total (normal annual gross income)	151,822

Cash crops=36.8 percent; dairy cattle=51.1 percent; and hogs=12.1 percent; therefore, cash crops and the dairy operation are basic enterprises and the hog operation is not. During a normal year the applicant purchased $16,059 worth of feed for his dairy and hog operations. To determine if the feed crops are a basic enterprise, add $16,059 to $22,127 for a gross feed cost of $38,186; therefore, the feed crops are 57.9 percent of the value of the total feed fed to the livestock annually and is a basic enterprise.

(2) To establish eligibility for production losses it will be necessary to determine the applicant's gross income for the disaster year for a basic single enterprise having a loss. To be eligible for payment of actual production losses, a basic enterprise must have suffered at least a 20 percent reduction in normal income. *Insurance payments and other compensation will be added to the gross income for that enterprise in arriving at the actual loss.* This will be determined as follows and recorded on Form FmHA 441-26. Example: Using the same basic enterprises as determined in paragraph (a) (1) (iii) of this section, disaster year gross income for cash crops was $31,491 and the dairy enterprise was $75,302. The applicant lost $7,353 worth of his feed crop and received ASCS feed worth $1,850. Also, the hog enterprise, which is not a basic enterprise, has a disaster year gross income of $18,950. Cash crops—$55,910 less $31,491 equals $24,419 loss which is a 43.7 percent loss in a basic enterprise and therefore the applicant is eligible for a production loss loan. For purpose of eligibility it will not be necessary to determine the losses in any other basic enterprise.

(i) Gross income for the disaster year will be calculated by multiplying: the same acreages and/or number of livestock used in the calculation in paragraph (a) (1) (ii) of this section by the actual or estimated yields (this estimate cannot be greater than his established normal) per acre or units of production for each crop and farming enterprise conducted in the disaster year (for some commodities ASCS will provide the percentage loss, when they have established these losses for their Disaster Payments, on Form FmHA 441-29) and by the average market price as established in paragraph (a) (1) (ii) of this section.

(ii) Add to the amount derived at in paragraph (a) (1) (i) of this section *all insurance or other compensation which has been or is expected to be received for those losses.* The sum of these amounts will be the disaster year's gross income.

(iii) The difference between the normal year's gross income and the disaster year's gross income will constitute the actual dollar loss resulting from the disaster.

(3) The maximum loan for production losses at the actual loss interest rate will be the difference between the normal annual gross income and the disaster year's gross income. The amount of loan will be determined as follows:

(i) Disaster year's gross income:

(A) Cash crops	$31,491
(B) Dairy enterprise	75,302
(C) Hog enterprise	18,950
Total (disaster year's gross income)	125,743

(ii) The normal year's gross income $151,822 less the disaster year's gross income of $125,743 equals $26,079.

(iii) Add the disaster year's losses to feed crops which were $7,353 less ASCS feed worth of $1,850 equals $5,503.

(iv) The sum of paragraph (a) (3) (ii), and (iii) of this section equals the amount of loan for actual production loss which is $31,582 rounded to $31,580.

(4) When an applicant is unable to plant a crop during the disaster year his loan will be limited to the cost of land preparation and other expenses incurred to the date of the disaster for the crop(s) that could not be planted. Since EM loan will be used to cover the applicant's actual losses sustained, the County Supervisor will request an itemized list from the applicant verifying the claimed expenditures incurred in the disaster year for those enterprises for which disaster losses are claimed. The EM loans will be limited to the amount of expenditures that are shown on the list. *In all cases, the applicant must furnish a signed statement itemizing all expenditures which he claims were incurred in the disaster year.* The County Supervisor will document his verification in the applicant's case file.

(5) When an applicant was able to plant all or a portion of his normal crops during the disaster year, his production for that portion of his planted crops will be shown as zero, if no part of the crop can be harvested, on Form FmHA 441-22 provided that a substitute or different crop could not be planted.

(6) When crops that were destroyed by a qualifying disaster are replanted with a substitute crop *during the same crop year*, the substitute crops income will be compared to the normal year's income in arriving at the disaster year income loss.

(7) When an applicant has had disaster damage to feed crops and elects to sell his livestock at an earlier date or lighter weight than is his usual practice rather than purchase feed to replace that which he would have produced except for the natural disaster, he may *not* claim as a loss the difference between the sale price and an estimate of what the sale price would have been if the livestock had been fed for the normal period. This is because the earlier sale was based on a judgment decision and differs from an applicant who could not plant crops because of the natural disaster. The latter has no opportunity for a judgment decision about planting.

(8) Claims of production losses will be verified when the applicant's claims appear to be unreasonable.

(9) When the loss from the disaster is due to a reduction in quality rather than production that can be substantiated, the applicant will be given credit for this loss by adjusting actual production downward to compensate for any loss in value resulting from poor quality.

(b) For physical losses. Losses of a physical nature will be shown by the applicant on Form FmHA 441–22 by indicating the actual loss as the market value of the property at the time it was lost or damaged by the disaster; except in case of repair or restoration, the actual cost of such items may be used as long as it does not exceed the market value of the property at the time of the disaster. The amount of loan made for this purpose will be determined in the following manner:

(1) For farm machinery, the market value at the time of the disaster of the asset damaged or destroyed will be considered as the maximum loss in arriving at the total amount of the loss.

(2) For livestock, the market value at the time of the disaster will be considered the actual loss.

(3) For farm dwellings for the operator and existing labor, the amount of actual loss will be the amount sufficient to permit the repair or replacement of the dwelling with one of like quality and size as necessary to meet local codes and to provide permanent, adequate but modest, decent, safe and sanitary living conditions for the family. However, if the amount of the actual loss permits the replacement or repair of a larger dwelling the financing of such dwelling is permissible.

(4) For farm service building and farm real estate other than buildings, the amount of the actual loss will be an amount sufficient to permit the repair or replacement of the damaged property with a building or property of like quality and capacity that will meet local codes and be adequate to meet the needs of the farming operation. If the financing required exceeds the actual loss, the balance needed may be loaned at the market rate.

(5) For supplies, harvested or stored crops, and livestock products on hand, the market value of the lost or destroyed supplies, harvested or stored crops, and livestock products at the time of the disaster will be considered the actual loss.

(6) The actual physical loss to income producing trees will be the cost of removing the damaged or destroyed trees, clearing debris, preparing the land for replanting, the cost of suitable replacement trees, and other necessary expenses to reestablish the income producing trees.

(7) The actual physical loss to permanent pasture will be the cost of cleaning debris, preparing the land for replanting, seed, fertilizer, and other expense necessary to reestablish the pasture.

(8) Claims of physical loss will be verified when the applicant's claim appears to be unreasonable.

(c) *Compensation for losses.* Compensation for losses from a disaster through insurance or government program(s) benefits which the applicant is not obligated to repay, reduces his actual loss and thus the amount of EM loan eligibility. The amount of any benefits received from ASCS programs including the Emergency Livestock Feed Program (LFP), Emergency Conservation Measures (ECM) payments, Sugar Abandonment or Deficiency payments, and Disaster payments will be considered as compensation for losses.

§§ 1832.17–1832.19 [Reserved]

§ 1832.20 Loan Purposes.

EM loans may be made for the following purposes:

(a) *Loan for Actual Losses*

(1) Loans may be made to applicants for the amount of actual losses and expenses for disaster damaged or destroyed farm property and/or production enterprises resulting from the disaster. Actual loss loan funds may be included to repair, restore, or replace damaged or destroyed farm property and supplies and for actual expenses already incurred for such purposes. Applications for actual losses must be processed within one full crop year after the application is filed.

(2) EM loans will not be made to flood and mudslide victims to repair or replace damaged or destroyed farm dwellings or farm service buildings and the contents therein, in areas where "National Flood Insurance" is available, except as authorized in Subpart B of Part 1806 of this chapter. (FmHA Instruction 426.2.)

(b) *EM loans for annual operating purposes.* After the initial EM loan for annual operating purposes, five annual subsequent EM loans may be made, provided they are made within six full crop years after the disaster to permit the borrower to return to his normal credit sources. If the borrower has received EM loans in the past for annual operating purposes because of a designated disaster, their loan or loans will be deducted from the six. Example: A borrower received an initial and two subsequent EM loans for annual operating purposes, based on losses from a qualifying disaster, therefore, only three additional loans can be made. Annual loans for operating purposes may be made for:

(1) Purchase of feed, seed, fertilizer, insecticides, feeder livestock, farm and other supplies, including inventory; the repair or rental of equipment; and the payment of essential expenses for the operation or paying bills incurred for any items in this subparagraph for the crop or operating year being financed.

(2) Payment of customary cash rent or cash charges for the use of essential buildings, pasture, crop, hay, land, and grazing permits or bills for such purposes for the operating or crop year being financed, subject to the following:

(i) The applicant is obligated under a written lease or other agreement to pay such rent or charges in advance of the time income will be available from the operations to make such payment. For grazing fees an invoice showing the number of livestock to be grazed, the grazing period, the cost per head and the total cost may be used in lieu of a written lease. However, when relatively small amounts are involved an invoice will not be required if the applicant's explanation of a satisfactory grazing agreement is recorded in the loan docket.

(ii) Arrangements cannot be made for the rent or charges to become due when income will be available from the operations to make such payment.

(iii) Not more than one year's cash rent or cash charges will be paid with loan funds in any one lease year, except that if a loan is approved near the end of the current lease year funds for payment of such rent or charges for the succeeding lease year may be included in the loan.

(iv) The terms of the rental agreement provide the applicant with reasonably satisfactory tenure.

(3) Payment of:

(i) Personal (chattel and equipment) and real property taxes due or about to become due and water or drainage charges or assessments.

(ii) Applicant's share of Social Security taxes in connection with hired labor for the operation.

(iii) Premiums for insurance on real estate and personal (chattel and equipment) property including premiums for public liability and property damage insurance on farm and other essential equipment, including farm trucks. When a loan is secured by chattels, and the loss of such chattels would jeopardize the interest of the Government, the County Supervisor may require the borrower to insure the chattels against hazards customarily covered by insurance in the area.

(4) Payment of not more than a year's interest that is due on, or about to become due on debts secured by liens of other creditors on property essential for the farm, or income producing nonfarm enterprises located on the farm.

(5) Payment in any one year of not to exceed 15 percent of the market value of the essential farm equipment under prior lien to another creditor, or 15 percent of the principal amount owed to such creditors, whichever is less.

(6) Meeting modest family subsistence needs, including premiums on reasonable amounts of health and life insurance, and expenses for medical care or paying bills incurred for any of these purposes during the crop year being financed.

(c) *Major adjustments to the operation*—An EM loan may be made after disaster damages occur for the following purposes which will only result in an operation *equivalent* to that conducted prior to the disaster regardless of the changes made in the operation. In no case may loans be made for such purposes later than one full crop year after the designation date.

(1) *Real Estate Purposes (Subtitle A).*

(i) The purchase of additional essential real estate necessary for an effective operation provided his resulting operation will not provide more net income annually than his normal operation prior to the disaster. Depreciation will be disregarded in computing net income in both cases.

(ii) Construct or improve buildings and facilities on the applicant's real estate including:

(A) The construction of an essential but modest dwelling(s) for himself and necessary labor and service buildings, including facilities and structures for nonfarm enterprise and aquaculture operations.

(B) The improvement, alteration, repair, replacement, relocation, or purchase and moving of essential dwellings and service buildings, facilities and structures.

(C) The purchase and/or installation of essential domestic water and sewage systems, other equipment or facilities necessary to the effective operation of a farm, aquaculture operation, or nonfarm enterprise.

(iii) Provide land and water development, acquire water supplies, rights, use, and conservation essential to the operation of the farm or nonfarm enterprise facilities, and aquaculture operations. This includes but is not limited to fencing, land clearing, forestry purposes, establishment of approved forestry practices, establishment and improvement of permanent hay or pasture, drainage and irrigation facilities, basic application of lime and fertilizer, fish ponds, and trails and lakes.

(iv) Refinance secured and unsecured debts.

(v) Pay expenses incident to obtaining plans and making the loan such as fees for legal, architectural, and other technical services, which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making the planned building or land improvements.

(vi) Payment of the first-year premium for required insurance on buildings on the property which are to be taken as security for the loan which the borrower cannot pay from personal funds. Buildings will be insured in accordance with Subpart A of Part 1806 of this chapter (FmHA Instruction 426.1), except when the appraisal report reflects that the land will adequately secure the loan without giving consideration to the value of the building. However, the applicant will be encouraged to take property insurance on essential buildings to protect his own interest. Borrowers eligible for insurance under the National Flood Insurance Act of 1968 will be advised of its availability in accordance with Subpart B of Part 1806 of this chapter (FmHA Instruction 426.2).

(vii) EM loans may be made to tenants to finance real estate improvements or repairs, provided:

(A) The County Supervisor determines that the applicant has reasonably secure tenure for a sufficient period to enable him to realize adequate benefits to justify the expenditures.

(B) A written lease is obtained providing for compensating the tenant for any unexhausted value of the improvement, upon termination of the lease.

(C) Not more than $50,000 may be loaned to a borrower for real estate improvement, repairs, or for refinancing unsecured debts clearly incurred for such purposes. Before an EM loan is made for real estate improvements to a tenant, a careful analysis must be made of the applicant's resources and proposed operations and all of the following determinations must be made:

(1) EM loans will not be needed or made year after year to make substantial real estate improvements.

(2) The applicant will likely continue to operate the farm for a sufficient period of time and under such terms that will enable him to obtain reasonable returns on his investment.

(2) *Operating purposes (Subtitle B).*

(i) Purchase of basic livestock, poultry, fur bearing and other farm animals, fish, bees, farm equipment, and paying costs incident to reorganizing the farming system for a sound operation.

(ii) Purchase of essential home equipment and furnishings, and the payment for home equipment repairs required by the applicant family to sustain itself in a reasonably satisfactory manner.

(iii) Refinancing secured and unsecured debts.

(iv) Purchase of milk base either with or without cows where such action is necessary to assure the borrower a satisfactory market for his dairy productions.

(v) Purchase of grazing license or permit rights of private parties which can be validly sold and transferred.

(d) *General Purposes.* In addition to the purposes authorized in paragraphs (a), (b), and (c) of this section, the EM loan may also include funds for:

(1) Expenses incident to loan closing.

(2) Payment of FmHA interest-only installment(s) scheduled for the first installment due date and, when a deferred payment of principal is involved, the second installment due date following the closing of the loan, when a borrower will not otherwise be able to meet the initial interest payment(s) on his loan because income from crops, livestock, or other sources is not available. The Finance Office may credit loan funds advanced for the payment of interest-only installment(s) first to interest from the date of payment (loan closing) and then to principal, if applicable.

§ 1832.21 Rates And Terms.

(a) *Interest rates.* The interest rates for EM loans for actual losses will be 5 percent. The interest rate will be 9 percent for loans made under § 1832.20 (b) and (c) (2) (Subtitle B purposes), and 8.75 percent for loans made under § 1832.20 (c) (1) (Subtitle A purposes). The interest rate, for other than actual losses, will be reviewed in June and December of each year with new interest rates established on July 1 and January 1 of each year.

(b) *Terms of loans.* EM loans will be scheduled for repayment in annual installments as set forth below, consistent with the applicant's *reasonable ability to pay.* This will be determined by his operations as reflected in his farm and home plan. Interest on the initial advance will accrue from the date of the promissory note. Interest on other advances will accrue from the date of the loan check for each such advance.

(1) Loan terms for actual losses to crops, livestock, supplies, harvested or stored crops, livestock products on hand, and equipment will be in accordance with *useful life of the security and repayment ability of the applicant* but not to exceed 7 years. When conditions warrant, installments may be scheduled in various amounts. For example, when an applicant's farming operation has been severely disrupted by a disaster, it may be necessary to consider payment schedules established previously for other outstanding loans, such as debts owed other creditors and other types of FmHA loans. However, the final installment will not be larger than the amount which can be refinanced with private lenders or be repaid within a renewal period of not to exceed 5 years. The applicant must be advised before the loan is closed, that FmHA will review each case at the end of the initial loan term to determine if a renewal is warranted. For any disaster occurring after January 1, 1975, loans made as a result of these disasters may be scheduled for repayment of more than 7 years, but not more than 20 years if the State Director determines in writing, after being recommended by the County Committee that the needs of the applicant justifies such a longer repayment period. Generally real estate will be needed as security when more than 7 years is authorized. Our experience indicates that the need of most applicants can be met with a repayment period of 7 years and if necessary up to a 5-year renewal. Therefore, State Directors will grant the longer repayment periods only in unusual cases. When the longer period is used renewal is not authorized.

(2) The terms for actual losses to real estate will be in accordance with the useful life of the security and the repayment ability of the applicant not to exceed 40 years.

(3) The term for loans for annual operating expenses will be as follows:

(i) Advances for annual recurring operating expenses or for paying bills incurred for such purposes for the operating or crop year being financed will be scheduled for payment when the principal income from the year's operations normally would be received.

(ii) Advances to purchase or produce feed for productive livestock or livestock to be fed for the market, or to pay bills incurred for such purposes for the crop year being financed, except for feed of a type which the County Supervisor determines will be produced in future years, will be scheduled for payment when the principal income from the sale of such livestock or livestock products can be expected.

(4) Items financed under § 1832.20(c) (2) except annual operating expenses, will be in accordance with the useful life of the security and the repayment ability of the applicant but not to exceed 7 years. When conditions warrant installments may be scheduled in various amounts.

However, the final installment will not be larger than the amount which can then be refinanced with private lender's or be repaid within a renewal period of not to exceed 5 years. The applicant must be advised before the loan is closed, that FmHA will review each case at the end of the initial loan term to determine if a renewal is warranted.

(5) Items financed under § 1832.20(c) (1) will be in accordance with the useful life of the security but not to exceed 40 years.

(c) *Deferment of principal installments.* Interest will not be deferred. However, initial principal installments (for EM loans other than for annual operating expenses) may be deferred in whole or in part to the second or third installment due date, as appropriate, following the date of note when the year's income will be sufficient to meet the payment but will not be received in full that year because of the type of farming or the method of marketing; or the total planned income is less than planned annual recurring expenses because the productive capacity of the farm has been adversely affected by a qualifying disaster. During the deferment period, each installment will include the total amount of interest accruing to the date of the installment plus the estimated principal amount the applicant will be able to pay. Principal deferments will not be granted for the purpose of enabling applicants to use income to make payments on old bills before paying annual recurring expenses. When the payment of principal is dererred to the second installment due date following the date of the note, the first scheduled installment will be the amount of accrued interest from the date of the note to installment due date. When the payment of principal is deferred to the third installment due date following the date of the note, the second scheduled installment will be the amount of accrued interest for a full year.

(d) *Graduation.* All borrowers will be advised that their EM loans will be reviewed for "graduation" two years after they are received and every other year thereafter. They will also be advised that they are required to refinance if other credit is available even though their EM loans have not fully matured.

§ 1832.22 Security Requirements.

EM loans will be adequately secured to protect the interests of the Government.

(a) Annual loans will be secured by a first lien on the crop and/or livestock production which is being financed with EM loan funds plus sufficient other security to assure that the Government's financial interests will be protected. Under no circumstances will a loan of over $25,000 be secured only by a crop lien.

(b) Actual loss loans for the same purposes as authorized for loans under § 1832.20 (c) (2) and loans made under § 1832.20 (c) (2) will be secured by a lien on sufficient equity in livestock, equipment and machinery and other personal property if necessary to protect the Government's interest, plus when necessary a lien on equity in part or all of the real estate owned by the applicant. If the applicant has enough equity in real estate, no additional security need be taken. A second crop lien may be taken when deemed necessary to secure repayment of the loan.

(c) Actual loss loans for the same purposes as authorized for loans under § 1832.20(c) (1) and loans made for purposes under § 1832.20(c) (1) will be secured by equity in real estate. However, if there is not sufficient equity in the real estate, a lien will also be taken on personal property plus if necessary a second lien on the crops. An EM loan made to a tenant with a long-term lease will be secured by a lien on a transferable leasehold.

(d) If the security requirements of paragraph (b) and (c) of this section cannot be met because of losses caused by the disaster, the State Director can consider making an exception, in writing, to the requirements if *all* of the following conditions are met:

(1) Adequate security property is not available because of the disaster.

(2) The applicant must have some security which has depreciated in value due to the disaster.

(3) The applicant must offer all available security property, some or all of which may depreciate in value due to the disaster.

(4) The security property, together with the applicant's repayment ability as assessed by the State Director must be adequate security for the loan.

(5) The County Committee after a review of the loan docket recommended such action and believes that the applicant can repay the loan in an orderly manner.

(e) EM loans may be approved with abbreviated appraisals of the property being taken as security for the loan provided:

(1) The approval official determines that equity in the security property will fully secure the EM loan(s).

(2) Abbreviated appraisals are prepared:

(i) For real estate, the following portions of Form FmHA 422–1, "Appraisal Report—Farm Tract," will be completed: The heading of the report; Item A of Part 1; Part 2; Part 3; Part 7; and Part 8. The report will be signed and dated by an FmHA authorized appraiser.

(ii) For chattel property, Form FmHA 440–21, "Appraisal of Chattel Property," will list and identify each chattel item, and items A through E will be completed.

(3) When the conditions of paragraph (e) (1), and (2) (i) of this section are met, the requirements of § 1810.16 (a) of this chapter (FmHA Instruction 440.2 VI A) will not apply if the State Director authorizes a County Supervisor in an individual case or by State Instruction to make the farm appraisal and approve the EM loan.

(f) When an EM loan has been scheduled for repayment over a period not longer than 7 years, it may be extended for up to 5 additional years, under provision of Part 1867 of this chapter (FmHA Instruction 452.1), at the end of the initial 7-year term or at the time it is determined scheduled installments cannot be met. An extension will be granted only after review and determination by the County Committee and the approval official that FmHA's experience with the borrower has been satisfactory; the borrower has paid in accordance with his ability; the remaining EM balance can be adequately secured; there is a reasonable chance for the borrower to return to conventional credit within the 5-year extension; and this action is not being taken in lieu of foreclosure.

(g) When an EM loan, for whatever purposes, is to be secured by a lien on real estate or a combination of real estate and chattels, the security will be considered "basic security;" and for all loans over $10,000 title clearance is required in accordance with the provisions of Part 1807 of this chapter (FmHA Instruction 427.1), except when a reputable long-term lender has a first mortgage on the property the search need only be made subsequent to the recordation date for such mortgage. For loans of $10,000 or less, only certification of ownership and verification of equity in real estate is required. Certification of ownership may be accepted in the form of a notarized affidavit from the applicant, stating who is the owner of record of the real estate in question and acknowledging all known debts, with balances owed, against that real estate. Whenever the County Supervisor is uncertain as to the ownership or debts against the real estate security, he will require title clearance.

(h) If the real estate offered as security is held under a purchase contract, the following conditions will prevail:

(1) The applicant must be able to provide a mortgageable interest in the real estate concerned.

(2) The applicant and the purchase contract holder will agree in writing that all insurance claim settlements received for real estate losses will be used in their entirety in replacing or repairing the damaged real estate. The applicant will renegotiate with the holder to arrive at a new contract devoid of any provisions objectionable to FmHA.

(3) If a satisfactory contract of sale cannot be renegotiated or the contract holder refuses to apply the insurance proceeds toward the repair or replacement of the real estate losses, but chooses to retain some of the proceeds as an extra payment on the balance owed, the applicant will make every effort to refinance the existing purchase contract. If he cannot obtain refinancing from another source, an EM loan will be considered for inclusion of funds for the purpose(s) of paying off the contract and improving the property. If he can get the contract refinanced, an EM loan will be considered for the purpose(s) of restoring the property to predisaster condition.

(4) If the conditions provided for in paragraph (h) (1), (2), or (3) of this section can be met and an EM loan is made it will be closed in accordance with Part 1807 of this Chapter (FmHA Instruction 427.1), and the FmHA escrow

agent or designated attorney determines that:

(i) The applicant has mortgageable interest in the property under a long term purchase contract.

(ii) The purchase contract is not subject to summary cancellation upon default, and does not contain other provisions which might jeopardize the Government's security position or the borrower's ability to repay the loan.

(iii) The contract holder will agree in writing to give FmHA notice of any breach by the purchasers, and further agrees to give FmHA 30 days from breach to rectify said conditions.

(i) If any of the prior liens against real estate offered as security contain future advance provisions, or other provisions which might jeopardize the security position of the Government or the applicant's ability to meet his obligations under these prior liens and to pay his EM loan, the prior lienholders involved must agree in writing, before the loan is closed, to modify, waive, or subordinate such objectionable provisions. This will be accomplished usually on Form FmHA 427–8, "Agreement with Prior Lienholder," subject to any modifications necessary to meet legal requirements for closing a particular loan.

(j) In States where a prior lienholder may foreclose his security instrument under power of sale or otherwise, and extinguish junior liens of private parties without giving junior lienholers actual notice, and when a junior lien on real estate is to be taken as security for the loan, the prior lienholder must agree in writing to give the Government advance notice of foreclosure or assignment of the mortgage. A State Instruction will be issued, with the advice of the OGC, to indicate whether such agreements will be necessary in each particular State and, if so, to set forth the procedure and requirements for obtaining and recording such agreements.

(k) If there are essential insurable buildings located on the property, or if new buildings are to be erected or major improvements are to be made to existing buildings, the applicant will provide adequate property insurance coverage at the time of the loan closing or as of the date materials are delivered to the property, whichever is appropriate. However, when the real estate appraisal report shows that the present market value of the land after deducting the value of buildings shown on the report that the owner has equity equal to or that exceeds the amount of the debt including the loan, real property insurance will not be required. However, the applicant will be encouraged to obtain such insurance if he does not already have it to protect his interest. When real property insurance is required it will be obtained and serviced in accordance with Subpart A of Part 1806 of this chapter (FmHA Instruction 426.1).

(l) If insurance claims for loss or damage to buildings to be replaced or repaired with loan funds are outstanding at the time the loan is approved, the applicant will be required to agree in writing when settlement is made that the proceeds of such claims will be used for replacement or repair of buildings; application on debts secured by prior liens; or application on the EM loan.

(m) Liens will not be taken to secure loan amounts borrowed for repair or replacement of personal possessions and home equipment or furnishings. Instead, the amount loaned for this purpose will be reasonably secured by a lien(s) on crops, livestock, farm machinery, essential trucks or automobiles, and/or farm real estate.

(n) Loan approval officials may require *Federal Crop Insurance*, with an assignment to FmHA, during the repayment period of the EM loan if such insurance is available in the county. This determination is a judgment factor, and the decision should be based on the amount and type of security, other than crops, that the applicant can provide. However, *when only a crop lien is taken as security for EM loans, the borrower will be required to carry Federal Crop Insurance during the repayment period of such loan(s) if such insurance is available in the county.*

(o) EM loans to Indians which are secured by trust or restricted land will be handled as follows. The USDA and the Department of the Interior have mutually agreed that FmHA loans which are to be secured by real estate liens may be made to Indians holding land in severalty under trust patents or deeds containing restrictions against alienation subject to statutes under which they may, with the approval of the Secretary of the Interior, give mortgages on their land which are valid and enforceable. These statutes include, but may not be limited to, the Act of March 29, 1956 (70 Stat. 62.63).

(1) When a lien is to be taken on trust or restricted property in connection with a loan to be made or insured by MmHA, the local representatives of the Bureau of Indian Affairs will furnish requested advice and information with respect to the property and each applicant.

(2) The FmHA State Director should arrange with the Area Director or other appropriate local official of the Bureau of Indian Affairs as to the manner in which the information will be requested and furnished. A State Instruction will be issued to prescribe the actions to be taken by FmHA personnel to implement the making of loans under such conditions.

(p) EM loans secured by real estate on Reclamation Projects in certain counties in Arizona and Washington will be made, serviced, and liquidated in accordance with Part 1890c of this Chapter (FmHA Administration Letter 843(440).

§ 1832.23 Nondiscrimination in construction financed with a FmHA loan or grant.

The policies and regulations contained in Part 1890p of this Chapter (FmHA Administration Letter 50(400) applies to all EM loans made under this Subpart A of Part 1832.

§ 1832.24 Certification by County Committee.

Before an EM loan is approved, the County Committee will certify on Form FmHA 440–2, "County Committee Certification or Recommendation," that the applicant is eligible for a loan in accordance with § 1832.15. In addition, the County Committee will establish the maximum amount of credit which may be extended under the certification. Before an EM loan is made to a partnership or corporation, the County Committee will certify on Form FmHA 440–2 that the partnership or corporation is eligible, and will recommend that a loan be made not to exceed the certified amount.

(a) The total amount of the EM loan will be inserted in the appropriate spaces of item 2 for applicants who are individuals, and item 6 for corporations and partnerships. Also, at the bottom of the Form the County Committee will establish the maximum EM loan entitlement for production and physical losses based on the applicant's certification of disaster losses and the County Supervisor's calculations and verification of losses; also the amount of annual operating expenses, and other authorized EM loan purposes.

(b) The County Committee will indicate the Disaster Designation Number under which the loan is being made in the blank space on Form FmHA 440–2.

(c) If it is found, after an applicant has been certified as eligible, that there was a change in the amount of actual losses, or needs for other authorized purposes, it will be necessary for the County Committee to again certify the applicant as eligible on the basis of the changed circumstances if a larger loan is to be made. When the County Committee has agreed to certify an increase over the original amount certified, a new Form FmHA 440–2 will be prepared and executed. A notation will be made in the blank space on Form FmHA 440–2 that the County Committee has again reviewed the applicant's situation and certified for an additional amount rather than $_____ shown on Form FmHA 440–2 dated_____. The Form FmHA 440–2 previously executed will be retained in the case files.

§ 1832.25 Planning The Farming Operation.

Form FmHA 431–2, "Farm and Home Plan," and Form FmHA 431–4, "Business Analysis—Nonagriculture Enterprise," if applicable, will be prepared in accordance with Subpart B of Part 1802 of this Chapter (FmHA Instruction 431.1). This planning process with the applicant is essential to making sound loans and, therefore, must receive careful attention in development of the loan docket. However, when the EM loan will not be for more than $10,000, Tables A, B, C, D, and E of Form FmHA 431–2, may be left blank provided Form FmHA 410–1 is completed and is believed to accurately reflect the applicant's circumstances.

§ 1832.26 Tenure Agreement.

Generally, a copy of the lease agreement between tenant applicants and their landlords will be obtained and made a part of the loan docket. When that is not obtainable a statement setting forth the terms and conditions of

the agreement which are not clearly reflected in Form FmHA 431-2 will be prepared and made a part of the loan docket.

§ 1832.27 Environmental impact requirements.

Compliance must be made with all applicable environmental impact requirements. Federal requirements that may be applicable are those contained in the National Environmental Policy Act of 1969 (42 U.S.C. 1251), the Federal Water Pollution Control Act (33 U.S.C. 1251), Executive Order 11738 (38 FR 25161), and State and local laws. Regulations with respect to the Clean Air Act, issued by the Environmental Protection Agency, are published at 38 FR 35310, December 27, 1973. Effluent guidelines and standards with respect to feedlots, issued by the Environmental Protection Agency, are published in the Federal Register for February 14, 1974 (39 FR 5704, 40 CFR, Part 412).

(a) *Environmental impact assessment.* For any reasonably large scale animal, fish, or poultry feedlots or holding facilities which are likely to have an effect on the environment for which an EM loan is being developed, the County Supervisor will complete Form FmHA 440-46, "Environmental Impact Assessment." Additionally, Form FmHA 440-46 will need to be completed on a smaller scale operation involving feedlots and holding facilities in a densely populated area.

(b) *Submission to State Director.* The completed Form FmHA 440-46, a copy of the application, and any additional comments the County Supervisor believes relevant to environmental consideration, will be forwarded by the County Supervisor to the State Director. Based on this submittal and any additional material the State Director may have concerning the proposed operations, the State Director will determine whether an environmental impact statement should be prepared. In making this determination and proceeding with subsequent steps, the State Director will follow the provisions of Part 1824 of this Chapter (FmHA Instruction 442.10) to the extent applicable to loans being made under this Regulation.

§ 1832.28 National historic preservation.

The policies and regulations contained in Part 1890r of this Chapter (FmHA Instruction 440.10) apply to loans made under this Part 1832.

§ 1832.29 [Reserved]

§ 1832.30 Loan docket forms.

(a) *Promissory Note(s).* One or more notes will be prepared for the full amount of the loan, rounded to the nearest $10. Each scheduled installment will include interest in addition to principal unless deferment of principal is authorized in accordance with § 1832.21(c). The first installment may not be less than the amount equal to interest on the loan from the estimated date or actual date of closing to installment due date.

(1) Form FmHA 441-1, "Promissory Note," will be used when a loan is scheduled for payment in unequal annual installments.

(2) Form FmHA 440-16, "Promissory Note," will be used when a loan is scheduled for payment in equal annual installments of two years or more. "EM" will be inserted in the appropriate box.

(3) When the applicant is a partnership, the promissory note(s) will be executed so as to evidence the liability of the partnership as well as each partner as an individual. This will be accomplished by typing the name of the partnership above the space provided for signatures and having the note executed by each member of the partnership both as a partner and as an individual. To evidence the liability of the partnership, the words "As Partners" will be typed immediately beneath the name of the partnership and each partner will sign thereunder. To evidence the partners' liability as individuals, the words "As Individuals" will be typed at the top of the blank space to the left of the lines for signatures, and each partner will sign thereunder, along with his spouse if required by State Instructions or loan closing instructions.

(4) When the applicant is a corporation, the promissory note(s) will be executed by the corporation acting through its appropriate officials and, in order to evidence their personal liability for the debt, by the principal stockholders as individuals, except in unusual circumstances including legal disability, absence from the country, or legal justification. The name of the corporation will be typed above the space provided for signatures, and the name and title of each official to sign for the corporation will be typed below his signature. To evidence the principal stockholders' liability as individuals, the words "As Individuals" will be typed at the top of the blank space to the left of the lines for signatures, and each principal stockholder will sign thereunder, along with his spouse if required by State Instructions or loan closing instructions.

(b) *Form FmHA 440-1, "Payment Authorization."*

(1) Separate Forms FmHA 440-1 will be prepared for each promissory note.

(2) In the "Type of Assistance" block insert "EM" and the disaster designation number under which the loan is approved. Example: EM-M421.

(3) EM loans approved for borrowers presently indebted for an EM loan, but having NEW qualifying losses from a subsequent major or natural disaster for which a MDDN, PEDN, SDDN, or SDAN has been assigned, will show the new appropriate disaster designation number. This number will be used for all subsequent EM loans approved unless the borrower has new qualifying losses from a different disaster for which another disaster designation number has been assigned.

(4) The Finance Office will not process EM loan dockets that are not coded with a disaster designation number.

(c) *Form FmHA 441-5, "Subordination Agreement."* When a subordination agreement is required on crops, livestock, farm equipment, and other chattel property, including items which have become personal property through execution of a severance agreement, Form FmHA 441-5, or other form approved by the State Director with the advice of the OGC, where Form FmHA 441-5 is not legally sufficient, will be used. Subordinations will be for a specified amount of money rather than for a specific period of time.

(d) *Form FmHA 440-6, "Severance Agreement."* This form will be used when required by State Instructions.

(e) *Form FmHA 440-26, "Consent and Subordination Agreement."* Unless otherwise provided by a State Instruction this form, rather than a severance agreement, will be used in Uniform Commercial Code (UCC) States when a security interest is taken in property after it has become a fixture.

(f) *Form FmHA 441-13, "Division of Income and Nondisturbance Agreement."* Form FmHA 441-13 will be used when it is necessary to obtain a division of income and nondisturbance agreement from prior lienholders.

(g) *Form FmHA 441-10, "Nondisturbance Agreement."* Form FmHA 441-10 will be used when it is necessary to obtain a nondisturbance agreement from creditors of an applicant who are in a position to interfere with the applicant's operations. Generally, nondisturbance agreements will be for the first full operating year after the EM loan is made. However, agreements may be for longer periods with the consent of the other creditor or creditors.

§ 1832.31 Loan Docket Summary.

The following loan docket forms will be prepared and distributed in accordance with instructions available in all FmHA Offices (Form manual inserts).

FmHA form No.	Name of form	Total number of copies	Number signed by borrower	Loan docket	Copy for borrower	Copy for others
400-4 [1]	Nondiscrimination agreement	2	2, original and copy.	1 original	1 copy	
402-1 [1]	Deposit agreement	3	do	do	do	1 signed copy to bank.
402-5 [1]	Deposit agreement (non-FmHA funds).	4	3, original and 2 copies.	do	do	1 signed copy to each bank and other lender.
403-1 [1]	Debt adjustment agreement	3	1 original	do	do	1 copy to creditor.
410-1	Application for FmHA services (attachments).	1	do	do		
422-1 [1]	Appraisal report—farm tract	1		do		
427-1 [1]	Real estate mortgage or (State) deed of trust for———.					
	Assignment, pledge, or other security interest in stock, or other evidence of ownership.					

FmHA form No.	Name of form	Total number of copies	Number signed by borrower	Loan docket	Copy for borrower	Copy for others
431-2	Farm and home plan	1	1 original	1 original	In record book.	1 copy to landlord.
431-4	Business analysis—nonagriculture enterprise.	2	2, original and copy.	do	1 copy	
	Timber management plan [1]					
440-1	Payment authorization	3	1 original	2, original and copy.[2]	do	
440-2	County committee certification or recommendation.	1		1 original		
	Tenrue agreement [1]	3	2, original and copy.	1 copy	1 original	1 signed copy to landlord.
440-4 [1]	Security agreement (chattels and crops).	3	1 original	2, original and copy.	1 copy	
440-4A [1]	Security agreement (crops)	3	do	do	do	
440-6 [1]	Severance agreement	3	do	1 original	do	1 copy to each part to agreement.
440-9 [1]	Supplementary payment agreement.	2	do	do	do	
440-16 [1]	Promissory note	4	do	3, original and copy.[3]	do	
440-21 [1]	Appraisal of chattel property	1		1 original		
440-25 [1]	Financing statement	3	1 original	1 copy	1 copy	1 original in public record file.
440-26 [1]	Consent and subordination agreement.	3		1 original	do	1 copy to each part to agreement.
440-32 [1]	Request for statement of debts and collaterals.	3	2, original and copy.	1 copy	do	1 original to other creditor.
440-41 [1]	Disclosure statement for loans secured by real estate.	(5)		do [4]	1 original [4]	(5)
440-43	Notice of right to rescind	(5)		do [4]	2, original and copy.[4]	(5)
440-45 [1]	Nondiscrimination certificate (individual Housing).	2	1 original	1 original	1 copy	
440-46 [1]	Environmental impact assessment.	2		do		State director.
441-1	Promissory note	3	1 original	2 original and 1 copy.[3]	1 copy	
441-5 [1]	Subordination agreement	2		1 original		1 copy.
441-8 [1]	Assignment of proceeds from the sale of agricultural products.	3	2, original and copy.	do	1 copy	1 signed, purchaser.
441-10 [1]	Nondisturbance agreement	3		do	do	1 copy to lienholder.
441-12 [1]	Agreement for disposition of jointly-owned property.	1		do		
441-26	County supervisor's calculations and verification of qualifying production losses.	1		do		
441-18 [1]	Consent to payment of proceeds from sale of farm products.	3	All	do	1 copy	1 signed copy to purchaser.
441-22	Certification of disaster losses	1	1	do		
	Running case record	1		do		
441-25 [1]	Assignment of proceeds from the sale of dairy products and release of security interest.	4	3, original and 2 copies.	1 original	1 copy	1 signed copy to purchaser.
441-13 [1]	Division of income and nondisturbance agreement.	3		do	do	1 copy to lienholder.
441-29	ASCS verification of farm production history and payments.	2	1 original	do		1 to ASCS.

[1] When applicable.
[2] Original and copy to finance office. Original returned to county office after loan approval.
[3] Copy to finance office after loan is closed.
[4] Original to borrower; copy to each person who has right to rescind; copy retained by FmHA in right to rescind cases.
[5] Original and 1 copy to borrower; 2 copies to each person who has right to rescind; copy retained by FmHA.

(a) The documents to be submitted will be examined thoroughly by the County Office Clerk to make sure that they are complete as to dates, signatures, and mechanical accuracy. For loans requiring approval other than in the County Office, the loan submission will consist of the required documents enumerated above and all of the applicant's County Office case folders.

(b) After the documents have been assembled, the loan approval official will make the determinations required in § 1832.32.

§ 1832.32 Loan Approval or Rejection.

Loans will be approved in accordance with the authorities and provisions contained in this Part 1832 and the loan approval conditions and authorities contained in Subpart B of Part 1810 of this Chapter (FmHA Instruction 440.2).

(a) *Approval After Termination Date for Receiving Applications.* Applications for EM loans may be approved after expiration of the period for receiving such applications under a designation provided they were filed in the County Office before the termination date for receiving applications had expired except for subsequent loans.

(b) *Administrative Determination and Responsibilities.* When the County Committee certification has been made the loan approval official will determine administratively whether:

(1) The applicant is eligible and likely to be successful in the proposed operations and to achieve the objectives of the loan.

(2) The applicant has satisfactory tenure arrangements on the farm to be operated.

(3) The proposed farm and home operations of the applicant are reasonably sound.

(4) The loan is proper and can be repaid from farm or other income as scheduled.

(5) The security requirements can be met.

(6) The certification required of the applicant and County Committee have been made and are a part of the loan docket.

(7) The loan meets all other FmHA requirements.

(c) *Approval of loan.* If the loan is to be approved the loan approval official will date and sign Form FmHA 440–1. The loan approval official also will set forth any special conditions of approval, including any special security requirements, in the running record or by letter. The original and an unsigned copy will be forwarded to the Finance Office with a copy of the letter from the National Office authorizing approval of the loan when such authorization is required. The other copy of Form FmHA 440–1 will be dated and signed by the loan approval official and mailed to the applicant on the date of approval along with a letter advising the applicant of any condition the approval is subject to.

(d) *Rejection of loans.* If a loan is rejected, the loan approval official will indicate the reasons for the rejection in the running case record. The County Supervisor will notify the applicant by letter of the reason(s) for rejection.

§ 1832.33 Taking Security Instruments.

a *Chattels and crops.*

(1) *Forms To Be Used.* Form FmHA 440A25, "Financing Statement," or Form FmHA 440–25 and Form FmHA 440–4, "Security Agreement (Chattels and Crops)," or Form FmHA 440–4A, "Security Agreement (Crops)," as appropriate will be used to obtain security interest in personal property in UCC States unless State Instructions provide for the use of other forms. State Instructions also will provide information as to whether Form FmHA 440A25 or Form FmHA 440–25 will be used. Although only the Financing Statement is required to be filed or recorded, it is necessary to also take a Security Agreement in order to have a complete security instrument. Form FmHA 440–4 LA, "Chattel Mortgage and Crop Pledge (Louisiana)," or Form FmHA 440–4A LA, "Crop Pledge (Louisiana)," as appropriate, will be used in the State of Louisiana.

(2) *Describing Security Property on Security Instruments.* The printed forms of the FmHA Financing Statement describe certain types of collateral. If items of collateral not covered under those types are to serve as security, they should be described by types or individual items in the space provided in the Financing Statement for that purpose. Unless otherwise provided by State Instructions, animals, birds, fish, and so

forth should be described by groups on the Security Agreement. The serial or motor number should be shown for only major items of equipment. If a security interest is to be taken in property such as inventory, supplies, recreation, or other nonfarm equipment or fixtures which cannot be readily described under the column headings of items 2 or 3, as appropriate, of the Security Agreement, an appropriate description of such property will be inserted in item 2 or 3 below the other property described in the item of the security agreement without regard to the column headings. The advice of the OGC will be obtained in individual cases as to how to describe in the Financing Statement and Security Agreement items such as grazing permits, milk bases, and membership or stock in cooperative associations, unless the subject is covered by a State Instruction. The property to be described on security instruments should be reconciled with any existing security instruments and Form FmHA 462–1, "Record of the Disposition of Security Property."

(3) *When To Take Security Instruments.*

(i) *Initial loans.* The Financing Statement will be filed and the Security Agreement executed no later than the date of execution of the promissory note. When the initial Security Agreement does not describe individually or by groups all of the collateral that is to serve as security, an all inclusive Security Agreement will be taken as soon as all the security property has been purchased. Forms FmHA 440–4 LA and FmHA 440–4A LA will be taken in Louisiana in initial loan cases in accordance with State Instructions.

(ii) *Subsequent loans.*

(A) *Financing statements.* A filed FmHA Financing Statement is effective for a period of five years from the date of filing and as long thereafter as it is continued as provided in Subpart A of Part 1871 of this chapter (FmHA Instruction 462.1). If the filed Financing Statement is still effective and covers all types of collateral that are to serve as security for the subsequent loan and describes the land on which crops or fixtures are or are to be located, a new Financing Statement will not be required. However, when a new Financing Statement is needed, it will be filed no later than the date of execution of the subsequent promissory note. Form FmHA 440–LA will be taken in Louisiana in subsequent loan cases in accordance with State Instructions.

(B) *Security Agreements.* An additional Security Agreement will not be taken in connection with a subsequent loan if the existing Security Agreement covers all types of collateral that are to serve as security for the subsequent loan; describes the land on which the crops or fixtures are or are to be located; and was taken within one year before the crops become growing crops, unless otherwise provided by a State Instruction.

(C) *Subsequent loan.* If a subsequent loan is being made and the EM loan indebtedness is being secured for the first time under the UCC, the procedure in paragraph (a)(3)(i) of this section with respect to securing initial loans will be followed.

(4) *Executing Security Instruments.* County Office employees authorized to receive collections are authorized to execute any legal instruments necessary (listed in Exhibit C of FmHA Instruction 451.2) are authorized to execute any legal instruments necessary to obtain or preserve security for loans. This includes Financing Statements, chattel mortgages and similar lien instruments, and severance agreements, consent and subordination agreements, affidavits, acknowledgments, and other instruments.

(5) *Filing or Recording Security Instruments.* Ordinarily, in UCC States Financing Statements will be delivered or mailed to the filing officer(s) for filing or recording, whichever is appropriate, when the loan is approved. However, when this is not practical, the Financing Statement may be filed at a later date, but not later than the first withdrawal of loan funds from the supervised bank account or delivery of the check to the borrower. If crops or other property of the borrower are or are to be located in a State other than that of a borrower's residence, the County Supervisor servicing the loan will contact the County Supervisor in the other State for information as to the security instruments to be used and the place(s) of filing or recording in the other State. The Financing Statement will be filed as required by State Instructions. Security Agreements will not be filed or recorded unless otherwise provided in State Instructions because of special State law requirements. Form FmHA 440–4 LA or Form FmHA 440–4A LA will be filed or recorded in Louisiana as provided by State Instruction.

(6) *State Instructions.* The taking and filing or recording of security instruments for EM loans to aquaculture operations will be in accordance with this Subpart A unless it is determined, with the assistance of OGC that a State Instruction is needed for certain aquatic organisms.

(7) *Perfecting a Purchase Money Security Interest in Inventory.* In order to perfect a purchase money security interest in inventory, it is necessary, on or before the time the debtor receives possession of the inventory, to obtain a Security Agreement and file a Financing Statement as required by this Subpart A and notify in writing any parties who are known to have a security interest in such inventory or who have filed a Financing Statement covering the inventory. The notice must describe the inventory by item or type.

(8) *Fees.* Statutory fees for filing or recording Financing Statements, mortgages, or other legal instruments and notary and lien search fees incident to loan transactions in all cases will be paid by the borrower from personal funds or from the proceeds of the loan. Whenever cash is accepted by FmHA personnel to be used to pay the filing or recording fees for security instruments (including Financing Statements), or the cost of making lien searches, Form FmHA 440–12, "Acknowledgment of Payment for Recording, Lien Search, and Releasing Fees," will be executed. FmHA personnel who accept custody of such fees will make it clear to the borrower that the amount accepted is not received by the Government as credit on the borrower's indebtedness, but is accepted only for the purpose of paying the recording, filing, or lien search fees on behalf of the borrower.

(9) *Retention and Use of Security Agreements.*

(i) *Originals.* Original executed Security Agreements will not be altered, and will not be disposed of when new Security Agreements are taken.

(ii) *Work copy.* Information with respect to changes in security property will be noted only on the work copy. When an additional Security Agreement covering all collateral for the indebtedness is taken, the work copy used in preparing the additional Security Agreement may be destroyed.

(10) *Future Advance and After-Acquired Property Clauses and Special State Statutes.* The after-acquired property and future advance provision of Security Agreements in UCC States will be considered valid in all respects unless otherwise provided in a State Instruction.

(i) *Future advance provision.* A properly, prepared, executed, and filed or recorded FmHA Financing Statement and a properly prepared and executed FmHA Security Agreement give FmHA a security interest in the property described thereon to secure any operating or EM loan indebtedness owed by the debtor, including any such future loans, advances, or expenditures and any other FmHA debts evidenced by notes and any advances or expenditures made in connection with the debts evidenced by such notes.

(ii) *After-acquired property provisions.* Any after-acquired property, except fixtures, of the same type as described individually, by groups, specifically, or generally) on the Financing Statement and Security Agreement will serve as security for the debt covered thereby. The after-acquired property clause in the Security Agreement will encumber crops grown on the land described in the Security Agreement and Financing Statement provided they are planted or otherwise become growing crops within one year after the execution date of the Security Agreement, or such other period as provided by State Instructions. Except as set forth in § 1871.33(a)(4) of this chapter (paragraph XIII A 4 in FmHA Instruction 455.1), such FmHA after-acquired security interests take priority over other security interests perfected after the FmHA Financing Statement was filed.

(11) *State Instructions.* In addition to the State Instructions referred to in paragraph (a)(1) through (10) of this Section, State Instructions will be issued, as necessary, to provide additional procedure for taking liens on motor ve-

hicles and motor boats or any special type of security. The State Instructions will also supplement paragraph (a)(10) of this section with respect to the "future advance" and "after-acquired property" clauses of security instruments. The State Instruction will set forth the requirements with respect to filing or recording of security instruments if the borrower is not a resident of the State, but is conducting some operation in the State. This is for use when County Supervisors in other States request such information in accordance with paragraph (a)(6) of this section.

(b) *Taking real estate security.*

(1) *Use of Form FmHA 427–1 (State).* This form will be used in taking liens on real estate. It will be prepared, executed, and filed or recorded in accordance with State Instructions and any additional instructions received from the escrow agent or the OGC as appropriate.

(2) *Title Clearance.* Title clearance and the closing of EM loans which are to be secured by real estate liens will be in accordance with the requirements of Part 1807 of this chapter (FmHA Instruction 427.1) as modified by § 1832.22 (g) and (h).

§§ 1832.34–1832.35 [Reserved]

§ 1832.36 Loan Closing.

(a) *Check delivery.* County Office employees authorized to receive collections (listed in Exhibit C of FmHA Instruction 451.2) will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly on Form FmHA 440–8, "Notice of Check Delivery." Following loan closing, when a supervised bank account is required and the depository bank does not require the borrower's endorsement for deposit, the County Supervisor may deposit the loan check in the supervised bank account and furnish the borrower a copy of the deposit slip. Loan funds for the payment of interest-only installment(s) will be collected when the loan is closed. The notation "For deferred installment interest" will be entered on Form FmHA 451–2, "Schedule of Remittances."

(b) *Form FmHA 440–13, "Report of Lien Search."* Form FmHA 440–13 or other form providing substantially the same information will be prepared.

(1) Lien searches will be obtained at a time which will assure that the security instruments give the Government the required security. Under this policy the lien search normally will be obtained at the time the Financing Statement (mortgage or crop pledge in Louisiana) is filed or recorded. Lien searches may be obtained after that date, but not later than the first withdrawal of any loan funds from the supervised bank account or delivery of the check to the borrower. When necessary in individual cases, initial lien searches may be obtained in connection with processing applications provided continuation searches are obtained not later than the times prescribed in this paragraph (b)(1). Under the UCC, lien searches need be obtained for subsequent loans only when an additional Financing Statement is required. That is, when crops or fixtures to be taken as security are or are to be located on land not described on the existing Financing Statement or property not otherwise covered by the Financing Statement is to be taken as security for the EM loan debt.

(2) Except as otherwise provided in paragraph (b)(2) (i) and (ii) of this section, applicants are required to obtain and pay the cost of lien searches. County Supervisors will make inquiries locally concerning the available sources through which satisfactory lien searches can be obtained at nominal cost to the applicants. However, applicants should select the sources through which lien searches are made. The cost of lien searches may be paid from the proceeds of loan checks when necessary.

(i) County Office employees may make continuation lien searches.

(ii) State Directors may authorize the employees of a particular County Office unit to make lien searches without cost to applicants when the cost of lien searches if exorbitant; such service is not available; or experience has shown that the service available will cause undue delay in closing loans or make it difficult to comply with the provisions of paragraph (b)(1) of this section.

(3) State Directors, with the advice of the OGC, will issue State Instructions as necessary setting forth the minimum requirements for lien searches, including the records to be searched and the respective periods to be covered.

(c) *Supervised bank accounts.* EM loan funds will be handled as provided in Part 1803 of this chapter (FmHA Instruction 402.1). When a loan is made to reimburse an applicant for expenditures he has already made, the loan check may be turned over directly to him after such prior expenditures have been reasonably verified by the County Supervisor and he documents this verification in the borrower's county case file.

§ 1832.37 Cancellation of Loan Checks and Advances.

(a) When a loan check cannot be delivered or is lost or destroyed, the County Supervisor will notify the Finance Office by telegram, telephone, or memorandum giving name, case number, and address of the borrower, the amount of the check and whether the loss occurred prior or subsequent to release of the check to the borrower in accordance with established FmHA procedure (FmHA Instruction 102.1).

(b) If a loan check is to be canceled, the County Supervisor will return the check with Form FmHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation," to the Disbursing Center, United States Treasury Department, Post Office Box 3329, Kansas City, Kansas 66103. Copies of Form FmHA 440–10 will be furnished to the Finance Office and the State Office.

(c) When an advance is to be canceled, the following actions must be taken:

(1) Complete Form FmHA 440–10 in accordance with instructions available in all FmHA Offices (FMI).

(2) When necessary prepare and execute a substitute promissory note reflecting the revised total of the loan and the revised schedule. When it is not possible to obtain a substitute promissory note, the County Supervisor will show on Form FmHA 440–10 the revised amount of the loan and the revised repayment schedule.

(3) Transmit to the Finance Office Form FmHA 440–10 and a copy of the promissory note as prepared in accordance with paragraph (c)(1) and (2) of this section.

§ 1832.38 Revision of the Use of EM Loan Funds.

(a) Loan approval officials are authorized to approve changes in the purposes for which loan funds are to be used provided:

(1) The loan was within the respective loan approval official's authority.

(2) Such a change is for an authorized purpose and within applicable limitations.

(3) Such a change will not adversely affect the feasibility of the operation or the Government's interest.

(4) Such a change is consistent with authorities, policies, and limitations for making EM loans.

(b) The State Director may delegate additional authority to approval officials to approve certain kinds of changes in the use of loan funds by issuing a State Instruction describing such changes, provided prior approval is obtained from the National Office.

(c) When changes are made in the use of loan funds, no revision will be made in the repayment schedule on the promissory note. Appropriate changes with respect to the repayments will be made in Table K of Form FmHA 431–2 and they will be initialed by the borrower. The County Supervisor will also make appropriate notations in the "Supervisory and Servicing Actions" section of the Management System Card-Individual for followup.

§ 1832.39 Borrower's Case Number.

The case number should be the applicant's Social Security or Internal Revenue Service (IRS) tax number, whichever is appropriate. If such party is an individual, his or her Social Security number should be used. If such party is husband and wife, the husband's Social Security number will be used. If such party objects to the use of the Social Security number, a case number will be assigned. If such party is a legal entity, its IRS tax number will be used. The applicant's Social Security or IRS tax number preceded by State and County code numbers will constitute the entire case number to be used on all FmHA forms.

§ 1832.40 Reporting EM Loan Disaster Lending Activity.

Reports will be made in accordance with applicable FmHA regulations (FmHA Instruction 492.7).

§§ 1832.41–1832.42 [Reserved]

§ 1832.43 Additional EM Loans.

Additional EM loans may be made for the same purposes and under the same conditions as an initial EM loan under the following conditions.

(a) When the applicant did not obtain a loan for the full amount of the actual loss authorized as reflected by the loss statement he filed, the applicant may within one year after the statement is filed be considered for an additional loan, based on his initial application, for all or a portion of the loss balance not requested initially.

(b) Additional loans for reorganization of the farming operation made under § 1832.20(c) of this section must be made within one full-crop year after the designation date.

(c) New appraisal reports of real estate will not be required if the appraisal report in the file is not over two years old unless the approval official requests a new appraisal report. Any changes in the value of real or chattel security will be recorded, dated and initialed by the authorized appraiser on the appropriate appraisal reports in the file.

APPENDIX I

RELATIONSHIP BETWEEN FARMERS HOME ADMINISTRATION (FMHA), AND THE FEDERAL DISASTER ASSISTANCE ADMINISTRATION (FDAA)

I. When a major disaster or emergency declaration is made by the President, the FDAA is the agency charged with the responsibility for seeing that disaster assistance is made available to disaster victims. Also, that agency is responsible for coordinating the actions of other Federal agencies who have programs to provide disaster assistance. A Federal Coordinating Officer (FCO) is appointed for each major disaster or emergency to coordinate Federal assistance in the disaster area.

II. After a request for a major disaster or emergency declaration is made by the Governor of a State, FDAA through its Regional Director is responsible for obtaining necessary information on losses and damages to respond to the request.

III. Over the years FDAA and FmHA have had a very good working relationship. However, we have never formalized an agreement. Such an agreement is in the process of being developed and will be issued when completed. Until such time as the agreement is completed the following policy will be followed by State Directors in working with FDAA. Any exception to these guidelines must be approved by the National Office.

A. When a request is made by FDAA for information on losses and damages caused by a natural disaster, FDAA will be advised to contact the State Emergency Board (SEB) Chairman. USDA State Emergency Memorandum No. 54 provides that the SEB and County Emergency Board (CEB) will prepare the Department's "Damage Assessment Report." State Directors and County Supervisors should cooperate with SEB and CEB Chairmen in preparing the reports.

B. When an FmHA State Director is advised by FDAA that a major disaster or emergency has been declared, he will authorize the receiving of Emergency (EM) Loan applications in the counties given him by FDAA. However, no EM loan can be approved until the National Office makes such authorization in accordance with § 1832.10(a). Also, the State Director or his authorized representative will attend any meeting called by FDAA to discuss Federal assistance under the disaster declaration. The State Director will advise the SEB Chairman of any meeting called by FDAA.

C. If a request is made by FDAA for FmHA employees to man FDAA's "Disaster Assistance Centers," it will be advised to contact the SEB Chairman. USDA State Emergency Memorandum No. 54 provides that the SEB Chairman shall select qualified U.S. Department of Agriculture (USDA) personnel to represent USDA at each Center. State Directors should cooperate with the SEB Chairman in providing personnel for these Centers.

D. If FDAA requests State Directors for disaster lending activity reports, it will be advised that reports cannot be made more often than monthly as established by applicable FmHA regulations (FmHA Instruction 402.7). However, State Directors, as authorized by applicable FmHA regulations paragraph III B 4 of FmHA Instruction 402.7), "Report of EM Loan Applications," more frequently than monthly, but not more often than weekly, if they need the information in administering the EM loan program.

APPENDIX II

MEMORANDUM OF UNDERSTANDING BETWEEN SMALL BUSINESS ADMINISTRATION (SBA) AND THE UNITED STATES DEPARTMENT OF AGRICULTURE-FARMERS HOME ADMINISTRATION (USDA-FHA) PERTAINING TO DISASTER TYPE LOAN ASSISTANCE FOR AGRI-BUSINESS AND FARMING ENTERPRISES

I. *General:* While recognizing that the determination of eligibility of an agribusiness activity for disaster type loan assistance from SBA or FmHA is solely within the jurisdiction and responsibility of each respective agency, this Memorandum of Understanding is herewith set forth as a means for further clarifying which agency will assume the responsibility of handling disaster loan applications from various types of agribusinesses. The objectives of this Memorandum are to (a) assure that intended recipients of Federal disaster assistance are served, (b) define the areas of responsibility for each of the two agencies, and (c) enable both agencies to serve the victims of natural disasters more expeditiously with personnel having greater expertise in a particular type enterprise.

II. *Definitions:*

Agribusiness is defined as farming and the businesses associated with the productions, handling, processing, storing and marketing of agricultural commondities.

Farming is defined as the business of producing crops, livestock and livestock products through the management of land, labor, capital and basic raw materials, e.g., seed, feed, fertilizer and fuel.

III. *Guidelines:* An applicant (individual, partnership, or corporation) for SBA or FHA disaster type loan assistance must have had one or more of the following type enterprises in operation at the time of the designated disaster.

A. *Types of enterprises eligible to apply for SBA Disaster Loan Assistance.*

1. Purchase for resale of commodities such as fruits, vegetables, flowers, ornametal shrubbery, etc.

2. Purchase of livestock and poultry for immediate or short-term resale, e.g., by livestock dealers or brokers.

3. Feeding of livestock in specialized facilities as a service to others or as an entity which operates independent of a producing farm enterprise.

4. Packaging, freezing, canning or processing, of any nature, of meats, fish, fruits, and vegetables acquired solely for that purpose from others, or as a service to others.

5. Slaughter and/or dressing of livestock and poultry acquired solely for that purpose from others, or as a service to others.

6. Operation of hatcheries for the production of baby chicks or turkey poults primarily for resale where the hatchery does not maintain its own breeding flocks in its own facilities.

7. Purchase and operation of harvesting combines or other machinery, warehouses, cold storage plants, feed mills, etc., primarily as a service to others or on a rental or "for hire" basis.

8. Extension of landscaping, farm management or any advisory assistance to others for a fee.

9. Trapping of lobsters, crabs, wild animals and other game.

10. Catching of fin fish or shell fish (including oysters) from public waters.

B. *Types of enterprises eligible to apply for FmHA Emergency Loan Assistance.*

1. Production of crops including:

(a) Field crops—feed, fiber and tobacco.

(b) Fruits, vegetables, nuts, greenhouse crops and mushrooms.

(c) Flowers, ornamental plants, shrubs and trees, and sod.

(d) Nursery stock for fruits and nuts.

(e) Vegetables and small fruit plants for transplantjng.

2. Production and/or feeding of livestock or poultry including milk and egg production in the applicants own facilities. This would not include feeding operations which functioned primarily as a service to others.

3. Operation of hatcheries for the production of baby chicks or turkey poults where the hatchery maintains its own breeding flocks in its own facilities, regardless of whether the hatchery raises those chicks or poults, or sells them.

4. Operation of hydroponic farms.

5. Production of fur bearing animals, game animals or game birds.

6. Production of fish under controlled conditions for human consumption, e.g., catfish and trout.

7. Production of oysters under controlled conditions—oyster planters.

IV. *Handling applications from victims having both farm and other agribusiness enterprises:*

A. It is recognized by both agencies that a disaster victim may suffer losses in both farm and other agribusiness enterprises which would make him eligible for assistance from both agencies; and recognizing further that FmHA has the leigslative authority to make disaster type loans to assist nonfarming agribusiness enterprises, it is hereby agreed that each agency will handle disaster loan applications in accordance with the following:

1. FmHA

(a) Applications pertaining to farm enterprises, regardless of the significance of that farming enterprise(s) to the applicant's total operation, when the applicant is an individual. When the applicant is a partnership or a corporation, it must be engaged primarily in farming, or

(b) Applications pertaining to operators whose primary enterprise(s), based on gross income, is farming, and who are also engaged in other agribusinesses to an incidental degree.

2. SBA

(a) Applications pertaining to operations which consist solely of agribusiness(es) other than farming enterprises, or

(b) Applications pertaining to agribusiness enterprise(s), other than farming, when farming enterprises do not constitute the primary portion of the total operation. Losses sustained to any farming enterprise(s) may still be eligible for assistance from FmHA as described in IV A 1 a.

B. It is further recognized by both agencies that FmHA Emergency loan security requirements are more stringent and more limiting and, therefore, it is further agreed that in those cases where it becomes necessary for both agencies to make separate loans to the same applicant, the following understandings will prevail:

1. Appropriate field representatives of both agencies, in consultation with the applicant, will arrive at a mutual understanding regarding:

(a) The loans to be made.

(b) The purposes for which loan funds will be utilized.

(c) The security required and to be taken by each agency.

(d) The distribution of income in repayment of the loans.

2. FmHA security requirements will take precedence.

3. All parties concerned will make the determination there will be sufficient repayment ability to adequately assure that the scheduled repayment installments can be met.

V. *Referring Applicants:* When referral of applicants between agencies is necessary, neither agency will inform the applicant that he is eligible for a loan from the other agency, nor will they inform the applicant that another agency is responsible for making him a loan. Such statements are misleading and result in confusion and poor public relations for the Federal Government. Therefore, referrals will be made with a statement that "the applicant may wish to contact the other agency as that agency can make loans for enterprises such as he is conducting."

It is recognized that not every applicant will meet the eligibility requirements for a disaster type loan. However, an agency's inability to make a loan to any applicant to finance an enterprise within the field of service of that agency will not be a basis for referring the applicant to the other agency for that part of his financing.

It is the intent of this Memorandum of Understanding that SBA will serve natural disaster victims who sustained losses to enterprises as defined in III A, and FmHA will serve those defined in III B of this Memorandum of Understanding.

This Memorandum of Understanding may be revised from time to time by written mutual consent of the agencies involved.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

THOMAS S. KLEPPE,
Administrator,
Small Business Administration.

APPENDIX III

MEMORANDUM OF UNDERSTANDING AND COORDINATION BETWEEN THE AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (ASCS) AND THE FARMERS HOME ADMINISTRATION (FMHA) PERTAINING TO DISASTER TYPE ASSISTANCE

I. *GENERAL:* Federal Agencies that provide financial assistance to farmers suffering losses as a result of natural disasters are required to ensure that there is no duplication of benefits under other programs. Also, the USDA through the State and County Emergency Boards and the member agencies is responsible for providing leadership to insure that the Department's emergency programs are implemented as needed in the field.

II. *USDA STATE (SEB) AND COUNTY (CEB) EMERGENCY BOARDS:*

A. *Membership on Emergency Boards:*

1. SEB.—There has been established in every state a SEB. The Board is composed of representatives of the seven USDA agencies having emergency responsibilities in the field. The Chairman of the SEB is the ASCS State Executive Director. FmHA State Directors are members of the SEB's. In an emergency, SEB's and member agencies provide leadership for USDA emergency programs at the state level.

2. CEB—There has been established in nearly every county a CEB. Membership consists of representatives of each USDA agency having available personnel at the county level. The Chairman, in most cases, of the CEB is the ASCS County Executive Director. FmHA County Supervisors are members of the CEB's. In an emergency, CEB's and member agencies provide leadership for USDA emergency programs at the county level.

B. *Responsibility for Reporting Disasters:* USDA SEB's and CEB's and their member agencies are best qualified to accomplish assessment of rural and agricultural damages. Therefore, in accordance with "USDA State Emergency Memorandum No. 54," they are given the responsibility for reporting the occurrence of disasters. SEB and CEB chairmen shall call a meeting of their respective boards to prepare necessary reports as soon as possible after a disaster occurs which has significantly affected rural areas in their state or county. The FmHA State Director and County Supervisors shall cooperate with the chairmen of SEB's and CEB's.

C. *Federal Disaster Assistance Administration (FDAA) Natural Disaster Assistance Centers:* Where a major disaster has been declared by the President and the FDAA establishes such center or centers in the local disaster areas, the SEB chairman is responsible for the following:

1. Selecting a qualified USDA person to represent USDA at each center. He will consult with other board members in making the selection. FmHA State Directors will cooperate with the SEB chairmen in seeing that the centers are properly manned.

2. Orienting the selected person(s) on all current USDA disaster programs. FmHA State Directors will cooperate in this orientation to insure that the USDA representative at the center is familiar with FmHA Emergency loans and other loans of FmHA that could be of assistance to the disaster victims.

3. Informing FDAA that a USDA representative is available to help at each of the assistance centers.

D. *ASCS and FmHA Coordination on Emergency Activities to Farmers and Ranchers:*

1. AFFECTED ASCS PROGRAMS: FmHA Instruction 441.2 provides that *ASCS disaster type program benefits are to be considered in determining a farmer's eligibity and the maximum amount of his Emergency (EM) loan.* Therefore, the amount of any benefits received from ASCS disaster type programs, disaster payments (prevented planting and low yield) for wheat, feed grain, and upland cotton, cost-sharing payments under Emergency Conservation Measures (ECM), sugar abandonment or deficiency payments, and livestock feed programs (LFP) will be considered as compensation for losses.

2. FmHA ACTION: In counties where Emergency loans are authorized and ASCS disaster type programs are available, FmHA County Supervisors will:

a. Furnish the ASCS county offices with a listing of names and addresses of farmers and ranchers who have had an EM loan approved.

b. Request from the ASCS county offices, by name and address of each EM loan applicant, the following information: payments or benefits (disaster, ECM, sugar abandonment or deficiency payments, and LFP) made or to be made by ASCS to such applicant, ASCS records of acreages on the applicant's farm or farms, and established yields on crops used by ASCS. FmHA Form 441-29, "ASCS Verification of Farm Production History and Payments," will be used for this purpose.

3. ASCS ACTION: The ASCS county offices will:

a. Furnish the County Supervisor with the requested information.

b. In counties where EM borrowers have received EM loans and have:

(1) *Received Disaster Payments or ECM Assistance Concerning the Same Loss.* Issue such sight drafts to show the borrower and FmHA as joint payees and the drafts will be forwarded to the FmHA County Office.

(2) *Applied for LFP Benefits Because of the Same Loss.* Limit LFP benefits to the difference, if any, in the amount a producer actually borrowed from FmHA and the maximum amount he could have borrowed. In cases where a producer has obtained the maximum loan, he must first repay FmHA to the extent of any benefits he may wish to obtain under the LFP (the difference between the LFP sales price and the market price).

(3) *Received Sugar Abandonment or Deficiency Payments.* Will advise the FmHA County Office of the date and amount of such payment.

This memorandum of Understanding and Coordination may be revised from time to time by written mutual consent of the agencies involved.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Dated: April 23, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Dated: April 18, 1975.

Effective date. This document shall be effective on September 12, 1975.

Dated: September 8, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-24244 Filed 9-11-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Deletion of Provisions for Dressed Poultry

● Purpose: The purpose of this document is to delete from the poultry products inspection regulations the present allowance for handling, marking, or importing dressed poultry. ●

Pursuant to the authority contained in section 14 of the Poultry Products Inspection Act, as amended (21 U.S.C. 451 *et seq.*), the poultry products inspection regulations are amended to delete certain provisions allowing the production, labeling, and movement between official establishments, and importation of dressed poultry.

Statement of Considerations. On September 7, 1973, there was published in the FEDERAL REGISTER (38 FR 24374) in accordance with the administrative procedure provisions in 5 U.S.C. 553, a notice of proposed rule-making under the Poultry Products Inspection Act to delete from the poultry products inspection regulations (9 CFR Part 381) those provi-

sions allowing the production, labeling, and movement between official establishments or importation of dressed poultry. The proposed deletions contemplated no change with respect to the exemptions from certain restrictions of the Act and the regulations which are granted by the Administrator when necessary to avoid conflict with religious dietary requirements.

A total of three comments were received, all of which favored the proposal. Two of the comments were received from poultry industry groups, and one was received from a State agency responsible for the inspection of poultry in that State. In support of the proposal, all three respondents expressed the view that dressed poultry constitutes a health hazard because of the fact that a complete post-mortem inspection cannot be performed when the viscera remain in the carcass. The industry groups commenting on the proposal further pointed out that to their knowledge dressed poultry is no longer produced.

Therefore, after considering all information available to the Department, including the comments received pursuant to the notice, the poultry products inspection regulations (9 CFR Part 381) are amended as follows:

§ 381.97 [Reserved]

1. Section 381.97 is revoked and reserved.

§ 381.1 [Amended]

2. In § 381.1(b), the text of subparagraphs (14) and (15) are revoked and the subparagraph numbers are reserved; and in subparagraph (44) "dressed poultry" is deleted and "slaughtered poultry" is substituted therefor.

§ 381.65 [Amended]

3. In § 381.65, paragraphs (d), (e), (f), (g), and (h) (2) are revoked and in paragraph (n), the words "dressed poultry and other" are deleted.

4. In § 381.66, the words "dressed and" are deleted from the first sentences of paragraph (a) and paragraph (f)(3); in paragraph (f)(1), the term "Dressed and ready-to-cook" is deleted and "Ready-to-cook" is substituted therefor; the first sentence in § 381.66(e) is revoked; and paragraph (f)(2) is amended to read as follows:

§ 381.66 Temperatures and chilling and freezing procedures.

(f) * * *

(2) ready-to-cook poultry shall be frozen in a manner so as to bring the internal temperature of the birds at the center of the package to 0°F. or below within 72 hours from the time of entering the freezer.

§ 381.76 [Amended]

5. In § 381.76, paragraph (b) is revoked, and "(a)" in paragraph (a) is deleted.

§ 381.190 [Amended]

6. In § 381.190(a), the clause "except that dressed poultry may be transported from one official establishment to another official establishment for further processing." is deleted, and the comma following the word "regulations" is changed to a period.

§ 381.195 [Amended]

7. In § 381.195(b), the words "or dressed" are deleted in the second sentence; and the third sentence is revoked.

8. Under § 381.197, in paragraph (b) the term "(Except for uneviscerated poultry)" is deleted from the inspection certificate heading; paragraph (c) is revoked and paragraph (a) is amended to read as follows:

§ 381.197 Imported products; foreign inspection certificates required.

(a) Except as provided in §§ 381.207 and 381.209, each consignment containing any slaughtered poultry or other poultry product consigned to the United States from a foreign country shall be accompanied with a foreign inspection certificate substantally in the form illustrated in paragraph (b) of this section.

* * * * *

The regulatory provisions dealing with exemptions based on religious dietary laws are unchanged.

(Sec. 14, 71 Stat. 441, as amended, 21 U.S.C. 463; 37 F.R. 28464-28477)

It does not appear that further public rule-making procedure on these amendments would make additional relevant information available to the Department which would alter the decision. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further rulemaking procedures are impractical and unnecessary.

These amendments shall become effective October 13, 1975.

Done at Washington, D.C. on: September 8, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-24296 Filed 9-11-75;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 204—RECORDS OF ORAL COMMUNICATIONS WITH PERSONS OUTSIDE FEA

Miscellaneous Amendments

Part 204 of the Federal Energy Administration's regulations was established to provide internal FEA procedures for preparing and maintaining records of communications and contacts between certain FEA employees and persons from outside the agency. The purpose of the Part 204 requirements is to maintain the integrity of FEA's decisionmaking process and to insure that agency programs and policies are developed and implemented in an open manner, thereby promoting public confidence in the agency.

Part 204 now contains three separate requirements relating to recording of "outside" contacts.

First, § 204.3 requires FEA employees in grade GS-15 or above to prepare written records of oral communications from "non-involved" persons expressing an opinion or viewpoint on a specific application, interpretation request, appeal, petition for special redress, investigation, or enforcement proceeding pending before FEA.

Second, § 204.4 requires certain senior FEA officials to keep "logs" or summaries of meetings concerning FEA policy questions conducted with persons from outside the agency. These summaries are required to contain the date and place of each meeting, the name of each participant at the meeting, the entities represented and a "brief summary of the subject matter or matters discussed".

Finally, § 204.5 requires certain FEA senior officials to prepare lists of all meetings that have occurred between such officials and persons from outside the agency during the preceding two-week period. All of the officials subject to this requirement are also required to keep meeting summaries under § 204.4.

The lists required under § 204.5 differ from the summaries required by § 204.4 in three material respects. First, the lists are to cover all meetings with individuals from outside FEA, irrespective of whether they are conducted to discuss policy questions. Second, the lists are routinely disclosed to the public through the Office of Public Affairs on a semi-monthly basis, whereas the summaries prepared under § 204.4 are maintained as part of the agency's internal files. Third, instead of the "brief summary" of matters discussed, the lists need only identify the general subject discussed.

The regulations were drafted with the goal of balancing the need for openness in agency transactions with the administrative burden which results from requiring such records to be maintained. Based upon the experience gained in the implementation of Part 204, certain amendments are deemed appropriate to further the goal of openness in the FEA decisionmaking process and at the same time to lessen the administrative burdens upon FEA's senior personnel. Accordingly, FEA is hereby amending §§ 204.3 and 204.5 and revoking § 204.4.

Section 204.3, as revised, would require all FEA employees in grade GS-11 and above to maintain written records of oral communications from "non-involved" persons expressing an opinion or viewpoint on specific matters pending before FEA. The purpose of this section when originally adopted was to insure that sources of influence that would not otherwise be readily apparent, such as "non-involved" parties to applications or proceedings before FEA, be identified and recorded in the appropriate case files.

Experience has indicated that there are few instances in which FEA personnel receive such oral communications, and accordingly the requirement of § 204.3 has not proven burdensome. In order to further the purpose of this section, it has been deemed appropriate to extend its coverage from persons in

grade GS–15 and above to include all FEA employees in grade GS–11 and above. This amendment will effectively cover all FEA professional personnel whose responsibilities would include the types of matters specified in Section 204.3. The effect of this change is to increase the likelihood that all oral communications from "non-involved" persons will be recorded in the files of the regulatory matters to which § 204.3 pertains.

Our experience with §§ 204.4 and 204.5 has led us to conclude that it would be beneficial, both to the goal of public disclosure and administrative efficiency, to revoke § 204.4 and to consolidate certain of its requirements in § 204.5.

As amended, § 204.5, requiring that certain officials prepare lists of all meetings with persons from outside FEA, is expanded so that this requirement applies to all Office Directors, Deputy Assistant Administrators, Deputy Office Directors, and Deputy General Counsel, as well as to those officials previously covered. The scope of personnel required to comply with § 204.5 was increased in order to include other FEA officials who frequently participate in meetings of significance, including policy matters, with people from outside the agency.

In addition to the officials delineated in Section 204.5 there are a number of other officials, such as Associate Assistant Administrators, about whom it is not possible to make a categorical judgment as to the appropriateness of inclusion under § 204.5. In order to provide the flexibility necessary to assure inclusion of appropriate members of this latter group without unnecessarily burdening others, provision is made to authorize each Assistant Administrator, Office Director, and the General Counsel to determine which members of this group on his staff should be included under the meeting list requirement of § 204.5.

Section 204.5 is also amended to expressly require that the meeting lists identify the place of each meeting.

The meeting lists prepared under § 204.5 will not contain a summary of the discussion of the meeting with persons from outside the agency. They will, however, identify the subject matter discussed as well as include the date and place of each meeting, the name of each participant, and the entities represented. The summaries previously required under § 204.4 have proved administratively burdensome to prepare due to the demands placed upon those officials who were required to make them. In addition, the summaries were often sketchy and of little practical value. FEA has therefore concluded that a simple identification of subject matter as required under § 204.5 is a sufficient means of informing interested members of the public of the matters being discussed with individuals from outside the agency. This change represents a more efficient balancing of the requirement of public disclosure with management demands.

The meeting list requirements of § 204.5 also provide for greater public access to this information than previously given under § 204.4. As previously noted, public disclosure was not required under § 204.4. In contrast, § 204.5 provides for routine availability and easy accessbility. All meeting lists prepared pursuant to § 204.5 are to be transmitted to the Public Affairs Office on a semi-monthly basis and will be routinely available for public distribution.

As this amendment to Part 204 pertains to a matter relating to agency management or personnel, it is exempted from the rulemaking requirements of the Administrative Procedure Act, section 553 (a)(2) of title 5, United States Code. Formal notice and public hearings are, accordingly, not required, and this amendment is made effective immediately.

This amendment has been reviewed in accordance with Executive Order 11821, issued November 27, 1974, and has been determined not to be of a nature that requires an evaluation of its inflationary impact pursuant to Executive Order 11821. (Federal Energy Administration Act 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, Part 204 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, D.C., September 9, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

1. Section 204.1 is amended by revising the first two sentences thereof to read as follows:

§ 204.1 Purpose and scope.

This part establishes regulations for the preparation and maintenance, by specified FEA employees, of written reports regarding certain types of oral communications received from and meetings held with persons from outside the agency. Procedures are also established for the preparation and distribution to the public of a list of all meetings that have occurred between the Administrator, a Deputy Administrator, an Assistant Administrator, a Deputy Assistant Administrator, an Office Director, a Deputy Office Director, the General Counsel, a Deputy General Counsel or other senior FEA official who may be identified pursuant to § 204.5(a)(2) of this part and persons from outside the agency during the preceding half-month period. * * *

§ 204.3 [Amended]

2. Section 204.3(a) is amended by deleting the words "GS–15" and inserting in lieu thereof "GS–11".

§ 204.4 [Removed]

3. Section 204.4 is revoked.

4. Section 204.5 is amended by revising paragraph (a) and designating it (a)(1), and by adding paragraph (a)(2), to read as follows:

§ 204.5 Public record of meetings.

(a)(1) Within one week after the 15th and the end of each month, the Administrator, each Deputy Administrator, each Assistant Administrator, each Deputy Assistant Administrator, each Office Director, each Deputy Office Director, the General Counsel, each Deputy General Counsel and every FEA official who has received a notice duly issued and effective pursuant to paragraph (a)(2) of this section shall submit to the Office of Public Affairs a list of all meetings that have occurred between such person and persons from outside the agency during the preceding half-month period. The list shall contain the date and place of each meeting, the names of all participants, the entities represented, and the general subject discussed.

(2) Any Assistant Administrator or Office Director or the General Counsel may, if he determines that the purpose of this part would be served thereby, require any Associate Assistant Administrator, Assistant Office Director or Assistant General Counsel under his respective supervision to submit a list of all meetings that have occurred between such person and persons from outside the agency, in accordance with the provisions of paragraph (a)(1) of this section. Such requirement shall be made by sending written notice to the affected FEA official and by filing a copy thereof with the Office of Public Affairs. Such requirement shall be effective for the period specified in the notice and may be revoked by the issuing official or his successor at any time.

* * * * *

[FR Doc.75-24427 Filed 9-10-75;11:34 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75–NW–17–AD; Amendment 39–2366]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring removal of the capacitor assembly from the toilet flush motor and capping of exposed wires in accordance with prescribed Boeing Service Bulletin instructions on all 747 airplanes was published in 40 FR 24364.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Due consideration has been given to all comments received in response to the above notice. Although not objecting to removal of the capacitors, the ATA recommended extending the proposed compliance time for those airplanes on which AD 74–21–03 had been accomplished to 120 days and 90 days for all other airplanes. It was considered that this would permit modification of most airplanes at regular maintenance periods when the toilet shrouds are removed for routine cleaning. Under all the circumstances and after considering the additional information developed since issuance of the Notice, the FAA has determined that the simplicity of the proposal and conse-

quences preclude extending the proposed compliance time.

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

BOEING: Applies to all Boeing Model 747 series aircraft certificated in all categories. Compliance required as indicated unless already accomplished.

To prevent possible lavatory fire, accomplish the following:

Within 300 hours time in service from the effective date of this AD, unless already accomplished, remove capacitor assembly from toilet flush motor and cap exposed wires in accordance with Boeing Service Bulletin 747-38-2021, 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 Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective September 19, 1975.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

Issued in Seattle, Washington September 5, 1975.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc.75-24247 Filed 9-11-75;8:45 am]

[Airspace Docket No. 75-SO-110]

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

Alteration of Control Zone

● The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga., control zone. ●

The Atlanta control zone is described in § 71.171 (40 FR 354). It is necessary to alter the description by correcting the coordinates of the airport; by deleting an extension predicated on the Atlanta ILS Runway 33 localizer southeast course; and by changing an extension predicated on Atlanta ILS Runway 9L localizer west course to Runway 9R. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Atlanta, Ga., control zone is amended to read as follows:

Within a 5-mile radius of The William B. Hartsfield Atlanta International Airport (Lat. 33°38'31" N., Long. 84°25'34" W.); within 2 miles each side of Rex VORTAC 264° and 271° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC; within 2 miles each side of Atlanta ILS Runway 9R localizer west course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Atlanta ILS Runway 8 localizer west course, extending from the 5-mile radius zone to the LOM.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 5, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-24255 Filed 9-11-75;8:45 am]

[Airspace Docket No. 75-SO-111]

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

Alteration of Control Zone

● The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga., (Dobbins AFB/NAS Atlanta) control zone. ●

The Atlanta (Dobbins (AFB/NAS Atlanta) control zone is described in § 71.171 (40 FR 354). It is necessary to alter the description by correcting the coordinates of the airport and by changing a reference from Fulton County Airport to Charley Brown County Airport. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Atlanta, Ga., (Dobbins AFB/NAS Atlanta) control zone is amended as follows:

". . . (latitude 33°54'40" N., longitude 84° 31'00" W.) . . . and . . . (Fulton County Airport) . . ." are deleted and ". . . (Lat. 33°54'54" N., Long. 84°30'59" W.) . . . and . . . (Charley Brown County Airport) . . ." are substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 4, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75-24258 Filed 9-11-75;8:45 am]

[Airspace Docket No. 75-SO-109]

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

Alteration of Control Zone

● The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga., (Fulton County Airport) control zone. ●

The Atlanta (Fulton County Airport) control zone is described in § 71.171 (40 FR 354). The official name of the airport has been changed from Fulton County Airport to Charley Brown County Airport. It is necessary to alter the description by changing the airport name. Since this amendment is editorial in nature, and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 71.171 (40 F.R. 354), the Atlanta, Ga., (Fulton County Airport) control zone is amended as follows:

". . . Atlanta, Ga., (Fulton County Airport) Within a 5-mile radius of Fulton County Airport . . . is deleted and . . . Atlanta, Ga., (Charley Brown County Airport) Within a 5-mile radius of Charley Brown County Airport . . . is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 4, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75-24257 Filed 9-11-75;8:45 am]

[Airspace Docket No. 75-SW-41]

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

Alteration of Control Zone

● The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the controlled airspace in the Oklahoma City, Okla. (Tinker AFB), terminal area. ●

On July 21, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 30493) stating the Federal Aviation Administration proposed to alter the controlled airspace in the Oklahoma City, Okla. (Tinker AFB), terminal area.

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., December 4, 1975, as hereinafter set forth.

In § 71.171 (40 FR 354), the Oklahoma City, Okla. (Tinker AFB), control zone is amended to read:

OKLAHOMA CITY, OKLA. (TINKER AFB)

That airspace within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.); within 2 miles each side of the Tinker AFB VOR 357° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Tinker AFB TACAN 003° radial extending from the 5-mile radius zone to 9.5 miles north of the TACAN; and within 2 miles each side of the Tinker AFB VOR 187° radial extending from the 5-mile radius to 6 miles south of the VOR.

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 September 4, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-24249 Filed 9-11-75;8:45 am]

[Airspace Docket No. 75-SO-108]

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

Alteration of Control Zone and Transition Area

● The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Huntsville, Alabama, control zone and transition area. ●

The Huntsville control zone, described in § 71.171 (40 FR 354), contains an extension predicated on the Huntsville VOR 217° radial. This extension was required to provide controlled airspace protection for the VOR-B instrument approach procedure which has been cancelled. Therefore, it is necessary to delete the extension from the description. In addition, the official name of the Huntsville-Madison County Airport has been changed to Huntsville-Madison County Jetport-Carl T. Jones Field, and it is necessary to reflect this change in the description.

The Huntsville transition area is described in § 71.181 (40 FR 441). A new VOR RWY 36 instrument approach procedure has been developed for Pryor Field and an additional six square miles of transition area is required for protection of this procedure. Since these amendments are minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

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

". . . Huntsville-Madison County Airport . . ." is deleted and ". . . Huntsville-Madison County Jetport-Carl T. Jones . . . is substituted therefor, and ". . . within 2 miles each side of the Huntsville VOR 217° radial, extending from the 5-mile radius zone to 0.5 mile southwest of the VOR; . . ." is deleted.

In § 71.181 (40 FR 441), the Huntsville, Ala., transition area is amended as follows:

". . . longitude 86°56'45" W.) . . ." is deleted and ". . . longitude 86°56'45" W.); within 3 miles each side of the Decatur VOR 197° radial, extending from the 8.5-mile radius area to 8.5 miles south of the VOR . . . is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 3, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75-24250 Filed 9-11-75;8:45 am]

[Airspace Docket No. 75-SW-40]

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 alter the transition area at Minden, La. ●

On July 21, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 30494) stating the Federal Aviation Administration proposed to alter the transition area at Minden, 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., December 4, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Minden, La., transition area is amended as follows:

MINDEN, LA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Minden-Webster Airport (latitude 32°39'-00" N., Longitude 93°18'00" W.).

(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 September 4, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-24248 Filed 9-11-75;8:45 am]

[Airspace Docket No. 75-SO-76]

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

Alteration of Transition Area

On July 21, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 30494), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Manning, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 4, 1975, as hereinafter set forth.

In § 71.181 (40 F.R. 441), the Manning, S.C., transition area is amended as follows:

". . . within a 1.5-mile radius of the Goat Island County Airport (latitude 33°30'26" N., longitude 80°18'41" W.); . . ." would be deleted and ". . . within 3 miles each side of the 197° bearing from Manning, S.C., RBN (latitude 33°35'23" N., longitude 80°12'23" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN; . . ." would be substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 4, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75-24256 Filed 9-11-75;8:45 am]

[Airspace Docket No. 75-WE-10]

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

Alteration of Transition Area; Correction

On August 15, 1975, FR Doc. 75-21407 was published in the FEDERAL REGISTER (40 FR 34333) which amended Part 71 of the Federal Aviation Regulations by altering the transition area for San Diego, California. A review of the document revealed that a typographical error had been made in one coordinate of the description. Action is taken herein to correct this error.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In view of the foregoing, FR Doc. 75-21407 (40 FR 34333) is amended by correcting the description of the San Diego, California transition area in part as follows.

In the text correct "latitude 30°15'00" N.," to read "latitude 33°15'00" N. . . ."

Effective date. The effective date as originally established may be retained.

This amendment is issued under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on September 4, 1975.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.75-24252 Filed 9-11-75;8:45 am]

[Airspace Docket No. 75-GL-46]

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

Alteration of VOR Federal Airways

On July 14, 1975, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (40 FR 29554) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-285 to provide a more direct routing between Goshen, Ind., and Kalamazoo, Mich., and extend V-156 between South Bend, Ind., and Kalamazoo, Mich.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307) is amended as follows:

1. In V-156 after "South Bend, Ind." "to Kalamazoo, Mich." is added.

2. In V-285 all between "Goshen, Ind.;" and "INT Kalamazoo 014°" is deleted and "INT of the Goshen 037° and the Kalamazoo, Mich., 191° radials; Kalamazoo;" is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 5, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-24251 Filed 9-11-75;8:45 am]

[Airspace Docket No. 75-SO-51]

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

Designation of Transition Area

On May 19, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 21740), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Covington, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

Subsequent to publication of the notice, the proposed instrument approach procedure for the airport was changed from Runway 19 to Runway 1. It is necessary to alter the description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

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

COVINGTON, TENN.

That airspace extending upwards from 700 feet above the surface within a 6.5-mile radius of Covington Municipal Airport (Lat. 35°35'15" N., Long. 89°35'15" W.); within 3 miles each side of the 194° bearing from Covington RBN (Lat. 35°35'22" N., Long. 89°35'14" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga, on September 3, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75-24253 Filed 9-11-75;8:45 am]

[Airspace Docket No. 75-SO-77]

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

Designation of Transition Area

On July 23, 1975, a Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (40 FR 30840), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Conway, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through the submission of comments. There were no comments received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

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

CONWAY, S.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Conway-Horry County Airport (Lat. 33°49'13" N., Long. 79°07'16" W.); within 3 miles each side of the 296° bearing from Horry RBN (Lat. 33°49'54" N., Long. 79°-07'13" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN; excluding the portion that coincides with the Myrtle Beach transition area.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 4, 1975.

LONNIE D. PARRISH,
Acting Director, Southern Region.

[FR Doc.75-24254 Filed 9-11-75;8:45 am]

[Docket No. 14969; Amdt. No. 985]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue SW., Washington, D.C. 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective October 23, 1975.*

Marlette, MI—Marlette Arpt., VOR/DME-A, Orig.
Nashville, TN—Nashville Metropolitan Arpt., VOR/DME Rwy 13, Amdt. 6
Odessa, TX—Ector County Arpt., VOR-A, Amdt. 2

* * * *effective August 27, 1975*

Hillsdale, MI—Hillsdale Municipal Arpt., VOR-A, Amdt. 2

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA, SIAPs, *effective September 25, 1975.*

Idaho Falls, ID—Fanning Field, LOC(BC) Rwy 3, Orig.
Shreveport, LA—Shreveport Downtown Arpt., LOC Rwy. 14, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective October 23, 1975.*

Odessa, TX—Ector County Arpt., NDB Rwy 20, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective October 23, 1975,*

Chattanooga, TN—Lovell Field, ILS Rwy 20, Amdt. 26

* * * *effective September 18, 1975*

Los Angeles, CA—Van Nuys Arpt., ILS Rwy 16R, Orig.
Los Angeles, CA—Van Nuys Arpt., ILS/DME Rwy 16R, Orig., Canceled

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective October 23, 1975.*

Selma, AL—Selfield Arpt., RADAR-1, Orig.

These amendments are made effective under the authority of secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, and sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c).

Issued in Washington, D.C., on September 4, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.75-24259 Filed 9-11-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Rel. 34-11604]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Self-Regulatory Organizations; Proposed Changes; Correction

In FR Doc. 75-23298 appearing at page 40509 in the FEDERAL REGISTER of September 3, 1975, on page 40512 the designation of Rule 19b-4 as § 240.14b-4 is corrected to read § 240.19b-4.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 8, 1975.

[FR Doc.75-24242 Filed 9-11-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

PART 1134—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

Computation of Gross Operating Revenues and Deduction of Revenues

Because we have experienced considerable interpretive difficulties with regard to the meaning and application of §§ 1134.3 and 1134.4 of Title 49 of the Code of Federal Regulations, said sections are hereby amended, for purposes of clarification, as set forth below.

Considerable interpretive difficulties having arisen as to the meaning and application of the guidelines originally promulgated herein with respect to Section 5(10) of the Act, 49 U.S.C. § 5(10), the provisions of this Part are hereby amended, for clarification, as follows:

1. Under § 1134.3, *Computation of gross operating revenues of carriers involved in unifications,* change the introductory paragraph to read:

In unifications under the provisions of Section 5 of the Interstate Commerce Act, the aggregate gross operating revenues of carriers attributable to transportation from the use of their respective operating rights subject to Part II of the Act, as amended, shall be deemed to have exceeded $300,000 for the period of 12 consecutive months, ending not more than 6 months preceding the date of the agreement of the parties covering the transaction, unless otherwise shown, under each of the following circumstances:

2. Under § 1134.4, *Deduction of revenues from sources other than regulated transportation,* change paragraph (a) to read:

(a) In determining whether a proposed transaction is not subject to the provisions of Section 5, Interstate Commerce Act, applicant motor carriers, and their affiliate motor carriers must select the same 12 month period and indicate the 12-month period selected as provided in § 1134.3 and disclose the gross revenues received by each such carrier during the critical period selected and the revenues derived from sources other than transportation subject to Part II of the Act, which latter revenues may be deducted from the gross revenues for the purpose of determining jurisdiction.

These interpretive amendments are effective September 12, 1975.

By order of the Commission, dated September 5, 1975.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24348 Filed 9-11-75;8:45 am]

Title 21—Food and Drugs

[FRL 429-5]

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

[FRL 429-5; FAP6H5101/R14]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Daminozide

On August 22, 1975, notice was given (40 FR 36798) that Uniroyal Chemical, Division of Uniroyal, Inc., Bethany CT 06525, had filed a pesticide petition (FAP 6H5101) with the Environmental Protection Agency (EPA). This petition proposed that 21 CFR 123.410 be amended to establish a food additive tolerance for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in tomato paste or catsup at 220 parts per million (ppm), resulting from application of the plant regulator to growing tomatoes. (The chemical name, "succinic acid 2,2-dimethylhydrazide" has been changed to butanedioic acid mono (2,2-dimethylhydrazide) and the name daminozide has been accepted as the common name for the chemical.) Uniroyal Chemical subsequently amended the petition by 1) increasing the proposed tolerance for residues in tomato paste or catsup from 220 to 320 ppm, 2) expressing the food product "tomato paste or catsup" as "concentrated tomato products", and 3) proposing to amend 21 CFR 561.360 to establish a feed additive tolerance for residues of daminozide in dried tomato pomace at 600 ppm. (A related document on daminozide and the establishment of pesticide tolerances also appears in today's FEDERAL REGISTER.) [1]

The data submitted in the petition and other relevant material have been evaluated and it is concluded that the tolerances established by amending §§ 123.410 and 561.360 will protect the public health.

Any person adversely affected by these regulations may on or before October 14, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St., SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on September 12, 1975, Part 123, § 123.410, and Part 561, § 561.360, are amended as follows.

Dated: September 5, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 409(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)) transferred to the Administrator EPA in Reorganization Plan No. 3 (35 FR 15623))

(1) Section 123.410 is amended by 1) revising the section heading to correspond with the acceptable common name, "daminozide", 2) revising the regulation to include a tolerance for concentrated tomato products, and 3) editing the section to accommodate the above changes to read as follows.

§ 123.410 **Daminozide.**

Tolerances are established for residues of the plant regulator daminozide

[1] See FR Doc. 75-24226 appearing at page 42357.

(butanedioic acid mono (2,2-dimethylhydrazide)) in the following processed foods when present therein as a result of the application of this pesticide to growing crops:

320 parts per million in concentrated tomato products.

135 parts per million in dried prunes.

(2) Section 561.360 is amended by 1) revising the section heading to correspond with the acceptable common name, "daminozide", 2) revising the regulation to include a tolerance for tomato pomace, and 3) editing the section to accommodate the above changes to read as follows.

§ 561.360 Daminozide.

Tolerances are established for residues of the plant regulator daminozide (butanedioic acid mono (2,2-dimethylhydrazide)] in the following animal feeds when present therein as a result of the application of this pesticide to growing crops:

600 parts per million in dried tomato pomace.

90 parts per million in peanut meal.

[FR Doc.75-24235 Filed 9-11-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 470—HIGHWAY SYSTEMS, FEDERAL-AID HIGHWAY SYSTEMS

● **Purpose: The purpose of this document is to implement statutes regarding realignment of the Federal-aid primary, secondary, and urban systems after June 30, 1976.** ●

Section 103 (Federal-aid systems) of Title 23, United States Code, was substantially amended by the Federal-Aid Highway Act of 1973 (Pub. L. 93-87). This regulation sets forth policies and procedures for implementing major amendments regarding functional realignment of the Federal-aid primary, secondary, and urban systems after June 30, 1976, under the provisions of 23 U.S.C. 103(b)(2), 103(c)(2), and 103(d)(2). This regulation also continues policies and procedures after June 30, 1976, under the provisions of 23 U.S.C. 103(e)(1) and (e)(3) for the Interstate System and under 23 U.S.C. 103(f) for the modification or revision of all Federal-aid systems. Although the Interstate System is a part of the Federal-aid primary system, the Interstate System is exempt from the realignment provisions applicable to the non-Interstate Federal-aid primary routes.

The existing Federal-aid primary and secondary systems are continued until June 30, 1976, under the provisions of 23 U.S.C. 103(b)(1) and 103(c)(1). A regulation for continuing these provisions, the provisions for the Interstate System under 23 U.S.C. 103(e)(1) and 103(e)(3), and the provisions for modification or revision of all Federal-aid systems under 23 U.S.C. 103(f) was published as 23 CFR 470, Subpart A. After June 30, 1976, that regulation will be deleted from the Code of Federal Regulations; this regulation will then replace it.

The existing Federal-aid urban system is continued until June 30, 1976, under the provisions of 23 U.S.C. 103(d)(1). A regulation for continuing this provision was published as 23 CFR 473, Subpart A. After June 30, 1976, that regulation will be deleted from the Code of Federal Regulations; this regulation will replace it.

Section 470.4(a)(2) refers to 23 CFR Part 470, Subpart B. That regulation has not yet been published, but is in the process of rulemaking. See 39 FR 36350 (October 9, 1974).

The language of this regulation and additional instructional material regarding Federal-aid highway systems will be found in Volume 6, Chapter 4, Section 7, of the Federal-Aid Highway Program Manual.

The matters affected related to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), therefore a general notice of proposed rulemaking is not required.

Issued on September 4, 1975.

L. P. LAMM,
Acting Federal Highway Administrator.

Sec.

470.1 Purpose.
470.2 Definitions.
470.3 System classification.
470.4 General procedures.
470.5 Specific system procedures.
470.6 Reclassifications, deletions, and reinstatements.
470.7 Proposals for system actions.
470.8 Approval authority.
470.9 Realignment schedule.

Appendix A. National System of Interstate and Defense Highways.
Appendix B. Federal-aid System (Primary and Secondary).
Appendix C. Federal-aid Urban System.

AUTHORITY: 23 U.S.C. 103(b)(2), 103(c)(2), 103(d)(2), 103(e)(1), 103(e)(3), 103(f), and 315; 49 CFR 1.48(b)(2) and (b)(35).

§ 470.1 Purpose.

This regulation sets forth policies and procedures relating to the designation of the National System of Interstate and Defense Highways, the Federal-aid primary system, the Federal-aid secondary system, and the Federal-aid urban system after June 30, 1976.

§ 470.2 Definitions.

(a) Except as otherwise provided herein, terms defined 23 U.S.C. 101(a) are used in this regulation as so defined.

(b) As used herein:

(1) "Urban area" means an urbanized area, or in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or an urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.

(2) "Rural area" means all areas of a State not included in the boundaries of urban areas.

(3) "Public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel.

(4) "Rural arterial routes" means those public roads that are functionally classified as a part of the rural principal arterial system or the rural minor arterial system as described in Volume 20, Appendix 12, Highway Planning Program Manual.[1]

(5) "Rural major collector routes" means those public roads that are functionally classified as a part of the major collector subclassification of the rural collector system as described in Volume 20, Appendix 12, Highway Planning Program Manual.

(6) "Urban arterial routes" means those public roads that are functionally classified as a part of the urban principal arterial system or the urban minor arterial system as described in Volume 20, Appendix 12, Highway Planning Program Manual.

(7) "Urban collector routes" means those public roads that are functionally classified as a part of the urban collector system as described in Volume 20, Appendix 12, Highway Planning Program Manual.

(8) "Appropriate local officials" means: (i) in urbanized areas, principal elected officials of general purpose local governments acting through the Metropolitan Planning Organization designated by the Governor, or (ii) in rural areas and urban areas not within any urbanized area, principal elected officials of general purpose local governments.

(9) For purposes of the above definition, the term "Governor" includes the Mayor of the District of Columbia; and the term "Metropolitan Planning Organization" means that organization designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as required by 23 U.S.C. 104(f)(3), and capable of meeting the requirements of 49 U.S.C. 1602 (a)(2) and (e)(1), 49 U.S.C. 1603(a), and 49 U.S.C. 1604(g)(1) and 1604(l). This organization is the forum for cooperative decisionmaking by principal elected officials of general purpose local governments.

(10) "Control area" as it pertains to the Interstate System, means a metropolitan area, city or industrial center, a topographic feature such as a major mountain pass, a favorable location for a major river crossing, a road hub which would result in material traffic increments on the Interstate route, a place on the boundary between two States agreed to by the States concerned, or other similar point of significance.

[1] The Highway Planning Program Manual is available for inspection and copying as prescribed in 49 CFR, Part 7, Appendix D.

§ 470.3 System classification.

(a) The National System of Interstate and Defense Highways shall consist of routes of highest importance to the Nation, which connect as direct as practicable the principal metropolitan areas, cities, and industrial centers, including important routes into, through, and around urban areas, serve the national defense and, to the greatest extent possible, connect at suitable border points with routes of continental importance in Canada and Mexico.

(b) The Federal-aid primary system shall consist of an adequate system of connected main roads important to interstate, statewide, and regional travel, consisting of rural arterial routes and their extensions into or through urban areas.

(c) The Federal-aid secondary system shall consist of rural major collector routes.

(d) The Federal-aid urban system shall consist of arterial routes and collector routes, exclusive of urban extensions of the Federal aid primary system.

§ 470.4 General procedures.

(a) *Area classification.* (1) All areas of a State shall be classified as either rural or urban in accordance with the definitions in § 470.2(b) (1) and (2) of this regulation.

(2) Urban area boundaries shall be established in accordance with 23 CFR Part 470, Subpart B and with Volume 4, Chapter 6, Section 3 of the Federal-Aid Highway Program Manual.[3]

(b) *Functional classification.* (1) The routes of the Federal-aid primary, secondary, and urban systems shall be designated on the basis of their anticipated functional usage.

(2) The State highway agency shall have the primary responsibility for initially developing and periodically updating a statewide highway functional classification to determine anticipated functional usage. The State shall cooperate with appropriate local officials, or appropriate Federal agency in the case of areas under Federal jurisdiction, in developing and updating the functional classification.

(3) The results of the functional classification shall be submitted to the Federal Highway Administration (FHWA) for approval and when approved shall serve as an official document for designation of Federal-aid systems. The State highway agency's submittal shall include highway maps showing the functional systems, statistics regarding the mileage extent of the functional systems, and a statement that the functional classification was developed in cooperation with appropriate local officials or appropriate Federal agency in the case of areas under Federal jurisdiction.

(c) *Designaion of Federal-aid systems.* (1) The routes of the Interstate System to the greatest extent possible, shall be designated by the State highway agency or by joint action of the State highway agencies where the routes involve State-line connections. Interstate routes may be designated in both rural and urban areas.

(2) The routes of the Federal-aid primary system shall be designated by each State acting through its State highway agency. Federal-aid primary routes may be designated in both rural and urban areas.

(3) The routes of the Federal-aid secondary system shall be designated by each State acting through its State highway agency and appropriate local officials in cooperation with each other. No Federal-aid secondary route shall be designated in urban areas.

(4) The routes of the Federal-aid urban system shall be designated by appropriate local officials with the concurrence of the State highway agencies. The Federal-aid urban systems shall be designated in each urbanized area and such other urban areas as the State highway agency may designate. No Federal-aid urban system route shall be designated in rural areas.

(5) In urbanized areas, the designation of Federal-aid routes shall be in accordance with the planning process required pursuant to the provisions of 23 U.S.C. 134(a).

(6) In areas under Federal jurisdiction, the designation of Federal-aid routes shall be coordinated with the appropriate Federal agency.

(7) The modification or revision of Federal-aid systems shall be carried out in accordance with the above provisions for the designation of Federal-aid systems.

(d) *Extent of systems.* (1) The Interstate System shall not exceed 42,500 miles under the statutory provisions of 23 U.S.C. 103(e)(1) and 103(e)(3)[2].

(2) The Federal-aid primary, secondary, and urban systems do not have a statutory limit on designated mileage, but these systems are limited in extent to the functional arterial and collector routes prescribed in § 470.3 (b), (c), and (d) of this regulation.

(e) *Designation of partial systems.* Although the State highway agencies and appropriate local officials are encouraged to designate all routes eligible for Federal-aid system designation in the approved statewide functional classification, all of the eligible functional routes need not be designated as a part of the Federal-aid systems. Where this is the case, the designation of eligible functional routes should adhere to the following principles:

(1) In each system, routes should be designated on the basis of a planned connected system as specified in § 470.4(f).

(2) System mileage should be distributed on a reasonable and fair basis within the geographic area the system is designed to serve.

(f) *Integration of systems.* All Federal-aid systems shall be properly integrated with each Federal-aid route connected to another Federal-aid route.

(1) Interstate routes should connect to other Interstate routes at each end with the exception of Interstate routes that connect with continental routes at international boundaries or terminate in urban areas that are not served by another Interstate route. In the latter case, the terminus of the Interstate route should connect to routes of the Federal-aid primary or urban systems.

(2) Interstate spur routes may be justified in some instances such as connections to major cities, transportation terminals, defense centers, and industrial centers not directly served by the Interstate through routes. Interstate spur routes may connect to routes of the Federal-aid primary and urban systems.

(3) Federal-aid primary routes should connect at each end to routes of the Federal-aid Interstate or primary systems with the exception of routes that connect at international boundaries or terminate in urban areas. In the latter case, the terminus of the Federal-aid primary route may also connect to routes of the Federal-aid urban system.

(4) Federal-aid primary spur routes may be justified in some instances such as connections to important cities, transportation terminals, defense centers, industrial centers, and recreational areas not directly served by the Federal-aid primary through route. Federal-aid primary spur routes may connect to routes of the Federal-aid secondary and urban systems.

(5) Where feasible, Federal-aid secondary routes should connect at each end to routes of the Federal-aid Interstate, primary, secondary, or urban systems.

(6) Federal-aid secondary routes should connect to other secondary routes at State and county lines except in unusual circumstances where to do so may penalize or impose a hardship on a State or county.

(7) Federal-aid secondary stub routes are permissible as routes reach outward from other Federal-aid routes to serve traffic generators of intracounty importance.

(8) Where feasible, Federal-aid urban system routes should connect at each end to routes of the Federal-aid Interstate, primary, secondary, or urban systems.

(9) Stub routes on the Federal-aid urban systems are permissible at urban area boundaries and as Federal-aid urban system routes reach out from other Federal-aid routes to directly serve major centers of urban activity as well as local traffic generators such as residential neighborhoods, transportation terminals, and commercial and industrial areas.

(10) Individual routes or clusters of routes in widely separated or remote areas of a State (as in Alaska), and on offshore islands, are permissible without connections to other segments of the system if the routes are otherwise justified.

(g) *Federal-aid route numbers.* A route number shall be assigned to each

[3] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR, Part 7, Appendix D.

[2] Although not included in this regulation, limited additions to the 42,500-mile Interstate System are permitted under the provisions of 23 U.S.C. 103(e)(2) and 139 (a) and (b).

Federal-aid route. The route number shall not exceed four digits, but it may contain less than four digits.

(h) *Federal-aid system maps.* (1) All Federal-aid systems shall be delineated on county and urban areas maps.

(2) Each Federal-aid system shall be identified on the maps by different map symbol, and each Federal-aid route shall be identified by route number.

§ 470.5 Specific systems procedures.

(a) *Interstate system.* (1) Proposals for system actions on the Interstate System shall include a route description as illustrated in Appendix A.

(2) Proposals shall include a Federal-aid system map or maps, as prescribed in § 470.4(h) with the control areas and the affected Interstate routes marked thereon.

(3) Proposals should include a statement justifying control areas, a statement indicating agreement with adjoining States on State-line connections, and a statement providing total route mileage classified by rural and urban.

(4) Existing documentation in effect on June 30, 1976, for the Interstate System will remain effective on and after July 1, 1976. Proposals for system actions on the Interstate System after June 30, 1976, will be in accordance with the provisions of this regulation.

(b) *Federal-aid primary system.* (1) Proposals for system actions on the Federal-aid primary system shall include a brief route description and related information as illustrated in Appendix B.

(2) Proposals shall include a Federal-aid system map or maps as prescribed in § 470.4(h).

(3) All routes on the Interstate System are a part of the Federal-aid primary system.

(c) *Federal-aid secondary system.* (1) Proposals for the Federal-aid secondary system shall include a brief route description and related information as illustrated in Appendix B.

(2) Proposals shall include a Federal-aid system map or maps as prescribed in § 470.4(h).

(d) *Federal-aid urban system.* (1) Proposals for the Federal-aid urban system shall include a table listing each route by number, name, termini, and related information as illustrated in Appendix C.

(2) Proposals for the Federal-aid urban system shall include a Federal-aid system map or maps, as prescribed in § 470.4(h) with the urban area boundaries delineated thereon.

§ 470.6 Reclassifications, deletions, and reinstatements.

(a) The reclassification and redesignation of a Federal-aid highway route from one Federal-aid system to another Federal-aid system shall not relieve the State of its obligation to the Federal Government to maintain portions thereof constructed as Federal-aid projects or of any other obligation included in project agreements executed for Federal-aid projects on portions of that route. When controlled access Federal-aid primary routes are transferred to the Federal-aid secondary system, all access control features should be retained in force unless a request by the State to the contrary is approved by the FHWA.

(b) Federal Highway Administration approval of a deletion of a route from any Federal-aid system, without reclassification and redesignation to another Federal-aid system, shall relieve the State of its obligation to the Federal Government to maintain portions thereof constructed as Federal-aid projects with the exception of defense access-road projects constructed under the provisions of Volume 6, Chapter 9, Section 5 of the Federal-Aid Highway Program Manual. Such deletion shall also relieve the State of any other obligations included in project agreements executed for Federal-aid projects on portions of the deleted route.

(c) Requests for reinstatement of routes previously deleted from any Federal-aid system shall be approved by FHWA only when the State expressly agrees to resume its obligation for the maintenance of any portion of the route previously constructed as a Federal-aid project. Resumption of any other obligations included in project agreements executed for Federal-aid projects on the route being considered for reinstatement shall be mutually agreed to by the State and the FHWA.

§ 470.7 Proposals for system actions.

(a) The State highway agencies shall have the responsibility for proposing to the Federal Highway Administration all official actions regarding the designation, modification, or revision of Federal-aid highway systems.

(b) In justification of a proposed system action, the State highway agency shall include a statement that the proposed system action is in conformance with: (1) The system classification, general procedures, and specific procedures of this regulation; (2) the requirements for participation with appropriate local officials; and (3) in urbanized areas the planning process required pursuant to the provisions of 23 U.S.C. 134(a).

§ 470.8 Approval authority.

(a) The Federal Highway Administrator will approve system actions involving the designation, modification, or revision of the Interstate System including control areas and route numbers.

(b) The Federal Highway Administration's Division Administrator will approve the statewide functional classification and system actions involving the designation, modification, and revision of the Federal-aid primary, secondary, and urban systems.

§ 470.9 Realignment schedule.

The effective date for realignment of the Federal-aid primary, secondary, and urban systems shall be July 1, 1976.

Effective date: These regulations will become effective on July 1, 1976.

APPENDIX A

Florida

NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

FAI route No.	*Description*
10	From the Florida-Alabama State line northwest of Pensacola via vicinity of Pensacola, Marianna, Tallahassee, and Lake City to FAI Route 95 in Jacksonville.
95	From Miami via vicinity of West Palm Beach, Daytona Beach, and Jacksonville to Florida-Georgia State line north of Jacksonville.
110	From FAI Route 10 north of Pensacola southerly into Pensacola.

NOTE.—Mileage data are not to be shown on this form.

APPENDIX B.—*Primary Federal-Aid System*

[State: Alpha]

Route Number		Route description and termini	County	Mileage [1]			
Federal aid	State or local			Rural	Urbanized	Small urban	Total
1	S.R. 1	From the California-Nevada State line southwest of Verdi via Reno, Fernley, Lovelock, Winnemucca, Battle Mountain, Elko, and Wells to the Nevada-Utah State line at Wendover, Utah, with a spur from FAP Route 1 southerly along 17th St. to FAS Route 705 (Glendale Rd.) in Sparks. Approved Jan. 1, 1964, revised Dec. 7, 1964.	Washoe	41.5	5.4		46.9
			Storey	.2			.2
			Lyon	16.3			16.3
			Churchill	27.7			27.7
			Pershing	75.0			75.0
			Humboldt	61.3			61.3
			Lander	26.8			26.8
			Eureka	26.4			26.4
			Elko	131.3		3.2	134.5
			Total	406.5	5.4	3.2	415.1
2	C.R. and State Routes 2, 2a, 3, 19, and 24.	From the California-Nevada State line southwest of Glenbrook via Carson City, Dayton, Leeteville, Fallon, Austin, Eureka, and Ely to a junction with FA Route 1 near Wendover, Utah. Approved Jan. 1, 1964, revised July 27, 1967.	Churchill	104.8			104.8
			Douglas	15.3			15.3
			Elko	53.2			53.2
			Eureka	47.4			47.
			Lander	59.0			59.0
			Lyon	35.3			35.3
			Ormsby	14.4		2.0	16.4
			White Pine	132.7			132.7
			Total	462.1		2.0	464.1
3	S.R. 3, 1, 70 and local road.	From the California-Nevada State line at Topez Lake via Minden to a point on FA Route 2 south of Carson City via Reno to the Nevada-California State line northwest of Reno, with a spur in Reno from FAM Route 3 via East Plumb Lane to the Reno Municipal Airport. Approved Jan. 1, 1964, revised Aug. 25, 1965.	Douglas	34.1			34.1
			Ormsby	3.4		9.8	4.2
			Washoe	34.2	6.9		41.1
			Total	71.7	6.9	0.8	79.4

[1] For routes extending into or through 2 or more counties, show the mileage separately for each country. Show grand total for the system on last sheet.

APPENDIX C.—URBANIZED FEDERAL-AID URBAN SYSTEM

[State: Alpha. Urban Area: Beta.]

Route No.	Street name	Termini		County	Mileage [1]	Map No. [2]
		From	To			
7875	Meridian St	Troy Ave. (S-141)	Maryland St. (U-6399)	Marion	3.3	4
7878	86th St., 82d St., and Shadeland Ave.	Zionville Rd., (S-224), I-65, and 56th St.	I-465 and 56th St. Interchange	do	1.1	4
A879	Fall Creek Parkway, East Dr. and 10th St.	White River Parkway, West Dr. (U-6353).	Shadeland Ave. (U-6234)	do	3.2	4
A999	Stop 11 Rd., Connection to Southport Rd. and Shelbyville Rd.	Southport Rd. (S-150)	Franklin Rd. (S-149)	do	.2	6
2010	State Rd. 37	38th St. (F-3)	I-465	Dover	1.7	5
				Marion	2.9	5,6
7554	CBD GRID			do		1
	Laurel St	North Harbor Dr	6th Ave		.6	
	Hawthorn St	I-5	6th Ave		.6	
	Grape St	I-5	6th Ave		.6	
	Ash St	North Harbor Dr	10th St		.9	
	A St	Bettner Blvd	Park Blvd		.9	
	B St	4th St	18th St		1.7	
	C St	Front St	18th St		.8	
	F St	Pacific Highway	18th St		.9	
	G St	Pacific Highway	18th St		.9	
	Front St	Market St	18th St		1.3	
	Bettner St	A St	Ash St		.4	
	12th St	Market St	East St		.9	

[1] If route extends into more than 1 county, show mileage separately for each county. Show sum of route mileage on the last sheet for the urban area.

[2] For an urban area requiring 2 or more maps, show the map number(s) on which the route is located.

[FR Doc.75-24182 Filed 9-11-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

[Docket No. R-75-292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Reallocated Funds

On June 9, 1975, the Department of Housing and Urban Development published in the FEDERAL REGISTER (40 FR 24692) the consolidated rules and regulations governing the administration and conduct of the community development block grant program under Title I of the Housing and Community Development Act of 1974.

Section 570.107 of the regulations establishes the general policies and rules governing reallocation of community development block grant funds which are not applied for, or which are disapproved by the Secretary as part of the application review or program monitoring process. It further states that, "each fiscal year, HUD will publish the policies to be employed in the reallocation of funds for that year."

The purpose of this amendment to 24 CFR Part 570 is to establish specific rules and regulations for the administration of funds available for reallocation out of the appropriation for Fiscal Year 1975.

The majority of all applications, for entitlement and discretionary grants from Fiscal Year 1975 appropriations have been reviewed and either approved or disapproved as of the date of this rulemaking. Of the total amount of $2.2 billion allocated to entitlement applicants, all but $4,560,000 was applied for. Of that amount, $4,532,000 was for metropolitan areas and $28,000 was for nonmetropolitan areas. Of the total amount applied for, $580,000 was disapproved, all in metropolitan areas. Therefore, as of June 30, 1975, $5,112,000 was available for reallocation in metropolitan areas and $28,000 was available for reallocation in nonmetropolitan areas. Any additional funds that become available for reallocation from the appropriation for Fiscal Year 1975 are likely to be small amounts.

Section 570.402(f) of the regulations presently provides that the policies and criteria governing general purpose funds for metropolitan and nonmetropolitan areas shall also apply to reallocated funds (except that metropolitan cities, urban counties and units shall also be eligible applicants for reallocated

funds). The most significant result of this amendment is to delete § 570.402(f) and to provide instead in a new § 570.409 that reallocated funds will be used to fund communities with urgent needs.

Congressional intent concerning the reallocation of funds is contained in the following statement in the Conference Report on the Housing and Community Development Act of 1974:

> The conferees wish to make clear that reallocated funds would be available to communities with urgent needs, including those with entitlements as well as others with special needs arising from urban renewal closeout activities (H.R. Rep. No. 93-1279, at 132).

Section 570.401 establishes policies and criteria for making urgent needs grants. The three priorities for urgent needs funds are:

> (1) completion of urban renewal projects and neighborhood development programs;
> (2) units of general local government that participated in the planned variations demonstration under the model cities program which will suffer a significant decrease in the level of ongoing activities funded under the planned variations demonstration; and
> (3) completion of projects assisted under the water and sewer facilities grant program, the neighborhood facilities grant program, and the open-space land program.

Funds have previously been made available from the Fiscal Year 1975 appropriation for those planned variations communities which will suffer a significant decrease in the level of ongoing activities funded under the planned variations demonstration. Therefore, reallocated funds will be made available for urgent needs to complete urban renewal programs and water and sewer, neighborhood facilities, and open-space land projects.

Since Section 106(e) of the Housing and Community Development Act of 1974 specifically places a priority on "assuring maximum use of all available funds in the periods for which such funds were appropriated," publishing a notice of proposed rulemaking is impractical and contrary to the public interest. Therefore, this amendment shall become effective on the date of publication.

In connection with the environmental review of this amendment, a Finding of Inapplicability has been made under HUD Handbook 1390.1, 38 FR 19182. A copy of the Finding is available for inspection in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

§ 570.402 [Amended]

Accordingly, in 24 CFR 570.402 paragraph (f) is hereby deleted and a new § 570.409 is hereby added and is set forth below in its entirety.

§ 570.409 Reallocated funds.

(a) *General.* This section governs the reallocation of funds as required by the provisions of § 570.107. In accordance with § 570.107 (a) and (b), any amounts allocated to metropolitan cities, urban counties, or other units of general local government for basic grants or hold-harmless grants in metropolitan areas or nonmetropolitan areas which are not applied for, or which are disapproved by the Secretary as part of the application review or program monitoring process, will be reallocated as set forth in subsection (f). As required by § 570.107(c), the following shall constitute the policies to be employed in the reallocation of funds appropriated for Fiscal Year 1975.

(b) *Timing of reallocation.* Any amounts appropriated for Fiscal Year 1975 which become available for reallocation as of August 15, 1975, will be reallocated no later than October 15, 1975.

(c) *Eligible applicants.* States and units of general local government, as defined in § 570.3(v), are eligible to apply for reallocated funds. For the purpose of this section, the second sentence in § 5703(v) includes those entities described in § 570.403(b) (1), (2), and (3).

(d) *Criteria for selection.* Reallocated funds will be used to make grants to eligible applicants with urgent needs, including those with entitlements as well as others with special needs arising from urban renewal closeout activities. The term "urgent needs" as used in this section means those urgent needs described in § 570.401(b)(1) and (3). In selecting among applications, the Secretary will give priority first, where reallocated funds will be sufficient to complete a HUD-approved urban renewal project (including a neighborhood development program) within Fiscal Year 1976, a water and sewer project, a neighborhood facilities project, or an open-space land project, and second, where reallocated funds in conjunction with funds provided under § 570.401 will be sufficient to complete one of the above-mentioned projects.

(e) *Application requirements.* (1) Applicants seeking grant assistance for the completion of ongoing urban renewal projects shall submit the analysis called for in § 570.401(b)(1). Applicants seeking grant assistance for the completion of a water and sewer, neighborhood facility, or open-space land project shall submit documentation which indicates how the applicant meets the criteria of § 570.401(b)(3). Communities considering applying for reallocated funds are urged to contact the appropriate HUD Area Office for more specific instructions regarding submission requirements.

(2) In selecting among applicants, the Secretary will consider all analyses and applications submitted for urgent needs funds under § 570.401 as of August 15, 1975. Final applications shall be submitted only when requested by the Secretary.

(f) *Priorities for reallocation of funds.* (1) *Metropolitan areas.* Any amounts which become available for reallocation from appropriations for Fiscal Year 1975, will be reallocated in accordance with the following priorities: (i) to the same metropolitan area; (ii) if reallocated funds are available after meeting the urgent needs in that metropolitan area, to other metropolitan areas in the same State; and (iii) if reallocated funds are available after meeting the urgent needs in that State, to other metropolitan areas in other States.

(2) *Nonmetropolitan areas.* Any amounts which become available for reallocation from appropriations for Fiscal Year 1975, will be reallocated in accordance with the following priorities:

(i) To the nonmetropolitan area in the same State; and (ii) if reallocated funds are available after meeting the urgent needs in that State, to the nonmetropolitan areas in other States.

(3) *Additional considerations.* In determining to which metropolitan area or areas funds shall be reallocated under paragraphs (1)(ii) and (iii), and to which State or States funds shall be reallocated under paragraph (2)(ii), the Secretary shall give priority consideration to the metropolitan areas or States where the greatest unmet urgent needs exist.

(Title I of the Housing and Community Development Act of 1974 (Public Law 93-383); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535 (d))

Effective date. This amendment shall be effective on September 12, 1975.

DAVID O. MEEKER, Jr.,
FAIA, AIP, Assistant Secretary for Community Planning and Development.

[FR Doc.75-24285 Filed 9-11-75;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FI-584]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for Orleans Parish, La.

On May 29, 1975, at 40 FR 23278-23279, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in Orleans Parish, Louisiana. Since that date, ninety days have elapsed; and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of April 14, 1975, and amend the Flood Insurance Rate Map which was in effect prior to that date.

The final flood elevation determinations are in accordance with section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448) 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 225203A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to

continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the Orleans Parish Flood Insurance Rate Map make it impractical to publish in this notice all of the base flood elevation changes.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-24317 Filed 9-11-75;8:45 am]

[Docket No. FI-583]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for St. Bernard Parish, La.

On May 29, 1975, at 40 FR 23279, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in St. Bernard Parish, Louisiana. Since that date, ninety days have elapsed, and the Federal Insurance Administrator has evaluated requests for changes in the base flood elevations, and after consultation with the Chief Executive Officer of the community, has determined no changes are necessary. Therefore, the modified flood elevations are effective as of February 6, 1975, and amend the Flood Insurance Rate Map which was in effect prior to that date.

The final flood elevation determinations are in accordance with section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448) 42 U.S.C. 4001–4128, and 24 CFR Part 1916.

For rating purposes, the new community number is 225204A and must be used for all new policies and renewals.

Under the above-mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the final flood elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The numerous changes made in the base flood elevations on the St. Bernard Parish Flood Insurance Rate Map make it impractical to publish in this notice all of the base flood elevation changes.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: August 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-24318 Filed 9-11-75;8:45 am]

[Docket No. FI-536]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevations for the City of Coffeyville, Montgomery County, Kans.

The Federal Insurance Administrator, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 24 CFR Part 1917 (Section 1917.10), hereby gives notice of his final determinations of flood elevations for the City of Coffeyville under Section 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated his statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, Coffeyville, Kansas 67337.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Verdigris River	U.S. 166 and 169	722	0	(1)
Sycamore Creek	Overlook Drive	740	50	350
	1st St.	738	300	100
	4th St.	735	150	200
	8th St.	728	200	150
	U.S. 166	725	100	200

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: August 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-24319 Filed 9-11-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7375]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Payments of Moving Expenses

By a notice of proposed rule making appearing in the FEDERAL REGISTER for April 16, 1975 (40 FR 17028), amendments to the Employment Tax Regulations (26 CFR Part 31) under sections 3121(a) and 3306(b) of the Internal Revenue Code of 1954, relating to moving expenses, were proposed to conform the Employment Tax Regulations to changes made to the Code by section 4 (b), (c), and (d) of the Act of October 13, 1964 (Pub. L. 88–650, 78 Stat. 1077).

Section 4(b) of the Act of October 13, 1964, added new paragraph (11) to section 3121(a) of the Code to provide that certain moving expenses paid to or on behalf of an employee shall not be deemed to be "wages" for purposes of the Federal Insurance Contributions Act. Thus, such payments are not subject to the social security taxes and the employer need not withhold the tax on employees or pay the tax on employers.

Section 4(c) amended section 3306(b) to add new paragraph (9) to section 3306(b) of the Code to provide that certain moving expenses paid to or on behalf of an employee shall not be deemed to be "wages" for purposes of the Federal Unemployment Tax Act. Thus, such pay-

ments are not subject to the Federal unemployment tax.

Both of these provisions are applicable only if at the time of payment the employer has reason to believe that the employee is or will be entitled to a deduction for such amount under section 217 (relating to moving expenses). These changes are effective with respect to remuneration paid on or after November 1, 1964.

Adoption of amendments to the regulations. On April 16, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 17028) to conform the Employment Tax Regulations to changes made to the Code by section 4 (b), (c), and (d) of the Act of October 13, 1964 (Pub. L. 88-650, 78 Stat. 1077) relating to moving expenses. After consideration of all such relevant matter as was presented by interested persons regarding the proposed rules, the amendments of the Employment Tax Regulations (26 CFR Part 31) as proposed are hereby adopted by this document.

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

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: September 8, 1975.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

By notice of proposed rule making appearing in the FEDERAL REGISTER for April 16, 1975 (40 FR 17028), amendments to the Employment Tax Regulations (26 CFR Part 31) under sections 3121(a) and 3306(b) of the Internal Revenue Code of 1954, relating to moving expenses, were proposed to conform the Employment Tax Regulations to changes made to the Code by section 4 (b), (c), and (d) of the Act of October 13, 1964 (Pub. L. 88-650, 78 Stat. 1077).

Section 4(b) of the Act of October 13, 1964, added new paragraph (11) to section 3121(a) of the Code to provide that certain moving expenses paid to or on behalf of an employee shall not be deemed to be "wages" for purposes of the Federal Insurance Contributions Act. Thus, such payments are not subject to the social security taxes and the employer need not withhold the tax on employees or pay the tax on employers.

Section 4(c) amended section 3306(b) to add new paragraph (9) to section 3306 (b) of the Code to provide that certain moving expenses paid to or on behalf of an employee shall not be deemed to be "wages" for purposes of the Federal Unemployment Tax Act. Thus, such payments are not subject to the Federal unemployment tax.

Both of these provisions are applicable only if at the time of payment the employer has reason to believe that the employee is or will be entitled to a deduction for such amount under section 217 (relating to moving expenses). These changes are effective with respect to remuneration paid on or after November 1, 1964.

Adoption of amendments to the regulations. On April 16, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 17028) to conform the Employment Tax Regulations to changes made to the Code by section 4 (b), (c), and (d) of the Act of October 13, 1964 (Pub. L. 88-650, 78 Stat. 1077) relating to moving expenses. After consideration of all such relevant matter as was presented by interested persons regarding the proposed rules, the amendments of the Employment Tax Regulations (26 CFR Part 31) as proposed are hereby adopted by this document.

PARAGRAPH 1. Section 31.3121(a)(11) is revised to read as follows:

§ 31.3121(a)(11) Statutory provisions; definitions; wages; moving expenses.

SEC. 3121. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

* * * * *

(11) Remuneration paid to or on behalf of an employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217;

[Sec. 3121(a)(11) as added by sec. 4(b), Pub. Law 88-650 (78 Stat. 1077); as amended by sec. 313(c)(3), Social Security Amendments 1965 (79 Stat. 383); sec. 504(a), Social Security Amendments 1967 (81 Stat. 934)]

PAR. 2. Section 31.3121(a)(11)-1 which was previously reserved is added to read as follows:

§ 31.3121(a)(11)-1 Moving expenses.

(a) The term "wages" does not include remuneration paid on or after November 1, 1964, to or on behalf of an employee, either as an advance or a reimbursement, specifically for moving expenses incurred or expected to be incurred, if (and to the extent that) at the time of payment it is reasonable to believe that a corresponding deduction is or will be allowable to the employee under section 217. The reasonable belief contemplated by the statute may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that a deduction is allowable under section 217. The reasonable belief shall be based upon the application of section 217 and the regulations thereunder in Part 1 of this chapter (Income Tax Regulations). When used in this section, the term "moving expenses" has the same meaning as when used in section 217 and the regulations thereunder.

(b) Except as otherwise provided in paragraph (a) of this section, or in a numbered paragraph of section 3121(a), amounts paid to or on behalf of an employee for moving expenses are wages for purposes of section 3121(a).

PAR. 3. Section 31.3306(b)-1 is amended by revising subparagraph (1) of paragraph (a), paragraph (b), and the introductory portion of paragraph (j). These revised provisions read as follows:

§ 31.3306(b)-1 Wages.

(a) *Applicable law and regulations*—(1) *Remuneration paid after 1954.* Whether remuneration paid after 1954 for employment performed after 1938 constitutes wages is determined under section 3306(b). Accordingly, only remuneration paid after 1954 for employment performed after 1938 is covered by this section of the regulations and by the sections relating to the statutory exclusions from wages (§§ 31.3306(b)(1)-1 to 31.3306(b)(10)-1).

* * * * * *

(b) The term "wages" means all remuneration for employment unless specifically excepted under section 3306(b) (see §§ 31.3306(b)(1)-1 to 31.3306(b)(10)-1, inclusive) or paragraph (j) of this section.

* * * * *

(j) In addition to the exclusions specified in §§ 31.3306(b)(1)-1 to 31.3306(b)(10)-1, inclusive, the following types of payments are excluded from wages:

* * * * *

PAR. 4. Section 31.3306(b)(8) is amended by revising the statutory material and by adding a historical note. These added and revised provisions read as follows:

§ 31.3306(b)(8) Statutory provisions; definitions, wages; payments to employees for non-work periods.

SEC. 3306. *Definitions.* * * *

(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

* * * * *

(8) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of 65, if he did not work for the employer in the period for which such payment is made;

[Sec. 3306(b)(8) as amended by sec. 4(c), Act of Oct. 13, 1964 (P.L. 88-650, 78 Stat. 1077); sec. 504(b), Social Security Amendments 1967 (P.L. 90-248, 81 Stat. 935)]

PAR. 5. The following new sections are added immediately following § 31.3306(b)(8)-1:

§ 31.3306(b)(9) Statutory provisions; definitions; wages; moving expenses.

SEC. 3306. *Definitions*—(b) *Wages.* For purposes of this chapter, the term "wages" means all remuneration for employment including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

* * * * *

(9) Remuneration paid to or on behalf of any employee if (and to the extent that) at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under § 217; or

[Sec. 3306(b)(9) as added by section (4)(b), Act of Oct. 13, 1964 (Pub. L. 88-650, 78 Stat. 1077); as amended by sec. 504(b), Social Security Amendments 1967 (Pub. L. 90-248, 81 Stat. 935)]

§ 31.3306(b)(9)–1 Moving expenses.

(a) The term "wages" does not include remuneration paid on or after November 1, 1964, to or on behalf of an employee, either as an advance or a reimbursement, specifically for moving expenses incurred or expected to be incurred, if (and to the extent that) at the time of payment it is reasonable to believe that a corresponding deduction is or will be allowable to the employee under section 217. The reasonable belief contemplated by the statute may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that a deduction is allowable under section 217. The reasonable belief shall be based upon the application of section 217 and the regulations thereunder in Part 1 of this chapter (Income Tax Regulations). When used in this section, the term "moving expenses" has the same meaning as when used in section 217 and the regulations thereunder.

(b) Except as otherwise provided in paragraph (a) of this section, or in a numbered paragraph of section 3306(b), amounts paid to or on behalf of an employee for moving expenses are wages for purposes of section 3306(b).

[FR Doc.75-24344 Filed 9-11-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 416-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Georgia: Approval of Compliance Schedules

Section 110 of the Clean Air Act and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout its territory. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

Pursuant to this provision, and in addition to earlier submittals, the State of Georgia held hearings on December 30, 1974, for compliance schedules on a number of sources. Some of these supersede schedules submitted earlier. They were submitted to EPA for approval on January 23, 1975 and proposed for public comment on June 27, 1975 (40 FR 27248). Each of the proposed compliance schedules identified below establishes a date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated under the heading "Final Compliance Date". In most cases the schedule includes incremental steps toward compliance, with interim dates for achieving these steps. While the table below does not list these dates, the actual schedules do. The notation "Immediately" under the heading "Effective Date" means that the schedule will become Federally enforceable immediately upon its approval by the Administrator.

Copies of the schedules were made available for public inspection at the EPA Air Programs Office, the State Air Quality Control Section, and the EPA Freedom of Information Center, and public comment on them was sought.

One comment was received. The Georgia Air Quality Control Section pointed out that the four schedules for Babcock and Wilcox Company, Augusta, had been heard but not issued, and requested that they not be made Federally enforceable at this time. Thus, they have been struck from the listing which appears below.

An evaluation of any schedule may be obtained by consulting personnel of the Agency's Region IV Air Programs Branch in Atlanta (404/526-3043).

The Administrator has determined that all schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the National Ambient Air Quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State law in Georgia, and the Agency's action imposes no additional regulatory burden on the affected facilities.

(Sec. 110(a), Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: September 4, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart L—Georgia

§ 52.570 [Amended]

1. Section 52.570(c) is amended by inserting in paragraph (c)(4) in proper chronological order the date January 23, 1975.

2. In § 52.576 paragraph (a) is amended by inserting new lines as follows:

§ 52.576 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State.

* * * * *

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Andy's Super Market, gas on fuel oil fired boilers.	Calhoun	391-3-1-.02(2)(c).	Dec. 30, 1974	Immediately	June 15, 1975
Anglo-American Clays Corp.:					
Kaolin clay processing facility	Sandersville	391-3-1-.02(2)(p)(n).	do	do	Do.
Crude clay hopper	do	391-3-1-.02(2)(n).	do	do	Nov. 15, 1974
Coating clay bagging machine	do	391-3-1-.02(2)(n).	do	do	Mar. 3, 1975
Railroad track	do	391-3-1-.02(2)(n).	do	do	Oct. 1, 1974
Filler clay and air float plant	do	391-3-1-.02(2)(p).	do	do	Aug. 15, 1974
Loading facilities	do	391-3-1-.02(2)(n).	do	do	June 15, 1975
Atlanta Structural Concrete Co., concrete products facility.	Powder Springs	391-3-1-.02(2)(n).	do	do	July 1, 1975
Augusta Building Supply, ready mix concrete facility.	Augusta	391-3-1-.02(2)(n).	do	do	Do.
Banks, Jackson, Commerce Hospital, incinerator.	Commerce	391-3-1-.02(2)(c).	do	do	May 15, 1975
Berlin Gin Co., cotton gin	Berlin	391-3-1-.02(2)(q).	do	do	Mar. 28, 1975
Brantly Tile & Pallet Co., conical burner.	Swainsboro	391-3-1-.02(2)(l).	do	do	Nov. 15, 1974
C-E Minerals, kyanite mining and processing.	Lincolnton	391-3-1-.02(2)(e).	do	do	July 31, 1975
C-E Minerals, kyanite processing	Washington	391-3-1-.02(2)(e)(n)(a).	do	do	Do.
C. W. Matthews Contracting Co., hot mix asphalt.	Villa Rica	391-3-1-.02(2)(k).	do	do	July 15, 1975
Camp Concrete Products, Co.	Columbus	391-3-1-.02(2)(n).	do	do	July 1, 1975
Chatsworth Ready Mix Co., ready mix concrete facility.	Chatsworth	391-3-1-.02(2)(n).	do	do	July 31, 1975
Chattahoochee Brick Co., brick manufacturing.	Atlanta	391-3-1-.02(2)(e).	do	do	Feb. 1, 1975
Chicopee Manufacturing Co., boiler No. 1 and 2.	Gainesville	391-3-1-.02(2)(d).	do	do	July 31, 1975
Continental Can Co., Inc., recovery furnace No. 1 and 2.	Augusta	391-3-1-.02(2)(e).	do	do	July 1, 1975
Crisp County Hospital, Morse Boulger.	Cordele	391-3-1-.02(2)(c).	do	do	Mar. 1, 1975
Donaldsonville Warehouse & Gin, cotton gin.	Donaldsonville	391-3-1-.02(2)(q).	do	do	Apr. 1, 1975
E. P. Edgy Planning Mill, conical burner.	Brunswick	391-3-1-.02(2)(l).	do	do	Apr. 31, 1975
Edwards Lumber Co., conical burner.	Sparta	391-3-1-.02(2)(l).	do	do	Do.
Englehard Minerals & Chemical Corp.:					
Kaolin clay processing	McIntyre	391-3-1-.02(2)(n).	do	do	May 31, 1975
Bulk loading facilities	do	391-3-1-.02(2)(n).	do	do	Apr. 30, 1975
Silos (pneumatically fed)	do	391-3-1-.02(2)(n).	do	do	Apr. 1, 1975
Silos (mechanically fed)	do	391-3-1-.02(2)(n).	do	do	July 31, 1975
Fairplay Gin, cotton gin	Fairplay	391-3-1-.02(2)(q).	do	do	Sept. 30, 1974
Farmer's Gin Co., cotton gin	Dawson	391-3-1-.02(2)(q).	do	do	Nov. 1, 1974
Farmer's Ginnery, cotton gin	Caldwell	391-3-1-.02(2)(q).	do	do	Do.
Federal Pacific Electric Co., incinerator.	Vidalia	391-3-1-.02(2)(c).	do	do	July 1, 1975
Feldspar Corp., feldspar processing	Monticello	391-3-1-.02(2)(e).	do	do	May 15, 1975
Georgia Lightweight Aggregate Co., concrete aggregate.	Rockmart	391-3-1-.02(2)(e).	do	do	June 1, 1975
Gifford-Hill & Co., Inc., prestressed concrete.	Conley	391-3-1-.02(2)(n).	do	do	July 1, 1975
Gold Kist Rendering Plant, boilers	Ball Ground	391-3-1-.02(2)(a).	do	do	Mar. 1, 1975
Goodyear Tire & Rubber, boilers	Cartersville	391-3-1-.02(2)(d).	do	do	June 31, 1975
Googe & Bridges Lumber Co., open burning.	Willacoochee	391-3-1-.02(2)(a).	do	do	Dec. 31, 1974

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Griffin Pipe Products Co., sewer pipe manufacturing.	Milledgeville	391-3-1-.02 (2)(e).	do	do	July 31, 1975
Hardy & Col, Inc., slaughter house	Sylvester	391-3-1-.02 (2)(a).	do	do	Dec. 31, 1974
Howard Concrete Pipe, pipe manufacturing.	Atlanta	391-3-1-.02 (2)(n).	do	do	Jan. 31, 1975
Jerry Rice Sawmill, open burning	Mineral Bluff	391-3-1-.02 (2)(a).	do	do	Mar. 16, 1975
Jordon Carpet Yarns, boiler	Columbus	391-3-1-.02 (2)(d).	do	do	July 31, 1975
Kingston Gin Co., cotton gin	Kingston	391-3-1-.02 (2)(q).	do	do	Mar. 1, 1975
Macon Prestressed Concrete Co., prestressed concrete manufacturing.	Jonesboro	391-3-1-.02 (2)(n).	do	do	Do.
Marquette Cement, Manufacturing Plant, portland cement facility except for clinker cooler.	Rockmart	391-3-1-.02 (2)(e)(n).	do	do	July 31, 1975
Mayo Chemical Co., production of sodium glucoheptanate.	Smyrna	391-3-1-.02 (2)(a).	do	do	July 15, 1975
Nabisco, Inc., pimiento plants	Woodbury	391-3-1-.02 (2)(e).	do	do	Apr. 30, 1975
Nipro, Inc., ammonium nitrite	Augusta	391-3-1-.02 (2)(a).	do	do	July 31, 1975
North Chemical Co., polymethylacrylate.	Marietta	391-3-1-.02 (2)(a).	do	do	June 15, 1975
Olin Corp., chlor-alkali	Augusta	391-3-1-.02 (2)(a).	do	do	Dec. 1, 1974
Owens-Illinois, Inc., Riley boiler	Valdosta	391-3-1-.02 (2)(e).	do	do	July 1, 1975
Oxford Construction Co., hot mix asphalt.	Albany	391-3-1-.02 (2)(k).	do	do	July 31, 1975
Pags Mining Co., barium sulfate processing.	Cartersville	391-3-1-.02 (2)(e).	do	do	Feb. 1, 1975
Pekor Iron Works, cupola	Columbus	391-3-1-.02 (2)(o).	do	do	Mar. 1, 1975
Planters Warehouse & Loan Co., cotton gin.	Fitzgerald	391-3-1-.02 (2)(q).	do	do	Nov. 1, 1974
Quikrete-Handi-Crete Co., packaged concrete mix.	Lithonia	391-3-1-.02 (2)(n).	do	do	Dec. 31, 1974
RDC, Inc., steam generating plant	Rossville	391-3-1-.02 (2)(d).	do	do	July 1, 1975
Riegel Textile Corp., boiler units No. 1, 2, 3, and 4.	Trion	391-3-1-.02 (2)(d).	do	do	July 31, 1975
Rushton Cotton Mill, power boiler (coal-fired).	Griffin	391-3-1-.02 (2)(d).	do	do	Do.
Shepherd Construction Co., hot mix asphalt.	Near Jesup	391-3-1-.02 (2)(k).	do	do	May 30, 1975
Shepherd Construction Co., asphalt plant.	Hwy 87 North of Macon.	391-3-1-.02 (2)(k).	do	do	Apr. 30, 1975
Shepherd Construction Co., asphalt plant.	Siloam	391-3-1-.02 (2)(k).	do	do	July 31, 1975
Thompson, Weiman & Co.:					
Mineral extenders and fillers processing.	Cartersville	391-3-1-.02 (2)(n).	do	do	
Rotary dryer	do	391-3-1-.02 (2)(n).	do	do	Do.
Bin vent collectors	do	391-3-1-.02 (2)(n).	do	do	Do.
Air classifier and Larite rotary dryer.	do	391-3-1-.02 (2)(n).	do	do	July 1, 1975
Bulk loading	do	391-3-1-.02 (2)(n).	do	do	Do.
Calcium carbonate spray dryer	do	391-3-1-.02 (2)(e).	do	do	Nov. 1, 1974
Toney Bros., cotton gin	Doerun	391-3-1-.02 (2)(q).	do	do	Mar. 1, 1975
Universal-Rundel Corp.	Monroe	391-3-1-.02 (2)(e).	do	do	May 15, 1975
Vinings Chemical Co., production of dithione, nabam, sodam, and methylene bisthiocyamte.	Marietta	391-3-1-.02 (2)(a).	do	do	July 1, 1975
W. F. Gay & Co., cotton gin	Gay	391-3-1-.02 (2)(q).	do	do	Feb. 15, 1975
Walker Enterprises, Inc., d.b.a. Walker's Ready Mix, concrete facility.	Jesup	391-3-1-.02 (2)(n).	do	do	July 1, 1975
Walker's Gin, Inc., cotton gin	Camilla	391-3-1-.02 (2)(q).	do	do	Mar. 1, 1975
West Point Foundry & Machine Co., cupola.	West Point	391-3-1-.02 (2)(o).	do	do	Jan. 1, 1975
West Point Pepperell, Inc.:					
2 coal on gas fired boilers	LaGrange	391-3-1-.02 (2)(d).	do	do	July 31, 1975
No. 4 boiler	Lindale	391-3-1-.02(2)-(d).	do	do	Do.
West Point Pepperell, Inc., 2 B. & W. boilers.	Columbus	391-3-1-.02(2)-(d).	do	do	Do.
West Point Pepperell, Inc., No. 1 and 2 boilers.	Newnan	391-3-1-.02(2)-(d).	do	do	Do.
Woolfolk Chemical Works:					
Production of arsenic acid	Fort Valley	391-3-1-.02(2)-(a).	do	do	July 15, 1975
Production of lime sulfur	do	391-3-1-.02(2)-(a).	do	do	Do.
Production of basic zinc sulfate	do	391-3-1-.02(2)-(a).	do	do	Do.
Production of granular pesticides.	do	391-3-1-.02(2)-(a).	do	do	Do.

[FR Doc.75-24069 Filed 9-11-75;8:45 am]

[FRL 416-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Mississippi: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On January 20, 1975, pursuant to 40 CFR 51.6 the State of Mississippi submitted for the Environmental Protection Agency's approval revisions to the compliance schedule portion of the plan. The compliance schedules submitted by Mississippi were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 pertaining to public hearings, plan revisions, and compliance schedules as well as consistency with the control strategies of the Mississippi implementation plan. The schedules which met these criteria were published in the FEDERAL REGISTER as proposed rulemaking on May 6, 1975 (40 FR 19656). Copies were made available for public inspection at the Agency's Region IV office in Atlanta, and at the office of the Mississippi Air and Water Pollution Control Commission in Jackson; all interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the affected sources, and the schedules printed below are identical to those offered for comment in the proposed notice, except that a few minor typographical errors have been corrected.

Each of the schedules given in the table below establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State Implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date". In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules and the Mississippi plan are available for public inspection at the following locations:

Air and Hazardous Materials Division, Environmental Protection Agency, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

Division of Air Pollution Control, Mississippi Air & Water Pollution Control Commission, Robert E. Lee Building, Jackson, Mississippi 39205.

Freedom of Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State law in Mississippi and the Agency's action imposes no additional regulatory burden on affected facilities.

(Sec. 110(a), Clean Air Act (42 U.S.C. 1857c-5(a)))

Dated: September 4, 1975.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart Z—Mississippi

§ 52.1270 [Amended]

1. In § 52.1270, paragraph (c)(2) is amended by inserting in proper chronological order the date January 20, 1975.

2. Section 52.1274 is amended by inserting additional lines in the table of paragraph (a) as follows:

§ 52.1274 Compliance schedules.

(a) * * *

MISSISSIPPI

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
		ALCORN COUNTY			
Gateway Corp.	Corinth	APC-S-1	Dec. 16, 1974	Immediately	Apr. 1, 1975
		AMITE COUNTY			
Georgia Pacific Corp.	Gloster	APC-S-1	Dec. 16, 1974	Immediately	Mar. 1, 1975
Hood Lumber Co. of Crosby	Crosby	APC-S-1	Dec. 16, 1974	do	July 15, 1975
		BOLIVAR COUNTY			
Alabama Metal Products Co. (AMPCO), Inc.	Rosedale	APC-S-1	Feb. 28, 1974	Immediately	Sept. 1, 1974
Bunge Corp.	Gunnison	APC-S-1	Dec. 16, 1974	do	July 31, 1975
		CHICKASAW COUNTY			
E. F. Dyer Handle Co.	Houston	APC-S-1	Dec. 16, 1974	Immediately	Mar. 20, 1975
		CLAIBORNE COUNTY			
Pickens Brothers Lumber Co.	Port Gibson	APC-S-1	Dec. 16, 1974	Immediately	May 17, 1975
		CLARKE COUNTY			
Morris Feed Mill	Enterprise	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
Shell Oil Co., Goodwater plant	Shubuta	APC-S-1	Dec. 16, 1974	do	July 31, 1975
Hood Charcoal Co. Division of Masonite Corp.	Pachuta	APC-S-1	Feb. 28, 1974	do	Mar. 31, 1974
		COAHOMA COUNTY			
Claremont Gin	Clarksdale	APC-S-1	Dec. 16, 1974	Immediately	Feb. 22, 1975
		COPIAH COUNTY			
Copiah County Manufacturing Co.	Hazelhurst	APC-S-1	Dec. 16, 1974	Immediately	Nov. 15, 1974
Hazelhurst Box Co.	do	APC-S-1	Dec. 16, 1974	do	July 31, 1975
Hood Lumber of Georgetown	Georgetown	APC-S-1	Dec. 16, 1974	do	Dec. 21, 1974
		DE SOTO COUNTY			
Dutchess Furniture Co.	Hernando	APC-S-1	Dec. 16, 1974	Immediately	Feb. 21, 1975
Continental Foundry & Machine Works.	Olive Branch	APC-S-1	Feb. 28, 1974	do	Dec. 17, 1974
		FORREST COUNTY			
Dairy Fresh Corp.	Hattiesburg	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
Dixie Pole & Piling Co.	do	APC-S-1	Dec. 16, 1974	do	Mar. 26, 1975
Hood Lumber of Hattiesburg, treating division.	do	APC-S-1	Dec. 16, 1974	do	Mar. 1, 1975
		FRANKLIN COUNTY			
Klumb Manufacturing Co.	Bude	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
		HANCOCK COUNTY			
Winn-Dixie No. 1475	Bay St. Louis	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
		HINDS COUNTY			
Millers Discount Store (incinerator)	Jackson	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
J. J. Ferguson Ready Mix-Hot Mix Co.	do	APC-S-1	Feb. 28, 1974	do	Dec. 1, 1974
Mississippi Foundry & Machine Co., Inc.	do	APC-S-1	Feb. 28, 1974	do	Dec. 31, 1973
General Tire Service	do	APC-S-1	Feb. 28, 1974	do	May 1, 1975
Presto Manufacturing Co.	do	APC-S-1	Dec. 16, 1974	do	July 31, 1975
Delta Asphalt, Inc.	do	APC-S-1	Feb. 28, 1974	do	May 17, 1974
		ISSAQUENA COUNTY			
Bunge Corp.	Mayersville	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
		ITAWAMBA COUNTY			
S. A. McDaniel Gin	Dorsey	APC-S-1	Feb. 28, 1974	Immediately	Dec. 1, 1974
		JACKSON COUNTY			
Jitney Jungle Food Store	Moss Point	APC-S-1	Feb. 28, 1974	Immediately	Jan. 25, 1975
Ocean Springs Nursing Center (incinerator).	Ocean Springs	APC-S-1	Dec. 16, 1974	do	July 31, 1975
Mississippi Chemical Corp., phosphate rock storage and handling facility.	Pascagoula	APC-S-1	Dec. 16, 1974	do	Mar. 1, 1975
No. 2 Mixed Fertilizer Plant	do	APC-S-1	Dec. 16, 1974	do	Mar. 15, 1975
Blossman Concrete Ready-Mix, Inc.	Ocean Springs	APC-S-1	Feb. 28, 1974	do	Apr. 22, 1975
Mississippi Chemical Corp., No. 1, No. 2, and No. 3, fertilizer storage building.	Pascagoula	APC-S-1	Dec. 16, 1974	do	Mar. 1, 1975
PAVCo Industries, Inc.	do	APC-S-1	Dec. 16, 1974	do	July 31, 1975

MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
		JACKSON COUNTY—Continued			
Concrete Products and Supply and Weatherby Materials.	Escatawpa	APC-S-1	Feb. 28, 1974	do	Dec. 22, 1974
Corchem, Inc	Pascagoula	APC-S-1	Feb. 28, 1974	do	July 31, 1975
		JASPER COUNTY			
Georgia Pacific Corp	Bay Springs	APC-S-1	Dec. 16, 1974	Immediately	Apr. 1, 1975
		JEFFERSON DAVIS COUNTY			
Bassfield Feed Mill	Bassfield	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
		JONES COUNTY			
Hood Lumber of Laurel	Laurel	APC-S-1	Dec. 16, 1974	Immediately	Oct. 13, 1974
Hoss Ready Mix Concrete, Inc	do	APC-S-1	Dec. 16, 1974	do	July 31, 1975
		LAFAYETTE COUNTY			
J. J. Ferguson Ready Mix-Hot Mix Co.	Oxford	APC-S-1	Dec. 16, 1974	Immediately	Dec. 1, 1974
		LAMAR COUNTY			
Kaiser Aluminum & Chemical Corp., Purvis coke-cleaning facility.	Purvis	APC-S-1	Sept. 11, 1973	Immediately	May 1, 1975
		LAUDERDALE COUNTY			
Atlas Roofing Co	Meridian	APC-S-1	Dec. 16, 1974	Immediately	Oct. 30, 1974
Sam Finley, Inc	do	APC-S-1	Dec. 16, 1974	do	Aug. 15, 1974
Meywebb Hosiery Mill	do	APC-S-1	Dec. 16, 1974	do	July 31, 1975
Meridian Woodworking, Inc	do	APC-S-1	Feb. 28, 1974	do	May 15, 1974
		LAWRENCE COUNTY			
St. Regis Paper Co. (recovery boilers No. 1 and No. 2 particulates).	Monticello	APC-S-1	Dec. 16, 1974	Immediately	April 30, 1975
		LEAKE COUNTY			
Leake County Milling Co., Inc	Carthage	APC-S-1	Dec. 16, 1974	Immediately	Sept. 23, 1974
		LEE COUNTY			
Paverite Asphalt Co	Tupelo	APC-S-1	Feb. 28, 1974	Immediately	Dec. 1, 1974
Tupelo Manufacturing Co	do	APC-S-1	Dec. 16, 1974	do	Dec. 15, 1974
		LEFLORE COUNTY			
Farmers Gin of Greenwood	Greenwood	APC-S-1	Feb. 28, 1974	Immediately	Dec. 1, 1974
		LOWNDES COUNTY			
Hooker Chemical Co	Columbus	APC-S-1	Dec. 16, 1974	Immediately	Mar. 1, 1975
Johnston Tombigbee Furniture Co. (Woodworking plant).	do	APC-S-1	Dec. 16, 1974	do	July 31, 1975
(Tee Pee Burners)	do	APC-S-1	Dec. 16, 1974	do	July 31, 1975
		MARION COUNTY			
Piggly Wiggly Food Store	Columbia	APC-S-1	Feb. 28, 1974	Immediately	Aug. 20, 1974
Marion County General Hospital	do	APC-S-1	Feb. 28, 1974	do	Nov. 17, 1974
		MONROE COUNTY			
Gilmore-Puckett Lumber Co	Amory	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
Bunge Corp	Nettleton	APC-S-1	Dec. 16, 1974	do	July 31, 1975
Amory Cotton Oil Co	Amory	APC-S-1	Dec. 16, 1974	do	Jan. 1, 1975
		NEWTON COUNTY			
La-z-Boy South	Newton	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
		NOXUBEE COUNTY			
Atlas Brick Co	Shuqualak	APC-S-1	Dec. 16, 1974	Immediately	Dec. 15, 1974
		OKTIBBEHA COUNTY			
Howard Furniture Manufacturing Co., Inc.	Starkville	APC-S-1	Dec. 16, 1974	Immediately	Apr. 1, 1975
		PIKE COUNTY			
Roses Department Store	McComb	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
		PRENTISS COUNTY			
Gaines Manufacturing Co	Booneville	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
		QUITMAN COUNTY			
Kentucky-Tennessee Clay Co	Crenshaw	APC-S-1	Dec. 16, 1974	Immediately	Mar. 7, 1975

MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
RANKIN COUNTY					
Cataphote Corporation Division of Ferro Corp.	Flowood	APC-S-1	Dec. 16, 1974	Immediately	June 1, 1975
SHARKEY COUNTY					
Associate Producers Gin, Inc., No. 2.	Rolling Fork	APC-S-1	Feb. 28, 1974	Immediately	Dec. 1, 1974
Cameta Gin	Cameta	APC-S-1	Feb. 28, 1974	do	Feb. 7, 1975
SIMPSON COUNTY					
W. E. Blain & Sons, Inc	Pinola	APC-S-1	Feb. 28, 1974	Immediately	July 15, 1974
C. D. Rhodes Sawmill	Braxton	APC-S-1	Feb. 28, 1974	do	Nov. 9, 1974
SMITH COUNTY					
Georgia-Pacific Corp.	Taylorsville	APC-S-1	Dec. 16, 1974	Immediately	Apr. 1, 1975
(Particleboard plant)	do	APC-S-1	Dec. 16, 1974	do	Jan. 1, 1975
TALLAHATCHIE COUNTY					
Tallahatchie Hardwood	Charleston	APC-S-1	Dec. 16, 1974	Immediately	Oct. 5, 1974
TATE COUNTY					
Tate County Ready-Mix, Inc.	Senatobia	APC-S-1	Feb. 28, 1974	Immediately	May 28, 1975
TIPPAH COUNTY					
Lockhart Feed Mill	Ripley	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
UNION COUNTY					
Morris Feed Mill	Enterprise	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
WARREN COUNTY					
Vicksburg Chemical Co. K-No. 3 Dust Emissions.	Vicksburg	APC-S-1	Dec. 16, 1974	Immediately	Feb. 1, 1975
Valley Cement Ind., Inc.	Redwood	APC-S-1	Dec. 16, 1974	do	Feb. 12, 1975
Mid-South Milling Co	Vicksburg	APC-S-1	Dec. 16, 1974	do	Oct. 20, 1974
WASHINGTON COUNTY					
J. J. Ferguson Ready Mix Hot Mix Co.	Greenville	APC-S-1	Feb. 28, 1974	Immediately	Dec. 1, 1974
Burge Corp.	do	APC-S-1	Dec. 16, 1974	do	July 31, 1975
U.S. Gypsum Co.	do	APC-S-1	Dec. 16, 1974	do	Apr. 1, 1975
WINSTON COUNTY					
Quality Feed Mill	Louisville	APC-S-1	Feb. 28, 1974	Immediately	Dec. 1, 1974
Barton Sawmill	do	APC-S-1	Dec. 16, 1974	do	July 31, 1975
Georgia-Pacific Corp. (Particleboard Plant).	do	APC-S-1	Dec. 16, 1974	do	July 1, 1975
YAZOO COUNTY					
Bunge Corp.	Yazoo City	APC-S-1	Dec. 16, 1974	Immediately	July 31, 1975
Mississippi Chemical Corp. (Urea Plant).	do	APC-S-1	Feb. 28, 1974	do	July 1, 1974
Ammonium Nitrate Neutralizer Section.	do	APC-S-1	Feb. 28, 1974	do	July 1, 1974

[FR Doc.75-24070 Filed 9-11-75;8:45 am]

[FRL 429-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kentucky: Approval of Compliance Schedules; Correction

In FR document FRL 389-2 appearing at page 29540 of the issue of July 14, 1975, the first clause of action number 2 is corrected to read as follows:

"2. Section 52.927 is amended by inserting new lines in the tables of paragraph (c) as follows:"

Dated: September 3, 1975.

JACK E. RAVAN,
Regional Administrator,
Region IV.

[FR Doc.75-24223 Filed 9-11-75;8:45 am]

[FRL 429-6; PP3F1408/R52]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Daminozide

On July 17, 1973, notice was given (38 FR 19071) that Uniroyal Chemical, Division of Uniroyal, Inc., Bethany CT 06525, had filed a pesticide petition (PP 3F1408) with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.246 be amended to establish tolerances for residues of the plant regulator succinic acid 2,2-dimethylhydrazide in or on the raw agricultural commodities tomatoes at 40 parts per million (ppm) and cranberries and pears at 20 ppm. [The chemical name, "succinic acid 2,2-dimethylhydrazide" has been changed to butanedioic acid mono (2,2-dimethylhydrazide) and the name daminozide has been accepted as the common name for the chemical.] Uniroyal Chemical subsequently amended the petition by withdrawing the proposed tolerance for residues in or on cranberries. (A related document on daminozide and the establishment of food additive tolerances also appears in today's FEDERAL REGISTER.)[1]

The data submitted in the petition and other relevant material have been evaluated. The plant regulator is considered useful for the purpose for which the tolerances are sought. The established tolerances are adequate to cover residues in eggs, meat, milk, and poultry resulting from both the proposed use as well as the established uses and § 180.6 (a)(2) applies. Therefore, it is concluded that the tolerance established by amending § 180.246 will protect the public health.

Any person adversely affected by these regulations may on or before October 14, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St., SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on September 12, 1975, Part 180, Subpart C, § 180.246, is amended as set forth below.

Dated: September 5, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)).)

Section 180.246 is amended by adding the new paragraph "40 parts per million * * *" after the paragraph "50 parts per million * * *" to include a tolerance for tomatoes and by revising the paragraph "20 parts per million * * *" to include pears as follows:

§ 180.246 Daminozide; tolerances for residues.

* * * * *

40 parts per million in or on tomatoes.

* * * * *

20 parts per million in or on brussels sprouts, peanut hay, and pears.

* * * * *

[FR Doc.75-24226 Filed 9-11-75;8:45 am]

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[1] See FR Doc.75-24235 appearing at p. 42343.

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amendment F-24]

PART 101-35—TELECOMMUNICATIONS

GSA Implementation of OTP Circular 13

Sections 101-35.103 and 101-35.203 are amended to implement Office of Telecommunications Policy (OTP) Circular No. 13, Federal Use of Telecommunication Service, dated June 21, 1974, concerning Government procurement of telecommunications facilities and services.

1.) Section 101-35.103(d) is revised to read as follows:

§ 101-35.103 Policy.

* * * * *

(d) Place maximum reliance on commercial sources for telecommunications services in accordance with the Office of Telecommunications Policy (OTP) Circular No. 13, Federal Use of Telecommunication Service, dated June 21, 1974.

2.) Section 101-35.203 is amended by the addition of the following note.

§ 101-35.203 Justification of major changes and new installations.

* * * * *

(g) * * *

NOTE.—In addition to the information requested by this section, agencies submitting system facility or service proposals that fall within the guidelines established by OTP Circular No. 13 shall indicate that the OTP policy has been satisfied.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective September 12, 1975.

Dated: August 29, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-24293 Filed 9-11-75;8:45 am]

[FPMR Amendment G-33]

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

Revised Motor Equipment Management Policy

This regulation revises the policy dealing with motor equipment management to (1) provide for the availability of certain Standard forms for reporting motor vehicle accidents, (2) accommodate new and changed organizational titles and symbols, and (3) reflect nonsubstantive editorial adjustments.

§§ 101-38.101-1—101-38.101-5 [Removed]

The table of contents for Part 101-38 is amended to delete §§ 101-38.101-1 through 101-38.101-5 and to include new and revised entries as follows:

Subpart 101-38.3—Official U.S. Government Tags

Subpart 101-38.8—Reporting Motor Vehicle Accidents

101-38.800 Scope of subpart.
101-38.801 Applicability.
101-38.802 Accident reporting forms and their use.

Subpart 101-38.0—Definition of Terms

1.) Sections 101-38.001-1, 101-38.001-9, 101-38.001-10, 101-38.001-13, 101-38.001-14, and the introductory text of § 101-38.001-2 are revised as follows:

§ 101-38.001-1 Acquired for official purposes.

"Acquired for official purposes" means motor vehicles located in the United States, its territories, or possessions (a) gained and held or (b) rented or leased from private or commercial sources for a period exceeding 3 successive months by a Federal agency or the District of Columbia. This definition shall not be construed as the authority for the use of motor vehicles under (b) for a period of 3 months or less in any manner other than for official purposes.

§ 101-38.001-2 Commercial design motor vehicles.

"Commercial design motor vehicles" means motor vehicles procurable from regular production lines and available for civil agency use. Commercial design motor vehicles are further classified as "transport design" and "special design" motor vehicles.

§ 101-38.001-9 Trip rental.

"Trip rental" means rental of a vehicle by an employee of a Federal agency from an interagency motor pool or a commercial firm for a period of less than 3 months.

§ 101-38.001-10 Reportable vehicles.

"Reportable vehicles" means all automobiles, station wagons, ambulances, buses, carryalls, trucks, and truck tractors. Excluded are "military design motor vehicles" (defined in § 101-38.001-3), trailers, fire trucks, and other equipment detailed in the instructions for Standard Form 82, Agency Report of Motor Vehicle Data, (see § 101-38.4901.)

§ 101-38.001-13 Domestic fleet.

"Domestic fleet" means all reportable motor vehicles held by an agency in the United States, its territories, or possessions.

§ 101-38.001-14 Foreign fleet.

"Foreign fleet" means all reportable motor vehicles held by an agency for use in areas other than the United States, its territories, or possessions.

Subpart 101-38.1—Reporting Motor Vehicle Data

2. Sections 101-38.100-1, 101-38.100-2, and 101-38.102-1 are revised as follows:

§ 101-38.100-1 Standard Form 82, Agency Report of Motor Vehicle Data.

Standard Form 82 (illustrated at § 101-38.4901) is used by Federal agencies to submit vehicle inventory, cost, and operating data to GSA. That data is used by GSA to compile the "Federal Motor Vehicle Fleet Report." (Interagency Report Control Number 1102-GSA-AN has been assigned to Standard Form 82.)

§ 101-38.100-2 Federal Motor Vehicle Fleet Report.

This report is the summarization of the motor vehicle data reported to GSA by Federal agencies on Standard Form 82. It is used to evaluate and analyze operations and management of the Federal fleet. GSA supplies copies of this report to Federal agencies and to other organizations as requested.

§ 101-38.102-1 Reporting period and submission.

Each Federal agency, as holding agency, using agency, or both, shall submit Standard Form 82 in duplicate to GSA not later than 75 days after the end of the fiscal year.

Subpart 101-38.2—Registration and Inspection

3. Sections 101-38.201-1, 101-38.201-2, and 101-38.202 are revised as follows:

§ 101-38.201-1 Registration.

(a) All motor vehicles acquired for official purposes and regularly based or housed in the District of Columbia shall be registered in the District of Columbia, Department of Highways and Traffic, in accordance with section 40-102 (b) (2) of the District of Columbia Code. Each motor vehicle shall be reregistered during February of each year. Special forms for registering motor vehicles are available from the Department of Highways and Traffic.

(b) The District of Columbia Code requires that application for registration of title be accompanied by a certificate of origin, bill of sale, or other document attesting Government ownership. If such documents have been lost, destroyed, or are otherwise unavailable, GSA Form 1020, The United States Government Certificate of Ownership of a Motor Vehicle (illustrated at § 101-38.4902), certified by GSA, will be accepted by the District of Columbia in lieu of the missing documents. The holding agency may obtain GSA Form 1020 from the General Services Administration (FZM), Washington, DC 20406, upon furnishing adequate proof of Government ownership.

§ 101-38.201-2 Inspection.

Each registered motor vehicle shall be inspected annually in accordance with section 40-204 of the District of Columbia Code and applicable regulations issued thereunder. Those motor vehicles that pass inspection will be provided a current Approval Inspection Sticker by the Department of Highways and Traffic. § 101-38.202 Registration and inspection outside the District of Columbia. Motor vehicles acquired for official purposes and regularly housed outside the District of Columbia need not be registered in the States, territories, or possessions in which they are primarily used, except that motor vehicles exempted under Subpart 101-38.6 shall be registered and inspected in accordance with the laws of the State, territory, or possession involved.

4.) The caption of Subpart 101-38.3 is revised as follows:

Subpart 101–38.3—Official U.S. Government Tags

5. Sections 101–38.301, 101–38.302, 101–38.303–1, 101–38.304–1, 101–38.305–4, and § 101–38.303–2(a)(b)(c), (c)(2) and (4) are revised as follows:

§ 101–38.301 General requirements.

Official U.S. Government tags shall be used only on Government-owned or -leased motor vehicles.

§ 101–38.302 Records.

Each holding agency shall maintain a current record of all official U.S. Government tags in use on motor vehicles for which that agency is accountable. Such records shall specify the motor vehicle for which the tags are assigned and shall include complete information regarding all reassignments of tags and voided tag numbers.

§ 101–38.303–1 Procurement in the District of Columbia.

(a) Official U.S. Government tags will be issued without charge to Federal agencies by the District of Columbia Department of Highways and Traffic pursuant to the provisions of section 40–102(b)(2) of the District of Columbia Code, at the time the motor vehicle is registered or reregistered as prescribed in § 101–38.–201–1.

(b) Government-owned motor vehicles registered in the District of Columbia in accordance with § 101–38.201–1 and displaying official U.S. Government tags shall have the letter code designation prescribed in § 101–38.304–1 stenciled in the blank space beside the embossed numbers. The letter code designation shall be stenciled on the tag in such a manner that the size and color of the letters are the same as, or similar to, the embossed numbers.

§ 101–38.303–2 Procurement outside the District of Columbia.

(a) Federal agencies operating motor vehicles acquired for official purposes outside the District of Columbia, except those exempted under Subpart 101–38.6, shall procure official U.S. Government tags from the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, VA 22079.

(b) Tags will be fabricated from aluminum, treated against salt corrosion, and have a baked enamel surface. These tags have an estimated life expectancy of 5 years.

(c) When ordering tags, the following applies:

(1) * * *

(2) For obligating purposes, the ordering agency should consult the prices for vehicle identification tags listed in the Current Price List of Industrial Products and Services, issued by the Superintendent of Industries. Federal agencies may request that they be added to the mailing list to receive the price lists as issued by contacting the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, VA 22079.

(3) * * *

(4) Upon receipt of an appropriate billing document, each agency shall make payment direct to the Superintendent of Industries, District of Columbia, Department of Corrections, Lorton, VA 22079.

§ 101–38.304–1 Code designations.

Official U.S. Government tags, except tags issued by the District of Columbia Department of Highways and Traffic pursuant to § 101–38.303–1, shall be numbered serially for each agency, beginning with 101, and shall be preceded by a letter code designating the agency having accountability for the motor vehicles as follows:

Action	ACT
Agriculture, Department of	A
Air Force, Department of the	AF
Army, Department of the	W
Civil Aeronautics Board	CA
Civil Service Commission	CS
Commerce, Department of	C
Consumer Product Safety Commission.	CPSC
Corps of Engineers, Civil Works	CE
Defense Contract Audit Agency	DA
Defense, Department of	D
Defense Supply Agency	DS
District of Columbia Redevelopment Land Agency.	LA
Economic Opportunity, Office of	OEO
Energy Research and Development Administration.	E
Environmental Protection Agency	EPA
Executive Office of the President—Council of Economic Advisors, National Security Council, Office of Management and Budget	EO
Executive Protective Service	EPS
Export-Import Bank of the United States.	EB
Federal Aviation Administration	FA
Federal Communications Commission.	FC
Federal Deposit Insurance Corporation.	FD
Federal Mediation and Conciliation Service.	FM
Federal Power Commission	FP
Federal Reserve System	FR
Federal Trade Commission	FT
General Accounting Office	GA
General Services Administration	GS
Government Printing Office	GP
Health, Education, and Welfare, Department of.	HW
Housing and Urban Development, Department of.	H
Interagency Motor Pool Systems	G
Interior, Department of the	I
Interstate Commerce Commission	IC
Judicial Branch of the Government.	JB
Justice, Department of	J
Labor, Department of	L
Legislative Branch of the Government.	LB
National Aeronautics and Space Administration.	NA
National Capital Housing Authority.	NH
National Capital Planning Commission.	NP
National Guard Bureau	NG
National Labor Relations Board	NL
National Science Foundation	NS
Navy, Department of the	N
Nuclear Regulatory Commission	NRC
Panama Canal Company	PC
Railroad Retirement Board	RR
Renegotiation Board	RB
Securities and Exchange Commission.	SE
Selective Service System	SS
Small Business Administration	SB
Smithsonian Institution—National Gallery of Art	SI
Soldiers' and Airmen's Home, U.S.	SH
State, Department of	S
Tennessee Valley Authority	TV
Transportation, Department of	DOT
Treasury, Department of the	T
United States Information Agency	IA
United States Postal Service	P
Veterans Administration	VA

§ 101–38.305–4 U.S. Government tags issued by District of Columbia.

Official U.S. Government tags issued by the District of Columbia may be transferred, after approval by the Director of Highways and Traffic of the District of Columbia, only to another Government-owned or -leased motor vehicle of the same agency operating that vehicle in the District of Columbia. Damaged or mutilated tags finally removed from vehicles operating in the District of Columbia shall be delivered to the District of Columbia Department of Highways and Traffic for cancellation. Whenever motor vehicles regularly based or housed in the District of Columbia are transferred to operation in field areas, transferred to another agency, or removed from Government service, the official U.S. Government tags issued by the District of Columbia shall be removed and delivered to the District of Columbia Department of Highways and Traffic for cancellation.

Subpart 101–38.4—Official Legend and Agency Identification

6. Section 101–38.402 and § 101–38.403 introductory text and (a) are revised as follows:

§ 101–38.402 Agency identification.

The full name of the department, establishment, corporation, or agency by which it is held; or a title descriptive of the service in which it is held if such a title readily identifies the department, establishment, corporation, or agency concerned shall be displayed conspicuously, as shown in § 101–38.4903, in letters of a color that is in definite contrast to the background color of the motor vehicle involved. The principal identifying word or words, or the full title of such agency identification shall be in letters not less than 1 inch high and not over 1½ inches high. Subsidiary words, or titles of subordinate units, if used, shall be in letters not less than ½ inch high and not over ¾ inch high. The identification should be applied through the use of decalcomanias (elastomeric pigmented film type). For examples of suggested possible arrangements, see § 101–38.4903.

§ 101–38.403 Display of legend and agency identification.

Except as provided in § 101–38.401(c) and Subpart 101–38.6, all Government-owned or -leased motor vehicles shall display the legends "For Official Use Only" and "U.S. Government," and immediately below the legends the agency identification located as follows:

(a) On passenger cars, station wagons, ambulances, buses, carryalls, fire trucks, trucks, and tractors; centered on both

front doors or in an appropriate position on the side if there are no doors.

* * * * *

Subpart 101–38.6—Exemptions from Use of Official U.S. Government Tags and Other Identification

7. Sections 101–38.602 (a) (b) (f) (h) (k) and (l) 101–38.603(a)(3), 101–38.605, and 101–38.607 are revised as follows:

§ 101–38.602 Unlimited exemptions.

* * * * *

(a) *Energy Research and Development Administration.* Motor vehicles that the Energy Research and Development Administration designates for use in the conduct of investigative or law enforcement activities.

(b) *Department of Agriculture.* Motor vehicles that the Animal and Plant Health Inspection Service, Forest Service, Office of the Inspector General, and the Packers and Stockyards Administration use in the conduct of investigative or law enforcement activities. These vehicles include designated agency-held vehicles and vehicles obtained from the Interagency Motor Pool System.

* * * * *

(f) *Department of Justice.* All motor vehicles operated by the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Border Patrol; and those vehicles operated in undercover law enforcement activities or investigative work by the Immigration and Naturalization Service, the Bureau of Prisons, and the U.S. Marshals Service.

* * * * *

(h) *Department of the Treasury.* All motor vehicles operated by the U.S. Secret Service; the Intelligence Division and the Internal Security Division of the Internal Revenue Service; the Bureau of Alcohol, Tobacco, and Firearms; and the Office of Investigation of the Bureau of Customs. These vehicles include designated agency-held vehicles and vehicles obtained from the Interagency Motor Pool System.

* * * * *

(k) *Nuclear Regulatory Commission.* Motor vehicles that the Nuclear Regulatory Commission designates for use in the conduct of investigative or law enforcement activities.

(l) *Department of Transportation.* All motor vehicles used for intelligence, investigative, or security purposes by the Office of Investigations and Security in the Office of the Secretary; the Intelligence and Security Division and field counterparts in the U.S. Coast Guard; the Office of Investigations and Security and field counterparts in the Federal Aviation Administration; and special agents in the Alaska Railroad. These vehicles include designated agency-held vehicles and vehicles obtained from the Interagency Motor Pool System.

§ 101–38.603 Limited exemptions.

(a) * * *

(3) *Federal Communications Commission.* Field Operations Bureau.

§ 101–38.605 Additional exemptions.

Exemptions, in addition to those authorized in §§ 101–38.602 through 101–38.604, may be authorized by the head of the agency upon written certification that conspicuous identification will interfere with the purpose for which the motor vehicle is acquired and used. In each such case, the certification must state that the motor vehicle is acquired and used for the purpose of investigative, law enforcement, or intelligence duties involving security activities and that the identification of the motor vehicle would interfere with the discharge of such duties or endanger the security of individuals or the United States Government: *Provided*, That vehicles regularly used for common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties involving security activities shall not because of such use be exempted. A conformed copy of each such certification, together with notice of cancellation thereof, if any, shall be submitted promptly to the General Services Administration (FZM), Washington, DC 20406.

§ 101–38.607 Report of exempted motor vehicles.

Periodic reports of exempted motor vehicles under §§ 101–38.602 through 101–38.605 are not required; however, the head of each agency shall submit upon request a report in triplicate to the General Services Administration (FZM), Washington, DC 20406, showing the total number of motor vehicles exempted pursuant to Subpart 101–38.6.

Subpart 101–38.7—Transfer of Title to Government-Owned Motor Vehicles

8.) Section 101–38.701(d) is revised as follows:

§ 101–38.701 Methods of transfer.

* * * * *

(d) Standard Form 97, The United States Government Certificate of Release of a Motor Vehicle, and Standard Form 97–A, Agency Record Copy of the United States Government Certificate of Release of a Motor Vehicle, are issued together in a unit set as Standard Form 97. Upon completion of the set, Standard Form 97 shall be furnished the purchaser or donee; one copy of Standard Form 97–A shall be furnished the holding agency; and one copy of Standard Form 97–A shall be furnished the contracting officer of the agency effecting sale or transfer of the motor vehicle.

9.) New Subpart 101–38.8 is added as follows:

Subpart 101–38.8—Reporting Motor Vehicle Accidents

§ 101–38.800 Scope of subpart.

This subpart provides for the availability of certain Standard forms for use in reporting any accident involving a Government-held motor vehicle.

§ 101–38.801 Applicability.

The provisions of this subpart are recommended to all executive agencies holding motor vehicles that are located within the United States, its territories, or possessions.

§ 101–38.802 Accident reporting forms and their use.

Standard forms for reporting accidents and processing claims under the Federal Tort Claims Act (28 U.S.C. 2671–2680) were developed by the Interdepartmental Tort Claims Committee, chaired by the Department of Justice, and by the Federal Safety Council, chaired by the Department of Labor (Executive Order 10194, December 19, 1950, 3 CFR). The Standard forms used for reporting motor vehicle accidents are as follows:

(a) Standard Form 91, Operator's Report of Motor Vehicle Accident (illustrated at § 101–39.4903), should be completed at the time and on the scene of an accident, insofar as possible, regardless of the extent of injury or damage. Standard Form 91 should be carried at all times in motor vehicles used for official Government business.

(b) Standard Form 91–A, Investigation Report of Motor Vehicle Accident, (illustrated at § 101–39.4905) should be completed by the person responsible for investigating an accident.

(c) Standard Form 94, Statement of Witness (illustrated at § 101–39.4904) should be completed by persons who have witnessed an accident. Standard Form 94 should be carried at all times in motor vehicles used for official Government business.

NOTE.—Standard Forms 91, 91–A, and 94 are exempt from reports control under FPMR 101–11.11.

Subpart 101–38.11—Storage of Government Motor Vehicles

10.) Sections 101–38.1101 and 101–38.1104 are revised as follows:

§ 101–38.1101 Applicability.

This subpart is applicable to all Government-owned, -rented, and -leased motor vehicles of a holding agency located in the United States, its territories, or possessions.

§ 101–38.1104 Procurement of parking.

Prior to the procurement of other than temporary parking accommodations in urban centers (see § 101–18.102), agencies shall determine the availability of Government-owned or -controlled parking space in accordance with the provisions of § 101–17.101–6.

Subpart 101–38.49—Forms and Reports

11.) Sections 101–38.4900(b) and 101–38.4903 are revised as follows:

§ 101–38.4900 Scope of subpart.

* * * * *

(b) Standard forms illustrated in this § 101–38.4900, unless otherwise provided in the section prescribing the forms, may be obtained by submitting a requisition in FEDSTRIP/MILSTRIP format to the GSA regional office servicing the requisitioning activity.

§ 101–38.4903 Examples of agency identification.

Agency identification	Letter height (inch)	
	Minimum	Maximum
For official use only	1/16	3/4
U.S. Government	5/8	1
Department of the Interior	1	1 1/4
Bureau of Reclamation	1/2	3/4
For official use only	1/2	3/4
U.S. Government	3/4	1
Internal Revenue Service	1	1 1/4
For official use only	1/2	3/4
U.S. Government	3/4	1
Energy Resource and Development Administration	1	1 1/4
For official use only	1/2	3/4
U.S. Government	3/4	1
Federal Aviation Administration	1	1 1/4

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. (486(c)))

Effective date. This regulation is effective September 12, 1975.

Dated: August 29, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-24294 Filed 9-11-75;8:45 am]

[FPMR Amdt. H-93]

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

PART 101–44—DONATION OF PERSONAL PROPERTY

Utilization and Disposal of Excess Personal Property

This regulations provides updated information concerning the utilization of excess personal property for emergency disaster relief, the transfer of excess personal property between Federal agencies, and the donation and sale of surplus naval material.

The table of contents for Part 101–43 is amended to show the following revised entry:

101–43.308 Assistance in emergency and major disaster relief.

Subpart 101–43.3—Utilization of Excess

1. Section 101–43.302(a) is revised to read as follows:

§ 101–43.302 Agency responsibility.

(a) In order to obtain maximum utilization and minimize the procurement of new items, each executive agency shall be responsible for making excess property available and facilitating the transfer of the property to other Federal agencies, to its cost-reimbursement type contractors, and to the organizaions specified in § 101–43.315. The transfer of excess property to a cost-reimbursement type contractor shall be made only by the agency administering the contract. Each executive agency shall, to the maximum practicable extent, fulfill its requirements for property, including those of its cost-reimbursement type contractors, by obtaining excess from other Federal agencies in lieu of initiating a new procurement. Agencies receiving or transferring excess personal property shall establish appropriate controls over the processing of transfer orders and shall establish and maintain an adequate system of property accountability.

* * * * *

2. Section 101–43.308 is revised to read as follows:

§ 101–43.308 Assistance in emergency and major disaster relief.

In accordance with instructions of the Administrator, Federal Disaster Assistance Administration, Department of Housing and Urban Development, or his designee, excess property shall be utilized in behalf of or loaned to State and local governments, with or without compensation therefor, pursuant to the Disaster Relief Act of 1974 (Public Law 93–288) and Executive Order 11795 of July 11, 1974, to provide assistance to State and local governments in alleviating suffering and damage resulting from any emergency or major disaster. Excess medicines, foods, and other consumable supplies may be distributed to State and local governments for these purposes. In the event such property has been reported to GSA pursuant to § 101–43.311, it shall be withdrawn by the holding agency pursuant to § 101–43.314.

3. Section 101–43.315–5(a), (a) (2) and (3), and (b) are revised to read as follows:

§ 101–43.315–5 Procedure for effecting transfers.

(a) All transfers of excess personal property between Federal agencies shall be accomplished by use of Standard Form 122, Transfer Order Excess Personal Property (see § 101–43.4906), or any other transfer order form approved by GSA. Automated requisitions may be used for excess personal property transfers. However, Federal agencies using automated requisitions shall ensure that identifying codes are controlled and records maintained indicating the official authorized to approve property transfers. Each transferee agency shall forward the original and three copies of the transfer order to the appropriate GSA regional office for approval. (See § 101–43.4903.) Prior approval is not required when the property involved in the given transaction is:

* * * * *

(2) Nonreportable under § 101–43.311 and has not been reserved at the holding location for special screening by the appropriate GSA regional office, and its total acquisition cost does not exceed $25,000; and

(3) The appropriate GSA regional office is furnished an information copy of each direct transfer order by the transferor agency within 10 workdays from receipt of the order.

(b) Transfer orders accomplished by the use of Standard Form 122 shall be completed as shown in § 101–43.4906–1. Transfer orders shall be executed by a Federal official, and will not be approved by GSA unless so executed. For wholly owned or mixed-ownership Government corporations, the Senate, the House of Representatives, the Architect of the Capitol and any activities under his direction, and the municipal government of the District of Columbia, transfer orders shall be executed by a responsible official of these organizations. For non-Federal agencies for which GSA procures, transfer orders shall be executed by a responsible official of the sponsoring Federal agency. For contractors and grantees, transfer orders shall be executed by the Federal contracting officer or other responsible Federal official. For nonappropriated fund activities of Federal agencies, such as post exchange commissaries and veterans canteens, transfer orders shall be executed by the accountable official of the Federal agency. The transfer order shall state that the property will be entered on the property accountability records of the Federal agency and shall also state that the property will be used only for administration or operational use but not for resale.

* * * * *

Subpart 101–43.4—Utilization of Abandoned and Forfeited Personal Property

4. Section 101–43.402–6(a), (b) and (c) are revised to read as follows:

§ 101–43.402–6 Transfer to other Federal agencies.

(a) Normally the transfer of forfeited or voluntarily abandoned personal property shall be accomplished by the submission of a Standard Form 122, Transfer Order Excess Personal Property (see § 101–43.4906), or any other transfer order form approved by GSA, to the Regional Administrator, General Services Administration, Region 3, Washington, D.C. 20407, for approval.

(b) Except for property which is subject to court action, the transfer order shall indicate the agency having custody of the property, the location of the property, the report or case number on which the property is listed, the property required, and the fair value, if applicable.

(c) Property subject to court action may be requested by submitting a transfer order or a letter setting forth the need for the property by the agency. If proceedings are being, or have been commenced for the forfeiture of the property by court decree, application will be made by GSA to the court, prior to entry of a decree, for an order requiring delivery of the property to an appropriate recipient for its official use.

* * * * *

5. The table of contents for Part 101–44 is amended to show the following revised entry:

101–44.103 Assistance in emergency and major disaster relief.

Subpart 101–44.1—General Provisions

6. Section 101–44.103 is revised to read as follows:

§ 101–44.103 Assistance in emergency and major disaster relief.

Surplus equipment and supplies shall be donated to State governments to provide assistance in alleviating suffering and damage resulting from any emergency or major disaster, in accordance with the directions of the Federal

Disaster Assistance Administration, Department of Housing and Urban Development, pursuant to the Disaster Relief Act of 1974 (Public Law 93-288) and Executive Order 11795 of July 11, 1974.

7. Section 101-44.104-3 is revised to read as follows:

§ 101-44.104-3 Obsolete naval material.

Pursuant to 10 U.S.C. 7541, the Secretary of the Navy may give obsolete material not needed for naval purposes, and sell other material that may be spared at a price representing its fair value, to the Boy Scouts of America for the sea scouts, the Naval Sea Cadet Corps for the sea cadets, and to the Young Marines of the Marine Corps League for the young marines. The cost of transportation and delivery of material given or sold shall be charged to the Boy Scouts of America, to the Naval Sea Cadets, or to the Young Marines of the Marine Corps League, as appropriate.

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

Effective date. This regulation is effective September 12, 1975.

Dated: August 29, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-24295 Filed 9-11-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5527 (A-6837)]

ARIZONA

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

TONTO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

LOST DUTCHMAN RECREATION SITE

T. 2 N., R. 8 E.,
Sec. 36, those parts of lots 8, 11, and 12, not included in the area withdrawn by Public Land Order No. 4172 for State Highway No. 88 roadside zones; and, that portion of unpatented Mineral Survey 3886 in the W½SE¼.
T. 1 N., R. 9 E.,
Sec. 6, lots 1 thru 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 and 2, NE¼, E½NW¼.
T. 2 N., R. 9 E. (Unsurveyed),
Sec. 31, that part of the S½ not included in the area withdrawn by Public Land Order No. 4172 for State Highway No. 88 roadside zones.

The areas described aggregate approximately 1,365.42 acres in Maricopa and Pinal Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 5, 1975.

[FR Doc.75-24332 Filed 9-11-75;8:45 am]

[Public Land Order 5528 (CA-2377)]

CALIFORNIA

Partial Revocation of Withdrawal of Public Lands Within the Toiyabe National Forest

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. The Executive Order of April 18, 1908, withdrawing lands in the Stanislaus National Forest (now Toiyabe National Forest), for administrative site purposes, is hereby revoked so far as it affects the following described land:

MOUNT DIABLO MERIDIAN

T. 7 N., R. 21 E.,
Sec. 4, NE¼SW¼.

The area described aggregates approximately 40 acres in Alpine County, California.

2. At 10 a.m. on October 14, 1975, the land shall be open to such forms of disposition as may be made of national forest lands.

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 5, 1975.

[FR Doc.75-24333 Filed 9-11-75;8:45 am]

Title 45—Public Welfare

CHAPTER XVI—LEGAL SERVICES CORPORATION

PART 1600—RESTRICTIONS ON CERTAIN ACTIVITIES

Picketing, Boycotts, Strikes, Illegal Activities; Legislative and Administrative Representation

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. §§ 2996-2996*l* ("the Act"). The Corporation's Board of Directors, which was confirmed by the Senate on July 9, 1975, held its first meeting on July 14, 1975. Section 1006(b)(5) of the Act requires the Corporation to issue certain rules and regulations within 90 days of its first Board meeting. Accordingly, on August 7, 1975, pursuant to sections 1006(b)(5), 1011 and 1008(e) of the Act, the Corporation noticed and published for comment proposed temporary rules and regulations. (40 FR 33293)

Pursuant to the foregoing notice, the Corporation received both oral and written comments from the public which were considered at meetings of the Committee on By-laws and Regulations held in Washington, D.C., on August 25 and September 8 and by the full Board of Directors on September 9, 1975.

Most of the oral comments and a portion of the written comments related to technical matters of drafting; many of the suggestions made by these commentators are reflected in the revised regulations issued herewith. One written comment suggested that the definition of "eligible client" contained in paragraph (d) of section 2 of the proposed regulations (now designated as 45 CFR § 1600.2(d)) be refined and expanded. However, the current definition contained in paragraph (d) of section 2 is the same as that which is set forth in section 1002(3) of the Act. Moreover, the Corporation has determined that the instant regulations are not a proper vehicle for resolving the complex issue of eligibility within the meaning of section 1007(a)(2) of the Act. Finally, one commentator pointed out that the proposed regulations failed to comply with section 1006(b)(5) of the Act to the extent that provisions requiring enforcement by recipients with respect to the activities of their employees were omitted. This defect has been corrected in the revised regulations by including a new paragraph (b) of section 5 (now 45 CFR § 1600.5(b)) which requires recipients to establish and utilize procedures consistent with the notice and hearing requirements contained in section 1011 of the Act, for suspension or termination of employment of, or the application of other appropriate remedies to, any employee who violates section 3 or 4 of the revised regulations (45 CFR §§ 1600.3 and 1600.4).

The Board takes this opportunity to express its appreciation for the helpful suggestions which have been furnished and which provided a basis for the revised temporary rules and regulations issued herewith.

Pursuant to section 1008(e) of the Act, the Corporation hereby issues the following temporary rules and regulations to become effective on October 14, 1975. These regulations here issued are temporary. Final rules and regulations will be proposed by notice and publication by the Corporation as soon as practicable.

Part 1600 is added as follows:

Sec.
1600.1 Purpose and scope.
1600.2 Definitions.
1600.3 Picketing, boycotts, strikes, illegal activities.
1600.4 Legislative and administrative representation.
1600.5 Enforcement.

AUTHORITY: Secs. 1006(b)(5), 1011, 1008(e), Pub. L. 93-355, 88 Stat. 378, 382, 388, 387 (42 U.S.C. 2996e(b)(5), 2996*j*, 2996g)

§ 1600.1 Purpose and scope.

The purpose of these temporary regulations is to implement and enforce pro-

visions of sections 1006(b)(5), 1007(a)(5), and 1011 of the Act. Unless otherwise indicated, they shall apply to the Corporation, its employees, its recipients, and the employees of its recipients. Nothing contained herein shall affect the applicability as of October 14, 1975, of the other provisions of the Act, including the rights, duties and restrictions contained therein, to the Corporation, its directors, officers and employees, and to the recipients, and the employees and staff attorneys of the recipients.

§ 1600.2 Definitions.

As used in this Part, the term—

(a) "Act" means the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. §§ 2996–2996*l*;

(b) "Board" means the Board of Directors of the Legal Services Corporation;

(c) "Corporation" means the Legal Services Corporation established under the Act;

(d) "Eligible client" means any person financially unable to afford legal assistance;

(e) "Legal assistance" means the provision of any legal services consistent with the purposes and provisions of the Act;

(f) "Recipient" means any grantee, contractee, or recipient of financial assistance described in clause (A) of section 1006(a)(1) of the Act; and

(g) "Staff attorney" means an attorney who receives more than one-half of his annual professional income from a recipient organized solely for the provision of legal assistance to eligible clients under the Act.

§ 1600.3 Picketing, boycotts, strikes, illegal activities.

(a) No employee of the Corporation or of any recipient (except as permitted by law in connection with such employee's own employment situation), while carrying out legal assistance activities under the Act, shall engage in, or encourage others to engage in, any public demonstration or picketing, boycott, or strike.

(b) No such employee shall, at any time, engage in, or encourage others to engage in, any of the following activities:

(1) Any rioting or civil disturbance;

(2) Any activity which is in violation of an outstanding injunction of any court of competent jurisdiction;

(3) Any other illegal activity; or

(4) Any intentional identification of the Corporation or any recipient with any political activity prohibited by section 1007(a)(6) of the Act.

(c) Nothing in this section shall be interpreted to mean that the prohibition against "encouraging" precludes legal advice and representation for an eligible client with respect to such client's legal rights and responsibilities.

§ 1600.4 Legislative and administrative representation.

No funds made available to recipients by the Corporation shall be used at any time, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, except where—

(a) Representation by an attorney as an attorney for any eligible client is necessary to the provision of legal advice and representation with respect to such client's legal rights and responsibilities (which shall not be construed to permit a recipient or an attorney to solicit a client for the purpose of making such representation possible, or to solicit a group with respect to matters of general concern to a broad class of persons as distinguished from acting on behalf of any particular client); or

(b) A governmental agency, a legislative body, a committee, or a member thereof requests personnel of any recipient to make representations thereto.

§ 1600.5 Enforcement.

(a) The Corporation shall have authority, in accordance with procedures set forth at § 1067.1–4(b) of this title (relating to suspension) or §§ 1067.1–5 through 1067.1–11 of this title (relating to termination):

(1) To suspend or terminate the employment of any employee of the Corporation who violates the provisions of § 1600.3 of this title; and

(2) To suspend or terminate financial assistance to any recipient which fails to prohibit activities proscribed by the Act or by §§ 1600.3 and 1600.4 of this title;

Provided that, (i) no suspension of employment or financial assistance shall be continued for longer than 30 days unless the recipient or employee of the Corporation is provided notice and an opportunity for a hearing in accordance with the procedures set forth in §§ 1067.1–5 through 1067.1–11 of this title; and (ii) the term "OEO" in the above-referenced regulations shall mean the Corporation and the term "responsible OEO official" shall mean the President of the Corporation, or, if no President is in office, the Chairman of the Board, or his designee.

(b) Recipients shall establish and utilize procedures, consistent with the notice and hearing requirements contained in section 1011 of the Act, for suspension or termination of employment of, or the application of other appropriate remedies to, any employee who violates §§ 1600.3 or 1600.4 of this title.

Effective date. This part becomes effective on October 14, 1975.

DAVID S. TATEL,
Counsel to the Corporation.

[FR Doc.75-24490 Filed 9-11-75;8:45 am]

proposed rules

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

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GATEWAY NATIONAL RECREATION AREA

Off-road Vehicle Use

Notice is hereby given that pursuant to the authority contained in 36 CFR § 2.6 and 36 CFR § 4.19(b) the Superintendent proposes to permit limited off-road vehicle use in a portion of the Breezy Point Unit of Gateway National Recreation Area.

The purpose of this notice is to provide public notification of intent to allow restricted off-road vehicle use for the sole purpose of transporting fishermen and fishing gear to the general vicinity of the tip of Breezy Point in Queens County, New York.

Alternative actions to those proposed have been considered and are discussed in an environmental assessment which is available in the office of the Superintendent. This assessment discusses past and present uses of the area and the effects of the proposed designation on wildlife and vegetative resources of the area. Initial evaluations indicate that the proposed designation is not a major Federal action significantly affecting the environment and does not require the preparation of a complete environmental impact statement. Based on public reaction to this notice and the environmental assessment a final determination of the need for preparation of an environmental impact statement will be made prior to putting the notice into effect.

Surf fishing in areas open to the general public is considered by the National Park Service to be an appropriate use of the Breezy Point tip. The degree of that use, and the manner in which it is conducted must be compatible with other uses of the same area. Included in the statute which established the Recreation Area is:

> The Secretary (of the Interior) shall permit hunting, fishing, shell fishing, trapping, and the taking of specimens on the lands and waters under his jurisdiction within the Gateway National Recreation Area in accordance with the applicable laws of the United States and the laws of the States of New York and New Jersey and political subdivisions thereof, except that the Secretary may designate zones where and establish periods when these activities may not be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. (85 Stat. 1309)

This action is proposed to permit the enjoyment of a legitimate use, and concurrently protect the natural environment of the Breezy Point dune-marsh ecosystem.

Under this proposal, the use of 4-wheel drive and other off-road vehicles would be allowed to a parking area near the Breezy Point tip. The use of such vehicles shall be for the sole purpose of transporting fishermen and their gear to and from the tip, within a prescribed restricted driving lane and within a designated parking area. The designated driving lane and parking area will be marked both on-site and on a map available at the Superintendents' office.

If, upon the completion of the period for public comment, a decision is made to allow off-road vehicle use in the Breezy Point area, consideration will then be given to the promulgation of a regulation, under Part 7 of Title 36, Code of Federal Regulations, requiring an operator of an off-road vehicle to possess a permit issued by the Superintendent. The purpose of such a regulation would be to control the type and amount of vehicular use in this designated area. If and when such a regulation is proposed, interested persons will be given a period of 30 days in which to comment on it, pursuant to a notice of proposed rulemaking.

Public comment on this proposed designation is considered to be in the best interests of all users of Gateway National Recreation Area. Additionally, 36 CFR § 4.19(b) requires that a period for public comment be provided before a final decision on the proposed designation is made. Accordingly, interested persons may submit written comments, suggestions or objection regarding the proposed designation to the Superintendent, Gateway National Recreation Area, Floyd Bennett Field, Brooklyn, New York 11234, on or before October 14, 1975.

IMOGENE LACOVEY,
Acting Associate Director,
National Park Service.

[FR Doc.75-24456 Filed 9-11-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR 1430]

PURCHASES AND OTHER OPERATIONS, DAIRY PRODUCTS

Price Support Program for Milk; Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture, under authority of section 201(c) of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 15 U.S.C. 1446), and sections 4 and 5 of the Commodity Credit Corporation Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c), is considering the terms and conditions of the price support program for milk, for a semiannual review of the milk price support situation for the 1975-76 marketing which began on April 1, 1975, including the general level of prices to producers for milk and the prices for and terms of purchase by CCC of butter, nonfat dry milk and Cheddar cheese. Section 201(c) of the Agricultural Act of 1949, as amended, provides as follows: "The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. * * * Such price support shall be provided through purchases of milk and the products of milk."

Consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than September 29, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m.-4:45 p.m.).

(7 CFR 1.27(b)).

Signed at Washington, D.C. on September 10, 1975.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.75-24484 Filed 9-11-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-59]

TRANSITION AREA

Proposed Alteration

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

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

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.75-24261 Filed 9-11-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-RM-31]

VOR AIRWAY SEGMENTS

Proposed Establishment

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish several airway segments based on a VOR to be commissioned near Hayden, Colo., at Lat. 40°-31'11" N., Long. 107°18'16" W.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before September 29, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend the following airways:

a. V-26 From Cherokee, Wyo., to Hayden via the INT of Cherokee 191°T (176°M) and the Hayden 310°T(296°M) radials.

b. V-101 From Vernal, Utah, to Gill, Colo., via Hayden.

c. V-200N From Meeker, Colo., to Kremmling, Colo., via Hayden.

d. V-328 From Rock Springs, Wyo., to Kremmling, Colo., via Hayden.

The proposed airway segments are presently being used as "direct routes." The frequency of their use has increased sufficiently to justify their designation as airways. This would reduce the pilot/controller communication workload.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on September 8, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.75-24260 Filed 9-11-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 583]

[Docket No. 75-25; Notice No. 1]

COST INFORMATION REPORTING

Proposed Rulemaking

The purpose of this notice is to propose a new regulation, 49 CFR Part 583, *Cost Information Reporting*, that would require manufacturers of motor vehicles and motor vehicle equpiment to submit specified cost data when opposing action of the National Highway Traffic Safety Administration (NHTSA) on the ground of increased cost.

Section 103 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended ("the Act"), 15 U.S.C. 1392, authorizes the establishment of Federal motor vehicle safety standards for motor vehicles and motor vehicle equipment. The Act requires that these standards be practicable and that consideration be given to whether any proposed standard is reasonable and appropriate for the particular type of motor vehicle or motor vehicle equipment for which it is prescribed. On October 27, 1974, the Motor Vehicle and Schoolbus Safety Amendments of 1974, amending the Act, were signed into law (Pub. L. 93-492, 88 Stat. 1470). Section 113 of the Act as so amended provides that whenever any manufacturer opposes a requirement contained in a Federal motor vehicle safety standard, or any other action of the NHTSA under the Act, on the ground of increased cost, the manufacturer shall submit cost information, in such detail as the NHTSA may by rule or order prescribe, as may be necessary to properly evaluate the manufacturer's statement. Section 113 further provides that the agency shall promptly prepare an evaluation of this cost information and make both the cost information and agency evaluation available to the public in such a manner as to protect from disclosure any trade secret or confidential matter. Notice of the availability of these materials is to be published in the FEDERAL REGISTER.

This proposed rule is intended to enable the NHTSA to make an informed judgment as to the validity of manufacturers' claims that actions of the agency, such as issuance of safety standards, are not practicable because of increased cost. The requirement that such claims set forth data in significant categories will provide a means by which manufacturers' cost studies may be compared with one another, and with comparable studies by the NHTSA.

Because motor vehicle safety standards share many common elements and comprise a major portion of NHTSA regulatory activity, the proposed regulation would require certain cost information to be submitted by a manufacturer opposing a requirement contained in a safety standard but not required to be submitted by a manufacturer opposing other actions of the NHTSA under the Act. For example, since a single safety standard frequently contains several performance requirements, § 583.5(a) proposes that a manufacturer submit the required cost information data with respect to each requirement in a safety standard it opposes. This is necessary to provide a common basis for comparison and review. Similarly, § 583.5(g) proposes that manufacturers opposing a requirement contained in a safety standard submit rather detailed information regarding research, capital materials, tooling, weight increase, and test procedure.

Although the proposed requirements are substantially similar for claims opposing requirements of Federal motor vehicle safety standards and claims opposing other actions of the NHTSA, § 583 (h) proposes the submission of less detailed information for claims opposing requirements not contained in a safety standard. However, information for both types of claims is generally required to be submitted in terms of "incremental cost." This is defined as the increased cost specifically attributable to the NHTSA action in question, adjusted so as to exclude increased cost attributable to general increases in the prices of materials, supplied products, utilities, services, real estate, taxes, credit, or the rate of pay of employees. The NHTSA believes that through this definition the cost increase traceable to the regulation in question may be identified and isolated from a cost increase occasioned by inflation, other regulatory requirements, or independent decisions of the manufacturer regarding management, marketing, or design.

Section 583.5(c) anticipates that in some cases it may be impossible to calculate one or more of the factors contributing to incremental cost with precision and an estimate will be necessary, based on such factors as previous costs of similar items or analyses of necessary processes. The estimated factor will prevent the manufacturer from providing an exact statement of incremental cost. It is proposed that in such a case the manufacturer identify any estimates and state a range within which the incremental cost may reasonably be expected to fall.

Meaningful evaluation of claims of increased cost requires consideration of the actual work required to comply. Consequently, §§ 583.5(g) and 583.5(h) propose that the manufacturer summarize its technique for compliance. Where a safety standard was opposed, the manufacturer would describe the requisite design, assembly and materials. Where more than one compliance technique is under consideration, it is proposed that the manufacturer describe each method. The proposal then would require the manufacturer to provide detailed cost data with respect to each of the compliance techniques under consideration. The proposal to require alternative cost information where a manufacturer is studying alternative compliance techniques follows the general approach of the NHTSA in setting performance, rather than design, standards.

In addition it is proposed in § 583.5(c) that the manufacturer indicate whether, and by what amount, stated costs will

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, Des Plaines, Illinois 60018. All communications received on or before October 14, 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, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Olney-Noble Airport, Olney, Illinois. Controlled airspace is required to protect the 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 § 71.181 (40 FR 441), the following transition area is amended to read:

OLNEY, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Olney-Noble Airport (latitude 38°43'20" N., longitude 88°10'25" W.); within 2 miles each side of the 223° bearing from the airport, extending from the 5-mile radius area to 8 miles southwest of the airport, and within 2 miles each side of the 344° radial of Samsville VORTAC, extending from the 5-mile radius area to 5.5 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois, on August 25, 1975.

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

[FR Doc.75-24262 Filed 9-11-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-60]

TRANSITION AREA

Proposed Alteration

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

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, Des Plaines, Illinois 60018. All communications received on or before October 14, 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, Des Plaines, Illinois 60018.

An additional instrument approach procedure has been developed for the Ingersoll Airport, Canton, Illinois. Therefore, additional controlled airspace is required to protect this procedure. A review of the controlled airspace in this area indicates a very irregular transition area boundary which is difficult for both pilots and air traffic controllers to define. Controlled airspace for four airports is designated in citations for Peoria and Pekin, Illinois. Combining these citations into one and making the boundary more regular should be advantageous.

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

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

PEKING, ILLINOIS

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

PEORIA, ILLINOIS

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 40°54' N., longitude 89°59' W., to latitude 40°52' N., longitude 89°41' W., to latitude 40°42' N., longitude 89°31' W., to latitude 40°23' N., longitude 89°34' W., to latitude 40°26' N., longitude 90°07' W., to latitude 40°34' N., longitude 90°11' W., to latitude 40°47' N., longitude 90°08' W., to point of beginning.

These amendments are proposed under authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]

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

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.75-24263 Filed 9-11-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-58]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and a transition area at Lone Rock, Wisconsin.

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 October 14, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conference 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.

An instrument approach procedure has been developed for the Tri-County Airport, Lone Rock, Wisconsin, and controlled airspace is required to protect the 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 § 71.181 (40 FR 441), the following transition area is added:

LONE ROCK, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Tri-County Airport (latitude 43°12'36" N., longitude 90°11'06" W.).

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

LONE ROCK, WISCONSIN

Within a 5-mile radius of the Tri-County Airport (latitude 43°12'36" N., longitude 90°11'06" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

decrease with the passage of time. The manufacturer would be required to report whether its cost information is based on a design other than the least costly feasible method of meeting the opposed requirement and state the difference in cost between its method and the least costly method.

Under Sec. 113 of the Act, "cost" refers to both the manufacturer's cost and the cost to retail purchasers. Therefore it is proposed that the manufacturer estimate, in addition to the incremental cost of manufacture, the incremental cost to the consumer at retail.

The proposal provides that within 90 working days after the receipt of a cost information report, the NHTSA will complete a written evaluation. The report and the evaluation would be made available to the public after the deletion of matter submitted by the manufacturer which contained trade secrets or other confidential information. "Confidential information" would be defined as a trade secret or other information not generally known to competitors which, if known, would be competitively harmful. The determination as to what matter constitutes confidential information would rest with the NHTSA, but the manufacturer would be required to specify the matter which it claimed constituted a trade secret or was otherwise confidential at the time it submitted the cost information report.

In consideration of the foregoing, it is proposed that 49 CFR Part 583, *Cost Information Reporting*, be adopted as set forth below.

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

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after the 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: October 28, 1975.

Proposed effective date: 30 days after publication of the final rule.

(Sec. 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1407); Sec. 105, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1402); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 8, 1975.

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

Part 583—Cost Information Reporting

Sec.
583.1 Scope.
583.2 Purpose.
583.3 Application.
583.4 Definitions.
583.5 Cost information reports.
583.6 NHTSA evaluation and public availability.
583.7 Confidential information.

AUTHORITY: Sec. 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1407); sec. 105, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1402); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

§ 583.1 Scope.

This part specifies procedures for the submission and handling of cost information required of a manufacturer that opposes, on the ground of increased cost, an action of the National Highway Traffic Safety Administration (NHTSA) under any provision of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (the Act).

§ 583.2 Purpose.

The purpose of this part is to enable the NHTSA to make an informed judgment as to the validity of claims by manufacturers that any proposed or established requirement contained in a Federal Motor Vehicle Safety Standard, or any other action of the NHTSA under the Act, is not practicable because of increased cost.

§ 583.3 Application.

This part applies to all manufacturers of complete or incomplete motor vehicles, and all manufacturers of motor vehicle equipment.

§ 583.4 Definitions.

"Confidential information" means a trade secret or information not generally known to competitors which, if known, would be competitively harmful.

"Incremental cost" means the increased cost specifically attributable to the NHTSA action in question, adjusted so as to exclude any general increase in the cost of materials, supplied products, utilities, services, real estate, taxes, credit, or the rate of pay of employees.

§ 583.5 Cost information reports.

(a) Each manufacturer that opposes, on the ground of increased cost, any proposed or established requirement contained in a Federal motor vehicle safety standard, shall submit to the NHTSA, together with its expression of opposition, the information specified in paragraph (g) of this section with regard to each requirement it opposes.

(b) Each manufacturer that opposes, on the ground of increased cost, any proposed or established action of the NHTSA under the Act, other than proposal or establishment of a requirement contained in a Federal Motor Vehicle Safety Standard, shall submit to the NHTSA, together with its expression of opposition, the information specified in paragraph (h) of this section.

(c) If any factor contributing to the manufacturer's statement of incremental cost is not capable of exact calculation and must be estimated, the manufacturer shall identify all estimated factors and state both its highest and lowest reasonable estimates of incremental cost. If the cost statement is not, within the knowledge of the manufacturer, based on a design representing the least costly feasible method of meeting the opposed requirement, the manufacturer shall indicate the difference in cost between its method and the least costly method. If the manufacturer has reason to believe that the costs described will decrease with the passage of time, it shall provide its estimate of what the costs will be at the future time when they have stabilized.

(d) If the manufacturer finds that incremental cost per vehicle is not identical for every vehicle type and vehicle market class, it shall identify vehicle types or vehicle market classes in categories that are appropriate to show the cost differences, and state the incremental cost per vehicle for each category.

(e) Values of both actual and estimated costs shall be expressed in current U.S. dollars.

(f) If a manufacturer is unable to furnish any item of information required by paragraphs (g) or (h) of this section, it shall explain its inability to do so.

(g) The information required by paragraph (a) of this section shall identify the Federal motor vehicle safety standard requirement to which it relates and summarize the technique by which compliance with the opposed requirement is, or would be, achieved. If the manufacturer utilizes, or is considering utilization of, more than one technique to achieve compliance, it shall summarize each technique. With respect to each technique, the manufacturer shall describe the necessary changes in design, manufacturing processes, assembly processes and materials. With respect to each technique, the manufacturer shall provide the following information:

(1) *Manufacturer's total cost.* The manufacturer shall state the total annual incremental cost of production, including the annual production volume that the cost is based on.

(2) *Manufacturer's per vehicle cost.* If the requirement opposed is applicable to motor vehicles or motor vehicle equipment installed by the manufacturer in motor vehicles prior to the first sale of such motor vehicles, the manufacturer shall state the incremental cost per vehicle of, itemized by subsystem or component as appropriate, and provide an itemized schedule of amortization for, (i) research and development, (ii) capital and facilities, (iii) tooling, and (iv) material.

(3) *Manufacturer's per item cost.* If the requirement opposed is applicable to motor vehicle equipment, the manufacturer shall state the incremental cost of production per item of motor vehicle equipment of, and provide an itemized schedule of amortization for (i) research and development, (ii) capital and facilities, (iii) tooling, and (iv) material.

(4) *Retail cost per vehicle.* If the requirement opposed is applicable to motor vehicles or motor vehicle equipment installed by the manufacturer in motor

vehicles prior to the first sale of such motor vehicles, the manufacturer shall state the incremental cost of (i) manufacturer markup to dealer price, and (ii) dealer markup to list price.

(5) *Retail cost per item.* If the requirement opposed is applicable to motor vehicle equipment, the manufacturer shall state the incremental cost per item at retail.

(6) *Reserve for warranty cost.* The manufacturer shall state the incremental reserve for warranty cost per vehicle.

(7) *Assembly time cost.* The manufacturer shall state the incremental assembly time cost per vehicle.

(8) *Labor cost.* The manufacturer shall state the incremental labor cost per vehicle.

(9) *Weight increase.* The manufacturer shall state the direct increase in weight per vehicle, if any, itemized by subsystem or component as appropriate, specifically attributable to the proposed or established requirement, and the indirect incremental weight and cost of production (similarly itemized) due to such direct weight increase (for example, costlier tires, suspension system, or engine necessitated by the direct weight increase).

(10) *Lifetime operating cost per vehicle.* The manufacturer shall state the estimated lifetime incremental costs of (i) inspection labor, (ii) maintenance labor, (iii) parts replacement, and (iv) fuel consumption.

(11) *Test procedure.* The manufacturer shall describe its procedure for testing or otherwise assuring compliance with the opposed requirement and state the total annual incremental cost, the incremental cost per test and the incremental cost per vehicle of such procedure. If the manufacturer utilizes, or is considering utilization of, more than one such procedure, he shall describe each procedure and, with respect to each such procedure, supply the cost information referred to in the preceding sentence.

(12) *Leadtime.* If the manufacturer contends that one or more costs required to be stated by this paragraph could be reduced by delaying the effective date in the proposed or established standard, the manufacturer shall state the controlling leadtimes and provide information relating incremental cost to a later stated effective date.

(b) The report required by paragraph (b) of this section shall identify the action of the NHTSA to which it relates and summarize the technique by which compliance with the opposed requirement is, or would be, achieved. If the manufacturer utilizes, or is considering utilization of, more than one technique to achieve compliance, it shall summarize each technique. With respect to each technique, the manufacturer shall provide the following information:

(1) *Manufacturer's total cost.* The manufacturer shall state the total annual incremental cost of production, including the annual production volume the cost is based on.

(2) *Manufacturer's per vehicle cost.* If the action opposed is applicable to motor vehicles, motor vehicle equipment installed by the manufacturer in motor vehicles prior to the first sale of such motor vehicles, or manufacturers of motor vehicles, the manufacturer shall state the incremental cost of production per vehicle.

(3) *Manufacturer's per item cost.* If the action opposed is applicable to motor vehicle equipment or manufacturers of motor vehicle equipment the manufacturer shall state the incremental cost of production per item of motor vehicle equipment.

(4) *Retail cost per vehicle.* If the action opposed is applicable to motor vehicles, motor vehicle equipment installed by the manufacturer in motor vehicles prior to the first sale of such motor vehicles, or manufacturers of motor vehicles, the manufacturer shall estimate the incremental cost per vehicle at retail.

(5) *Retail cost per item.* If the action opposed is applicable to motor vehicle equipment, or manufacturers of motor vehicle equipment, the manufacturer shall estimate the incremental cost per item at retail.

(6) *Labor cost.* The manufacturer shall state the cost of, and provide an itemized schedule of amortization for, land and capital assets acquired specifically to comply with the proposed or established action.

(7) *Leadtime.* If the manufacturer contends that one or more incremental costs required to be stated by this paragraph could be reduced by delaying the effective date of the proposed or established action, the manufacturer shall state the controlling leadtimes and provide information relating incremental cost to a later stated effective date.

§ 583.6 NHTSA evaluation and public availability.

Within 90 working days after the receipt of a cost information report submitted pursuant to § 583.5, the NHTSA will complete a written evaluation of such report. Subject to § 583.7, the cost information report and the completed NHTSA evaluation will be filed in the appropriate docket or other public file and be available for public inspection at the Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

§ 583.7 Confidential information.

Any manufacturer submitting a cost information report pursuant to § 583.5 that contains confidential information may request that the NHTSA withhold such information from public availability. Such a request shall be submitted together with the cost information report and specify what parts of the report are claimed to contain confidential information. If the Administrator determines that the claim is meritorious, he will delete the confidential information prior to placing the report in the public docket pursuant to § 583.6.

[FR Doc.75-24335 Filed 9-11-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 429-3]

ARIZONA: APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Public Availability of Emission Data, Permit Procedures, and Definition of Major Sources under State Jurisdiction; State Regulations

The Regional Administrator hereby issues this notice setting forth Arizona revisions to the State Implementation Plan as proposed rulemaking, and advises the public that comments may be submitted on whether these revisions should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received within 30 days from the publication of this notice will be considered. The Regional Administrator's decision to approve or disapprove the revisions will be based on whether they meet the requirements of section 110(a)(2)(A)–(H) and EPA regulations in 40 CFR Part 51.

Pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the State of Arizona submitted to EPA an implementation plan for the attainment of National Ambient Air Quality Standards. On May 31, 1972 (37 FR 10842), the Administrator approved and disapproved each portion of the plan, depending on whether or not it satisfied the appropriate 40 CFR Part 51 requirement. Pertinent to this FEDERAL REGISTER notice, EPA approved the state's legal authority to require stationary sources to maintain records on emission data and to make such data available for public inspection. At the same time, the regulations and procedures implementing that legal authority were disapproved by EPA (except in Maricopa and Pima Counties). Because these provisions for source surveillance did not meet EPA requirements (§ 51.19), the Administrator promulgated substitute regulations to insure public availability of emission data (38 FR 12705). A second section of this disapproval addressed the lack of procedures for maintenance of data on emission reductions achieved as a result of transportation control measures. This particular deficiency was corrected with EPA's promulgation of § 52.140, a component of the Arizona transportation control plan (38 FR 33376, December 3, 1973).

The Natural Resources Defense Council (NRDC), in a case filed with the Ninth Circuit Court of Appeals (No. 72-2145), challenged the adequacy of Arizona's provisions for public availability of emission data as well as EPA's approval of the state's new source review authority. Recently, the Court ruled that the state's legal authority for public availability of emission data is adequate. As to new source review, the court ruled that Arizona's authority for new source review was inadequate and that EPA should insure that it be revised.

Regarding Arizona's regulations and procedures for recordkeeping and public

availability of data (Reg. 7–1–1.4 of the Arizona Rules and Regulations for Air Pollution Control), the state has acted to amend these to correct deficiencies noted by EPA in its initial disapprovals. These were submitted to EPA on March 29, 1973, and on September 27, 1974. If these amendments are approvable, EPA will revoke its promulgation of § 52.130 (c).

In addition to this proposed change, Arizona submitted to EPA for approval two other implementation plan revisions. First, Section 7–1–8 of the Arizona Rules and Regulations for Air Pollution Control are amended to revise the definition of major sources under original state jurisdiction and authority. Such major sources include facilities generating more than 75 tons of air contaminants per day, and as revised, would include all activities pertaining to the smelting of copper ore, and the refining of crude oil. Other areas under original state jurisdiction would include any air pollution generated by activities of state organizations, motor vehicle emissions, and any emissions from portable combustion engines which are capable of being operated, without major alteration, in more than one county. The regulations allow delegation of authority for such sources to local jurisdictions. Secondly, amendments to Section 7–1–11 clarify the statutory procedures relating to the filing and review of applications for installation permits, operating and conditional permits, and the specified permits fees.

All material relating to the proposed revisions will be available for public inspection at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460, the Arizona State Department of Health Services, 1740 West Admas Street, Phoenix, Arizona and at EPA—Region IX, 100 California Street, San Francisco, California 94111. Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111. Relevant comments received on or before October 14, 1975 will be considered. Such comments received will be available during normal working hours at the Region IX office. Substantive responses to individual comments will not be provided; however, the final promulgation will include a general discussion of substantive issues raised during the public comment period.

(Authority: Sec. 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a).

Dated: August 29, 1975.

L. RUSSELL FREEMAN,
Acting Regional Administrator,
Environmental Protection Agency.

[FR Doc.75-24225 Filed 9-11-75;8:45 am]

[40 CFR Part 52]

[FRL 429-2]

FLORIDA: APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposal of Plan Revisions

On March 27, 1975 (40 FR 13521), the the Agency announced the receipt of a number of revisions which the State of Florida proposed to make in its implementation plan. At that time, only two of the revisions were described, those involving changes in the limits on sulfur dioxide emissions from sulfur recovery and sulfuric acid plants. The purpose of the present notice is to describe two more of the revisions submitted on February 12, 1975, and to solicit public comment on them. They are being announced separately because they deal with matters which the Agency does not normally regard as falling within the regulatory provisions of a State implementation plan.

Section 17–2.03, General Restrictions, of the Florida air pollution control regulations now provide at subsection (1) that:

> If the latest reasonably available technology as may be applied to air pollutant sources results in or is expected to result in lower or improved air pollutant emissions, then the latest available technology as determined by the Department shall apply.

The first of the revisions which are the subject of this notice would expand and make more specific the foregoing provision of the Florida plan. As rewritten, subsection 17–2.03(1) specifies the bases upon which the State will determine "Latest Reasonably Available Control Technology" (LRACT). Determinations are to be formally made only after notice and public hearing, and shall be subject to periodic review and revision. LRACT will not have to be applied to an individual source which is in compliance with ambient air quality standards, applicable emission limiting regulations, any Air Quality Maintenance Plans in effect, and with the State's nondegradation requirements. Before requiring the use of LRACT, the State shall consider, in addition to the foregoing conditions, the social and economic impact of such a requirement, its effect on energy consumption and conservation, and any secondary pollution which might result.

The second revision involves the addition of a fourth category to revisions specifically provided for in the Florida plan's section on plan revisions. This addition is accomplished by the insertion of the following sentence:

> The plan may also be revised from time to time consistent with the requirements applicable to implementation plans under Title 40, Code of Federal Regulations, Part 51, and Section 110 of the Clean Air Amendments of 1970, Public Law 91–604, 42 United States Code, Section 1857c-5.

Copies of the information submitted by Florida in connection with these two plan revisions may be examined by the public at the following locations:

Air Programs Branch, Air & Hazardous Materials Division, Region IV, Environmental Protection Agency, 1421 Peachtree Street NE., Atlanta, Ga. 30309.

Florida Department of Environmental Regulation, 2562 Executive Center Circle East, Montgomery Building, Tallahassee, Fla. 32301.

An evaluation of the proposed revisions may be obtained by consulting personnel of the Agency's Region IV Air Programs Branch at the Atlanta address given above, telephone 404/526–3043.

Interested parties are encouraged to participate in this rulemaking by submitting written comments on the proposed plan revisions. To be considered, such comments must be received on or before October 14, 1975, and should be addressed to the Agency's Region IV Air Programs Branch at the Atlanta address just mentioned. After weighing relevant comments and other available information in the light of requirements set forth in the Clean Air Act and in the Agency's implementing regulations (40 CFR Part 51), the Administrator will take action on the Florida proposals described in this notice.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857c-(a)))

Dated: September 3, 1975.

JACK E. RAVAN,
Regional Administrator,
Region IV.

[FR Doc.75-24224 Filed 9-11-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19982 RM-2297]

TELEVISION BROADCAST STATIONS

Table of Assignments; Arkansas; Further Notice of Proposed Rule Making and Order To Show Cause

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Mountain View, Arkansas).

1. The *Notice of Proposed Rule Making* in this proceeding (39 FR 11931) was issued in response to the petition of the Arkansas Educational Television Commission ("AETC") in which it proposed the assignment of Channel *6 to Mountain View, Arkansas. Comments in response to the *Notice* were filed by AETC and by the Association of Maximum Service Telecasters, Inc. ("AMST"), the Corporation for Public Broadcasting ("CPB"), and Mid America Television Company, licensee of Sedalia, Missouri, co-channel Station KMOS–TV ("KMOS–TV"). Reply comments were filed by the same parties.

2. The *Notice* pointed out that while the proposed assignment met all the applicable mileage separation requirements contained in the Rules, these separation distances were based upon the utilization of carrier offset operation.[1] In this instance it would have been necessary to require a minimum of nine operating stations and one vacant assignment to change carrier offset designation. AETC submitted that the cost involved could be high, and it urged what it saw as a simpler and less expensive alternative, namely having its proposed station and KMOS–TV, Sedalia, Missouri, operate in a jointly controlled manner that would be more or less synchronous. This, it was asserted, would offer the same 17 dB improvement in the desired to undesired signal ratio that offset operation permitted. Additionally, AETC stated it would, if necessary, utilize a directional antenna at the proposed Mountain View station to minimize radiation in the direction of the Sedalia station. AETC said that no existing stations would be required to change carrier offset and KMOS–TV would receive protection equivalent to that obtained by the use of the conventional offset carrier arrangement. The *Notice* proposed to proceed along this line.

3. In the filings of KMOS–TV and AMST the premise of the *Notice* that synchronous operation of KMOS–TV and the proposed Mountain View station could offer the same 17 dB improvement in the desired to understand signal ratio that offset operation would offer has been called into question. The March 1950 issue of *RCA Review* was cited, and in particular we were referred to the article's conclusion that, "offset operation has been shown to be superior in results and more economical to apply than television carrier synchronization." KMOS–TV also cited one of the findings of the Television Allocation Study Organization ("TASO") in its report to the Commission[2] in which TASO indicated that the use of precise frequency control equipment at stations operating conventionally with offset carriers offers a 13 dB improvement in the desired to undesired signal ratio over synchronous operations and an 8 dB improvement over conventional offset operations. KMOS–TV asserted that if the Sedalia and Mountain View stations operated synchronously, with maximum facilities and nondirectional antenna, an area of 5,130 square miles would experience interference within the Grade B contour of each station. With conventional offset this area of interference would be reduced to 3,660 square miles within the Grade B contour of each station, and for precisely controlled offset operation the area would be further reduced to 1,470 square miles within the Grade B contour of each station. KMOS–TV acknowledged that the use of a directional antenna in addition to synchronous operation could provide protection equivalent to that obtainable from the use of precise offset carriers at both stations. The directional antenna, however, would restrict the Mountain View station's coverage to the north.

4. In addition to the engineering matters at issue, there has also been a dispute regarding the relative costs of following these approaches. Most recently, however, AETC in its reply comments stated that it would be willing to reimburse licensees of the affected stations for the amounts set forth in the AMST comments or other reasonable costs which are involved in effecting these channel offsets. Earlier it had asserted that the costs of these changes would be higher than the directionalization and synchronous operation, a proposition others disputed. Its present offer, it states, is based on the assumption that no new instrumentation is required. With this in mind, AETC indicates that should the Commission decide not to follow the synchronous operation proposed in the *Notice*, it requests that a *Further Notice of Proposed Rule Making* be released looking toward accomplishing the offset changes listed in the *Notice* so that the Mountain View assignment may be made.

5. Based on the additional information the Commission has obtained, it has become clear that synchronous operation, with or without directionalization, does not represent the best method of proceeding.[3] Rather, we believe that carrier offset represents the approach worth considering, as it would involve less expense and provide more efficient service. Proceeding in this manner would retain the option for the Sedalia Channel 6 station and the proposed co-channel Mountain View station to employ precise offset operation in the future to attain expansion of each station's interference-free coverage area.

6. We further note that AETC has agreed to reimburse the nine affected stations for expenses incurred in modifying the carrier offsets, but only for the amounts set forth in the AMST comments "or for other reasonable costs, assuming no new instrumentation is involved." The Commission, on the other hand, expects AETC to make all reasonable reimbursements of expenses incurred by stations that are required to change frequency offsets as a result of this proceeding. AETC is requested to specifically comment upon its willingness to bear all reasonable reimbursement costs necessitated by the offset changes, whatever the item.

7. In addition to comments regarding these proposed changes, the comments of the Mexican Government will be requested on the required change in the carrier offset of Station XET–TV, Monterrey, Nuevo Leon (from 6 to 6+). AETC should indicate whether it stands ready to provide reimbursement for this station as well.

8. In view of the foregoing, and pursuant to authority found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules and Regulations, IT IS PROPOSED TO AMEND § 73.606(b) of the Commission's Rules and Regulations, the Television Table of Assignments, as concerns Mountain View, Arkansas, as follows:

City and State	Channel No.	
	Present	Proposed
Mountain View, Ark		*6−.
Dodge City, Kans	6+, *21−	6−, *21−.
New Orleans, La	4+, 6+, 8, *12, 20−, 26, *32+, 38+.	4+, 6, 8, *12, 20−, 26, *32+, 38+.
Greenwood, Miss	6, *23+	6+, *23+.
Sedalia, Mo	6−	6.
Tulsa, Okla	2+, 6, 8−, *11−, 23, 29, *35−, 41+.	2+, 6+, 8−, *11−, 23, 29, *35−, 41+.
Corpus Christi, Tex	3−, 6+, 10−, *16, 28−, 38+.	3−, 6, 10−, *16, 28−, 38+.
San Angelo, Tex	3−, 6+, 8+, *21−.	3−, 6, 8+, *21−.
Temple, Tex	6, 46−	6+, 46−.
Texarkana, Tex	6+, 17−, *34	6, 17−, *34.

9. Accordingly, IT IS ORDERED, that pursuant to Section 316 of the Communications Act of 1934, as amended, the following parties SHALL SHOW CAUSE why their licenses for operation on the below listed channels should not be modified to specify a change in the channel offset as listed below, if the Commission finds it in the public interest to assign Channel *6- to Mountain View, Arkansas. This *Order* is being made with the understanding that the permittee of Channel *6- at Mountain View, Arkansas, will pay reasonable reimbursement of expenses incurred in the change of channel offset for all affected parties.

Licensee and Location	Channel and Present Offset	Channel and Modified Offset
Southwest Kansas Television Co., Inc., Dodge City, Kans. (KTVC).	6+	6−
Cosmos Broadcasting of Louisiana, Inc., New Orleans, La. (WDSU–TV).	6+	6
Mississippi Telecasting Co., Inc., Greenwood, Miss. (WABG–TV).	6	6+
Mid-America TV Co., Sedalia, Mo. (KMOS–TV).	6−	6
Corithian Television Corp., Tulsa, Okla. (KOTV).	6	6+
Gulf Coast Broadcasting Co., Corpus Christi, Tex. (KRIS–TV).	6+	6
Channel 6 Inc., Temple, Tex. (KCEN–TV).	6	6+
KCMC, Inc., Texarkana, Tex. (KTAL–TV).	6+	6

[1] A system of arranging stations geographically so that interference to their reception is minimized. This is done through use of a triangular pattern in which one station operates with a zero offset and the other operate 10 kHz above or below the frequency of the first station.

[2] *Engineering Aspects of Television Allocations;* Report of the Television Allocations Study Organization to the Federal Communications Commission; March 16, 1958.

[3] If no directionalization were employed, there would be more interference; if it were employed, then there would be loss of coverage to an area which otherwise would receive service. Thus, in this area, viewers would be unable to watch the Mountain View station because of its directional pattern or either station because of the mutual interference.

Pursuant to § 1.87 of the Commission's Rules and Regulations, the above licensees may, not later than October 29, 1975, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, the above licensees may, no later than 1975, file a written statement showing with particularity why their license should not be modified as proposed in this *Order to Show Cause*. In this case, the Commission may call on any of the licensees to furnish additional information, designate the matter for hearing, or issue without further proceedings an *Order* modifying the licensees as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, the licensees will be deemed to consent to modification as proposed in the *Order to Show Cause* and a final *Order* will be issued by the Commission, if the channel changes mentioned above are found to be in the public interest.

10. IT IS DIRECTED, That the Secretary of the Commission SHALL SEND a copy of this *Order* by certified mail, return receipt requested, to (1) Southwest Kansas Television Co., Inc., licensee of Station KTVC(TV), Dodge City, Kansas; (2) Cosmos Broadcasting of Louisiana, Inc., licensee of Station WDSU–TV, New Orleans, Louisiana; (3) Mississippi Telecasting Co., Inc., licensee of Station WABG–TV, Greenwood, Mississippi; (4) Mid-America TV Co., licensee of Station KMOS–TV, Sedalia, Missouri; (5) Corinthian Television Corp., licensee of Station KOTV, Tulsa, Oklahoma; (6) Gulf Coast Broadcasting Co., licensee of Station KRIS–TV, Corpus Christi, Texas; (7) Channel 6 Inc., licensee of Station KCEN–TV, Temple, Texas; and (8) KCMC, Inc., licensee of Station KTAL–TV, Texarkana, Texas, the parties to whom the *Order to Show Cause* is directed.

11. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are set out below and are incorporated by reference herein.

12. Interested parties may file comments on or before October 29, 1975, and reply comments on or before November 17, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] NEAL K. MCNAUGHTEN,
Acting Chief, Broadcast Bureau.

APPENDIX IX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-24321 Filed 9-11-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 453]

FUNERAL INDUSTRY PRACTICES

Trade Regulation Proceeding

Correction

In FR Doc. 75-22962 appearing at page 39901 in the issue for Friday, August 29, 1975, make the following changes:

1. On page 39905, first column, fifth line, the word which presently reads "anlogized" should read "analogized".

2. On page 39906, first column, the penultimate line, the section reference which presently reads "§ 453.3(d)" should read "§ 453.4(d)".

FEDERAL HOME LOAN BANK BOARD

[No. 75-833]

[12 CFR Parts 561, 563, 564, 569a, and 571]

PROPOSED AMENDMENTS RELATING TO CHECKING ACCOUNTS

SEPTEMBER 8, 1975.

The Federal Home Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation, considers it advisable to propose to amend Parts 561, 563, 564, 569, and 571 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 561, 563, 564, 569, and 571) for the purpose of permitting insured institutions to offer checking accounts when authorized to do so by statute, regulation, or otherwise, and to provide that such accounts are eligible for insurance by the Federal Savings and Loan Insurance Corporation. Federal savings and loan associations presently are not authorized to issue checking accounts, and State-chartered savings and loan associations generally are not permitted to issue such accounts. However, State law in Maine and Connecticut will authorize checking accounts to be offered by State savings and loan associations, beginning October 1, 1975, in Maine, and January 1, 1976, in Connecticut.

At present, the Board's Insurance Regulation § 563.6 prohibits insured institutions from issuing any demand securities or advertising or representing that holders of securities will be paid on demand. Present § 561.3 defines "insured account" in terms of savings accounts, and other regulatory provisions refer only to savings accounts. These restrictions are not required by statute: the National Housing Act, as amended (48 Stat. 1255, 12 U.S.C. 1725 et seq.), defines "insured account" at section 401(c) as a "share, certificate, or deposit account" approved by the Corporation, and section 403(a) of that Act empowers the Corporation to "insure the accounts" of Federal and State savings and loan institutions.

Therefore, in order that State-chartered insured institutions not be placed at a competitive disadvantage in relation to other thrift institutions in their area, in States which permit thrift institutions to offer checking accounts, the Board proposes to lift its previous restrictions on the issuance of such accounts. It is noted, however, that under the proposal insured institutions would be required under § 563.1 of the Insurance Regulations to obtain Corporation approval of the form of any such checking account prior to issuance. Furthermore, should such restriction be lifted, the Board intends to closely monitor the effects of checking accounts on the savings and loan industry and would impose operational and reserve restrictions relating to such accounts should they prove necessary.

Accordingly, the Board hereby proposes to amend the Insurance Regulations by adding a new § 561.11a, and amending §§ 561.3, 561.11, 561.15(f), 561.17(a), 561.24, 563.1, 563.6, 563.13(a)

(1) and (c)(4) and (5), 564.1 (a), (b), and (c), 569a.1(c), 569a.4, 569a.b(d), 569a.7, 569a.9, and 571.1(c)(3) thereof, to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW, Washington, D.C. 20552, by September 29, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

1. Amend Part 561 by revising §§ 561.3, 561.11, 561.15(f), 561.17(a), and 561.24 thereof, and adding a new § 561.11a thereto, to read as follows:

§ 561.3 Insured account.

An "insured account" is a savings account or checking account held by an insured member in an institution insured by the Corporation. Accounts which by the terms of the contract of the holder with the institution or by provisions of state law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities, of the institution have been fully liquidated and paid upon the winding up of the institution are not insurable, and are hereinafter referred to as "nonwithdrawable accounts". Subordinated debt securities and mortgage-backed bonds issued by an insured institution are deemed not to be "accounts", and such securities are not insurable.

§ 561.11 Savings accounts.

The term "savings accounts" means withdrawable or repurchasable shares, investment certificates, deposits or other savings accounts held by insured members in an institution insured by the Corporation.

§ 561.11a Checking accounts.

The term "checking accounts" means non-interest-bearing demand deposits which are subject to check or to withdrawal or transfer on negotiable or transferable order to the association and which are permitted to be issued by statute, regulation, or otherwise.

§ 561.15 Scheduled items.

The term "scheduled items" means:

* * * * *

(f) Deposits in a bank, loans of Federal funds to a bank, or savings accounts or checking accounts in a savings and loan association, under the control or in the possession of an appropriate supervisory authority, and

* * * * *

§ 561.17 Specified assets.

(a) The term "specified assets" means the total assets of an insured institution less the institution's assets which qualify as liquid assets, as defined in paragraph (g) of § 523.10 of this chapter, or would so qualify except for the maturity limitations contained in such paragraph or the pledged status of such assets, other obligations fully guaranteed as to principal and interest by the United States (including such obligations held subject to a repurchase agreement) and accrued interest thereon, obligations of, or participations or other instruments fully guaranteed as to principal and interest by, the Federal Home Loan Mortgage Corporation, Federal Home Loan Bank stock, prepaid Federal Savings and Loan Insurance Corporation premiums, loans secured by obligations referred to in paragraphs (g) (2) and (3) of § 523.10 of this chapter without regard to the maturities of such obligations, loans in process, loans on the security of the institution's checking and savings accounts, investments (other than in capital stock) in other institutions insured by the Federal Savings and Loan Insurance Corporation and in institutions insured by the Federal Deposit Insurance Corporation, and less 80 percent of the institution's actual investments in insured loans, guaranteed loans, loans which are secured by a first lien on low-rent housing, and guaranteed obligations.

* * * * *

§ 561.24 Subordinated debt security.

The term "subordinated debt security" means any unsecured note, debenture, or other debt security issued by an insured institution and subordinated on liquidation to all claims having the same priority as account holders or any higher priority.

2. Amend Part 563 by revising §§ 563.1, 563.6, and 563.13(a)(1), (c)(4) and (5) thereof to read as follows:

§ 563.1 Forms of certificates and passbooks; submission of forms of investment contracts and bylaws; furnishing members with copy of charter and bylaws.

At the time of the application for insurance, every applicant (except a Federal savings and loan association) shall submit to the Corporation for approval copies of all savings account, checking account, share, membership, stock and demand or time deposit certificates, passbooks, and other forms of investment contracts proposed to be issued by the applicant as an insured institution; it shall also submit for such approval its charter, constitution, and bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution (except a Federal savings and loan association) shall issue any form of checking or savings accounts, share, stock, membership or deposit certificates, passbooks, or other investment contract which has not been submitted to the Corporation for approval. No insured institution shall issue any such form which has been disapproved in writing by the Corporation. Any insured institution which amends its charter, constitution, or bylaws affecting its securities or investment contracts shall promptly transmit such amendments to the Corporation for approval. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, whether as to time or amount in the event of liquidation, over any other class of insured account; Provided, That where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

§ 563.6 Demand securities.

No insured institution may issue any demand securities or advertise or represent that it will pay holders of its securities on demand, except that this section does not apply to checking accounts as defined in § 561.11a of this subchapter.

§ 563.13 Required amounts and maintenance of Federal insurance reserve and net worth.

(a) *Federal insurance reserve requirements.* (1) *Minimum required amounts.* After the fiscal year in which a certificate of insurance is issued, each insured institution shall build up its Federal insurance reserve account so that, as of the close of business on the annual closing date following each anniversary of the date of insurance of accounts, such account shall be at least equal to the amount obtained by multiplying the percentage corresponding to such anniversary date, as set forth in the table below, by either (i) the amount of the institution's checking and savings account balances on such closing date, or (ii) the average of such account balances on such closing date and on one or more of the 4 immediately preceding annual closing dates, provided all such dates are consecutive. In any event, unless otherwise permitted in writing by the Corporation, each insured institution shall build up its Federal insurance reserve account so that, at any one annual closing date prior to the twenty-sixth anniversary of its insurance of accounts, such account shall be at least equal to 6 percent of the institution's checking and savings account balances on such closing date.

Anniversary:	*Percentage*
2	0.50
3	0.75
4	1.00
5	1.25
6	1.50
7	1.75
8	2.00
9	2.25
10	2.50
11	2.75
12	3.00
13	3.25
14	3.50
15	3.75
16	4.00
17	4.25

Anniversary:	Percentage
18	4.50
19	4.75
20 and thereafter	5.00

* * * * *

(c) *Failure to meet or maintain Federal insurance reserve or net worth requirements.* If any insured institution fails to meet or thereafter maintain the Federal insurance reserve requirements set forth in paragraph (a) of this section or the net worth requirements set forth in paragraph (b) of this section, the Corporation may, whether through enforcement proceedings (as provided in Parts 565 and 566 of this subchapter) or otherwise, require such institution to take any one or more of the following corrective actions:

* * * * *

(4) Limit the receipt of deposits to those made to existing accounts;

(5) Cease or limit the issuance of new accounts of any or all classes or categories, except in exchange for existing accounts; . . .

* * * * *

3. Amend Part 564 by revising § 564.1 thereof to read as follows:

§ 564.1 Settlement of insurance upon default.

(a) *General.* In the event of a default by an insured institution, the Corporation will promptly determine, from the account contracts and the books and records of the institution, or otherwise, the insured members thereof and the amount of the insured account or accounts of each such member. The Corporation will give to each insured member shown to be such on the books of the insured institution written notice of the time and place of payment of insurance by mail at the last known address as shown by the books of the insured institution. If an insured institution has outstanding at the time of default any account or accounts issued pursuant to § 545.1–5 of this chapter or issued pursuant to the approval granted by § 563.3–3 of this subchapter, the Corporation shall, promptly after default, publish (in a newspaper printed in the English language and of general circulation in the city, county, or locality in which the principal office of such insured institution is located) a notice to all account holders of such insured institution of the time and place of payment of insurance.

(b) *Amount of insured account.* The amount of an insured account is the amount which the insured member would have been entitled to withdraw as of the date of default, plus interest on any savings account accrued to such date or dividends prorated to such date at the announced or anticipated rate, without regard to whether such account is subject to any pledge. In the case of a savings account with a fixed or minimum term or a qualifying or notice period that has not expired as of such date, dividends or interest thereon shall be computed as if the account could have been withdrawn on such date without any penalty or reduction in rate of earnings.

(c) *Multiple accounts.* In the event an insured member holds more than one insured account in the same capacity, and the aggregate amount of such accounts (including checking accounts held in such capacity) exceeds the amount of insurance afforded thereon, the insurance coverage will be prorated among the member's interest in all accounts held in the same capacity on the basis of their withdrawable value as of the date of default. In the case of individual accounts the insurance proceeds shall be paid to the holder of the account, whether or not the beneficial owner. In the case of accounts which are owned jointly the insurance proceeds shall be paid to the owners jointly. In the case of trust estates the insurance proceeds shall be paid to the indicated trustee unless otherwise provided for in the trust instrument or under State law. In the case of corporations, partnerships and unincorporated associations, whether or not engaged in an independent activity, the insurance proceeds shall be paid to the indicated holder of the account. Where insurance payment is in the form of a transferred account, the same rules shall be applied.

4. Amend Part 569a by revising §§ 569a.1(c), 569a.4, 569a.6(d), 569a.7(a)(4) and (5), (b) and (d), and 569a.9 thereof to read as follows:

§ 569a.1 Grounds for appointment of receiver.

* * * * *

(c) That one or more of the holders of checking or savings accounts in such institution is unable to obtain a withdrawal of his account, in whole or in part;

the Board shall have exclusive power and jurisdiction to appoint the Corporation as sole Receiver for such institution. As used in this Part, the term "default" means an adjudication or other official determination of a court of competent jurisdiction or other public authority pursuant to which a conservator, receiver, or other legal custodian is appointed for an insured institution for the purpose of liquidation.

§ 569a.4 Possession by Receiver.

The Corporation shall take possession promptly of the insured institution for which it has been appointed Receiver by service of a certified copy of the Board's order of appointment upon the insured institution or upon the conservator, receiver, or custodian of such institution. "Service" as used in the preceding sentence is accomplished by leaving a certified copy of said order at the principal office of the insured institution or by handing a certified copy of said order to the conservator, receiver, or custodian of such insured institution or to the officer or employee of the insured institution or of the conservator, receiver, or custodian who shall be in the principal office of the institution and appears to be in charge of such office. The Receiver shall thereafter promptly notify in writing by certified mail the court or other public authority having jurisdiction over such conservator, receiver, or custodian and any supervisory or regulatory authority to which the insured institution was theretofore subject of its possession of the insured institution. Immediately upon taking possession of any insured institution, the Corporation as Receiver shall forthwith take possession of and title to books, records, and assets of every description of such institution. The Corporation as Receiver, by operation of law and without any conveyance or other instrument, act or deed, shall succeed to (a) all the rights, titles, powers, and privileges of the insured institution, its members, holders of checking or savings accounts and nonwithdrawable accounts, its officers and directors or any of them, and (b) the titles to the books, records, and assets of every description of any conservator, receiver, or other legal custodian of such institution appointed under State law. Such members, holders of checking or savings accounts and nonwithdrawable accounts, officers or directors, or any of them, or any such conservator, receiver, or other legal custodian shall not thereafter have or exercise any such rights, power, or privileges or act in connection with any asset or property of any nature of the institution in receivership.

§ 569a.6 Powers and duties as Receiver.

* * * * *

(d) *Investment of funds.* The Receiver shall have the power to deposit the monies and funds of the receivership in any bank or banks insured by the Federal Deposit Insurance Corporation, in any insured institution within the State in which the institution in default is located which offers checking accounts, or in any Federal Home Loan Bank, and may invest such monies or funds in certificates of deposit in any bank or banks insured by the Federal Deposit Insurance Corporation or in savings accounts other than nonwithdrawable accounts, in an insured institution or institutions. The Receiver shall have power to invest any funds not currently needed for transacting the business of the receivership or for payment of liquidating dividends in Government obligations with a maturity of not more than 2 years. The Receiver shall have no power to make loans except loans to facilitate the sale of any real estate owned and except loans which it deems necessary to protect investments or the security for investments.

* * * * *

§ 569a.7 Priority of claims.

(a) * * *

* * * * *

(4) All claims of holders of checking and savings accounts, and/or the Federal Savings and Loan Insurance Corporation to the extent it has paid insurance to holders of such accounts, which under the laws of the State in which the principal office of the institution in receivership is located are given a priority for liquidation purposes over other classes of such accounts; except that whenever under the laws of the State in which the principal office of the institution in re-

ceivership is located such claims are treated on a parity with general creditor obligations upon the liquidation of the institution, such claims will be treated as general creditor obligations under subparagraph (3) of this paragraph;

(5) All claims of holders of other accounts, and/or the Federal Savings and Loan Insurance Corporation to the extent it has paid insurance to the holders of such other accounts; and

(b) Creditor claims which have been subordinated in whole or in part to general creditor claims and/or claims of checking or savings accountholders shall be given the priority specified in the instruments establishing such claims. Where the instruments specify that such claims are subordinated to general creditor obligations and the claims of such accountholders upon liquidation of the institution, but are silent with respect to subordination to the postdefault interest rights of the general creditors and such accountholders, the payment of interest as set forth in paragraph (a)(6) of this section shall have priority over the principal amount of such subordinated creditor claims and any contractual interest thereon.

* * * * *

(d) In the case of a mutual institution, if a surplus remains after making distribution in full as set forth in paragraphs (a) and (b) of this section, such surplus shall be distributed to the checking and savings accountholders as of the date of default, in accordance with the terms, conditions and priorities specified in the instruments establishing their interests in the institution. If such instruments do not specify the terms, conditions and priorities for liquidation, the distribution of the surplus shall be pro rata.

* * * * *

§ 569a.9 Claims of accountholders.

The Receiver shall prepare a list of accounts of checking and savings accountholders for use by the Corporation in settlement of claims for insurance under Part 564 of this subchapter. Upon such settlement, the Receiver shall furnish to each such accountholder a certificate as to the amount of such account which is not covered by insurance under said Part 564 and stating that the accountholder holds a claim against the receivership which is to be discharged to the extent permitted under this part. No such certificate shall be furnished by the Receiver unless the accountholder has first surrendered to the Receiver such evidence of the ownership of the account as he may have or, in case of loss of such evidence, the accountholder has agreed that the Receiver shall be entitled to the surrender of such evidence if it is thereafter recovered, but this requirement shall not be applicable in cases in which such evidence has been surrendered theretofore to the Corporation in connection with payment of insurance of the account. In a case where a Receiver has reason to believe that the records of the institution in receivership may not disclose a complete record of all accounts of such accountholders, or in a case where all such accountholders have not presented claims within 1 year from the date of appointment of the Receiver, the Receiver shall publish, in a newspaper printed in the English language and of general circulation in the city or county in which the principal office of such institution was located, a notice to all such accountholders to present their claims of ownership thereof on forms prescribed by the Receiver to such Receiver on or before a date specified in such notice, which date shall be 3 years after the date of default. Such notice shall be similarly published on dates approximately 1 month and 2 months after the date of such first publication. Such notice shall be similarly published on a date approximately 1 month prior to the date specified in such notice for presentation of claims of ownership. Claims of ownership not filed within the period stated in the notices shall be disallowed. Any part or all of a claim by such an accountholder which is filed within the period stated in the notices and which is disallowed by the Receiver may be allowed by the Board in its discretion upon good cause shown.

5. Amend Part 571 by revising § 571.1 (c), (c)(3), (e), and (e)(1) thereof to read as follows:

§ 571.1 Appraisal of real estate securing assets of insured institutions.

* * * * *

(c) *Authority of Chief Examiner to obtain appraisals.* The Board's Chief Examiner for the Federal Home Loan Bank district in which the home office of an insured institution is located is authorized to obtain, as a part of and in connection with an examination, appraisals of real estate securing such institution's loans and contracts when an examination discloses the following conditions or such conditions are otherwise known or found to exist:

* * * * *

(3) When a borrower agrees or otherwise obligates himself to pay, or does pay, fees or other consideration to a third party to induce an inflow of funds to savings accounts or checking accounts in the institution.

* * * * *

(e) *Other bases for obtaining appraisals.* It is not feasible to identify, or to state categorically or inflexibly, all of the other indications of the need to evaluate appraisal practices and policies. Many factors must be considered separately and in context in the light of the operations of each institution, and economic conditions as they exist. However, the following broad areas of operation by an insured institution will be of paramount supervisory concern and essential facts and information with respect to such matters will in large measure constitute the basis for determining whether or not appraisals should be made:

(1) *Increase in funds for mortgage lending.* The extent to which the institution's expense ratio and dividend rate necessitate or have produced volume lending or lending at interest rates, or at interest rates plus fees, which materially exceed rates charged by responsible lenders in the area on prime real estate security—in order to provide sufficient revenue to pay expenses and dividends—are matters of much importance. In evaluating this aspect or area of an institution's operations consideration will be given not only to the dividend rate and expense ratio as compared to other comparable institutions in the same business area, but also to such matters as bonus (on top of a competitive dividend rate); inflow of funds to checking accounts and savings accounts from or through brokers; advertising of rate, rate increases, or other terms in a manner or by means which indicate pressure solicitation of accounts; extensive rate advertising in media outside the institution's normal business area; use of give-aways, directly or through brokers, and any solicitation practices generally recognized as being inconsistent with accepted standards in the conduct of responsible financial institutions. In order to evaluate the extent of any mortgage lending pressures to which the institution is subjecting itself, consideration may also need to be given to the use of borrowed money and to sales of loans for relending purposes.

* * * * *

(Sec. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. 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] J. J. FINN,
Secretary.

[FR Doc.75-24327 Filed 9-11-75;8:45 am]

LEGAL SERVICES CORPORATION

[45 CFR Part 1602]

FREEDOM OF INFORMATION ACT

Procedures for Disclosure or Production of Information

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996l ("the Act"). Section 1005(g) of the Act, 42 U.S.C. § 2996d(g) provides that the Corporation shall be subject to the provisions of the Freedom of Information Act, 5 U.S.C. § 552.

Pursuant to Section 1008(e) of the Act, the Corporation hereby notices and publishes for comment the following proposed regulations. Public comment will be received by the Corporation at its temporary office, Room 413, 1725 K Street, NW., Washington, D.C. 20006, on or before October 11, 1975. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen at the above offices during business hours, Monday through Friday.

Final regulations will be issued by the Corporation after the Board of Directors has reviewed and considered public comment received pursuant to this notice.

It is proposed to add Part 1602 as follows:

PART 1602—PROCEDURES FOR DISCLOSURE OR PRODUCTION OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

Subpart A—General

Sec.
1602.1 Purpose.
1602.2 Definitions.
1602.3 Policy.

Subpart B—Maintenance of Records

1602.4 Index of records.
1602.5 Central records room.
1602.6 Regional records rooms.

Subpart C—Procedure

1602.7 Use of records rooms.
1602.8 Availability of records on request.
1602.9 Invoking exemption to withhold a requested record.
1602.10 Officials authorized to grant or deny request for records.
1602.11 Denials.
1602.12 Appeals of denials.
1602.13 Fees.

AUTHORITY: Sec. 1005(g) of the Legal Services Corporation Act of 1974 (42 U.S.C. § 2996d(g)).

Subpart A—General

§ 1602.1 Purpose.

These regulations provide information concerning the procedures by which records of the Legal Services Corporation may be made available pursuant to Section 1005(g) of the Legal Services Corporation Act, 42 U.S.C. § 2996d(g), and the Freedom of Information Act, as amended in 1974, 5 U.S.C. § 552.

§ 1602.2 Definitions.

As used in this Part—

(a) "Act" means the Legal Services Corporation Act of 1974, Pub. L. 93–355, 88 Stat. 378, 42 U.S.C. 2996–2996l;

(b) "Corporation" means the Legal Services Corporation;

(c) "FOIA" means the Freedom of Information Act, as amended in 1974, 5 U.S.C. § 552;

(d) "President" means the President of the Legal Services Corporation;

(e) "records" means books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Corporation in connection with the transaction of the Corporation's business and preserved or appropriate for preservation by the Corporation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Corporation or because of the informational value of data in them. The term does not include books, magazines or other materials acquired solely for library purposes and available through any officially designated library of the Corporation.

§ 1602.3 Policy.

(a) It is and will be the policy of the Corporation to maximize the extent to which records concerning its operations, activities and business will be available to the public. Records will be withheld from the public only in accordance with the FOIA and these implementing regulations. All records not exempt from disclosure will be made available. The Corporation will interpret exemptions restrictively, resolving doubts concerning the applicability or meaning of an exemption in favor of disclosure. Records which may be exempted from disclosure will generally be made available as a matter of discretion when disclosure is not prohibited by law and it does not appear adverse to legitimate public or personal interests.

(b) The Corporation will attempt to provide the fullest assistance to requesting parties, including information as to how and where the request may be submitted. The Corporation will provide the most timely possible action on requests for records.

Subpart B—Maintenance of Records

§ 1602.4 Index of records.

The Corporation will maintain a current index identifying any matter within the scope of § 1602.5(b)(1)–(3) which has been issued, adopted, or promulgated by the Corporation, and other information published or made publicly available. The index will be maintained and made available for public inspection and copying at the Corporation's headquarters in Washington, D.C., and at each regional office. The Corporation will publish copies of each index or supplement thereto at least once each quarter and shall distribute such copies on request, at a cost not to exceed the direct cost of duplication.

§ 1602.5 Central records room.

(a) The Corporation will maintain a central records room at its headquarters in Washington, D.C. This room will be supervised by a Records Officer, and will be open during regular business hours of the Corporation for the convenience of members of the public in inspecting and copying records made available pursuant to this Part. Certain records, as described in paragraph (b) of this section, will be regularly maintained in or in close proximity to the records room, to facilitate access thereto by any member of the public.

(b) Subject to the limitation state in paragraph (c) of this section, there will be available in the central records room the following:

(1) All final opinions, including concurring and dissenting opinions, and orders made in the adjudication of cases;

(2) Statements of policy and interpretations adopted by the Corporation;

(3) Administrative staff manuals and instructions to the staff which affect the public;

(4) To the extent feasible, guidelines, forms, published regulations, notices, program descriptions, and other records considered to be of general interest to members of the public in understanding activities of the Corporation or in dealing with the Corporation in connection with those activities;

(5) The current index required in § 1602.4.

(c) Certain types of staff manuals or instructions, such as instructions to auditors or inspection staff, or instructions covering certain phases of contract negotiation, which deal with the performance of functions that would automatically be rendered ineffective by general awareness of the Corporation's techniques or procedures, may be exempt from mandatory disclosure even though they affect or may affect the public. These records will not be maintained in the central records room.

(d) Certain records maintained in the records room or otherwise made available pursuant to this Part may be "edited" by the deletion of identifying details concerning individuals, to prevent a clearly unwarranted invasion of personal privacy. In such cases, the record shall have attached to it a full explanation of the deletion.

§ 1602.6 Regional records rooms.

Each regional office shall have either a specially designated records room similar to the central records room described in § 1602.5 or, if that is not feasible, a designated area within the office, a principal function of which is to serve the public in accordance with this Part. The Corporation will endeavor to maintain and have readily available in its regional offices the records described in § 1602.5(b), and will designate a Records Officer in each regional office to receive and process requests submitted pursuant to this Part.

Subpart C—Procedure

§ 1602.7 Use of records rooms.

(a) Any member of the public who wishes to inspect or copy records regularly maintained in a records room may secure access to these records by presenting himself or herself at the central records room or at a regional records room during business hours. No advance notice or appointment is required, although persons wishing to make extended use of regional office facilities should take account of the possible limitations in these facilities.

(b) The records rooms will also be available to any member of the public to inspect and copy records which are not regularly maintained in the records rooms. To obtain such records, a person should present his or her request identifying the records to the Records Officer. Because it will sometimes be impossible to produce these records or copies of them on short notice, a person who wishes to use records room facilities to inspect or copy such records is advised to arrange a time in advance, by telephone or letter request made to the Records Officer of the facility which he or she desires to use. Persons submitting requests by telephone will be advised by the Records Officer or another designated employee whether a written request would be advisable to aid in the identification and expeditious processing of the records sought. Persons submitting written requests should identify the records sought in the manner provided in subsection

1602.8(b) and should indicate whether they wish to use the records room facilities on a specific date. The Records Officer will endeavor to advise the requesting party as promptly as possible if, for any reason, it may not be possible to make the records sought available on the date requested.

§ 1602.8 Availability of records on request.

(a) In addition to the records made available through the records rooms, the Corporation will make such records available to any person in accordance with paragraphs (b) and (c) of this section, unless it is determined that such records should be withheld and are exempt from mandatory disclosure under the FOIA and § 1602.9 of these regulations.

(b) *Requests.* (1) A request will be acceptable if it identifies a record with sufficient particularity to enable officials of the Corporation to locate the record with a reasonable amount of effort. Requests seeking records within a reasonably specific category will be deemed to conform to the statutory requirement of a request which "reasonably describes" such records if professional employees of the Corporation who are familiar with the subject area of the request would be able, with a reasonable amount of effort, to determine which particular records are encompassed within the scope of the request, and to search for, locate, and collect the records without unduly burdening or materially interferring with operations because of the staff time consumed or the resulting disruption of files. If it is determined that a request does not reasonably describe the records sought as specified in this paragraph, the response denying the request on that ground shall specify the reasons why the request failed to meet the requirements of this paragraph and shall extend to the requester an opportunity to confer with Corporation personnel in order to attempt to reformulate the request in a manner which will meet the needs of the requester and the requirements of this paragraph.

(2) To facilitate the location of records by the Corporation, a requesting party should try to provide the following kinds of information: (i) The specific event or action, if known, to which the record refers; (ii) the unit or program of the Corporation which may be responsible for or may have produced the record; (iii) the date of the record or the date or period to which it refers or relates, if known; (iv) the type of record, such as an application, a grant, a contract, or a report; (v) personnel of the Corporation who may have prepared or have knowledge of the record; (vi) citations to newspapers or publications which are known to have referred to the record.

(3) The Corporation is not required to create a record to satisfy a request for information. When the information requested exists in the form of several records at several locations, the requesting party should be referred to those sources only if gathering the information would unduly burden or materially interfere with operations of the Corporation.

(4) All requests for records under this section shall be made in writing, with the envelope and the letter clearly marked: "FREEDOM OF INFORMATION REQUEST." All such requests shall be addressed to the Records Officer at the headquarters of the Corporation in Washington, D.C., or at any regional records office. Any request not marked and addressed as specified in this subparagraph will be so marked by Corporation personnel as soon as it is properly identified, and forwarded immediately to the Records Officer. A request improperly addressed will not be deemed to have been received for purposes of the time period set forth in paragraph (c) of this section until forwarding to the appropriate office has been effected, or until such forwarding would have been effected with the exercise of due diligence by Corporation personnel. On receipt of an improperly addressed request, the Records Officer shall notify the requesting party of the date on which the time period commenced to run.

(5) A person desiring to secure copies of records by mail should write to the Records Officer at the headquarters in Washington, D.C. The request should identify the records of which copies are sought and should indicate the number of copies desired. As indicated in § 1602.13, fees may be required in some cases, in which event they must be paid in advance. The requesting party will be advised of the estimated fee, if any, as promptly as possible. If a waiver of fees is requested, the grounds for such request should be included in the letter.

(c) The Records Officer, upon request for any records made in accordance with this Part, shall make an initial determination of whether to comply with or deny such request and dispatch such determination to the requesting party within ten days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such request, except for unusual circumstances in which case the time limit may be extended for not more than ten working days by written notice to the requesting party setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. In determining whether to issue a notice of extension of time for a response to a request beyond the ten-day period, Corporation officials shall consult with the Office of the General Counsel. As used herein, "unusual circumstances" are limited to the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

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

(3) The need for consultation, which 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 Corporation having substantial subject matter interest therein.

(d) If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the requester may deem his request denied, and exercise a right of appeal in accordance with § 1602.12. When no determination can be dispatched within the applicable time limit, the Records Officer shall nevertheless continue to process the request; on expiration of the time limit, he shall inform the requesting party of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to treat the delay as a denial and to appeal to the President in accordance with § 1602.12; and he may ask the requesting party to forego appeal until a determination is made.

§ 1602.9 Invoking exemptions to withhold a requested record.

(a) A requested record of the Corporation may be withheld from public disclosure only if one or more of the following categories exempted by the FOIA apply:

(1) Matter which is (i) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (ii) is in fact properly classified pursuant to such Executive Order;

(2) Matter which is related solely to the internal personnel rules and practices of the Corporation;

(3) Matter which is specifically exempted from disclosure by statute;

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

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the Corporation;

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

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right of a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) 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, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life of physical safety or law enforcement personnel;

(8) Matter which is 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;

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

(b) In the event that one or more of the above exemptions applies, any reasonably segregable portion of a record shall be provided to the requesting party after deletion of the portions which are exempt. In appropriate circumstances, subject to the discretion of Corporation officials, it may be possible to provide a requesting party with: (1) A summary of information in the exempt portion of a record or (2) an oral description of the exempt portion of a record. In determining whether any of the foregoing techniques should be employed or whether an exemption shall be waived, in accordance with this paragraph, Corporation officials shall consult with the Office of General Counsel. No requesting party shall have a right to insist that any or all of the foregoing techniques should be employed in order to satisfy a request.

(c) Records which may be exempted from disclosure pursuant to paragraph (a) of this section may be made available as a matter of discretion when disclosure is not prohibited by law, if it does not appear adverse to legitimate public or personal interests.

§ 1602.10 Officials authorized to grant or deny requests for records.

The General Counsel shall furnish necessary advice to Corporation officials and staff as to their obligations under this Part and shall take such other actions as may be necessary or appropriate to assure a consistent and equitable application of the provisions of this Part by and within the Corporation. Other officials of the Corporation shall consult with the General Counsel before denying requests under this Part, or before granting requests for waiver or modified application of an exemption or for categories of documents which the General Counsel determines may present special or unusual problems. Subject to this authority, the General Counsel, the Records Officer, each Regional Director, and each Regional Records Officer are authorized to grant or deny requests under this Part.

§ 1602.11 Denials.

(a) A denial of a written request for a record issued by an official of the Corporation shall be in writing and shall include the following:

(1) A reference to the applicable exemption or exemptions in § 1602.9(a) upon which the denial is based;

(2) An explanation of how the exemption applies to the requested records;

(3) A statement explaining why it is deemed unreasonable to provide segregable portions of the record after deleting the exempt portions;

(4) The name and title of the person or persons responsible for denying the request; and

(5) An explanation of the right to appeal the denial and of the procedures for submitting an appeal, including the address of the official to whom appeals should be submitted.

(b) Whenever the Corporation makes a record available subject to the deletion of a portion of the record, such action shall be deemed a denial of the record for purposes of paragraph (a) of this section.

(c) All denials shall be treated as opinions and shall be maintained and indexed accordingly, subject only to the necessity of deleting identifying details the release of which would constitute a clearly unwarranted invasion of personal privacy for a member of the public.

§ 1602.12 Appeals of denials.

(a) Any person whose written request has been denied is entitled to appeal the denial within ninety days by writing to the President of the Corporation at the headquarters in Washington, D.C. The envelope and letter should be clearly marked: "FREEDOM OF INFORMATION APPEAL." An appeal need not be in any particular form, but should adequately identify the denial, if possible, by describing the requested record, by identifying the official who issued the denial, and by providing the date on which the denial was issued.

(b) No personal appearance, oral argument, or hearing will ordinarily be permitted on appeal of a denial. Upon request and a showing of special circumstances, however, this limitation may be waived and an informal conference may be arranged with the President, or the President's specifically designated representative, for this purpose.

(c) The decision of the President on an appeal shall be in writing and, in the event the denial is in whole or in part upheld, shall contain an explanation responsive to the arguments advanced by the requesting party, the matters described in § 1602.11(a)(1)–(5), and the provisions for judicial review of such decision under section 552(a)(4) of the FOIA. The decision shall be dispatched to the requesting party within twenty working days after receipt of the appeal, unless an additional period is justified pursuant to § 1602.8(c) and such period taken together with any earlier extension does not exceed ten days. The President's decision shall constitute the final action of the Corporation. All such decisions shall be treated as final opinions under § 1602.5(b).

§ 1602.13 Fees.

(a) Information provided routinely in the normal course of doing business will be provided at no charge.

(b) The Records Officer may waive or reduce fees where special circumstances, including but not limited to the benefit of the general public, warrant. The Records Officer shall waive fees where the requesting party is indigent unless the fees would exceed $25 and may waive or reduce fees for the request of an indigent where the fees charged would exceed $25. These provisions will be subject to appeal in the same manner as appeals from denial under § 1602.12.

(c) There shall be no fee charged for services rendered by the Corporation pursuant to this Part, unless the charges, as calculated in paragraph (e) of this section, exceed the sum of $6.50. Where the charges are calculated to exceed $6.50, the fee shall be the difference between $6.50 and the calculated charges.

(d) Ordinarily, no fee shall be levied where the records requested are not provided or made available. However, if the time expended in processing the request is substantial, and if the requesting party has been notified of the estimated cost pursuant to paragraph (f) of this section, and has been specifically advised that it cannot be determined in advance whether any records will be made available, fees may be charged.

(e) The schedule of charges for services regarding the production or disclosure of the Corporation's records is as follows:

(1) Seach for records: $1.50 per one-quarter hour.

(2) Computer Time:

Central Processing Unit—$10.80 per minute.
Card Reader—0.60 per 1,000 cards.
Printer—0.60 per 333 cards.
Tape or Disk—0.60 per 100 lines; 0.75 per 1,000 number of reads or lines.
Minimum charge—$1.50.

(3) Reproduction, duplication, or copying of records—$0.10 per page.

(4) Reproduction, duplication or copying of microfilm:

Microfilm—$0.75 per frame; Microfiche—$1.45 per jacket.

(5) Certification of true copies: $1.00 each.

(f) Where it is anticipated that the fees chargeable under this Part will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as anticipated, the requester shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In such cases, a request will not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it. Such a notification shall be transmitted as soon as possible, but in any event within five working days, giving the best estimate then available. The notification shall offer the requester the opportunity to confer with appropriate representatives of the Corporation for the purpose of reformulating the request so as to meet his needs at a reduced cost.

(g) Where the anticipated fee chargeable under this Part exceeds $25, an advance deposit of 25 percent of the anticipated fee may be required. Where a requester has previously failed to pay a required fee, an advance deposit of the full amount of the anticipated fee together with the fee then due and payable may be required.

(h) The Corporation reserves the right to limit the number of copies that will be provided of any document to any one requesting party, or to require that special arrangements for duplication be made in the case of bound volumes or other records representing unusual problems of handling or reproduction.

DAVID S. TATEL,
Counsel to the Corporation.

[FR Doc.75-24489 Filed 9-11-75;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.

TREASURY DEPARTMENT

Customs Service

[T.D. 75-228]

WEMBLEY INDUSTRIES, INC.

Recordation of Trade Name

SEPTEMBER 5, 1975.

On July 14, 1975, there was published in the FEDERAL REGISTER (40 F.R. 29557) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Wembley Industries, Inc. The notice advised that prior to final action on the application, filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than 30 days from the date of publication of the notice. No responses were received in opposition to the application.

The name "Wembley Industries, Inc." is hereby recorded as the trade name of Wimbley Industries, Inc., a corporation organized under the laws of the State of Louisiana, located at 966 South White Street, New Orleans, Louisiana 70125, when applied to neckties, bow ties, tie and sock sets, tie and handkerchief sets, and formal wear manufactured in the United States.

LEONARD LEHMAN,
Assistant Commissioner, Regulations and Rulings.

[FR Doc.75-24342 Filed 9-11-75;8:45 am]

Office of the Secretary

TEMPERED SHEET GLASS FROM JAPAN

Notice of Tentative Determination To Modify or Revoke Dumping Finding

A finding of dumping with respect to tempered sheet glass from Japan was published as Treasury Decision 71-247 in the FEDERAL REGISTER of September 25, 1971 (36 F.R. 19013).

After due investigation, it has been determined tentatively that the sole exporter, Asahi Glass Company, Ltd., is no longer selling, or likely to sell, tempered sheet glass to the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

The investigation indicated that with the exception of one sale for which dumping duties in a *de minimis* amount were found to accrue, all sales by Asahi Glass Company, Ltd., for a period of two years from the finding of dumping, have been made at not less than fair value, and written assurances have been given that future sales of tempered sheet glass to the United States will not be made at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to revoke the finding of dumping with respect to tempered sheet glass from Japan.

In accordance with § 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office not later than September 22, 1975. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than October 14, 1975.

This notice is published pursuant to section 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

AUGUST 27, 1975.

[FR Doc.75-24298 Filed 9-11-75;8:45 am]

DEBT MANAGEMENT ADVISORY COMMITTEES

Meetings and Determination

Notice is hereby given, pursuant to Section 10 of Public Law 92-463, that meetings will be held in Washington on October 8 and 9, 1975, of the following debt management advisory committees:

American Bankers Association Government Borrowing Committee
Securities Industry Association Government Securities and Federal Agencies Committee

The agenda for the meetings provides for working sessions by the two committees, and reports to the Secretary of the Treasury and Treasury staff.

Pursuant to the authority placed in Heads of Departments by Section 10(d) of Public Law 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under Section 552(b)(4) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of this office. When so utilized they are recognized to be advisory committees under Public Law 92-463. The advice provided consists of commercial and financial information given and received in confidence in order to avoid adverse effects of premature disclosure on the financial markets and the economy. As such these debt management advisory committee activities concern matters which fall within the exemption covered by Section 552(b)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

The Special Assistant to the Secretary (Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the provisions of 5 U.S.C. 552(b)(4).

Dated: September 9, 1975.

[SEAL] EDWIN H. YEO, III,
Under Secretary for Monetary Affairs.

[FR Doc.75-24333 Filed 9-11-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

JUNIOR SCIENCE AND HUMANITIES SYMPOSIA ADVISORY COMMITTEE

Open Meeting

In accordance with the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of committee: Junior Science and Humanities Symposia (JSHS) Advisory Committee.

Date of meeting: 16 October 1975.

Place: U.S. Army Research Office, Research Triangle Park, N.C.

Time: 0930 Hours.

Proposed agenda:

Introductory Remarks—Dr. Marcus Hobbs, Chairman

Action on Summary of 29th Meeting held 1 May 1975, U.S. Military Academy, West Point, N.Y.

Status of Regional Programs—Mrs. Barbara Osborne

Other Support of JSHS, FY 1976—COL Lothrop Mittenthal
Status of National JSHS—Mr. Donald C. Rollins
Bicentennial of American Science Project—Mr. Donald C. Rollins
Continuation of JSHS Grant
Other Items of Business
Date and Place of Next Meeting

By the authority of the Secretary of the Army.

Dated: September 8, 1975.

ROBERT G. FLOWERS, Jr.,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.75-24331 Filed 9-11-75;8:45 am]

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, NY 10014 on 8–9 October 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decisions or actions, the preliminary disclosure of which would interfere with the orderly conduct of government.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

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

SEPTEMBER 9, 1975.

[FR Doc.75-24289 Filed 9-11-75;8:45 am]

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, New York 10014 on 16 October 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on mircrowave devices, night vision devices, lasers, infra red systems, and microelectronics. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decisions or actions, the preliminary disclosure of which would interfere with the orderly conduct of government.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

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

SEPTEMBER 9, 1975.

[FR Doc.75-24290 Filed 9-11-75;8:45 am]

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 333 Ravenswood Avenue, Menlo Park, California 94025, October 28–29, 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group D meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include classified program details and will result in advice or recommendations to government research and development agencies preliminary to decisions or actions, the preliminary disclosure of which would interfere with the orderly conduct of government.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically Subparagraphs (1) and (5) thereof, and that accordingly this meeting will be closed to the public.

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

SEPTEMBER 9, 1975.

[FR Doc.75-24314 Filed 9-11-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH ATLANTIC OUTER CONTINENTAL SHELF (TENTATIVE SALE #43)

Areas for Oil and Gas Leasing; Nominations and Comments

Pursuant to the authority prescribed in 43 CFR 3301.3 (1974), nominations are hereby requested for areas in the South Atlantic Outer Continental Shelf (OCS) for possible oil and gas leasing under the Outer Continental Shelf Lands Act [43 U.S.C. 1331–1343 (1970)]. Nominations will be considered for any or all of the following mapped areas located offshore the States of North Carolina, South Carolina, Georgia, and Florida:

OCS OFFICIAL PROTRACTION DIAGRAMS

1. NI 17-9 (Georgetown)—All.
2. NI 17-12 (James Island)—That portion landward of a line starting at the NE corner of Block 39 running South to the SE corner of Block 655 thence West to the NE corner of Block 686 thence South to the SE corner of Block 994.
3. NI 17-11 (Savannah)—All.
4. NH 17-3—That portion landward of a line starting at the NE corner of Block 25 running South to the SE corner of Block 597, thence West to the NE corner of Block 622, thence South to the SE corner of Block 974, thence West to the SW corner of Block 969.
5. NH 17-2 (Brunswick)—All.
6. NH 17-5 (Jacksonville)—All.
7. NH 17-8 (Daytona Beach)—All.
8. NH 17-11 (Orlando)—That portion landward of a line starting at the NE corner of Block 43 running South to SE corner of Block 527, thence West to the three mile limit.

These protraction diagrams may be purchased for $2.00 each from the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, The Plaza Tower, Suite 3200, 1001 Howard Avenue, New Orleans, Louisiana 70113. All nominations must be described in accordance with the Outer Continental Shelf Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated. Although individual company nominations are considered to be privileged and confidential information, the names of persons or entities submitting nominations or comments will be of public record.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests the identification of particular tracts recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values and environmental concerns. Particular geological, environmental, biological, archaeological, socio-economic or other information which might bear upon potential leasing and development of particular tracts is requested where available. Information on these subjects will be used in the preliminary selection of tracts which precedes any final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State and local governments; industry; universities; research institutes; environmental organizations; and members of the general public. Comments may be submitted on blocks or portions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make a preliminary selection of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 [42 U.S.C. 4321–4347 (1970)], and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments should be submitted not later than November 3, 1975, in envelopes labeled "Nominations of Tracts for Leasing on the Outer Continental Shelf—South Atlantic" or "Comments on Leasing on the Outer Continental Shelf—South Atlantic," as appropriate. They must be submitted to the Director, Bureau of Land Management, Attention: 720, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Conservation Manager, Geological Survey, Eastern Region, Suite 316 1825 K Street, NW., Washington, D.C. 20006 and the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, at his address cited above.

This call for nominations and comments does not in any way commit the Department to leasing in the South Atlantic. It is an information gathering component of the Department's leasing procedure.

Final selection of tracts for competitive bidding will be made only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: September 9, 1975.

KENT FRIZZELL,
Acting Secretary of the Interior.

[FR Doc.75-24365 Filed 9-11-75;8:45 am]

Bureau of Reclamation

OPERATION AND MAINTENANCE PROGRAM FOR THE RIO GRANDE—VELARDE TO CABALLO DAM, RIO GRANDE AND MIDDLE RIO GRANDE PROJECTS, NEW MEXICO

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Operation and Maintenance Program for the Rio Grande-Velarde to Caballo Dam, Rio Grande and Middle Rio Grande Projects, New Mexico. This statement (INT DES 75-49) was transmitted to the Council on Environmental Quality on August 27, 1975, and is available to the public.

The draft environmental statement deals with current and proposed operation and maintenance activities along the floodway of the Rio Grande from Velarde, New Mexico, to areas within the conservation pools of Elephant Butte and Caballo Reservoirs.

Public hearings will be held in the Convention Center, Truth or Consequences, New Mexico, on October 15, 1975, and the Picuris Room, Albuquerque Convention Center, Albuquerque, New Mexico, on October 16, 1975, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this program. The hearings will commence at 2 p.m., m.d.t., and recess at 5 p.m. The hearings will reconvene at 7:30 p.m. and continue until all statements have been presented. Oral statements at the hearings will be limited to a period of 10 minutes per person. Speakers will not trade their time to obtain longer oral presentations; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all other persons desiring to comment have been heard. Whenever possible, speakers will be scheduled according to the time preferences mentioned in their letter or telephone requests. Any scheduled speaker not present when called will lose his place in the scheduled order and his name will be called again after other scheduled speakers have been heard.

Organizations or individuals desiring to present statements at the hearings should contact the office of Regional Director James A. Bradley, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, Texas 79101, telephone (806) 376-2401, and announce their intention to participate. Requests to schedule oral presentations will be accepted until 4 p.m., c.d.t., October 10, 1975. Unscheduled presentations will be handled on a first-come-first-served basis following the scheduled presentations. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearing should be received by the Regional Director by October 24, 1975, for inclusion in the hearing record.

Dated: September 9, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75-24329 Filed 9-11-75;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMITS

Notice of Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER APRIL 3, 1975 (40 FR 14957-58)

Applicant:

Karl Seethaler and Chuck McAda, Utah Cooperative Fishery Unit, Utah State University, Logan, Utah 84322.

Official Action:

Issued permit June 12, 1975: "Authorized to take COLORADO SQUAWFISH (*Ptychocheilus lucius*), HUMPBACK CHUB (*Gila cypha*), and BONYTAIL CHUB (*Gila elegans*), from the Yampa and Upper Green Rivers in Colorado and Utah, collect scale samples, insert ultrasonic transmitters in no more than 10 of the fish, collect egg samples at spawning sites, check for sex products, and release at sites where taken."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER MARCH 21, 1975 (40 FR 12821-22)

Applicant:

Mr. Stephen A. M. Jovicich, 1658 W. Main, Houston, Texas 77006.

Official Action:

Issued permit June 12, 1975, authorizing the importation of two (2) ST. LUCIA PARROTS (*Amazona versicolor*), for the purpose of propagation.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER MARCH 20, 1975 (40 FR 12689)

Applicant:

Mrs. Holly A. J. Nichols, 10611 Mt. Boracho, San Antonio, Texas 78213.

Official Action:

Issued permit June 13, 1975, authorizing the importation of two (2) IMPERIAL PARROTS (*Amazona imperialis*), from Dominica, West Indies, for the purpose of propagation.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER MARCH 21, 1975 (40 FR 12822–23)

Applicant:

Gregory Scott Gray, 7710 Valley View Lane, Houston, Texas 77036.

Official Action:

Issued permit June 13, 1975, authorizing the importation of two (2) IMPERIAL PARROTS (*Amazona imperialis*), from Dominica, West Indies, for the purpose of propagation.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER APRIL 29, 1975 (40 FR 18567)

Applicant:

Dr. Robert W. McFarlane, Savannah River Ecology Laboratory, Aiken, South Carolina 29801.

Official Action:

Issued permit June 13, 1975: "Permittee may trap and band RED-COCKADED WOODPECKERS (*Dendrocopus borealis*)."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER APRIL 29, 1975 (40 FR 18568–69)

Applicant:

Everglades National Park, Homestead, Florida 33030. Dr. James A. Kushlan Research Biologist.

Official Action:

Issued permit June 16, 1975: "Permittee may capture, mark, release and radio track AMERICAN ALLIGATORS (*Alligator mississipiensis*), in Everglades National Park."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER MAY 14, 1975 (40 FR 20965–66–67)

Applicant:

Columbia Zoological Park, Riverbanks Park Commission, Columbia, South Carolina 29202. John M. Mehrtens, Executive Director.

Official Action:

Issued permit June 23, 1975, authorizing importation of one (1) female captive-born AMUR LEOPARD (*Panthera pardus orientalis*), from the Frankfurt Zoological Park, Frankfurt, West Germany.

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER APRIL 29, 1975 (40 FR 18567–68)

Applicant:

Lion Country Safari, Inc., West Palm Beach, Florida 33406.

Official Action:

Issued permit June 27, 1975: "Authorized to transport six TIGERS from California to Florida."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER APRIL 29, 1975 (40 FR 18569–70–71)

Applicant:

Knoxville Zoological Park, Knoxville, Tennessee 37901.

Official Action:

Issued permit June 27, 1975: "Permittee and the Gladys Porter Zoo, Brownsville, Texas, are authorized to exchange JAGUARS (*Panthera onca*). The Knoxville Zoological Park will give one male jaguar cub, approximately seven months old, to the Gladys Porter Zoo in exchange for one male jaguar, approximately 15 months old. The Gladys Porter Zoo is permitted to receive the jaguar cub from the Knoxville Zoo in exchange for one jaguar. Both zoos are permitted to ship the jaguars in interstate commerce."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Dated: September 8, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement.

[FR Doc.75-24353 Filed 9-11-75;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93–205).

Applicant:

Minnesota Department of Natural Resources, Forest Wildlife Population and Research Group, 501 S. Pokegama Avenue, Grand Rapids, Minnesota 55744. Patrick D. Karns, Group Leader.

OMB NO. 42-R1370

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. To capture, handle, mark, affix radio-collars, take blood specimens from and release back to the wild, the eastern timber wolf (Canis lupis lycaon) in pursuit of scientific investigations conducted by the Forest Wildlife Population and Research Group Also to possess and/or transport carcasses or parts thereof, from wolves that have been confiscated, found dead, or accidentally killed during this project.

3. APPLICANT: (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Forest Wildlife Population and Research Group. Minnesota Department of Natural Resources. 501 S. Pokegama Ave. Grand Rapids, Minnesota 55744 218-326-6674

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:

☒ MR. ☐ MRS. ☐ MISS ☐ MS.	HEIGHT 6'4"	WEIGHT 220
DATE OF BIRTH 8/9/36	COLOR HAIR Brown	COLOR EYES Brown
PHONE NUMBER WHERE EMPLOYED 218/326-6674	SOCIAL SECURITY NUMBER 374-32-7812	

OCCUPATION
Group Leader

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT
Minn. Dept. of Natural Resources

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
To conduct ecological investigations of forest wildlife in Minnesota thereby obtaining knowledge required for intelligent resource management

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. 218-326-6674
Patrick D. Karns-Group Leader
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
State of Minnesota

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of document)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF $ N/A

10. DESIRED EFFECTIVE DATE Immediately

11. DURATION NEEDED 1 January, 1980

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Required) Pat Karns DATE 7-2-75

3-200
8/74

COOPERATIVE AGREEMENT FOR CONDUCTING FORESTRY RESEARCH

Contract No. 13-445; Entire—Reimbursable.

STUDY TITLE: Timber Wolf Population on the Chippewa National Forest.

WORK UNIT NO. FS-NC-1951.

THIS AGREEMENT, made and entered into this 24 day of March, one thousand nine hundred and seventy-five, by and between the Forest Service, United States Department of Agriculture, acting through the Director of the North Central Forest Experiment Station, hereinafter called the Forest Service, and the State of Minnesota Department of Natural Resources, Forest Wildlife Population and Research Group, Grand Rapids, Minnesota, hereinafter called the Department, witnesseth that:

WHEREAS, the parties hereto are mutually interested and desire to cooperate in conducting a certain study more particularly and fully described as follows:

1. To identify each pack, determine the size and territory occupied by the wolves, and identify critical areas such as rendezvous sites.

2. To study the wolf population structure.

3. To estimate the wolf population on the Chippewa National Forest.

WHEREAS, cooperation in the above research is authorized by law (16 U.S.C. 581, 581a-581d, 581i-1, 76 Stat. 579).

NOW, THEREFORE, the parties hereto agree as follows:

A. *THAT THE FOREST SERVICE SHALL:*

1. Consult with the Department in the preparation of mutually acceptable detailed plans for the study.

2. Make available equipment and services to facilitate conducting the study, as may be required by the Department and agreed to by the Forest Service.

3. Reimburse the Department for its direct costs for the items listed below, applicable to the work under this agreement, in addition to any other Forest Service contributions in the form of services and supplies, but not to exceed a total of $15,000. Payments will be made upon receipt of itemized statements of expenditures from the Department as provided for herein.

a. Salaries and wages.

b. Travel and subsistence necessary in conducting the research.

c. Expendable equipment and supplies.

d. Contractual services.

B. The Department agrees to:

1. Provide leadership and supervision essential to the satisfactory accomplishment of the study.

2. Render itemized statements of expenditures for the above project showing the amount of the direct cost to be reimbursed by the Forest Service, at quarterly intervals if desired by the Department but at least as of March 31 and June 30.

3. Employ and supervise personnel in the conduct of this study.

4. Arrange for interdepartmental assistance essential to the conduct of this study.

5. Consult with the Fish and Wildlife Service's Endangered Species Wildlife Research Biologist during the course of the study.

6. Conduct the studies herein described under the terms of this agreement and prepare a progress report at the end of each fiscal year and a final report or reports of the results at the termination of the study, June 30, 1977.

C. IT IS FURTHER AGREED BY BOTH PARTIES:

1. That neither party will publish any results without consulting the other. This is not to be construed as applying to popular publications of previously published technical matter. Publications may be joint or independent as may be agreed upon, always giving due credit to the cooperation and recognizing within proper limits the rights of individuals doing the work. In the case of failure to agree as to manner of publication or interpretation of results, either party may publish data after due notice and submission of the proposed manuscripts to the other. In such instances, the party publishing the data will give due credit to the cooperation but assume full responsibility for any statements on which there is a difference of opinion.

2. That results of this study may be used for theses in partial fulfillment of requirements for advanced degrees.

3. That equipment, materials, and property of any kind purchased wholly from funds provided by the Forest Service under the terms of this agreement and not consumed in the project shall be the property of the Forest Service and disposed of as directed thereby.

4. That this agreement may be terminated by either party by giving 60 days' notice to the other in writing.

5. That in the performance of the terms of this agreement or amendment thereof, no convict labor shall be used and the Department will comply with the provisions of the Contract Work Hours Standard Act of 1962 (40 U.S.C. 327-332) as to the employment of laborers and mechanics.

6. That the United States shall not be liable to the Department for any damage incident to the performance of work under this Agreement or amendment thereof.

7. That no Member of, or Delegate to, Congress or Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

8. That in the performance of the terms of this Agreement the Department agrees to comply with Title VI of the Civil Rights Act of 1964 (PL 88 352) and all requirements imposed by or pursuant to the Regulations of the U.S. Department of Agriculture (7 CFR Part 15) issued pursuant to that Act; as represented in the assurance of compliance executed, attached, and made a part of this Agreement.

FOREST WILDLIFE POPULATION AND RESEARCH GROUP; JOB DESCRIPTION

TITLE: Ecology of Forest Predators in Northern Minnesota

JOB NO: Forest Wildlife Job No. 36 (Formerly Furbearer and Predator Job No. 16)

JUSTIFICATION:

The coyote is an important furbearer in Minnesota. Trappers annually take between 1,000 and 2,000 coyotes, representing between $20,000 and $40,000 in pelt values. An additional 1,000 coyotes are taken annually under the Directed Predator Control Program, representing payments averaging $35,000 per year. Despite the presence of this $80,000 wildlife resource, little information exists regarding the age ratios and productivity of Minnesota Coyotes. In addition to its economic value, the coyote has undetermined aesthetic values, and plays an important role as a scavenger and predator in the northern forested ecosystem.

Preliminary food habits data obtained earlier in this study (Chesness 1973-1975) indicate that coyotes feed mainly on small mammals during all seasons except winter, when the primary food is white-tailed deer. Although studies elsewhere (Ogle 1971, Ozoga and Harger 1966) have examined deer-coyote interactions in the northern forest ecosystem, the impact of coyote predation on deer in northern Minnesota is essentially unknown.

Interspecific strife between coyotes and timber wolves was suggested earlier in this study (Chesness 1974). Although this phenomenon has been observed elsewhere, the timber wolves' classification as an Endangered Species, and their apparent range expansion, adds further importance to information obtained regarding large predators in northern Minnesota.

PROCEDURES:

1. Coyote, fox, bobcat, and timber wolf (when possible) carcasses will be collected from various sources by project and Section of Wildlife field personnel. Information obtained from carcass examinations consist of physical condition, sex, age, weight, productivity, and physiological information as needs warrant.

2. Scats collected throughout the year at regular and irregular intervals will supplement stomach food habits information.

3. Coyotes, wolves, foxes, and bobcats will be live-trapped, tagged, and radio collared in northwestern Aitkin County. These animals will be located using aerial and ground telemetric techniques at frequent intervals to determine home range, daily and seasonal movements, extent of predation, hunting behavior, and inter- and intraspecific social behavior.

4. Appropriate measurements including body weights and standard measurements, and samples consisting of blood, feces, and a tooth for aging purposes will be obtained from all animals.

5. Predators will be tracked in snow when conditions permit to determine hunting and feeding behavior, and to supplement stomach and scat food habits data.

6. Information obtained from aerial observations, trap locations, and scent post activity (Roughton 1974) will be evaluated to establish indicators of predator population densities and trends in northern Minnesota.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before October 14, 1975 will be considered.

Dated: September 8, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-24354 Filed 9-11-75;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant:

Ms. Myrna E. Watanabe, 141 Columbia Heights, Brooklyn, New York 11201,

and

Department of Biology, New York University, 952 Brown Building, New York, N.Y. 10003.

GSS NO. 43-S1210

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Capture for purposes of tagging, alligators, for scientific research.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
Myrna E. Watanabe
141 Columbia Heights
Brooklyn, New York 11201
212-624-4853

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☒ MS.
HEIGHT: 5'2" WEIGHT: 105 lbs.
DATE OF BIRTH: 12/19/48 COLOR HAIR: Brown COLOR EYES: Green
PHONE NUMBER WHERE EMPLOYED: 212-598-3096 SOCIAL SECURITY NUMBER: 122-40-7697
OCCUPATION: Graduate student/ College instructor
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
New York University
Dept. of Biology
New York, New York 10003

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Okefenokee National Wildlife Refuge, Georgia.
Unspecified areas states of Georgia, South Carolina, North Carolina, Florida.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit number)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☒ NO
(If yes, list jurisdictions and type of documents)
Applications for scientific permit being processed: Georgia, South Carolina.*

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $ 0

10. DESIRED EFFECTIVE DATE: 8/1/75

11. DURATION NEEDED: 2 years

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): Myrna E. Watanabe
DATE: June 4, 1975

3-200
(6/74)

MYRNA E. WATANABE
Department of Biology
New York University
952 Brown Bldg.
New York, New York 10003
Re: Permit to capture alligators for tagging.
Sec. 17.22

1) Species to be covered by permit: American alligator, *Alligator mississippiensis*. I intend to capture for purposes of tagging an unknown quantity of males and females of all ages. The animals will be released immediately after tagging.

2) The organisms to be covered by this permit are in the wild.

3) Animals will be trapped either in handheld nooses, or in Murphy-Fendley alligator traps (whichever method is preferred by wildlife biologists in area in which work will take place). Neither method should result in any physical harm to the animals. They will be tagged with plastic strips around the neck or around the tail, and will small washers in either the toe webbing or in the axillary region. Both methods have been used extensively by wildlife biologists, and should not damage the animals tagged.

4) N.A.

5) N.A.—organisms will remain in the wild.

6) i) N.A.

ii) N.A.

iii) N.A.

iv) N.A.

v) To date, no alligators captured for tagging by this applicant have died as a result of the tagging procedure.

7) Attachments: Grant proposal, letter from Okefenokee Wildlife Refuge, copies of permits from Georgia, North Carolina and South Carolina. The project is slated to begin on approximately August 1, 1975 and continue until July 31, 1977.

8) i, ii, and iii are covered in the grant proposal.

iv) All animals will remain in the wild throughout the duration of the study. As stated previously, no alligators captured for tagging by this applicant have died as a result of the tagging procedure, however, any animal who may die as a result of capture, will be preserved and shipped to the Biology Department of New York University, for physiological and anatomical studies.

ABSTRACT

I propose to study the reproductive and social behavior of the American alligator, *Alligator mississippiensis*, in its natural habitat. This will include quantification and analysis of behavorial patterns seen in courtship, copulation, nesting, hatching, mother-offspring interactions, and social encounters.

Previous studies on alligator behavior have been carried out only on captive individuals. As captive organisms are under stresses different from those in relatively undisturbed populations, and as these undisturbed areas are rapidly being eroded by incursions by man, a study of natural behavior in undisturbed environments would be valid at this time. It is an opportunity we may never have again.

I intend to capture and mark (with individually identifiable markers visible at a distance) as many individuals as possible, and to record the reproductive and social behavior of these animals on viedotape.

The advantages of videotape over other forms of recording are:

1) Human observers need not be present at the time the behavior occurs, thus removing a potential source of disturbance to the animals;

2) Videotape can be played back instantly, so the observer knows exactly what has occurred and what to look for, without time being wasted for developing of film;

3) Low-light sensitive videotape cameras exist, needing no special tape, for recording in near-total darkness, when much of adult alligator behavior is expected to occur.

These tapes will be analyzed and different components of each behavioral sequence isolated.

These studies will be carried out in the less accessible areas of Okefenokee National Wildlife Refuge in Georgia. Additional areas will be investigated during the progress of the study.

Using data obtained in this study, I could carry out future studies in which, for example, males showing behavior likely to end in copulation are paired with receptive females, who have been courted only by non-copulating males.

FACILITIES

I intend to carry out the bulk of the study on mating and nesting on the Okefenokee National Wildlife Refuge in Georgia. According to the Assistant Superintendent of the Okefenokee Refuge, the current alligator population of the area is approximately 12,000 individuals (1974 estimate: about 6,000, Sutton and Sutton, 1974). Nests are plentiful, and it is believed that nests located in less accessible regions of the marsh areas survive to hatching. Studying these nests will give information on nesting and maternal behavior, and also help the refuge staff compile data on nesting success in these regions.

Negotiations are under way for permission for use of this area for study. I currently expect that permission will be granted.

I am also considering the use of Blackbeard Island National Wildlife Refuge for the study, but at this time do not know if I will be permitted to use the area.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE),

U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before October 14, 1975 will be considered.

Dated: September 8, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement U.S. Fish and Wildlife Service.

[FR Doc.75-24355 Filed 9-11-75;8:45 am]

MARINE MAMMALS

Issuance of Permit

On June 27, 1975, a notice was published in the FEDERAL REGISTER (40 FR 27280-81) that an application had been filed with the Fish and Wildlife Service by Sea World, Inc., San Diego, California, for a permit to capture five California Sea Otters for scientific studies and public display.

Notice is hereby given that on September 4, 1975, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to Sea World, San Diego, California, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Dated: September 8, 1975.

NOTE: Copy of permit filed with original document.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-24356 Filed 9-11-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CASCADE HEAD SCENIC-RESEARCH AREA ADVISORY COUNCIL

Meeting

The Cascade Head Scenic-Research Area Advisory Council will meet at 9:00 a.m. on Saturday, October 11, 1975 at Salishan Lodge in Gleneden Beach, Oregon.

The purposes of this meeting are to review the subarea boundaries, to discuss the inventory and suitability analysis report, and to review management objectives for each subarea within the Scenic-Research Area. Draft alternatives are being prepared by the Planning Team for the Area and the Advisory Council will review these and recommend any modifications or additions to them.

The meeting will be open to the public. Persons who wish additional information concerning the meeting should contact Linda Penney, Hebo Ranger Station, Hebo, Oregon, phone 392-3161, ext. 33, or Edlu Allert, Siuslaw National Forest, at 545 SW Second Street, Corvallis, Oregon, phone 752-4211, ext. 510.

The Public may participate in the meeting by either submitting written comments to the Chairman or speak to the Council when recognized by the Chairman.

F. DALE ROBERTSON,
Forest Supervisor, Pacific Northwest Region.

SEPTEMBER 5, 1975.

[FR Doc.75-24291 Filed 9-11-75;8:45 am]

Packers and Stockyards Administration

[P. & S. Docket No. 5164]

EUGENE T. KAMPA AND RICHARD M. THORSON

Order Extending Period of Suspension of Modifications of Rates and Charges

On August 13, 1975, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended, (17 U.S.C. 181 *et seq.*):

Eugene T. Kampa and Richard M. Thorson, d/b/a Granite City Livestock Sales, Saint Cloud, Minnesota.

Such order, among other things, suspended and deferred the operation and use by the respondents of modifications of its current schedule of rates and charges to become effective August 11, 1975, for a period of thirty days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding could not be concluded within such period of suspension, an order has been issued in the above proceeding suspending and deferring the operation and use of such modifications of the current schedule of rates and charges for a further period of thirty days beyond the date when such modifications would have otherwise become effective.

Done at Washington, D.C. September 9, 1975.

GLENN G. BIERMAN,
Acting Administrator, Packers and Stockyards Administration.

[FR Doc.75-24343 Filed 9-11-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ATLANTIC TUNA FISHERIES

Bluefin Tuna Season Closure

On September 10, 1975, the Director, National Marine Fisheries Service, determined that the 1975 annual quota of 2,250 individual Atlantic bluefin tuna weighing in excess of 300 pounds each and taken by other than purse seining as established in 50 CFR 285.12(b)(1) will be reached on September 14, 1975. The quota includes individual tuna taken in a directed fishery, and those taken incidentally as prescribed in 50 CFR 285.13(d).

As authorized by 50 CFR 285.11, notice is hereby given that the 1975 season for Atlantic bluefin tuna taken by other than purse seining, which weigh in excess of 300 pounds each, will terminate at 0001 hours, local time, in the regulatory area, September 15, 1975. This closure does not effect the incidental take as authorized by § 285.13(c).

The 1975 season for taking Atlantic bluefin tuna between 14 pounds and 115 pounds by purse seining was closed on August 13, 1975. The closure was effected by publication in the FEDERAL REGISTER, Volume 40, Number 157, dated August 13, 1975.

Issued at Washington, D.C. and dated September 10, 1975.

ROBERT W. SCHONING,
Director.

[FR Doc.75-24413 Filed 9-11-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

DRUG DEVELOPMENT COMMITTEE AND THE DEVELOPMENTAL THERAPEUTICS COMMITTEE

Meeting

Notice is hereby given of the meeting of the Drug Development Committee and the Developmental Therapeutics Committee, Division of Cancer Treatment, National Cancer Institute, September 30, 1975, Building 31, Conference Room 10.

This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on September 30, 1975 to discuss the role of committee members in the DCT contract review process. Attendance by the public will be limited to space available.

For additional information, please contact: Stephen Ficca, Building 31, Room 3A48, Division of Cancer Treatment, National Cancer Institute, Bethesda, Maryland 20014, (301) 496-5964.

Dated: September 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-24406 Filed 9-11-75;8:45 am]

COMBINED MODALITY COMMITTEE AND CLINICAL TRIALS COMMITTEE

Meeting

Notice is hereby given of the meeting of the Combined Modality Committee and Clinical Trials Committee, Division of Cancer Treatment, National Cancer Institute, October 3, 1975, Building 31, Conference Room 6.

This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on October 3, 1975 to discuss the role of committee members in the DCT contract review process. Attendance by the public will be limited to space available.

For additional information, please contact: Stephen Ficca, Building 31, Room 3A48, Division of Cancer Treatment, Na-

tional Cancer Institute, Bethesda, Maryland 20014, (301) 496-5964.

Dated: September 10, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24407 Filed 9-11-75;8:45 am]

ADVISORY COMMITTEES

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

Name of committee: Virus Cancer Program Scientific Review Committee A.
Dates: October 6, 1975, 9:00 a.m.
Place: Building 37, Conference Room 1B04, National Institutes of Health.
Times: Open—October 6, 9:00 a.m.-10:00 a.m. Closed—October 6, 10:00 a.m.-adjournment.
Closure reason: To Review Research Contract Proposals.
Executive secretary: Dr. Elke Jordan. Address: Building 37, Room 1A01, National Institutes of Health. Phone 301/496-6927.
Catalog of Federal domestic assistance number, 13.825.

Name of committee: Virus Cancer Program Scientific Review Committee B.
Dates: October 7, 1975, 9:00 a.m.
Place: Building 37, Conference Room 1B04, National Institutes of Health.
Times: Open—October 7, 9:00 a.m.-9:30 a.m. Closed—October 7, 9:30 a.m.-adjournment.
Closure reason: To Review Research Contract Proposals.
Executive secretary: Dr. Elke Jordan. Address: Building 37, Room 1A01, National Institutes of Health. Phone: 301/496-6927.
Catalog of Federal domestic assistance number, 13.825.

Name of committee: Virus Cancer Program Advisory Committee.
Dates: October 30-31, 1975, 10:00 a.m.
Place: Building 31A, Conference Room 4, National Institutes of Health.
Times: Open for the Entire Meeting.
Agenda/open portion: Discussion of overall direction of the Virus Cancer Program.
Executive secretary: Dr. Elke Jordan. Address: Building 37, Room 1A01, National Institutes of Health. Phone: 301/496-6927.

Dated: September 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24272 Filed 9-11-75;8:45 am]

BIOMEDICAL LIBRARY REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on October 14-15, 1975, from 8:30 a.m. to 5:00 p.m. on October 14, and from 8:30 a.m. to adjournment on October 15, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public from 8:30 to 11:00 a.m. on October 14 for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available. In accordance with provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on October 14 from 11:00 a.m. to 5:00 p.m. and from 8:30 a.m. to adjournment on October 15, for the review, discussion, and evaluation of individual initial pending grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications which contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301-496-4191, will furnish summaries of the meeting, rosters of committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.351, 13.352, 13.353—National Institutes of Health.)

Dated: September 2, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24281 Filed 9-11-75;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL CANCER INSTITUTE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Cancer Institute, October 16 and 17, 1975, Building 37, Conference Room 4E08, National Institutes of Health. This meeting will be open to the public on October 16, 1975, from 9:00 a.m. to 5:00 p.m. to discuss the scientific research program of the Laboratory of Biochemistry, Division of Cancer Biology and Diagnosis. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of P. L. 92-463, the meeting will be closed to the public on October 17, 1975, from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Alan S. Rabson, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31, Room 3A03, National Institutes of Health, Bethesda, Maryland 20014 (301/496-4345) will furnish summaries of meetings, rosters of committee members, and substantive program information.

Dated: September 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24269 Filed 9-11-75;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL INSTITUTE OF NEUROLOGICAL AND COMMUNICATIVE DISORDERS AND STROKE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, October 30 and 31, 1975, in Conference Room 1B-07, Bldg. 36, at the National Institutes of Health, Bethesda, Maryland. This meeting will be open to the public from 10:30 a.m. to 5:00 p.m. on October 30 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)6, Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public until the conclusion of the meeting on October 31 for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg.

31, Room 8A03, NIH, NINCDS, Bethesda, Maryland, will furnish summaries of the meeting and rosters of committee members.

The Executive Secretary from whom substantive program information may be obtained is: Dr. Thomas N. Chase, Director of Intramural Research Programs, NINCDS, Bldg. 36, Room 5A05, NIH, Bethesda, Maryland.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Dated: September 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24284 Filed 9-11-75;8:45 am]

CANCER CONTROL AND REHABILITATION ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, October 28, 1975, National Institutes of Health, Building 31, Conference Room 4.

This meeting will be open to the public on October 28, 1975, from 9:00 a.m. to 1:00 p.m., to discuss current and projected programs of the Division of Cancer Control and Rehabilitation. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Section 552(b)(5) of Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting will be closed to the public on October 28, 1975, from 1:00 p.m. until adjournment for the review and discussion of the projected 1977 budget.

Mrs. Marjorie F. Early, Committee Management Officer, NCI Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Veronica L. Conley, Executive Secretary, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Maryland 20014 (301/427-7943) will furnish substantive program information.

Dated: September 2, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24273 Filed 9-11-75;8:45 am]

COMMITTEES OF THE BREAST CANCER TASK FORCE

Meeting

Notice is hereby given of the meeting of the combined Committees of the Breast Cancer Task Force, National Cancer Institute, November 5, 1975, Building 31, C Wing, Conference Room 6.

This meeting will be open to the public from 8:30 a.m. to 5:00 p.m. on November 5, 1975 for the presentation of contract projects by ten principal investigators. Attendance by the public will be limited to space available.

For additional information, please contact: D. Jane Taylor, Ph.D., Landow Building, Room A-422, Division of Cancer Biology and Diagnosis, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 496-6718.

Dated: September 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24271 Filed 9-11-75;8:45 am]

DIVISION OF CANCER CAUSE AND PREVENTION

Meeting

Notice is hereby given that the Carcinogenesis Program of the Division of Cancer Cause and Prevention, NCI will hold a conference entitled, "Early Lesions and the Development of Epithelial Cancer", October 21, 22, and 23, 1975, from 8:30 a.m. to 5:00 p.m. each day, in Wilson Hall, Building 1, National Institutes of Health, Bethesda, Maryland 20014.

The main purpose of the conference is review of what is known about the nature and biological significance of preneoplastic lesions in several epithelial systems that have been intensively studied. This is not an advisory committee meeting. The conference will be open to the public but attendance will be limited to available space.

For additional information contact Dr. Michael Sporn, National Cancer Institute, Building 37, Room 3C09, NIH, Bethesda, Maryland 20014, (301) 496-5391.

Dated: September 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24270 Filed 9-11-75;8:45 am]

DIVISION OF CANCER CONTROL AND REHABILITATION

Meeting

Notice is hereby given of a workshop and state of the art conference on school health education programs as they relate to cancer control, Division of Cancer Control and Rehabilitation, National Cancer Institute, National Institutes of Health, to be held on October 12-13-14-15, 1975, at the Hilton Hotel, 1550 Court Place, Denver, Colorado 80202. Official participation is by invitation to school and higher education health education personnel and related health professionals and officials.

The meeting will be open to the public on October 12, 1975 from 5 p.m. to 9 p.m., and on October 13-14-15, 1975 from 9 a.m. to 5 p.m. The purposes of the meeting are to review, examine and exchange information on school health education programs throughout the nation with emphasis on such programs as they relate to cancer control; and to solicit suggestions for the development of school health education programs that will enhance cancer control programs as they relate to the prevention, screening and early diagnosis of cancer.

Attendance by the public will be limited to space available. For additional information please contact: Dr. Carl A. Larson, Blair Building, Room 7A01, Division of Cancer Control and Rehabilitation, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 427-8095.

Dated: September 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24274 Filed 9-11-75;8:45 am]

HEART AND LUNG RESEARCH REVIEW COMMITTEE A

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart and Lung Research Review Committee A, National Heart and Lung Institute, October 3-4, 1975, National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public on October 3, 1975, from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear a report concerning the current status of the National Heart and Lung Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92-463, the meeting of the Heart and Lung Research Review Committee A will be closed to the public on October 3, 1975, from 9:30 AM until the adjournment on October 4, 1975, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLI, NIH, Building 31, Room 5A21, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur W. Merrick, Executive Secretary, NHLI, NIH, Westwood Building, Room 552, phone (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, and 13.839 National Institutes of Health.)

Dated: September 2, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24280 Filed 9-11-75;8:45 am]

MAMMALIAN CELL LINES COMMITTEE
Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Mammalian Cell Lines Committee, National Institute of General Medical Sciences on October 23–24, 1975, 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public on October 23 from 9 a.m. to 3 p.m. and October 24 from 9 a.m. to 5 p.m. for opening remarks and general discussion on the storage and distribution of biochemical mutant and chromosome variant cell lines. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on October 23 from 3 p.m. to 5 p.m. for the review of a contract proposal containing information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposal.

Mr. Paul Deming, Staff Assistant to the Director, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: 301, 496–5676, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. William J. Gartland, Executive Secretary, Westwood Building, Room 922, Bethesda, Maryland 20014, Telephone: 301, 496–7714.

(Catalog of Federal Domestic Assistance Program 13–862, General Medical Sciences-Genetics Program)

Dated: September 5, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24283 Filed 9-11-75;8:45 am]

NATIONAL CANCER ADVISORY BOARD
Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, October 6–8, 1975, National Institutes of Health, Building 31, Conference Room 6.

The entire meeting will be open to the public from 9:00 a.m. to 6:00 p.m. on October 6, from 9:00 a.m. to 5:00 p.m. on October 7, and from 9:00 a.m. to adjournment on October 8, to discuss accomplishments in the cancer treatment program, priorities of environmental carcinogenic hazards, and the cancer control community activities programs. Attendance by the public will be limited to space available.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5854) will provide summaries of the meeting, substantive program information, and rosters of Board members.

Dated: September 2, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24275 Filed 9-11-75;8:45 am]

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS
Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Centers, National Cancer Institute, on October 5, 1975, National Institutes of Health, from 7:30 p.m. to adjournment, in Building 31, Conference Room 7, Bethesda, Maryland. This meeting will be open to the public from 7:30 p.m. to 9:00 p.m. on October 5, 1975, to review and evaluate the cancer centers program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting of the Subcommittee will be closed to the public on October 5 from 9:00 p.m. to adjournment, for the review, discussion and evaluation of individual initial pending, supplemental, and renewal center grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meeting and roster of committee members.

Dr. Simeon Cantril, Executive Secretary, Westwood Building, Room 832, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7427) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.312)

Dated: September 2, 1975.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.75-24276 Filed 9-11-75;8:45 am]

NATIONAL COMMISSION ON DIABETES
Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Commission on Diabetes, October 6 and 7, 1975 (times below), at the National Institutes of Health, Building 31, Conference Room 10, C Wing, Bethesda, Maryland.

The entire meeting, which will be open to the public from 9:00 a.m. to 5:00 p.m. on October 6 and 7 at the above address, will be a business and planning meeting, including committee reports.

Mr. Victor Wartofsky, Chief, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.846 National Institutes of Health)

Dated: September 8, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24282 Filed 9-11-75;8:45 am]

NATIONAL HEART AND LUNG INSTITUTE BOARD OF SCIENTIFIC COUNSELORS
Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Heart and Lung Institute Board of Scientific Counselors, November 14 and 15, 1975, National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on November 14 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 10:00 a.m. November 14 to adjournment November 15 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Board members. Substantive program information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLI, NIH Building 10, Room 7N214, phone (301) 496–2116.

Dated: September 2, 1975.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc.75-24278 Filed 9-11-75;8:45 am]

PRIVATE RESEARCH CENTERS ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee, Division of Research Resources, October 2, 1975, (evening session commencing at 8:00 p.m. at Ramada Inn (Caucus Room), 8400 Wisconsin Avenue, Bethesda, Maryland, 20014) and October 3, 1975, National Institutes of Health, Building 31, A Wing, Conference Room 4, Bethesda, Maryland 20014. This meeting will be open to the public from 9:00 a.m. to 10:00 a.m., October 3, 1975, for a presentation on activities of the Primate Steering Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public during the evening session on October 2, 1975, and on October 3, 1975, from 10:00 a.m. until adjournment for the review, discussion and evaluation of initial pending and renewal grant applications. The closed portion of the meeting involves solely the internal expression of views and judgments of committee members on individual grant applications containing detailed research protocols, designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Chief, Office of Science and Health Reports, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 301/496-5545, will provide summaries of the meeting and rosters of Committee members. Dr. Leo Whitehair, Executive Secretary, Primate Research Centers Advisory Committee, Building 31, Room 5B30, Bethesda, Maryland 20014, 301/496-5451, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health)

Dated: September 2, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24268 Filed 9-11-75;8:45 am]

PULMONARY DISEASES ADVISORY COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Pulmonary Diseases Advisory Committee, National Heart and Lung Institute, October 25 and 26, 1975, in the Palm Room in the Sierra Tower, Disneyland Hotel, Anaheim, California.

The entire meeting will be open to the public on October 25 from 8:30 a.m. until 5:00 p.m. and from 8:30 a.m. until noon on October 26, 1975. The meeting will be devoted primarily to reports by working groups that will have met in advance to consider the Division's program relative to seven research areas: Structure and Function of the Lung, Chronic Bronchitis and Emphysema, Pediatric Pulmonary Diseases, Pulmonary Vascular Diseases, Fibrotic and Immunologic Diseases, Respiratory Failure and Prevention, Control and Education. Recommendations of the working groups will be discussed by the Committee as a whole, and plans will be made for Committee activities during the fiscal year. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Malvina Schweizer, Executive Secretary of the Committee, Westwood Building, Room 6A18, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-7208, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health)

Dated: September 2, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24279 Filed 9-11-75;8:45 am]

VISION RESEARCH PROGRAM PLANNING SUBCOMMITTEE

Meeting

Pursuant to Public Law 92-463 notice is hereby given of the meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council, National Eye Institute, on October 1 and 2, 1975, National Institutes of Health, Building 31, Conference Room #4, Bethesda, Maryland.

The entire meeting will be open, from 7:00 p.m. until 10:00 p.m. on October 1, 1975, and from 9:00 a.m. to adjournment on October 2, 1975. The meeting will be devoted to (a) preliminary discussion of alternative approaches to the analysis of the Institute's present portfolio of sponsored activities, and (b) the development of further plans for assessing present and potential Institute programs during the next 18 months. Attendance by the public will be limited to space available.

Substantive information may be obtained from Mr. Julian Morris, Head, Office of Scientific Reports and Program Planning Coordination, National Eye Institute, National Institutes of Health, Bethesda, Maryland 20014, Building 31, room 6A-27, telephone (301) 496-5248.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

Dated: September 2, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.75-24277 Filed 9-11-75;8:45 am]

Office of Education

ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the Advisory Council on Developing Institutions wil be held November 6 and 7, 1975, from 9:00 a.m. to 4:00 p.m. in Room 3652, Regional Office Building 3, 7th and D Streets SW., Washington, D.C.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (P.L. 92-463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public. The meeting will be devoted to a progress and status report on the Program. Also, newly appointed Council members will be sworn in.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of the College and University Unit, BPE, located in Room 4682, ROB, 7th & D Streets, SW.

Signed at Washington, D.C., on September 9, 1975.

PRESTON VALIEN,
Director,
College and University Unit.

[FR Doc.75-24243 Filed 9-11-75;8:45 am]

FULBRIGHT-HAYS TRAINING GRANTS

Receipt of Applications; Notice of Closing Date

Notice is hereby given that pursuant to the authority contained in section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(6)), applications are being accepted from eligible institutions for Fulbright-Hays training grants.

Eligible applicants for Fulbright-Hays training grants are as follows:

A. For the Doctoral Dissertation Research Abroad program, accredited institutions of higher education which offer doctoral programs in the fields of foreign languages and area studies.

B. For the Faculty Research Abroad program, accredited institutions of higher education.

C. For the Group Projects Abroad program, accredited institutions of higher education, State departments of education, private non-profit educational organizations, and consortiums of such entities.

D. For the Foreign Curriculum Consultants program, accredited institutions of higher education, State departments of education, local public school systems, private non-profit educational organizations, and consortiums of such entities.

Applications must be received by the U.S. Office of Education Application Control Center on or before November 7, 1975.

A. *Applications sent by mail.*

An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention (as applicable): 13.438 Faculty Research Abroad; 13.439 Foreign Curriculum Consultants; 13.440 Group Projects Abroad; or 13.441 Doctoral Dissertation Research Abroad. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail no later than November 3, 1975 as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.*

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.*

Information and application forms may be obtained from the International Studies Branch, Division of International Education, Bureau of Postsecondary Education, Office of Education, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202.

D. *Applicable regulations.*

Awards made pursuant to this notice will be subject to (1) the Office of Education General Provisions Regulations (45 CFR Part 100a) and (2), upon their becoming effective, the regulations for Modern Foreign Language Training and Area Studies published as a Notice of Proposed Rulemaking on July 28, 1975 at 40 F.R. 31617.

(22 U.S.C. 2452(b)(6))

(Catalog of Federal Domestic Assistance Programs: 13.438 Fulbright-Hays Training Grants—Faculty Research Abroad; 13.439 Fulbright-Hays Training Grants—Foreign Curriculum Consultants; 13.440 Fulbright-Hays Training Grants—Group Projects Abroad; 13.441 Fulbright-Hays Training Grants—Doctoral Dissertation Research Abroad.)

Dated: September 6, 1975.

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

[FR Doc.75-24267 Filed 9-11-75;8:45 am]

PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Meeting

The President's Committee on Mental Retardation was established to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between Federal activities and related activities of State and local governments, foundations and private organizations; and develop information designed for dissemination to the general public. The Committee will meet on Saturday, October 18, 1975, 9:00 a.m. to 5:00 p.m. at the Hotel Utah, Main at South Temple, Salt Lake City, Utah 84110. This meeting will be the quarterly meeting of the Committee. They will discuss full citizenship, minimum occurrence, humane services, and public awareness as they relate to mentally retarded people. These meetings are open to the public.

Dated: August 29, 1975.

FRED J. KRAUSE,
Executive Director, President's Committee on Mental Retardation.

[FR Doc.75-24337 Filed 9-11-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-429]

PERRY PARK, COLO.

Notice of Hearing

In the matter of Perry Park 1-7, 9, 11, Perry Park East 1-2, Meribel Village 1-2, Sage Port 1-2, and Indian Head 1, OILSR No. 0-0484-05-27(B), 0-0-484-05-27(A), 0-4484-05-27, Doc. No. 75-134-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Perry Park 1-7, 9, 11, Perry Park East 1-2, Meribel Village 1-2, Sage Port 1-2, and Indian Head 1, Jack D. Lander, Executive Vice President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a Notice of Proceedings and Opportunity for Hearing issued July 18, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Perry Park, located in Douglas County, Colorado, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 11, 1975 in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on October 10, 1975, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before October 2, 1975.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 3, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-24315 Filed 9-11-75;8:45 am]

[Docket No. N-75-428]

THUNDER BAY VILLAGE, MICH.

Notice of Hearing

In the matter of Thunder Bay Village, OILSR No. 0-2583-26-46 Doc. No. 75-125-IS.

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(d) Notice is hereby given that:

1. Thunder Bay Village, Harry Bloch, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing issued

July 18, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Thunder Bay Village, located in Alpena County, Michigan, contain untrue statement of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received August 5, 1975, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160 (d), IT IS HEREBY ORDERED that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, S.W., Washington, D.C., on October 7, 1975, at 10:00 A.M.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before September 30, 1975.

6. The Respondent is HEREBY NOTIFIED that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 3, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-24316 Filed 9-11-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26876]

OVERSEAS NATIONAL AIRWAYS, INC., ET AL. ENFORCEMENT PROCEEDING

Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding, which was assigned to be held on October 1, 1975 (40 FR 31830, July 29, 1975), is indefinitely postponed.

Dated at Washington, D.C., September 5, 1975.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.75-24330 Filed 9-11-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

INDIANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana State Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. and end at 3:00 p.m., on October 4, 1975, at the Holiday Inn, 400 W. Washington, Indianapolis, Indiana 46204.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss plans for the Lake County Study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 9, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-24301 Filed 9-11-75;8:45 am]

MARYLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland State Advisory Committee (SAC) to this Commission will convene at 8:00 p.m. and end at 10:00 p.m. on September 29–30, 1975, at Johns Hopkins University, Levering Hall, Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Commission Chairperson, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20037.

The purpose of this meeting is to prepare for hearing.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 9, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-24302 Filed 9-11-75;8:45 am]

MASSACHUSETTS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts State Advisory Committee (SAC) to this Commission will convene at 12 noon and end at 6:00 p.m., on October 2, 1975, at 27 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this meeting should contact the Committee Chairperson or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss Phase II of the school desegregation project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 9, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-24300 Filed 9-11-75;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 11:00 p.m., on October 9, 1975, at the Holiday Inn 1000–1126 Spring Street, Elizabeth, New Jersey 07201.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss new projects for the coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 9, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc. 75-24303 Filed 9-11-75;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 10:00 a.m. and end at 2:00 p.m., on October 21, 1975, at 6 Warren Avenue, Albany, New York 12202.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is for the Sex Discrimination Subcommittee to discuss programming for the next FY year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 8, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-24305 Filed 9-11-75;8:45 am]

OKLAHOMA STATE ADVISORY COMMITTEE

Cancellation of Meeting

Notice is hereby given, pursuant to the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Oklahoma State Advisory Committee (SAC) to this Commission originally scheduled for September 12–13, 1975 has been cancelled.

Dated at Washington, D.C., September 8, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-24304 Filed 9-11-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

SEPTEMBER 8, 1975.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 10:00 a.m. on Wednesday, October 1, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, NW., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-24346 Filed 9-11-75;8:45 am]

PRESIDENTIAL ADVISORY COMMITTEE REPORT

Public Availability

Pursuant to Section 10(d) of the Federal Advisory Committee Act (PL 92-463) and OMB Circular A-63 of March 27, 1974, the President's Commission on White House Fellowships has prepared an annual report on the activities of the White House Fellowships Program. The report is available for public examination at the U.S. Civil Service Commission, Office of Management Analysis and Audits, 1900 E St. N.W., Washington, D.C. 20415.

DONALD J. BIGLIN,
Advisory Committee Management Officer, U.S. Civil Service Commission.

[FR Doc.75-24345 Filed 9-11-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Notice of Proposed Addition

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodity to Procurement List 1975, November 12, 1974 (39 F.R. 39964).

CLASS 8470

Suspension Assembly, Liner, Ground Troop, Helmet, 8470-00-880-8814.

Comments and views regarding this proposed addition may be filed with the Committee not later than October 14, 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 March 12, 1975.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-24313 Filed 9-11-75;8:45 am]

PROCUREMENT LIST 1975

Additions to Procurement List

Notice of proposed additions to Procurement List 1975, November 12, 1974 (39 F.R. 39964) were published in the Federal Register on July 11, 1975 (40 F.R. 29332) and July 25, 1975 (40 F.R. 31255).

Pursuant to the above notices the following commodity and services are added to the Procurement List:

	Price
CLASS 7920	
Brush, scrub (IB) 7920-00-061-0038, each	$1.10.
INDUSTRIAL CLASS 7699	
Repair and maintenance of adding machines and calculators for all Federal agencies located at: 1515 Broadway, New York, N.Y. (SH); 32 Old Slip, New York, N.Y. (SH).	List of prices available from GSA, FSS, Region 2.
Repair and maintenance of electric and manual typewriters for all Federal agencies located at: 1515 Broadway, New York, N.Y. (SH); 32 Old Slip, New York, N.Y. (SH).	Do.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-24312 Filed 9-11-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Environmental impact statements received by the Council on Environmental Quality from September 1 through September 5, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (October 27, 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: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, 202-447-3965.

SOIL CONSERVATION SERVICE

Final

Rock Creek Watershed, Gilliam and Morrow Counties, Oregon, September 2: The statement refers to the Rock Creek watershed protection, land treatment, flood prevention, and irrigation water storage and distribution in Gilliam and Morrow Counties. Adverse impacts are increased turbidity, increased dust and noise pollution, removal of 290 acres of rangeland vegetation, and construction disruptions. Comments made by: AHP, DOC, COE, DOI, DOT, EPA, and State and local agencies. (ELR Order No. 51319.)

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

New River and Phoenix City Streams, Maricopa County, Ariz., September 2: The project is the second phase of a 5-phase plan designed to serve as a framework for flood control in the Phoenix area. Three flood control dams, to be located on Cave Creek, Skunk Creek, and New River, will be constructed. A 17 mile long diversion channel, containing both earth and concrete sections will be constructed immediately north of and parallel

to the Arizona Channel. Adverse impacts include the loss or alteration of 410 acres of riparian habitat, the alteration or destruction of 3 archeological sites, the urbanization of 310 acres of open space, and the relocation of 237 homes and 25 businesses. (Los Angeles District.) (ELR Order No. 51314.)

Little River Development Plan, Clark Hill Lake, Georgia and South Carolina, September 2: The Little River Development plan proposes the lease of 1,700 acres of the Clark Hill Project (public) lands from the Corps of Engineers for the development of a private home site and recreation complex. This complex would consist of nature trails, tent and trailer camping areas, rental cabins, a beach area, commercial stores, a marina and a motel, an 18-hole golf course, and second home development. Adverse impacts include severely reduced or eliminated wild turkey population used by the State of South Carolina wildlife department to restock other game lands, loss of forest resources, increase in human encroachment, and conversion of public lands to private homes. (ELR Order No. 51326.)

Pomona Lake, O. & M., Osage County, Kans., September 3: The statement concerns the continued operation and maintenance of Pamona Lake, consisting of water control operation and maintenance of recreation areas, and management of project land and water resources. The major adverse effect associated with the operation of the project is related to flood control operations. Shoreline erosion, loss of vegetation, disruption of recreation use, and damage to project roads and recreation areas result from these fluctuations. Sedimentation affects benthic life, fish populations, and recreational use of the lake. (ELR Order No. 51328.)

Duluth Stormwater Flood Control, Michigan, September 4: The proposed plan for stormwater flood protection includes both structural and nonstructural measures. The plan consists of structural measures to accommodate the 100-year flood on 14 of the 42 study area streams. Flood plain regulation and flood insurance will be used exclusively on the remaining 28 study area streams. Two of the three proposed impoundments are designed to hold water for only a few days, and the animal populations upstream would suffer periodic losses especially when high water levels occur during or soon after breeding season. Some adverse impacts associated with floodplain regulation and flood insurance, such as land sale, would be unavoidable. (ELR Order No. 51334.)

Roseau River Flood Control, Roseau and Kittson Counties, Minn., September 2: The project would include modification of the existing Roseau River channel, construction of channel cutoffs, and installation of related works along the river between the city of Roseau and the Canadian border in northwestern Minnesota. The project would result in a decrease in bank stability which could result in some localized sloughing or erosion of the channel slope. Habitat alterations will cause a decrease in wildlife. (St. Paul District.) (ELR Order No. 51316.)

Final

Santa Cruz Harbor Maintenance Dredging, Santa Cruz County, Calif., September 2: Proposed is the maintenance dredging of the entrance channel to Santa Cruz Harbor, with the disposal of dredge spoil on the beach east of the jetty. There will be increased turbidity and disruption of biota as a result of the actions. (San Francisco District.) Comments made by: USDA, DOT, EPA, HEW, DOI, State and local agencies, and one individual. (FLR Order No. 51312.)

Moss Landing Harbor, Calif., September 3: Proposed is the maintenance dredging of the entrance channel and harbor channel at Moss Landing. Dredged spoil will be deposited at the head of the Monterey Canyon at the 60 foot isobath at the end of Sandholdt Pier. Adverse impact will acrue to marine biota. (San Francisco District.) Comments made by: USDA, DOC, DOI, HEW, EPA, and State agencies. (ELR Order No. 51327.)

New Jersey Intracoastal Waterway, New Jersey, September 4: The project involves the maintenance of the Mauasquan, Barnegat, Absecoh, and Cold Spring inlets, and the New Jersey Intracoastal Waterway. Periodic dredging is necessary for waterways to be used by pleasure craft, commercial, and sport fishing vessels. Adverse impacts of the action will include the disruption of marine biota. (Philadelphia District.) Comments made by: USDA, DOC, EPA, HUD, DOI, AHP, and State agencies. (ELR Order No. 51338.)

Maintenance of Browns Creek, Long Island, N.Y., September 4: The statement concerns future maintenance dredging of the existing Federal navigation project in Browns Creek, Long Island, N.Y., to its authorized project dimensions. The work would be performed when necessary by contract dredge with spoiling on existing disposal areas. Adverse effects include: removal of benthic organisms; increased turbidity; and depending upon the method used, either suspended and dissolved materials reintroduced into the waterway, disturbed shellfish beds, or turbidity in the surf zone. (New York District.) Comments made by: AHP, EPA, DOI, HEW, USDA, DOC, USCG, one State agency, and Blue Point Oyster Co. (ELR Order No. 51333.)

Double Bayou, Maintenance Dredging, Chambers County, Tex., September 4: The statement refers to the maintenance dredging of Double Bayou in Chambers County, Texas. Maintenance will be accomplished by hydraulic pipeline dredge with dredged materials disposed of in open water and on land disposal areas. Adverse impacts include disturbance to swimming and bottow dwelling organisms, destruction of vegetation at disposal sites, degradation of water quality, and objectionable odors caused by proposed land disposal operations. (Galveston District.) Comments made by: HEW, EPA, HUD, DOC, DOI, DOT, AHP, and State and local agencies. (ELR Order No. 51335.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Final

Aliso Water Management Agency Project, Orange County, Calif., September 3: Proposed is the implementation of a local or regional wastewater treatment and disposal system to eliminate various systems and prevent future problems. The applicant is considering two alternatives: a regional system with central treatment and ocean disposal of most wastes and a regional disposal system with local treatment. Construction disruption and occasional objectionable odors will result. Comments made by: DOI, FEA, GSA, State and local agencies, and private interest groups and individuals. (ELR Order No. 51329.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202-386-6084.

Draft

Columbia Gas Transmission Corp., Curtailment, September 2: The action consists of FPC's analysis of two permanent curtailment plans for the Columbia Gas Transmission Corporation. Environmental impacts resulting from the action are the increased use of coal and oil to replace the curtailed gas, the associated cost increases, and increased pollution in the form of sulfur dioxide and particulates. Alternatives include unregulated curtailment and new sources of gas supplies. Reference is made to the fact that decontrol and rate structure are not included as alternatives to curtailment. (ELR Order No. 51308.)

Holt, Bankhead, and Lewis Smith Projects, Ala., September 2: The action involved is the FPC's consideration of Alabama Power Company's contention that the turbine aerator devices installed in the draft tubes of Bankhead Project No. 2165 and Holt Project No. 2203 satisfies its obligation under Article 43 of the Holt license and aids in the improvement of the water quality of the Black Warrior River at Tuscaloosa, Alabama. The proposed action would increase the dissolved oxygen released in the waters discharged through the Bankhead powerhouse to the Holt reservoir and the waters discharged through the Holt powerhouse into the Oliver pool, thus providing enough dissolved oxygen for industrial development and associated pollution. (ELR Order No. 51325.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Final

Government Square, Triangle Urban Renewal Projects, Kanawha County, W. Va., September 2: The 113-acre project, located in downtown Charleston, consists of construction of 400 new housing units, a 20-acre enclosed commercial complex, new government buildings, and preservation/rehabilitation of single-family housing units and existing government buildings. A number of families and businesses will be displaced. COMMENTS MADE BY: EPA, DOT, USCG, DOI, DOC, and State and local agencies. (ELR Order No. 51321.)

The following are Community Development Block Grant statements prepared and circulated directly by applicants pursuant to section 104(h) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local chief executive. (Copies are not available from HUD.)

SECTION 104(H)

Draft

Cleveland's Demolition Program, Ohio, September 3: The statement concerns an application for a Community Development Block Grant by the City of Cleveland for demolition of condemned structures. Because these structures are vacant, there will be no displacements of families. Noise pollution and construction disruption will result. (ELR Order No. 51332.)

Rodeo Lake Surface Drainage, Othello, Adams County, Wash., September 2: The proposed action is the drainage of a seepage lake (Rodeo Lake) for the purpose of eliminating flooding of septic tanks and surface water conditions on residential suburban area adjacent to Othello City. The project will result in loss of the seepage lake, loss of fish population and reduction of wildlife population. (ELR Order No. 51313.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF OUTDOOR RECREATION

Draft

Lewis and Clark National Historic Trail, September 2: The statement concerns the legislative inclusion of the Lewis and Clark National Historic Trail in the National Trails System. The proposed action on the 3,700 mile route would require easement on 172 acres, resulting in restricted timber harvesting practices, and the development of recreation facilities along 21 components to accommodate increased use. (ELR Order No. 51309.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Final

Desert Wilderness Area, Clark and Lincoln Counties, Nev., September 4: The statement proposes that approximately 1,322,900 acres of the Desert National Wildlife Range be designated wilderness within the National Wilderness Preservation System. It is also recommended that 76,000 acres of adjoining public domain lands be designated as wilderness when they become a part of the Desert National Wildlife Range. Designation of wilderness will limit visitor and resource and commercial growth. Comments made by: DOC, DOD, AEC, DOI, and state agencies. (ELR Order No. 51336.)

NATIONAL PARK SERVICE

Final

Proposed Master Plan, Hawaii Volcanoes National Park, Hawaii, September 4: The statement refers to the proposed master plan for the Hawaii Volcanoes National Park. The plan is intended to conserve and protect the unique resources of the Park for expanded public use and continued volcanic research by the U.S. Geological Survey. Direct impact of the plan will result primarily from the constuction of new roads and campgrounds (180 pages). Comments made by: AHP, USDA, COE, DOI, DOT, EPA, and State agencies. (ELR Order No. 51337.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

New Orleans Lakefront Airport, La., September 2: Proposed is the development of a Master Plan for the existing New Orleans Lakefront Airport. The Master Plan will determine the extent, type and nature of needed development based on forecast short, intermediate, and long range aeronautical needs. Installation of approach lights and an ILS Glide Slope Indicator for the present north-south runway is planned prior to implementation of Phase 1 of the Master Plan. Comments made by: COE, DOC, DOI, EPA, DOT, and State agencies. (ELR Order No. 51311.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Florida Street Extension, Mobile County, Ala., September 2: Proposed is the construction of an extension of Florida Street from Government Boulevard to Springhill Avenue in Mobile, Alabama. The project length ranges from 2.2 to 2.4 miles, depending upon the alternative selected. The most significant negative impact of the project is the potential dislocation of approximately 19 families, 13 businesses, and 2 non-profit organizations. Temporary construction disruption would result. (ELR Order No. 51320.)

SR 21 (Blanding Blvd.), Clay County, Fla., September 2: The statement concerns the upgrading of Blanding Boulevard (State Road 21) to a divided, four-lane facility from the Intersection with SR 215 to Robin Road. The improvement will provide for increased traffic generated by numerous residential communities now planned from "Jacksonville South" to Orange Park. Adverse impacts include the displacement of families and businesses and noise level impacts on Middleburg Elementary School. (ELR Order No. 51322.)

John C. Calhoun Expressway Extension, Richmond County, Ga., September 2: The proposed highway extension begins at the present terminus of the John C. Calhoun Expressway at 15th Street and extends to either Greene or Telfair Streets, a distance of approximately 0.8 mile. Between 25 and 50 persons and 14 and 16 businesses will be displaced. There will be a loss of hardwoods in the corridor, and commercialization will increase. (ELR Order No. 51310.)

Nebraska Highway 133 (90th St.), Omaha, Douglas County, Nebr., September 3: The project consists of the improvement of Nebraska Highway 133 (90th Street) from Burt Street to Maple, a distance of 3.2 miles, and a second segment from Maple to the junction of N-133 and N-38, a distance of 1.9 miles. The project will displace three residences, and will require the acquisition of 6 acres of land. (ELR Order No. 51331.)

U.S. 95 West Leg, Las Vegas, Clark County, Nev., September 2: The statement concerns the construction of the west leg of U.S. 95 expressway from Rancho Drive West to Rainbow Boulevard and North to the Tonopah Highway in the City of Las Vegas and unincorporated areas of Clark County. Total length of the project is 9.55 miles. It will initially be constructed as a 4-lane expressway with provision for 6 lanes. Approximately 25 families will be displaced. The project may also encourage urban growth in areas lacking suitable infrastructure. (ELR Order No. 51318.)

Final

East Belt Freeway, Little Rock, Pulaski County, Ark., September 2: The statement concerns the construction of a multi-lane interstate-type facility connecting I-40 and I-30, a distance of 10 miles, through eastern Little Rock and eastern North Little Rock. An undetermined number of businesses and families will be displaced and the project will also alter 600 to 800 acres of wetlands, residential, agricultural, commercial and industrial lands to highway use. Comments made by: AHP, USCG, COE, DOI, HEW, USDA, DOT, and State agencies. (ELR Order No. 51315.)

Rte 87, Guadalupe Parkway, San Jose, Santa Clara County, Calif., September 2: The proposed project is the improvement of a 4-lane freeway on Route 87 for a distance of 1.5 miles in the city of San Jose. The facility will require 59.3 acres and displace 237 people and 30 businesses. A crossing over the Guadalupe River will increase erosion and siltation. Loss of wildlife and substantial increases in air and noise pollution levels will occur. Comments made by: EPA, DOT, DOI, COE, State and local agencies, and concerned citizens. (ELR Order No. 51324.)

I-84, Hudson River Crossing, Orange and Dutchess Counties, N.Y., September 2: The project involves the expansion of an existing crossing of the Hudson River in Orange and Dutchess Counties. The total length of the project is 2.0 miles. Adverse impacts are increased air and noise pollution, loss of some river bottom, displacement of 1 family, and short-termed degradation of water quality. Comments made by: USDA, HEW, DOI, USCG, DOT, DOC, FPC, EPA, and AHP. (ELR Order No. 51323.)

Interstate 5, Divide-Anlauf Section, Douglas and Lane Counties, Oreg., September 2: The project is to upgrade a 7 mile section of Interstate 5; the interchanges at Anlaug and Divide will be reconstructed, and a new system of frontage roads will be constructed. Adverse impact will include the loss of some wildlife habitat as right-of-way, and the displacement of a number of families. Comments made by: USCG, DOI, EPA, USDA, and State agencies. (ELR Order No. 51317.)

I-664, Hampton Roads, several counties in Virginia, September 3: The statement considers alternate corridors for the construction of proposed I-665, a bridge tunnel water crossing at Hampton Roads. The project is proposed to connect the cities of Hampton and Newport News on the north of Hampton Roads Harbor with the Cities of Portsmouth, Norfolk and Nansemond on the southern side of Hampton Roads. The project, a limited access divided highway, will be 13.9 miles long, 6 lanes wide north and south of Hampton Roads, and 4 lanes wide across Hampton Roads. Encroachment upon 4(f) land displacement of families and businesses, and increased air, noise, and water pollution are adverse effects of the action. Comments made by: DOC, EPA, USDA, USCG, HUD, HEW, and State agencies. (ELR Order No. 51330.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-24266 Filed 9-11-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

[ERDA-PR Temporary Regulation No. 12]

INTERIM SOURCE EVALUATION AND SELECTION HANDBOOK

Temporary Regulation

AUGUST 28, 1975.

1. *Purpose:* A draft handbok on evaluation and selection of sources is to be used in selected situations so that the final handbook, when issued, will have the benefit of lessons learned from that use. The following instructions describes how this interim draft is to be used and how it relates to present coverage of evaluation boards in the ERDA-PR.

2. *Effective date:* This regulation becomes effective September 12, 1975.

3. *Expiration date:* This regulation will remain in effect until cancelled or until its provisions are incorporated into a permanent ERDA-PR. The Interim Handbook will be revised in October based on experience to that time, and reissued as a numbered publication. Appropriate changes in the ERDA-PR also will be published concurrently.

4. *Explanation of change:*

a. The procedures in the Interim ERDA Handbook on Source Evaluation and Selection (April 23, 1975), as amended, will be followed in making selections in competitively negotiated procurements expected to exceed $5,000,000. The policy on use is stated in paragraph 803 of the Handbook.

b. Use of procedures of ERDA-PR 9-56 for procurements over $5,000,000 is suspended as of this date.

5. *Authority:* Sec. 105 of the Energy Reorganization Act of 974 (P.L. 93-438).

[SEAL] JOSEPH L. SMITH,
Director of Procurement.

[FR Doc.75-24288 Filed 9-11-75;8:45 am]

LIGHT WATER BREEDER REACTOR PROGRAM

Draft Environmental Statement; Extension of Comment Period

The availability of the Draft Environmental Statement, "Light Water Breeder Reactor Program" [ERDA-1541] was announced in the FEDERAL REGISTER August 15, 1975. The period for receipt of comments by the Energy Research and Development Administration (ERDA) was through October 15, 1975. Since this announcement, interested persons have requested ERDA to extend the closing of the comment period to allow additional time for consideration of the document and the formulation of written comments. In an effort to be responsive to these requests, the comment period is hereby extended to November 14, 1975.

Dated at Germantown, Maryland, this 10th day of September, 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.75-24522 Filed 9-11-75;10:44 am]

U.S. NUCLEAR POWER EXPORT ACTIVITIES

Draft Environmental Statement; Extension of Comment Period

The availability of the Draft Environmental Statement, "U.S. Nuclear Power Export Activities" [ERDA-1542] was announced in the FEDERAL REGISTER August 4, 1975 (40 FR 32779). The period for receipt of comments by the Energy Research and Development Administration was through September 22, 1975. To allow additional time for the consideration of the document and the formulation of written comments by government agencies and the public, the comment period is hereby extended to October 22, 1975.

Dated at Germantown, Maryland, this 10th day of September, 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Assistant Administrator for Environment and Safety.

[FR Doc.75-24521 Filed 9-11-75;10:44 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 430-2; OPP-32012]

CENTER FOR DISEASE CONTROL

Receipt of Application To Register a Pesticide Product Containing Strychnine for Control of Rabid Mammalian Carnivores

On April 15, 1975, the Environmental Protection Agency (EPA) received an application to register a pesticide product containing strychnine intended for use in a rabies vector control program. Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) by the Center for Disease Control (CDC), Public Health Service, Department of Health, Education, and Welfare, 1600 Clifton Road, Atlanta GA 30333. The name of the product is STRYCHNINE POWDER (EPA File Symbol 36765-E).

Background.—In March of 1972, registrations of strychnine, sodium cyanide, and 1080 (Sodium fluoracetate) for predator control were cancelled and suspended by EPA Administrative Order (37 FR 5718). This Order immediately followed Executive Order 11643 of February 1972, banning the use of predacides on Federal lands. The President's Order specifically provided for an exception to the ban, if needed, in an emergency to protect human health. However, the Administrator's Order focused on predacides *per se* and did not provide for an exception to the ban for human health emergencies. At the time the EPA Order was issued, no apparent circumstances existed to counterbalance the possibility of a human health hazard. The administrator concluded in the preamble to the Order that the factors supporting the decision to cancel and suspend these predacides and thereby reduce their availability may have been different if the public health were affected.

The only techniques currently available to protect human health from rabid mammalian carnivores are methods such as shooting, trapping, and physical exclusion.

Application to Register.—The applicant states that this product is intended for use only by health agencies approved by the CDC for control of mammalian carnivores (skunks, foxes, or raccoons) which constitute a human health hazard as potential rabies vectors and that users of this product must be familiar with CDC policy on the use of toxicants for rabies control and must file certain information with CDC within 30 days of the field program's completion.

The directions for use call for a maximum of 500 strychnine-injected eggs to be placed in designated skunk habitats within a 3-mile radius where rabid skunks are diagnosed. A maximum of two strychnine eggs per setting would be placed in the folowing skunk habitats: skunk dens, holes, garbage dumps, road culverts, rock piles, and under nonoccupied buildings. Bait cannot be placed farther than 3 miles from human habitation. Eggs remaining after termination of the 30-day treatment period would be collected and destroyed. Strychnine eggs would be placed only on those lands where premise entry agreements are signed by the landowner, lessee or administrator, and warning signs would be posted at entries to all such premises and other visible positions near locations where treated eggs have been placed. Baits would be checked at least once a day to prevent secondary poisoning. All affected target and nontarget animals would be removed daily, and after analysis, buried in a sanitary landfill or 18 inches below the ground away from water supplies.

Unused bait would be disposed of in a similar manner. Urban and suburban control programs would not be initiated unless exposure of humans and domestic animals to rabid animals was imminent. All local citizenry would be notified of the program to prevent poisoning domestic animals and humans. Only dyed eggs would be placed after 10:00 p.m. and removed prior to daybreak the next morning. Such programs would be terminated when imminent danger to humans and domestic animals was over.

Control Programs.—Control programs will be instituted only when the risk of human exposure to rabies has become abnormally high as a result of overpopulation of reservoir species or increased human (or domestic animal) reservoir contact. Total elimination of the rabies threat is seldom a practical goal; rather, reduction to "normal" levels of risk is more often a realistic goal. Programs will not be approved simply to control depredating or nuisance animals.

Although rabies is not usually contracted by man through direct contact with rabid wildlife animal species, the possibility does exist in areas where there is frequent contact between humans and wildlife. The aim of a control program would be to prevent the spread of rabies to domestic animals and thereby reduce the likelihood of human exposure. This can only be achieved by the selective reduction of the species involved.

Request to Use Cancelled and/or Suspended Pesticide Products.—The EPA has been petitioned by several State Health Departments to allow the use of previously cancelled and/or suspended pesticide products to control disease vectors. In fact, CDC made such a request in connection with this proposed rabies control program. In certain cases, such use has been authorized under the exemption provisions of Section 18 of the FIFRA (86 Stat. 995); other cases have been rejected because they did not qualify under these provisions. However, Section 18 exemption provisions were not designed for the purpose of solving recurring problems, such as periodic outbreaks of rabid bats or skunks, encephalitis-carrying mosquitoes, etc. Continued use of unregistered pesticides for vector control would be an abuse of the provisions of Section 18. At this time, there are no products registered for rabies vector control.

The Department of Health, Education, and Welfare is responsible for disease control. In some circumstances, pesticides are used, and the responsibilities of the EPA and HEW then overlap. The use of pesticides to protect public health needs is vested with the Center for Disease Control. To carry out this function and at the same time carry out the provisions of FIFRA, CDC proposes to control the dispensing of strychnine. This arrangement would permit the U.S. Public Health Service to act during emergency outbreaks of a public health nature and allow the EPA to restrict the

labeling and use of strychnine in such a manner as to protect human health and the environment.

Petition to Reconsider the Administrator's Order of March 1972.—Pursuant to the provisions of Subpart D, Part 164, 40 CFR, this application constitutes a petition for reconsideration of the March 1972 Order with regard to the cancellation and suspension of registrations of strychnine products. Consequently, it will be reviewed by the Administrator and further action will be taken in accordance with those provisions.

Briefly, the procedures require that the Administrator determine, on the basis of the application and supporting data, whether there is substantial new evidence which may materially affect the prior Order and whether such evidence could not have been presented during the original proceedings. If it is determined that there is no such evidence, the application will be denied. If it is determined that there is such evidence, then a formal hearing is held. A determination whether such evidence materially affects the prior Order is then made on the basis of the record and the recommendations of the administrative law judge presiding over the hearing, taking into account the human and environmental risks found by the Administrator in his prior order and the cumulative impact of past, present, and anticipated use in the future. A decision by the Administrator to either deny the application or reconsider the prior Order will be published in the FEDERAL REGISTER. If the Administrator decides that reconsideration is warranted, an announcement that a formal hearing is to be held will be made.

Request for Comments.—This notice is issued pursuant to section 3(c)(4) of FIFRA, as amended (86 Stat. 980), and does not indicate a decision by this Agency on the application. Interested persons are invited to submit written comments on this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before October 14, 1975, and should bear a notation indicating the subject (OPP-32012). All written comments filed pursuant to this notice will be available for public inspection in the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 9, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-24234 Filed 9-11-75;8:45 am]

[FRL 429-8; OPP-50033]

CHEVRON CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Chevron Chemical Company, Richmond, California 94804. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 239-EUP-75) allows the use of 560 pounds of paraquat dichloride on dry beans as a harvest aid. A total of 960 acres is involved; the program is authorized only in the States of Colorado, Kansas, Michigan, Minnesota, Nebraska, New York, North Dakota, and Wisconsin. The experimental use permit is effective from August 28, 1975, to August 28, 1976. A temporary tolerance for residues of the active ingredient in or on dry beans has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 5, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-24229 Filed 9-11-75;8:45 am]

[FRL 430-1; OPP-50035]

CHEVRON CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Chevron Chemical Company, Richmond, California 94804. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 239-EUP-66) allows the use of 18 pounds of diquat on potatoes. A total of 48 acres is involved; the program is authorized only in the States of Iowa, Maine, Michigan, New Jersey, New York, and North Dakota. The experimental use permit is effective from September 2, 1975, to September 2, 1976. A temporary tolerance has been established for residues of the active ingredient in or on potatoes.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated September 8, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-24230 Filed 9-11-75;8:45 am]

[FRL 429-7; OPP-50032]

FISONS CORP.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Fisons Corporation, Bedford, Massachusetts 01730. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 10065-EUP-5) allows the use of 4,500 pounds of 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl on grasses used for seed production only. None of the treated grass will be used for forage or feed. A total of 3,000 acres is involved; the program is authorized only in the States of Oregon and Washington. The experimental use permit is effective from August 22, 1975, to August 22, 1976.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 5, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-24231 Filed 9-11-75;8:45 am]

[FRL 430-3; OPP-32013]

MONTANA DEPARTMENT OF LIVESTOCK

Receipt of Application To Register a Pesticide Product Containing Strychnine for Control of Rabid Mammalian Carnivores

The Environmental Protection Agency (EPA) has received an application to register a pesticide product containing strychnine intended for use in a rabies vector control program. Application was made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) by the Montana Department of Livestock, Capitol Complex, Helena MT 59601. The name of

the product is STRYCHNINE ALKALOID — 100% (EPA File Symbol 35975-R).

Background.—In March of 1972, registrations of strychnine, sodium cyanide, and 1080 (Sodium flouoracetate) for predator control were cancelled and suspended by EPA Administrative Order (37 FR 5718). This Order immediately followed Executive Order 11643 of February 1972, banning the use of predacides on Federal lands. The President's Order specifically provided for an exception to the ban, if needed, in an emergency to protect human health. However, the Administrator's Order focused on predacides *per se* and did not provide for an exception to the ban for human health emergencies. At the time the EPA Order was issued, no apparent circumstances existed to counterbalance the possibility of a human health hazard. The Administrator concluded in the preamble to the Order that the factors supporting the decision to cancel and suspend these predacides and thereby reduce their availability may have been different if the public health were affected.

The only techniques currently available to protect human health from rabid mammalian carnivores are methods such as shooting, trapping, and physical exclusion.

Application to Register.—The applicant states that this product is intended for the following uses in Montana:

1. For control of skunk populations within a three-mile radius which encompasses areas of human or domestic animal habitation where rabies has been diagnosed in skunks.
2. For surveillance of skunk populations outside the three-mile radius in order to determine the perimeter of rabies within any county and/or adjacent counties.
3. For surveillance of skunk populations to monitor the migration of rabies as a known disease in Montana and to support encephalitides studies in skunks from which rabies is clinically indistinguishable.

The directions for use call for 1) a maximum of 500 strychnine treated paraffin lard baits to be placed within a three-mile radius per positive rabies cases where skunks are determined as the vector species, or per county for rabies surveillance purposes, or 2) a maximum of 500 strychnine treated eggs to be placed within a three-mile radius per positive rabies case where skunks are determined as the vector species, or per county for rabies surveillance purposes. A maximum of two strychnine lard baits or two strychnine treated eggs per setting may be placed in the following skunk habitats: skunk dens, holes, garbage dumps, road culverts, junk piles, and under nonoccupied buildings. At the end of a 30-day treatment period, treated bait and/or eggs would be collected and destroyed. Strychnine treated lard bait and/or strychnine treated eggs would be placed only on those lands where premise entry agreements are signed by the landowner, lessee, or administrator, and warning signs would be posted at entries to all premises and other visible positions near locations where treated bait or eggs have been placed.

All retrieved or excess strychnine treated lard bait and strychnine treated eggs would be disposed of in an approved sanitary landfill. Department of Livestock personnel would observe and supervise the destruction of treated bait/eggs. Containers to be destroyed would be handled in a similar manner. Animals destroyed in the control program would be buried to prevent possible secondary nontarget species poisonings.

Request to Use Cancelled and/or Suspended Pesticides.—The EPA has been petitioned by several states/state health departments to allow the use of previously cancelled and/or suspended pesticides to control disease vectors. In certain cases, such use has been authorized under the exemption provisions of Section 18 of the FIFRA (86 Stat. 995); other cases have been denied because they did not qualify under these provisions. In fact, the Montana Department of Livestock was granted a specific exemption to use strychnine alkaloid for emergency rabid skunk control as provided by Section 18 of FIFRA. (See the FEDERAL REGISTER concerning the granting of this exemption and subsequent amendments: 39 FR 13912, 39 FR 17466, and 39 FR 24951.) However, Section 18 exemption provisions were not designed for the purpose of solving recurring problems, such as periodic outbreaks of rabid bats or skunks, encephalitis-carrying mosquitoes, etc. Continued use of unregistered pesticides for vector control would be an abuse of the provisions of Section 18. At this time, there are no products registered for rabies vector control.

Petition to Reconsider the Administrator's Order of March 1972.—Pursuant to the provisions of Subpart D, Part 164, 40 CFR (40 FR 12261), this application constitutes a petition for reconsideration of the March 1972 Order with regard to the cancellation and suspension of registrations of strychnine products. Consequently, it will be reviewed by the Administrator and further action will be taken in accordance with those provisions.

Briefly, the procedures require that the Administrator determine, on the basis of the application and supporting data, whether there is substantial new evidence which may materially affect the prior Order and whether such evidence could not have been presented during the original proceedings. If it is determined that there is no such evidence, the application will be denied. If it is determined that there is such evidence, then a formal hearing is held. A determination whether such evidence materially affects the prior Order is then made on the basis of the record and the recommendations of the administrative law judge presiding over the hearing, taking into account the human and environmental risks found by the Administrator in his prior order and the cumulative impact of past, present, and anticipated use in the future. A decision by the Administrator to either deny the application or reconsider the prior Order will be published in the FEDERAL REGISTER. If the Administrator decides that reconsideration is warranted, an announcement that a formal hearing is to be held will be made.

Request for Comments.—This notice is issued pursuant to section 3(c)(4) of FIFRA, as amended (86 Stat. 980), and does not indicate a decision by this Agency on the application. Interested persons are invited to submit written comments on this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M Street SW., Washington D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before October 14, 1975, and should bear a notation indicating the subject (OPP-32013). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated September 9, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-24233 Filed 9-11-75;8:45 am]

[FRL 430-5; OPP-33000/314 & 315 & 316]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by each applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before November 11, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460.

Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 11, 1975.

Dated: September 4, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/314)

EPA Reg. No. 12014-3. A & V Inc., PO Box 211, Butler WI 53007. POOL PAL 30. Active Ingredients: Copper as elemental 0.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA Reg. No. 12014-2. A & V Inc., PO Box 211, Butler WI 53007. POOL PAL 300. Active Ingredients: Copper as elemental 1.05%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 36430-R. Better Living Laboratories, Inc., 2873 Director's Cove, Memphis TN 38131. H20K PORTABLE DRINKING WATER PURIFIER. Active Ingredients: Silver (as silver chloride) 2%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA Reg. No. 677-313. Diamond Shamrock Corp., Agricultural Chemical Div., 1100 Superior Ave., Cleveland OH 44114. BRAVO 6F. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 54.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added Use. PM21

EPA File Symbol 5130-RR. Johnson Chemical Co., Inc., 231 Johnson Ave., Brooklyn NY 11206. ANT AND ROACH KILLER II. Active Ingredients: Pyrethrins 1.100%; Piperonyl Butoxide, Technical 0.150%; N-octyl bicycloheptene dicarboximide 0.250%; Chloropyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; 2,2-dichlorovinyl dimethyl phosphate 0.237%; Related compounds 0.018%; Petroleum Distillate 95.383%; Aromatic Petroleum distillate 0.281%. Method of Support: Application proceeds under 2(c) of interim policy. PM13

EPA Reg. No. 1624-104. United States Borax & Chemical Corp., 3075 Wilshire Blvd., Los Angeles CA 90010. COBEX. Active Ingredients: Diethamine (N3,N3-Diethyl-2,4-dinitro-6-trifluoromethyl-m-phenylenediamine) 25%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

APPLICATIONS RECEIVED (OPP-33000/315)

EPA Reg. No. 1526-416. Chemical Distributors dba Arizona Agrochemical Co., PO Box 21537, Phoenix AZ 85036. THIODAN 2E. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3-benzodioxathiepin oxide) 24.00%; Aromatic Petroleum Solvent 69.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 20642-R. Cindy Pools, US. Rt 22, Watchung NJ 07060. CINDY ALGICHLOR. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA Reg. No. 677-313. Diamond Shamrock Corp., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland OH 44114. BRAVO 6F FUNGICIDE. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 54.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added Use. PM21

EPA File Symbol 6658-GN. Midco Products Co., 11697 Fairgrove Ind. Blvd., Maryland Heights MO 63043. DISINFECTANT DEODORANT LEMON. Active Ingredients: Ethanol 66.7395%; o-Benzyl p-Chlorophenol 0.0480%; p-tertiary Amylphenol 0.0440%; o-Phenylphenol 0.0256%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 0.0250%; n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) Dimethyl Ethylbenzyl Ammonium Chlorides 0.0250%; 2,2-Methylenebis (3,4,6-Trichlorophenol) 0.0030%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 34738-R. Reading Bone Fertilizer Co., Box 232, Reading PA 19603. READING GRAIN PRESERVER. Active Ingredients: Propionic Acid 100%. Method of Support: Application proceeds under 2(b) of interim policy. PM21

EPA File Symbol 14961-A. Rex Chemical Corp., 2300 N.W. 23 St., Miami FL 33142. INSECTICIDE PAIFER. Active Ingredients: Baygon (O-Isopropoxyphenylmethylcarbamate) 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 7467-LR. Valco Chemical Div., PO Box 1310, Harlingen TX 78550. CLIMAX-3. Active Ingredients: Sodium Chlorate 28%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

APPLICATIONS RECEIVED (OPP-33000/316)

EPA File Symbol 15887-RA. Agricultural Chemicals of Dallas, 3707 E. Kiest Blvd., Dallas TX 75203. VAPAM SOIL FUMIGANT SOLUTION FOR ALL CROPS. Active Ingredients: Sodium methyl dithiocarbamate (anhydrous) 32.7%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA Reg. No. 10395-4. Barco Chemicals Div., Inc., 14800 NW 24th Court, Opa-Locka FL 33054. BARCO FOGGING CONCENTRATE 1-2-33. Active Ingredients: Petroleum Distillate 93.70%; N-octyl bicycloheptene dicarboximide 3.30%; Technical piperonyl butoxide 2.00%; Pyrethrins 1.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 655-LGO. Prentiss Drug & Chemical Co., Inc., 363 7th Ave., New York NY 10001. PRENTOX CO-RAX PELLETED BAIT. Active Ingredients: Warfarin (3-(a-acetonylbenzyl) - 4 - hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 14961-T. Rex Chemical Corp., 2300 NW, 23rd St., Miami FL 33142. PINO-AROMA. Active Ingredients: Steam Distilled Pine 47%; Emulsifier Soap 12%; Isopropyl Alcohol 06%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 14961-RR. Rex Chemical Corp. WINN PURE PINE DISINFECTANT. Active Ingredients: Anhydrous Soap 10.0%; Pine Oil, Pure Distilled 57.0%; Ortho Benzyl Para Chlorophenol 0.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 14961-RN. Rex Chemical Corp. GOLDEN PINE PINO DORADO. Active Ingredients: Steam Distilled Pine 47%; Emulsifier Soap 12%; Isopropyl Alcohol 06%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 14961-0. Rex Chemical Corp. CREOLINA (COAL TAR DISINFECTANT). Active Ingredients: Coal Tar Acid 7.86%; Phenol 6.55%; Isopropyl Alcohol 24.25%; Caustic Soda 3.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 14961-L. Rex Chemical Corp. SANO PINE PINE DISINFECTANT. Active Ingredients: Steam Distilled Pine Oil 47%; Emulsifier, Soap 12%; Isopropyl Alcohol 06%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 14961-I. Rex Chemical Corp. REX CREOLINA (COAL TAR DISINFECTANT). Active Ingredients: Coal Tar Acid 7.86%; Phenol 6.55%; Isopropyl Alcohol 24.25%; Caustic Soda 3.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA Reg. No. 201-211. Shell Chemical Co., Suite 200, 1025 Connecticut Ave. NW, Washington DC 20036. NEMAGON 12.1 EC EMULSIBLE CONCENTRATE SOIL FUMIGANT. Active Ingredients: 1,2-Dibromo-3-Chloropropane 80.00%; Other Halogenated C3 Compounds 4.21%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA Reg. No. 201-151. Shell Chemical Co., Suite 200, 1025 Connecticut Ave. NW, Washington DC 20036. NEMAGON 12.1 C CONCENTRATE SOIL FUMIGANT. Active Ingredients: 1,2-Dibromo-3-Chloropropane 81.7%; Other Halogenated C3 Compounds 4.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

[FR Doc.75-24227 Filed 9-11-75;8:45 am]

[FRL 430-4; OPP-180038B]

WYOMING DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption and Extension To Control Rabid Skunks in Campbell and Crook Counties

Pursuant to the provisions of sections 6 and 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Wyoming Department of Agriculture (hereafter referred to as the "Applicant") to use strychnine alkaloid or strychnine sulfate baits in a rabid skunk control program in Campbell and Crook Counties, Wyoming. The control program is designed to reduce the probability of exposure of man and domestic animals to rabies. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions. The section 18 regulations provide that the Administrator may grant an emer-

gency exemption to a Federal or State agency when the following conditions exist:

(a) A pest outbreak has or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest, (b) significant economic or health problems will occur without the use of the pesticide, and (c) the time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use. 40 CFR 166.1.

The exemption is also subject to the provisions of 40 CFR Part 164, specifically, the new Subpart D, published in the FEDERAL REGISTER on March 18, 1975 (40 FR 12261). In cases such as the one presented by this Applicant, if the request is for the use of a pesticide which has been finally cancelled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. Therefore, the exemption cannot be granted without the requirement of a prior public hearing, unless certain conditions are found to exist.

Subpart D of the section 6 regulations provides that in emergency circumstances the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) to human health, or (ii) to fish or wildlife populations when such use would not pose a human health hazard; and

(2) That there is no other feasible solution to such risk; and

(3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by section 164.131; and

(4) That the public interest requires the granting of the requested use as soon as possible. 40 CFR 164.133.

On February 14, 1974, the Applicant requested permission to use strychnine alkaloid in a program of skunk control in areas where rabid animals had been found. A specific exemption was granted March 14, 1974, for a program permitting the use of strychnine alkaloid-treated eggs and paraffin lard baits within a three-mile radius of points at which rabid animals had been taken in Campbell and Crook Counties. Subsequently, the exemption was extended to November 30, 1974, following the identification of additional rabid skunks in both counties. Numerous complaints had been lodged regarding the appearance of skunks in daylight hours (unusual for this species) in and around towns, ranches, and farmstead yards. Skunks and foxes have been responsible for 14 human rabies deaths in the United States since 1951; these two species have been the most frequently infested every year since 1960. In a report entitled "Control of Rabies", the National Academy of Sciences published a report which indicated that rabies is endemic in skunks throughout the Mississippi River drainage, the midwestern tall grass prairie areas, and in local areas of the far West.

In 1975, the Applicant requested another specific exemption to use strychnine alkaloid for rabid skunk control; the basis of the threat to public health was the discovery of five (5) rabid skunks and one (1) rabid cow in Campbell and Crook Counties between January 6 and February 20, 1975. As of April 2, 1975, the Applicant had reported the discovery of three (3) additional cases of rabid skunks in the proposed treatment area.

In light of the above and pursuant to the controlling regulations, the Administrator determined that (a) a pest outbreak of rabid skunks had occurred; (b) there was no pesticide presently registered for use in suppressing populations of rabid skunks in Wyoming; (c) the application presented a situation involving a need to use the pesticide as requested to prevent an unacceptable risk to human health; (d) there was no other feasible solution to such human health risk; (e) the time available to avert the risk to human health was not sufficient to convene a hearing; and (f) the public interest required the granting of the requested use as soon as possible. Accordingly, the Applicant was granted a specific exemption to use strychnine baits in defined areas of Campbell and Crook Counties. The specific exemption was subject to the following conditions:

(1) The area to be treated will be limited to Campbell and Crook Counties between 44 degrees, 0 minutes and 44 degrees, 45 minutes north latitude and between 104 degrees, 15 minutes and 105 degrees, 50 minutes west longitude;

(2) The poison baits will be chicken eggs, each containing one-half grain of strychnine alkaloid or strychnine sulfate. Each egg will contain green food coloring and will be marked "Poison" in red;

(3) The amount of strychnine alkaloid or strychnine sulfate used in the program shall not exceed six (6) ounces;

(4) Treatment will begin as soon as the strychnine active ingredient can be obtained and will be completed in both counties within thirty (30) days and no later than August 15, 1975;

(5) The maximum number of strychnine baits per three (3) mile radius of confirmed rabid skunks will be 500. Each bait station will be posted with warning signs;

(6) Baits will be placed under buildings, in road culverts, in skunk dens, and in other relatively inaccessible locations to reduce exposure of non-target species. Baits will not be placed within 100 feet of wells, ponds, or streams;

(7) In rural areas, baits will be located at least 500 yards from areas of human habitation. Warning signs will be posted at all access roads to treated properties. In urban areas near human dwellings, every resident within the treatment area will be notified verbally and in writing of the time period in which bait will be exposed in the vicinity to assure the protection of small children and pets. In urban areas, egg baits will be set out each evening and retrieved each morning;

(8) Experienced personnel from State agencies under the Applicant's supervision will formulate the baits, obtain permission of landowners to bait their properties, advise landowners and residents of necessary precautions, and set out the baits;

(9) Upon completion of the exposure period at a specific location, all unconsumed egg baits will be retrieved and placed, individually broken, in a trench, mixed with soil, and covered with at least eighteen inches of soil;

(10) Data recorded for each bait station will include the numbers of eggs placed, numbers of eggs consumed, numbers of eggs retrieved and buried, and the location of the disposal site;

(11) Monitoring data for the program shall include: (a) number and location of live skunks confirmed rabid, (b) number and location of dead skunks confirmed rabid, (c) total of skunks killed, and (d) number and location of non-target species killed by poisoning; and

(12) Requests for temporal and spatial extensions of the strychnine bait program must be approved by the Registration Division, EPA, Washington, D.C. 20460.

On July 18, 1975, the Applicant contacted the Registration Division and requested an extension in the expiration date from August 15, to October 15, 1975, because its available personnel were engaged in other programs and would not be able to initiate the poisoned bait program authorized until August 1, 1975. The Applicant also requested permission to treat all of Campbell and Crook Counties, because five confirmed cases of rabid animals were discovered outside the area designated for treatment under the specific exemption granted. Finally, the Applicant requested that the 500-yard restriction for placing treated eggs around farmsteads be lifted, because a large percentage of the rabid skunks occur in, around, and under these farmstead buildings.

After reviewing all available information and consultation with the Rabies Control Unit, Center for Disease Control, Atlanta, Georgia, EPA has decided to grant the extension of the specific exemption; the exemption will expire October 15, 1975. The treatment area is limited to Campbell and Crook Counties, with treatment of both Counties being completed within a 45-day period. The restriction against placing strychnine baits within 500 yards of areas of human habitation has been rescinded, to the extent that treatment of unoccupied buildings is allowed; specifically, strychnine baits are excluded from placement in, under, or around occupied farmstead buildings but may be placed in, under, or around unoccupied buildings, such as abandoned bunkhouses, corn cribs, silos, outhouses, machinery sheds, barns, etc. All other restrictions noted in the specific exemption previously granted remain in force.

This notice contains a summary of certain information set forth in the applications for the specific exemption and the extension. For more detailed infor-

mation, interested parties are referred to the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-347, Washington, D.C. 20460.

Dated: September 5, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-24232 Filed 9-11-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20014; File No. BR-830, etc.; FCC 75R-331]

GROSS TELECASTING, INC.

Memorandum Opinion and Order Enlarging Issues

In re Applications of Gross Telecasting, Inc., For Renewal of Licenses for Stations WJIM, WJIM-FM, WJIM-TV, Lansing, Michigan; Docket No. 20014, File Nos. BR-830, BRH-1052, BRSCA-207, BRCT-68.

1. The applications of Gross Telecasting, Inc. (Gross) for renewal of broadcast licenses of WJIM, WJIM-FM, and WJIM-TV, Lansing, Michigan, were designated for hearing by Memorandum Opinion and Order FCC 74-374, 46 FCC 2d 543, released April 22, 1974. Subsequently, the Review Board specified, inter alia, a network "clipping" issue against Gross.[1] The Board presently has under consideration a petition to enlarge issues,[2] filed May 13, 1975, by the Broadcast Bureau (Bureau) which seeks addition of the following issues against Gross:

(a) To determine whether, in connection with a letter submitted to the Commission on March 25, 1971, Harold F. Gross and/or Gross Telecasting, Inc. made misrepresentations, lacked candor, or failed to ascertain the true facts with respect to the "covering" of network programming by local material on Station WJIM-TV; and

(b) To determine, in light of the evidence adduced pursuant to issue (a) above, whether Harold F. Gross and/or Gross Telecasting, Inc. possess[es] the requisite character qualifications to be or to remain a licensee of this Commission.

2. As relevant background to its request, the Bureau relates that a March 2, 1971, letter to the Commission from a WJIM-TV viewer stated that the station frequently ran local commercials in lieu of network programming and, as a result, the station joined or rejoined the "CBS Evening News" late, and chronically joined or rejoined "The Merv Griffin Show" late. In light of the complaint, the Bureau continues, the Commission, on March 17, 1971, requested Gross to furnish relevant information with respect to its practices in this regard.[3] The Bureau notes that in a response dated March 25, 1971, H. F. Gross, then president of the licensee, stated, in part, that "[I]t is not now, nor has it been in the past, our policy or practice to insert locally originated commercial material within the body of a network telecast," that WJIM-TV has inserted local advertisements only in authorized designated times and positions, that WJIM-TV broadcasts a full 30 minutes of local news if network programming runs beyond 11:00 p.m. and, in such cases, joins "The Merv Griffin Show" in progress, and that WJIM-TV's newscasters present a lead-in to "The CBS Evening News" which is designed for a precise network join at exactly 6:30 p.m.

3. Various internal memoranda of the licensee, either written by or to H. F. Gross prior to his response to the Commission's March 17, 1971, inquiry, the Bureau asserts, support its allegation that H. F. Gross either knew, or should have known, that the representations made to the Commission in his March 25, 1971, letter were inaccurate or misleading.[4] [5] Thus, for example, the Bureau explains that a September 15, 1970, H. F. Gross memorandum states, *inter alia*, that WJIM-TV's local commercials should not be affected "due to trying to rejoin the Merv Griffin show on their cue" and that "if they cut us short or the local commercial cut-in is longer than their break, then we should join Griffin late . . . and not lose a commercial announcement." Memoranda dated August 18, 1969, and December 28, 1970, from H. F. Gross to station personnel urge, in part, either cutting out of the preceding show early or eliminating the network credits or promotions so that the local advertisements can be run and the network program joined or rejoined on time. Moreover, a November 12, 1969, memorandum from Thomas B. Jones to H. F. Gross advised Gross both that WJIM-TV had been cutting out of network programs early, thereby "clipping or eliminating" network promotions and that the breaks scheduled by the station during "The Merv Griffin Show" had been longer than those provided by the network resulting in the station rejoining the program late.

4. In sum, the thrust of the Bureau's petition is that the memoranda disclose that H. F. Gross seemingly was aware, in the period 1969-1971, of frequent late joins or rejoins to network programming as a result of the running of local commercials and the practice of running a full 30 minutes of local news at 11:00 p.m., even when this resulted in joining a network program already in progress.[6] The Bureau submits that memoranda it has described, when compared with H. F. Gross' March 25, 1971, letter, raises a susbstantial question of whether the licensee intentionally made misrepresentations to the Commission in responding to the "clipping" inquiry. Moreover, the Bureau asserts that H. F. Gross had a duty to affirmatively ascertain the true facts surrounding the "clipping" issue in responding to the Commission, and the failure to exercise that duty also raises a question as to the Licensee's basic qualifications, citing WPRY Radio Broadcasters, Inc., 40 FCC 2d 1183, 27 RR 2d 1043 (1973); Milton Broadcasting Co., 34 FCC 2d 1036, 24 RR 2d 369 (1972). The petition is supported by the ACLU.

5. Gross, in opposition, avers that the Bureau, which has been in possession of documents relating to the requested issues for four years, has taken the memoranda out of context and distorted positive management directives which are consistent with its March 1971 response to the Commission's inquiry, in order to derive a negative inference of irregularity.[7] Further, Gross submits that the Bureau selected only a small number of the memoranda bearing on management supervision of WJIM-TV and has omitted other material regarding compliance with the Commission's policies on "clipping". Moreover, it is urged that the Bureau has relied heavily on allegations relating to 1969, a time far removed from the March 1971 date of the correspondence between the Commission and H. F. Gross. Finally, Gross submits that the requested issues are unnecessary since evidence relating to the March

[1] See 48 FCC 2d 1186, 31 RR 2d 798 (1974), 39 FR 37093.

[2] Related pleadings before the Board are: (a) opposition, filed June 9, 1975, by Gross; (b) comments, filed June 9, 1975, by the Lansing Branch of the American Civil Liberties Union of Michigan (ACLU); and (c) reply, filed June 19, 1975, by the Bureau.

[3] Specifically, the Commission sent Gross the following inquiry: Did or does Station WJIM-TV insert advertising in network programs at other than the scheduled times in such a manner as to affect the program content of such broadcasts? If so, state when and under what circumstances, and whether it is the policy of the licensee to insert commercial or other material in programs, join them late or leave them early with such effect.

[4] In addition, the Bureau relies on the deposition of one of the memoranda authors, Thomas B. Jones, then operations director of WJIM-TV.

[5] The information upon which the Bureau relies allegedly came to light during discovery proceedings undertaken in connection with the "clipping" issue. More specifically, the Bureau states that three of the letters pertinent to its request were not made available by Gross until the week of April 19, 1975. As a result, the Bureau maintains that good cause exists for the late filing of its petition under the reasoning of Chicagoland TV Co., 5 FCC 2d 154, 8 RR 2d 758 (1966), and that, in any event, the allegations raised by it and the likelihood of their proof at hearing requires addition of the requested issues under the doctrine of The Edgefield-Saluda Radio Company (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966).

[6] The Bureau attaches various other memoranda which allegedly reflect that Gross was not only aware of but also involved in specific instances of "covering".

[7] In this regard, Gross notes that: (1) three memoranda instruct personnel to join network news programs on time; (2) four documents urge adherence to a WJIM-TV policy of joining "The Merv Griffin Show" in progress only where necessary for carriage of a full 30 minutes of local news which started after 11:00 p.m. due to a long network movie or for extended local editorials; and (3) other memoranda deal with technical execution and scheduling practices to avoid commercial clutter.

1971 correspondence may be explored under the designated "clipping" issue.

6. In reply, the Bureau argues that even though it has been in possession of the viewer letter and correspondence between H. F. Gross and the Commission for four years, the alleged misstatements were not apparent on their face, and that it was not until the letter from Gross was viewed in the context of the recently discovered memoranda that the misstatements became apparent. With regard to Gross' contention that the majority of the memoranda were consistent with H. F. Gross' response to the Commission, the Bureau notes that the documents referred to by Gross do not include those damaging to the licensee. Moreover, the Bureau asserts, what is important is whether the licensee's policies were fully and accurately represented to the Commission, not whether those policies are valid. The Bureau cites FCC v. WOKO, Inc., 329 U.S. 223 (1946) in support. Thus, the Bureau reasons that Gross' explanations of the memoranda it does discuss are inadequate.

7. The Review Board will add the requested issues in light of the fact that the memoranda submitted by the Bureau appear to directly contradict H. F. Gross' unequivocal statement in his March 25, 1971, response that "[i]t is not now, nor has it ever been in the past, our policy or practice" to insert locally originated material or advertisements in network programming except when authorized.[8] These memoranda, contrary to Gross' response, not only indicate that specific instances of "clipping" occurred prior to Gross' March 25, 1971, response to the Commission, but that Gross was aware of the practices and sought to affirmatively correct the station's derelictions in this regard. Although some of the memoranda show that H. F. Gross tried, at times, to correct practices resulting in early leaves and/or late joins, this effort to cure station practices, albeit commendable, could in no way serve to mitigate the significance of any affirmative misrepresentations made to the Commission. Rather, as correctly noted by the Bureau, the question of whether a licensee has given false statements in response to a Commission inquiry is of independent significance in determining whether or not a licensee possesses the requisite qualifications to be a licensee.[9] Accordingly, the requested issues will be added.[10]

8. Accordingly, it is ordered, That the petition to enlarge issues, filed May 13, 1975, by the Broadcast Bureau, is granted; and

9. It is further ordered, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether, in connection with a letter submitted to the Commission on March 25, 1971, Harold F. Gross and/or Gross Telecasting, Inc. made misrepresentations, lacked candor, or failed to ascertain the true facts with respect to the "covering" of network programming by local material on Station WJIM–TV; and

(b) To determine, in light of the evidence adduced pursuant to issue (a) above, whether Gross Telecasting, Inc., possesses the requisite character qualifications to be or to remain a licensee of this Commission.

10. It is further ordered, That the burden of proceeding with the introduction of evidence under the foregoing issues shall be upon the Broadcast Bureau, and that the burden of proof under the foregoing issues shall be upon Gross Telecasting, Inc.

Adopted: August 29, 1975.

Released: September 5, 1975.

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

[FR Doc.75-24322 Filed 9-11-75;8:45 am]

[Docket No. 20510, etc.; File No. BPH 8873, etc.; FCC 75R-333]

HAROLD JAMES SHARP, ET AL.

Memorandum Opinion and Order Enlarging Issues

In re Applications of Harold James Sharp, Ocala, Florida, Docket No. 20510, File No. BPH–8873.

Greater Ocala Broadcasting Corporation, Ocala, Florida, Docket No. 20511, File No. BPH–9015.

Hunter-Arnette Broadcasting Co., Ocala, Florida, Docket No. 20512, File No. BPH–9211. For construction permits.

1. The above-captioned mutually exclusive applications seek authorizations to construct a new FM broadcast station at Ocala, Florida. Now before the Review Board is a petition to enlarge issues, filed on July 30, 1975, by the Broadcast Bureau, requesting the addition of an air hazard issue against Hunter-Arnette Broadcasting Co. (Hunter-Arnette).[1]

2. The Bureau's unopposed petition will be granted. The request is predicated on a letter from an FAA official to an officer of Hunter-Arnette which, according to petitioner, was transmitted to Bureau counsel on July 25, 1975. In the letter, the FAA official states that Hunter Arnette's antenna proposal would require a change in the landing procedure at Ocala Municipal Airport which would "have a substantial adverse effect upon aeronautical operations," and recommends that another site be selected by the applicant. Absent some showing to the contrary, the Board is of the view that this letter raises a substantial question as to whether Hunter-Arnette's proposal would constitute a hazard to air navigation, and an appropriate issue will therefor be specified.

3. Accordingly, it is ordered, That the Broadcast Bureau's petition to enlarge issues, filed on July 30, 1975, is granted, and that the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether there is a reasonable possibility that the tower height and location proposed by Hunter-Arnette Broadcasting Co. would constitute a hazard to air navigations.

4. It is further ordered, That the burden of proceeding with the introduction of evidence under the issue added herein SHALL BE on the Broadcast Bureau, and the burden of proof SHALL Be on Hunter-Arnett Broadcasting Co.

Adopted: September 3, 1975.

Released: September 5, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-24324 Filed 9-11-75;8:45 am]

[Docket No. 20510, etc.; File No. BPH-8873, etc.; FCC 75R-334]

HAROLD JAMES SHARP, ET AL.

Memorandum Opinion and Order Enlarging Issues

In re application of Harold James Sharp, Ocala, Florida, Docket No. 20510, File No. BPH–8873.

Greater Ocala Broadcasting Corporation, Ocala, Florida, Docket No. 20511, File No. BPH–9015.

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[8] While Gross is correct that the Bureau was in possession of the 1971 correspondence for four years prior to the instant filing, paragraph 2, supra, we agree with the Bureau that good cause has been shown for the late filing of its petition since the correspondence between Gross and the Commission did not, on its face, raise a question of misrepresentation. It is only when Gross' response is read in light of the recently discovered memoranda that possible inconsistencies appear. And, in any event, the importance of the question raised here would have justified consideration under the test of The Edgefield-Saluda Radio Company (WJES), supra.

[9] Thus, we must reject Gross' suggestion that evidence relating to the March 1971 response may be explored under the designated "clipping" issue; rather, the question of misrepresentation must be treated as a separate and potentially disqualifying issue.

[10] We also note that the allegations raise a question as to whether Gross failed in its duty as a licensee to accurately ascertain the facts requested by the Commission. See WPRY Radio Broadcasters, Inc., supra, and Milton Broadcasting Co., supra.

[1] On August 7, 1975, Greater Ocala Broadcasting Corporation filed comments supporting the Bureau's petition (40 FR 27717).

[2] Board member Kessler dissenting to placing the burden of proceeding on the Broadcast Bureau.

Hunter-Arnette Broadcasting Co., Ocala, Florida, Docket No. 20512, File No. BPH-9211; For Construction Permits

1. This proceeding involves the mutually exclusive applications of Harold James Sharp (Sharp), Greater Ocala Broadcasting Corporation (Greater Ocala) and Hunter-Arnette Broadcasting Co. for construction permits for an FM broadcast facility for Ocala, Florida. Presently before the Review Board is a petition to enlarge issues, filed July 15, 1975, by Greater Ocala seeking the addition of a *Suburban* issue against Sharp.[1]

2. In support of its request, Greater Ocala alleges that Sharp has failed to fulfill the requirements of the Commission's *Primer on Ascertainment of Community Problems by Broadcast Applicants*[2] in three significant respects. First petitioner points out, although Sharp's demographic showing describes tourism, agricultural, union and industry groups as significant groups in the community, Sharp's listing of community leaders surveyed fails to include a single community leader associated with any of these groups.[3] This failure, contends Greater Ocala, is clearly contrary to the requirements of Q. & A. 10 of the *Primer, supra*, and Commission precedent, citing for support numerous cases including *Voice of Dixie, Inc.*, 45 FCC 2d 1027, 29 RR 2d 1127 (1974); *Sandern of Iowa, Inc.*, 23 FCC 2d 453, 19 RR 2d 154 (1970); and *North American Broadcasting Co., Inc.*, 21 FCC 2d 631, 18 RR 2d 452 (1970). Greater Ocala next asserts that respondent has failed to comply with Q. & A. 13 (b) of the *Primer* since, although Sharp states that his public survey was done "at random" and "was . . . balanced," the methodology used to assure the randomness of the general public survey is not described.[4] Finally, petitioner asserts that Sharp has failed to specifically identify which assessed need will be treated by his proposed programming, as required by the *Primer* Q. & A. 29. Based on these alleged deficiencies, Greater Ocala argues that a *Suburban* issue should be added against Sharp. The Broadcast Bureau in addition to urging that Greater Ocala has persuasively demonstrated the need for a general *Suburban* issue against Sharp, asserts that Sharp's application contains one further deficiency, namely, it fails to show whether the parties who conducted the general public survey were principals, management-level or prospective management-level employees or members of a professional research or survey service as required by the Primer, Q. & A. 11(b).[5]

3. In opposition, Sharp submits *inter alia* a description of the methodology used to assure the randomness of his general public survey,[6] identifies the interviewers, and identifies specific proposed programs related to assessed community needs. Further, Sharp asserts that the broad spectrum of community leaders interviewed results in an ascertainment that exceeds the requirements of the *Primer*. Finally, Sharp argues, the community leaders interviewed represent all facets of community influence even though many interviewees are not organizationally identifiable due to their overlapping concerns. Thus, avers Sharp, a *Suburban* issue is not warranted.

4. The Review Board will add the requested issue. While Sharp's opposition appears to respond in some measure to the alleged deficiencies relating to the method employed to ensure a random general public survey, the identity of the interviewers, and the specific programming proposed to meet ascertained needs, the Board may not take cognizance of this information since it has not been the subject of an amendment to Sharp's application. In any event, it is our view that an issue is required in light of apparent deficiencies in Sharp's community leader survey. The *Primer*, and related case law clearly require consultation with community leaders chosen on the basis of the composition of the community. As a result, inasmuch as Sharp's survey effort apparently fails to include leaders from groups which Sharp himself has classified as significant, independent justification for adding the requested issue exists.

5. Accordingly, it is ordered, that the petition to enlarge issues, filed July 15, 1975, by Greater Ocala Broadcasting Corporation, IS GRANTED, and that the issues in this proceeding ARE ENLARGED to include the following issue:

To determine the efforts made by Harold James Sharp to ascertain the community problems of the area to be served and the manner in which the applicant proposes to meet these problems.

6. It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof under the issue added herein SHALL BE upon Harold James Sharp.

Adopted: September 3, 1975.

Released: September 5, 1975.

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

[FR Doc.75-24325 Filed 9-11-75;8:45 am]

[1] The following related pleadings are also before the Board: (a) opposition, filed July 24, 1975, by Sharp; (b) reply, filed July 24, 1975, by Greater Ocala; (c) comments, filed July 30, 1975, by the Broadcast Bureau; and (d) motion to oppose reply, filed August 7, 1975, by Sharp. The pleading filed August 7, 1975, by Sharp is an unauthorized pleading and, as such, will be disregarded. See 40 FR 27717.

[2] 27 FCC 2d 650, 21 RR 2d 1507 (1971).

[3] Petitioner concedes that Sharp apparently interviewed an individual associated with the Florida Thoroughbred Farm Manager's Club, but claims that no interviews with traditional agricultural groups are included.

[4] Citing, *inter alia*, *Bud's Broadcasting Co.*, 51 FCC 2d 238, 32 RR 2d 1290 (1975).

[5] See *Folkways Broadcasting Co., Inc.*, 48 FCC 2d 723, 31 RR 2d 427 (1974).

[6] Sharp explains that its general public interviews were conducted by random telephone sampling; specifically, the applicant attempted to reach every fifth name in the telephone book.

[Dockets Nos. 20305, 20308; Files Nos. BRCT-53, BPCT-4580; FCC 75R-329]

POST-NEWSWEEK STATIONS, FLA., INC. (WJXT) AND ST. JOHNS TELEVISION CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Post-Newsweek Stations, Florida, Inc. (WJXT), Jacksonville, Florida, Docket No. 20305, File No. BRCT-53; For Renewal of Broadcast License.

St. Johns Television Company, Jacksonville, Florida, Docket No. 20308, File No. BPCT-4580; For Construction Permit for New Television Broadcast Station.

1. The Review Board has before it for consideration a motion, filed January 22, 1975, by Post-Newsweek Stations, Florida, Inc., licensee of television broadcast Station WJXT, Jacksonville, Florida (WJXT), seeking the addition of four issues against a competing applicant, St. Johns Television Company (St. Johns).[1] WJXT requests a *Suburban* issue, relating to St. Johns' community leader survey, a Section 1.580/1.526 issue, and character and Section 1.65 issues based upon a Federal Reserve Board (FRB) determination that a trust, of which a St. Johns principal is a trustee, had violated federal banking laws.

SUBURBAN ISSUE[2]

2. Based upon an investigation of a sample of the interviewees listed in St. Johns' community leader survey,[3] WJXT alleges that the applicant's ascertainment efforts are deficient and/or defec-

[1] Related pleadings before the Board are: (a) opposition, filed April 25, 1975, by St. Johns; (b) comments, filed April 25, 1975, by the Broadcast Bureau; (c) motion for leave to file supplement to opposition, and supplement to opposition, filed April 29, 1975, by St. Johns; and (d) reply, filed May 21, 1975, by Post-Newsweek. St. Johns' motion is unopposed and will be accepted together with the supplement itself. See also 40 FR 39546.

[2] An additional requested issue, dealing with alleged misrepresentation by St. Johns in connection with the community leader survey, has been withdrawn by WJXT. The gravamen of that request was that 13 of the 60 leaders interviewed by St. Johns and investigated by WJXT stated to WJXT's investigators that they had no recollection of the interviews, and that one interviewee apparently was fictitious. Based on the fact that St. Johns has successfully refreshed the recollection of five of the 13 interviewees and established the existence of the allegedly fictitious interviewee, and that only two of the other eight interviewees were willing to provide WJXT investigators with affidavits, WJXT concluded that the record does not support the addition of a misrepresentation issue. The Board agrees with WJXT and, accordingly, is of the view that no further consideration of this aspect of WJXT's request is warranted. See *CBS Inc. (WCAU-TV)*, 49 FCC 2d 1214, 32 RR 2d 271 (1974).

[3] WJXT states that it investigated 60 of St. Johns' 268 person community leader survey filed with the Commission on January 28, 1974, but that it was only able to contact 47 individuals directly.

tive in several important respects.[4] WJXT first asserts that several of St. Johns' interviews were not ascertainment consultations since the community leaders were not asked to identify community problems, needs and interests. Movant next maintains that St. Johns' ascertainment questions frequently were incidental to the solicitation of views and comments on WJXT in particular and television programming in general, questions which, movant asserts, are not considered adequate for purposes of ascertainment. *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971), Q. & A. 18 (*Primer*). Additionally, WJXT alleges that a significant portion of St. Johns' sampled interviews typically were of short duration, some only 3–5 minutes[5] and, therefore, too brief to establish a meaningful dialogue for the ascertainment of community needs and problems. *Primer*, Q. & A. 19. The significance of the brevity of the interviews is compounded, in WJXT's view, by the fact that a large number of the interviews were conducted by telephone.[6] WJXT asserts further that St. Johns' interviewers erred in often failing to identify St. Johns for the purpose of the interviews and that this failure also inhibited ascertainment.[7] Further, WJXT argues that St. Johns' ascertainment practices, particularly its emphasis on programming questions, resulted in a distortion in the results of its survey as evidenced by its ascertainment of "mass media" as a major problem.[8] Finally, movant alleges that the survey is unrepresentative in that leaders of youths, students and the poor were not interviewed, and leaders in public education, agriculture and labor were not interviewed in sufficient numbers.

3. St. Johns opposes the requested *Suburban* issue and asserts that the ascertainment efforts of its principals comply with the requirements of the *Primer*.[9] Initially, the applicant notes that WJXT has investigated only 60 of the more than 300 community leader interviews that it conducted and has submitted only 47 affidavits. Of these, St. Johns argues, 22 are hearsay affidavits of WJXT's investigators which must be discounted as not being in compliance with the personal knowledge requirement of Section 1.229 (c) of the Rules. *CBS Inc. (WCAU–TV)*, *supra*. Further, opponent observes that many of WJXT's remaining 25 affidavits are not unequivocal, but rather contain statements from interviewees indicating that they remember being interviewed by St. Johns but cannot recall details of the interview. This, St. Johns asserts, is an insufficient basis for the addition of the requested issue.

4. Substantively, St. Johns maintains that interviewees were asked their views on community problems and, further, that the interviews were not used primarily to solicit views on WJXT.[10] Opponent attaches twenty-two affidavits from interviewees investigated by WJXT who state, after having their memories refreshed by St. Johns' interviewers, that their views on community problems were, in fact, solicited by St. Johns' interviewers.[11] In response to the allegation that the interviews were too brief to be meaningful, St. Johns submits that WJXT's affidavits, only seven of which may be relied upon in this regard, are not sufficiently precise or definite to support the charge. In any event, the applicant maintains, aside from the fact that dialogues were in fact established, the *Primer* does not specify a given time limit for interviews. Although opponent notes that the *Primer* does not expressly require that an interviewer identify his affiliation with an applicant, St. Johns also disputes the contention that its interviewers failed to identify their affiliation, and, again St. Johns attaches affidavits from interviewees to substantiate this position. Turning to the fact that many of its interviews were conducted by telephone, St. Johns states that the *Primer* does not proscribe the use of telephones for community leader surveys, and, it asserts, regardless of the length of interviews, dialogues were established with those leaders who were contacted by telephone.[12] St. Johns also denies that it distorted the results of its survey to show "mass media" to be a major problem in the community. Finally, St. Johns disputes the argument that its survey was unrepresentative in terms of several groups, noting the various leaders from each of the above groups that it surveyed and, further, that it is the representative nature, and not the number, of leaders interviewed which is the appropriate criterion for assessing community leader surveys.

5. The Broadcast Bureau, in its comments, observes that WJXT's investigation reached only a limited number of the community leaders surveyed by St. Johns; nevertheless, the Bureau urges that WJXT has raised serious questions concerning St. Johns' community leader survey, thereby warranting the addition of a *Suburban* issue. First, the Bureau notes that several St. Johns' interviewees state that they were not asked to identify community needs and problems but rather were asked for their views on WJXT and general television programming, which questions, the Bureau continues, are inappropriate in an ascertainment interview. The Bureau is also troubled by the short length of several of the interviews and questions whether the contacts were too brief to have established the meaningful dialogue mandated by the *Primer*. This doubt, the Bureau continues, is compounded by the interviewer's failure to identify his affiliation. In sum, in the absence of a satisfactory explanation for these deficiencies, the Bureau supports the addition of a *Suburban* issue. The Bureau rejects, however, addition of the issue on the basis of telephone contacts since use of the telephone is not *per se* unacceptable and because there is no indication of extensive use of such method. Finally, the Bureau rejects WJXT's contentions that leaders from various groups were either not contacted

[4] In support of its allegations, WJXT attaches numerous affidavits from both individuals interviewed by St. Johns and its own investigators. To the extent that WJXT's investigators' affidavits are used to establish the facts upon which WJXT's allegations are based, they will be disregarded as hearsay, not based upon the affiant's personal knowledge of the facts alleged. Section 1.229(c) of the Rules.

[5] WJXT submits that 13 of the sampled interviews lasted between two and five minutes and four of the interviews lasted between five and ten minutes.

[6] St. Johns' opposition concedes that many of its community leader interviews were conducted via telephone. See also note 16, *infra*, and the accompanying text.

[7] It should be noted that the affiants generally did not aver that the interviewer definitely did not identify himself but, rather, that to the best of their recollection, the interviewer did not state his affiliation with St. Johns.

[8] WJXT argues that in frequently soliciting community leader opinions on WJXT and television programming, St. Johns may have been deliberately attempting to create a community problem which that applicant has captioned "mass media". Thus, WJXT alleges that interviewees were often asked to comment on local media, the types of television programming that they enjoyed and how local television service could be improved. Questions regarding programming preferences, WJXT continues, are irrelevant to ascertainment interviews, but, nevertheless, responses to such questions were reported by St. Johns as a dominant community problem—"mass media". The conclusion that St. Johns' "mass media" category is a distortion of its community leader survey is supported, in WJXT's opinion, by the fact that none of the other three applicants in this proceeding reported a comparable problem in their community leader surveys and that "mass media" is only barely mentioned in the results of their general public surveys.

[9] In its discussion of the *Primer*, St. Johns suggests that that document is directed towards requiring established stations to develop a continuing dialogue with community leaders. WJXT has erroneously applied this standard to St. Johns, the applicant avers, rather than the appropriate standard applicable to new applicants, that of ascertaining community needs and planning responsive programming. See, however, *Primer*, 27 FCC 2d at 655, 21 RR 2d at 1513; *Notice of Inquiry and Proposed Rulemaking*, FCC 75–540, 40 FR 22092 n. 1, published May 20, 1975.

[10] St. Johns adds, however, that some of the community leaders who frequently deal with the media did offer their opinions on WJXT and/or television programming during the interviews and, in addition, interviewers sometimes solicited views on these matters.

[11] St. Johns suggests that sufficient time had elapsed between its interviews and WJXT's investigation so as to have blurred the recollection of the interviewees with respect to the precise details of the original interviews.

[12] In so doing, St. Johns distinguishes *Southern California Broadcasters Association*, 47 FCC 2d 519, 29 RR 2d 1739 (1974), and *Media, Inc.*, 41 FCC 2d 30, 27 RR 2d 1077 (1973), cited by WJXT, on the grounds that the interviewers in the cited cases were strangers to the proposed service area while the interviewers in the instant case are long-time residents of the service area and, additionally, the telephone interviews were formalized by contemporaneous notes and follow-up letters sent to each interviewee.

or not contacted in sufficient number and that St. Johns' listing of "mass media" as a problem constitutes a distortion of the survey results. Thus, the Bureau reasons that given the relatively small sample approached by WJXT, it cannot be assumed that deficiencies are likely to exist throughout the entire survey effort. And, the Bureau notes that petitioner has not shown that the elicitation of "mass media" as a community need or problem was not arrived at by a valid survey method.

6. Turning first to the allegations that ascertainment questions either were not asked or were merely incidental to a solicitation of views on WJXT and television programming, the Board is satisfied that St. Johns' clarifying affidavits successfully rebut the allegations and affidavits[13] submitted by WJXT. Thus, only two interviewees now state that they were asked questions on both WJXT and programming in addition to ascertainment questions.[14] However, even if programming questions had been regularly asked, this practice would not necessarily draw an applicant's *Suburban* showing into question, absent a showing that the applicant did not employ an otherwise adequate questioning method. *Cf. CBS Inc. (WCAU–TV), supra.* Second, we are satisfied that St. Johns has interviewed leaders from significant groups, including youth, poor, public school, agriculture, labor, and blacks and, accordingly, would deny WJXT's request to the extent that it is premised upon the allegation that certain leaders were either not interviewed at all or were not interviewed in sufficient numbers. More specifically, while student and youth leaders were not contacted, leaders of groups catering to students and youths were interviewed and such representative contacts satisfy the requirements of the *Primer*. See *Jimmie H. Howell*, 46 FCC 2d 960, 30 RR 2d 277 (1974).[15] Our review of St. Johns' survey further satisfies us that sufficient numbers of poverty group, agriculture and black leaders were interviewed by the applicant. Further, we agree with the Bureau that WJXT has not shown that the listing of "mass media" as a problem was not elicited by means of valid survey questions.

7. More serious questions have been raised by WJXT, however, which require addition of a *Suburban* issue. Specifically, the Board is concerned with the high incidence of telephone contacts, both in WJXT's sample (19 out of 25), and, perhaps more importantly, as conceded in the affidavits of St. Johns' interviewer/principals, where the applicant indicated that it generally employed the telephone as the means for conducting its interviews.[16] Indeed, based upon the sample and the admissions, it appears that the great majority of St. Johns' community leader interviews were conducted by telephone. Thus, while we agree with St. Johns and the Bureau that, as a general rule, telephone interviews are not *per se* unacceptable, *Lexington County Broadcasters, Inc.*, 40 FCC 2d 694, 27 RR 2d 416 (1973), the material before us indicates that there may have been an extensive use of the telephone.[17] In this regard, we have recently held that an "extremely high percentage" of contacts by telephone raises a question as to whether meaningful dialogues were achieved between the community leaders so interviewed and the interviewers requiring the addition of a *Suburban* issue. *Cf. Julie P. Miner (KDXU)*, 52 FCC 2d 684, 687, 33 RR 2d 705, 709 (1975). Finally, while we agree with opponent that the *Primer* does not prescribe the duration of community leader surveys, *California Stereo, Inc.*, 39 FCC 2d 401, 404, 26 RR 2d 887, 892 (1973), nevertheless, the short duration of many of the interviews investigated by WJXT, may, in connection with the use of telephone contacts reinforce the need for an inquiry concerning the meaningfulness of those contacts.

Rule 1.526 Issue

8. WJXT next contends that St. St. Johns' official notice, published on March 29, 1974, stating that its application was available for inspection at the office of St. Johns Television Company, 223 West Adams Street, Jacksonville, Florida, when St. Johns was not listed on the building directory, resulted in St. Johns' failure to make its application readily available to the public in violation of Section 1.526 of the Commission's Rules. WJXT alleges that the application was kept at the law offices of Culverhouse, Tomlinson, Mills, De Carion and Anderson, which are located in Suite 655 at the listed address, and that the suite number was not disclosed until the publication of St. Johns' January 1975 public notice advising that its application had been designated for hearing. The Bureau supports addition of the requested issue, on a comparative basis, since there is no showing that St. Johns intended to deceive the public.

9. St. Johns submits that it complied with the intent, if not the letter, of the Rules, when its March 29, 1973, notice listed the address of St. Johns and the names of officers and directors of St. Johns, including Ronald D. Fairchild, Assistant Secretary, whose name is listed on the building directory and whose office is in Suite 655. St. Johns attributes the omission of the suite number to inadvertence—at most a technical violation—and urges that WJXT has not shown that its (St. Johns') application would not have been available if the seeker had used initiative in trying to locate the file.[18] Therefore, opponent concludes that the requested issue is unwarranted. In the event, however, that the Board decides to add an issue, St. Johns argues that it should be added on a comparative basis only.

10. The Board will specify a public file issue against St. Johns. In so doing, we note that St. Johns did publish the address, although incomplete, where its file was kept even though WJXT has established that there was no listing for St. Johns at the address specified in its notice. Thus, without engaging in the exacting efforts suggested by St. Johns in its opposition, a member of the public could not have readily obtained access to the file as contemplated by the Rules. In the absence of a showing of intent to impede access, however, we will add the issue on a comparative basis only. *Cf. Kennebec Western Broadcasting Co.*, 51 FCC 2d 1154, 33 RR 2d 343 (1975).

Issues Relating to William Mills

11. WJXT's final requests are for the addition of character and Section 1.65 issues against St. Johns based upon the fact that William Mills, a St. Johns principal, has, since 1965, been a trustee of the Alfred I. duPont Testamentary Trust, which the Federal Reserve Board (FRB) has found to have violated the Bank Holding Company Act of 1956, 12 USC §§ 1841, *et seq.*[19] As related by WJXT,

[13] St. Johns recontacted many of the interviewees who had executed affidavits for WJXT and obtained and submitted clarifying affidavits from these interviewees. Moreover, St. Johns submitted affidavits from its interviewer/principals in which they indicate that appropriate ascertainment interviews were conducted by them.

[14] As noted in the *Primer*, Q. & A. 18, the purpose of the community leader survey is not to elicit program suggestions and preferences. *Estate of John C. Mullins*, 36 FCC 2d 78, 85, 25 RR 2d 73, 81 (1972). However, an applicant is not expected to ignore such comments, and when they are offered, they should guide the interviewer to elicit comments on community problems.

[15] Included among the youth and student leaders contacted were officials of the YWCA and YMCA, Hot Line for Drugs, Big Brothers, the Jacksonville Youth Coordinator Boy Scouts, Boys Club, Girl Scouts, Jacksonville School Board, Florida Junior College, North Florida University, various county school superintendents, and the Duval County Teachers Association.

[16] The affidavits submitted by the principals, note 13, *supra*, are essentially identical and state: "I conducted most of my community leader consultations by telephone. Unless I knew the name of an individual in a leadership position at the organization, my usual procedure was to telephone the organization and to ask to speak with the head man."

[17] This question is raised even though St. Johns took contemporaneous notes and sent follow-up letters as discussed in *Southern California Broadcasters Association, supra.*

[18] St. Johns asserts that without the need for any additional information and by using common sense, a member of the public could have found St. Johns' application by any of the following means: locating Fairchild's name on the building directory and proceeding to Suite 655; asking the building guard whether any of the persons listed in the notice had offices in the building; telephoning or writing to the Florida Secretary of State to obtain St. Johns' address; telephoning one of the persons listed in the notice and asking him where the public file was located; or telephoning WJXT and asking where St. Johns' file was located.

[19] WJXT characterizes the Act as being in the nature of antitrust legislation, and notes that the Trust did not contest the FRB's charges.

pursuant to a 1966 amendment to the Bank Holding Company Act, the duPont Trust was required either to divest itself of non-bank businesses or else to relinquish its control of some 30 Florida Banks. In its violation notice of July 1975, WJXT continues, the FRB, *inter alia*, announced its preliminary conclusion that, although the Trust's interests in the 30 banks had been transferred to a newly created bank holding company whose shares were sold to the public, the Trust had in fact retained control of the new holding company and its 30 banks in violation of the statute. The Trust did not contest any of the charges, movant notes, and the Board's preliminary notice became a final determination of violation requiring the Trust to terminate its unlawful control. Movant urges that the violation of the Act by the Trust and the alleged role of Mills as a Trustee requires the addition of a character issue to examine the nature and extent of Mills' involvement and the impact thereof on St. Johns' character qualifications. In addition, WJXT asserts that St. Johns failed to report the violations of the Act or the FRB's proceeding to the Commission in violation of Section 1.65 of the Rules.

12. St. Johns asserts that the requested issues are both procedurally and substantively unsupported. First, St. Johns notes that the only factual support for the allegations submitted by WJXT consists of the FRB's preliminary notice and order and that nothing in those documents supports WJXT's charge that Mills was responsible for the actions of the Trust which led to the FRB's action. Therefore, St. Johns concludes there is an insufficient factual basis for adding the issues. Further, St. Johns attaches an affidavit from Mills, St. Johns exhibit 60, in which affiant states that he was not responsible for the actions which resulted in the FRB's action and did not consider the action to constitute a determination that the Trust had violated federal antitrust laws and, therefore, that he did not inform St. Johns' communications counsel of the FRB's action. Opponent characterizes the FRB's order as being in the nature of a consent decree and not an admission of any issue of fact or law by the Trust. Finally, noting that there was no finding of willful violation by the Trust, St. Johns submits that the instant case is controlled by *CBS Inc. (WCAU–TV)*, 52 FCC 2d 423, 33 RR 2d 579 (1975).

13. The Bureau opposes addition of the requested issues in the absence of a showing of what Mills' role was in the activities of the Trust which led to the FRB's action. In this connection, the Bureau contends that WJXT failed to comply with Section 1.229(c) of the Rules because it has not submitted an affidavit from an individual with personal knowledge of Mills' alleged involvement. With regard to the Section 1.65 request, the Bureau argues that there is no showing that the FRB's action has any decisional significance and, therefore, that it was not necessary to report the FRB's action.

14. Both of the requested issues will be denied. Whether or not the FRB's action constitutes a judgment in the technical sense of the word, we are of the opinion that in view of all of the circumstances, an evidentiary hearing is not needed. *Cf. Town and Country Radio, Inc.*, 51 FCC 2d 1217, 33 RR 2d 671 (1975). Thus, although WJXT has shown that the Trust had not conformed with the requirements of the Bank Holding Company Act, as interpreted by the Federal Reserve Board, it has not been demonstrated that the conduct involved willful or deliberate violations or a pattern of recurring violations or that it otherwise has any relationship to St. Johns' ability to operate a broadcast station in the public interest. See *CBS Inc. (WCAU–TV)*, 52 FCC 2d at 424, 33 RR 2d at 581. In this latter connection, it is important to note that WJXT has failed to show that Mills had any involvement in acquiring control of the interests requiring divestiture. In the absence of such a showing, and based upon our review of the FRB determination and order for divestiture,[20] the Board perceives no basis for finding that the order raises a substantial question concerning St. Johns' qualifications to be a Commission licensee. Moreover, given the nature of the FRB order, we are of the view that it was not unreasonable for Mills to conclude that it did not constitute a judgment as contemplated by our Rules.

15. Accordingly, it is ordered, That the motion for leave to file supplement to opposition to WJXT's motion to enlarge issues, filed April 29, 1975, by St. Johns Television Company, is granted, and the supplement IS ACCEPTED; and

16. It is further ordered, That the motion to enlarge issues, filed January 22, 1975, by Post-Newsweek Stations, Florida, Inc., IS GRANTED to the extent indicated herein, and is denied in all other respects;[21] and

17. It is further ordered, That the issues in this proceeding ARE ENLARGED to include the following issues:

a. To determine the efforts made by St. Johns Television Company to ascertain the community needs, interests and problems of the area to be served and the means by which the applicant proposes to meet these problems; and

b. To determine whether St. Johns Television Company has failed to comply with the provisions of Section 1.526 of the Commission's Rules, and, if so, to determine the effect thereof on its comparative qualifications to be a Commission licensee.

18. It is further ordered, That the burdens of proceeding with the introduction of evidence and proof under issue (a) added herein SHALL BE on St. Johns Television Company.

Adopted: August 29, 1975.

Released: September 9, 1975.

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

[FR Doc.75-24323 Filed 9-11-75;8:45 am]

[20] Although the FRB directed the Trust to terminate its control over its subsidiary banks, it noted in the Order that the Trust (which had not contested the allegations or requested a hearing thereon) had informed the FRB of its willingness to terminate the control relationship and it further ordered the Trust to submit a specific plan for divestiture.

[21] The Board is aware that the Presiding Judge, by Order, FCC 75D-38, released July 24, 1975, has granted Post-Newsweek's motion for a summary decision, has granted renewal of its license, and has denied the application of St. Johns. A hearing on the issue added herein is contingent on disposition of appeal of the Presiding Judge's decision and will be heard only if the decision is overruled.

[Docket No. 20493; FCC 75-978]

WESTERN TELE-COMMUNICATIONS, INC.

Memorandum Opinion and Order Instituting Investigation

In the Matter of Western Tele-Communications, Inc., Revised Rates for Microwave Service to Broadcast Station and Cable Television System Customers located in Utah, Montana, Idaho, Wyoming, and North Dakota; Tariff F.C.C. No. 3, Transmittal No. 43.

Western Tele-Communications, Inc., Revised Rates for Microwave Service to Broadcast and Cable Television Customers located in Wyoming, Idaho, and Montana; Tariff F.C.C. No. 3, Transmittal No. 38. Docket No. 20493.

1. On June 30, 1975, Western Tele-Communications, Inc. (WTCI) filed revisions to its Tariff F.C.C. No. 3 under Transmittal No. 43 to become effective August 30, 1975. On July 25, 1975, Teleprompter Cable Communications Corp. and Teleprompter of Great Falls, Inc. (jointly referred to as Teleprompter) filed a "Petition to Suspend, to Investigate, to Order an Accounting and for Immediate Relief" directed against the above-captioned tariff revision. WTCI filed a "Reply to Petition" on July 30, 1975.

2. WTCI, through its Western Microwave Division, offers a variety of video and audio services to its cable television and broadcast customers in Utah, Montana, Idaho, Wyoming, and North Dakota. Part of its primary service to cable television systems is delivering the signals of four Salt Lake City, Utah television broadcast stations.[1] On September 6, 1974, in our *Report and Order in Docket No. 20028* (Late Night Programming) 48 FCC 2d 699 (1974), we amended Part 76 of the Rules to provide generally that cable television systems are authorized to distribute any television station's signal during the period from sign-off of the last station which the cable television system must carry to the sign-on of the first station which the cable tele-

[1] For a more complete description of WTCI's point-to-point microwave services see *Western Tele-Communications, Inc.* (Docket No. 20493), FCC 75-614, FCC 2d (1975).

vision system must carry. On March 15, 1975, WTCI began offering late-night programming on a free trial basis to its customers receiving at least two Salt Lake City television channels. In Transmittal No. 43, WTCI proposes to offer late-night programming as a new service which will result in increased charges to customers who elect to continue receiving the service. Free late-night programming thus would terminate with the effective date of the above-captioned revisions unless we suspend the revised tariff. WTCI's late-night programming consists of the signals of San Francisco television broadcast stations. Sierra Microwave, Inc., a WTCI subsidiary, relays these signals to Salt Lake City over existing facilities. At Salt Lake City the late-night programming is switched onto microwave channels carrying the signals of Salt Lake City television stations after the Salt Lake City stations sign-off for relay throughout the Western Division system on existing facilities. The rate structure which WTCI proposes for the late-night programming is quite similar to the rate structure advanced in its Transmittal No. 38, and into which we have instituted an investigation.[2] WTCI's rates for late-night programming will vary according to (a) in which of two geographical zones a cable television system customer is located, and (b) the number of potential homes in the cable system's service area. WTCI admits that inasmuch as the late-night service will be provided over existing facilities its additional capital investment will be minimal. Therefore, its Section 61.38 material concentrates on the revenue requirements of Sierra Microwave and its Western Division system. WTCI contends that the resulting tariff revision results in rates that will contribute to its return on investment, which it claims should be 18.92%.

3. Teleprompter argues that the Commission should suspend and investigate the above-captioned tariff revision because (a) it unreasonably discriminates against cable television systems which serve large communities, but which have low subscriber penetration levels; (b) that the arbitrary zone classifications do not reflect the cost characteristics of WTCI's plant because cable systems located in zone II, but which, nevertheless, are close to zone I will pay unreasonably high rates; (c) that the rate structure presented by the instant case is the same as that in Transmittal No. 38 which the Commission concluded raised discrimination and rate of return questions; and (d) that WTCI's cost justification does not satisfy the requirements of Section 61.38 of the Commission's Rules because it fails to include a study of the costs associated with the late-night service. Additionally, Teleprompter contends that WTCI has violated Section 203(c) of the Communications Act of 1934, as amended, and Section 21.705 of the Rules by offering late-night programming free-of-charge prior to filing a tariff schedule, and that WTCI's offering also violates Section 201(b) of the Act because it fails to specify practices which will prevent impairment of service resulting from switching errors.

4. WTCI denies Teleprompter's arguments (a) through (d), but states that it,

> [d]oes not object to the inclusion of the above-captioned tariff revisions in the investigation and hearing proceeding (Docket No. 20493) involving WTCI's revised rate structure for its Western Division system.

WTCI, however, requests that any suspension period be limited to at the most one-day. As to Teleprompter's allegation that WTCI is in violation of Section 203 (c) of the Act and Section 21.705 of the Rules, WTCI notes that its effective tariff provides that it shall supply microwave service between given points during the programming hours of the television stations whose signals its subscribers request and that such programming may be provided 24 hours per day. WTCI admits that switching problems did occur, but states that it now has established reasonable procedures to prevent reoccurrences.

5. Teleprompter's argument that the above-captioned tariff violates Section 201(b) of the Act because it fails to specify procedures which will prevent impairment of service resulting from switching errors is without merit. The provision of late-night programming on microwave channels carrying Salt Lake City television signals until their sign-off necessitates a switching operation which our comparable experience in cable television matters indicates occasionally is imprecisely performed. Elimination of the switching errors may require several different courses of action. The above-captioned tariff revision implicitly recognizes this, and thus simply states that WTCI "shall take reasonable steps to prevent the delivery of signals not ordered by a customer." Should operational experience demonstrate that a specification of procedures is desirable we will, of course, reconsider our conclusion herein.

6. Although Teleprompter's contention that WTCI's failure to include the signals of the San Francisco television broadcast stations in the list of signals delivered has merit, we are not persuaded that WTCI has clearly violated Section 203(c) of the Act and Section 21.705 of the Rules by offering late-night programming, including the San Francisco stations, free-of-charge prior to filing a tariff schedule. While WTCT's currently effective tariff is not a model of clarity, we believe it nevertheless can be reasonably construed to allow free late-night service which does not adversely affect the interests of WTCI's users. As WTCI notes, the currently effective tariff provides for the transmission of specified numbers of channels of television programming to certain receive sites. Rates for service are directly related to the number of channels delivered. Sections B(2)(a) and B(10)(a) also state that service may be provided up to 24 hours per day and that the actual programming delivered, "shall be determined by agreement among the subscribers, if possible", and failing agreement, "the carrier will use its best judgment as to the needs of the public and the needs of the subscribers, transmitting the signals desired by the majority of subscribers". Under the currently effective tariff, a majority of WTCI's Western Division customers opted for late-night programming on a free trial basis. WTCI's consequent provision of late-night programming on existing channels thus is consistent with its currently effective tariff, since the majority of its customers choose to receive the programming and since they already subscribe to up to 24 hour service on the same channels that are used to relay late-night programming. However, we do not view this situation as a desirable one nor this action as a precedent for similar tariff ambiguities. In order to avoid uncertainty in the future, we hereby order WTCI to clarify the current tariff provisions by submitting appropriate revisions to expressly include the San Francisco signals and to provide for free trial service.[3] Permission is hereby granted to make such revisions to the current tariff effective on not less than one day's notice and for this purpose Section 61.58 of the Rules is waived.

7. However, we find that Teleprompter's arguments (a) through (d) raise substantially the same questions that are currently under investigation in Docket No. 20493. Therefore, we shall consolidate the issues raised by Teleprompter's arguments (a) through (d) with the pending investigation and hearing in Docket No. 20493. Moreover, inasmuch as WTCI contends that the instant tariff revision will contribute to Sierra Microwave's revenue requirement, we must also consider whether the portion of the revenues to be realized by Sierra Microwave from the instant tariff revision is just and reasonable or otherwise lawful under the Communications Act. We also shall suspend WTCI's proposed rate increases for the maximum ninety-day statutory period and shall impose an accounting order. Our reasons for the full 90 day suspension are essentially the same as those articulated in paragraph 10 of the Memorandum Opinion and Order initiating Docket No. 20493.[4]

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[2] Western Tele-Communications, Inc. (Docket No. 20493), FCC 75-614, FCC 2d (1975).

[3] Termination of the suspension ordered herein of the above-captioned tariff revisions will not negate these additional anticipated revisions to the current tariff because the above-captioned revisions offer late-night programming as a new service for which an additional charge will be made. The revisions here ordered, however, simply will clarify the current tariff (now and as modified by the above-captioned revisions when they become effective) so as to clearly allow free late-night service via San Francisco television broadcast signals.

[4] Western Tele-Communications, Inc. (Docket No. 20493), FCC 75-614, FCC 2d (1975).

8. Accordingly, it is ordered, That, pursuant to Sections 4(i), 4(j), 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by WTCI with Transmittal No. 43 including any cancellations, amendments or re-issues thereof;

9. It is further ordered, That, pursuant to the provisions of Section 204 of the Act, the revised tariff schedules filed by WTCI with Transmittal No. 43 are hereby suspended until November 30, 1975 and that WTCI, as to the operation of such tariff schedules shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increases, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision herein, the Commission may by further order, require the refund thereof, with interest, pursuant to Section 204 of the Act, and the carrier shall file such reports on the amounts accounted for as the Chief, Common Carrier Bureau shall require;

10. It is further ordered, That, the unresolved issues raised herein regarding the above-captioned tariff revision are included in Docket No. 20493.

11. It is further ordered, That, WTCI and Sierra Microwave ARE MADE parties Respondent herein and that Teleprompter IS MADE a party pursuant to Section 1.221(d) of the Commission's Rules; and that all other interested persons wishing to participate may do so by filing a notice of intention to participate within 30 days of the release date of this order;

12. It is further ordered, That, the "Petition to Suspend, to Investigate, to Order an Accounting and for Immediate Relief" filed by Teleprompter Cable Communications Corp. and Teleprompter of Great Falls, Inc. on July 25, IS GRANTED to the extent indicated herein and otherwise IS DENIED.

13. It is further ordered, That, the Secretary shall send a copy of this order by certified mail, return receipt requested, to the parties identified in paragraph 11 above, and shall cause a copy to be published in the Federal Register.

Adopted: August 28, 1975.

Released: September 8, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.75-24326 Filed 9-11-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 72-46; Agreement No. 57-96]

PACIFIC WESTBOUND CONFERENCE

Extension of Authority for Intermodal Services

After investigation and hearing, the Commission, on July 8, 1975, issued its report and order in this proceeding. That order granted approval to Agreement No. 57-96 on condition that certain modifications be made in that Agreement, and that the modified Agreement be submitted to the Commission within 60 days of the date of our order. The time within which the Pacific Westbound Conference may comply with the conditions of approval will expire at the end of this day.

It has come to our attention that the members of the Pacific Westbound Conference have been unable to agree to the modifications required in our order of July 8, 1975. Having considered the aforesaid state of affairs, and having considered the many alternative actions now available to us, the Commission has determined to suspend its order of July 8, 1975. This is done in order to permit the Commission to consider what substantive action it can take regarding Agreement No. 57-96, and to make that consideration prior to the expiration of the time within which the Pacific Westbound Conference may comply with the conditions imposed in our order of July 8, 1975.

Therefore, it is ordered, That the order of the Federal Maritime Commission, entitled Docket No. 72-46, Agreement No. 57-96, Pacific Westbound Conference Extension of Authority for Intermodal Services, served July 8, 1975, is suspended until further order of the Commission.

It is further ordered, That this order of suspension be published in the FEDERAL REGISTER.

It is further ordered, That copies of this order of suspension be served upon all the parties to Docket No. 72-46.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.75-24336 Filed 9-11-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REVIEW OF COMPLAINTS CONCERNING CONTRACTS UNDER FEDERAL GRANTS

Public Notice

Federal grant funds are disbursed throughout the economy to a wide variety of recipients ranging from State and local governments to private organizations and individuals. The magnitude of Federal grant activity is demonstrated by the fact that the fiscal year 1976 budget recommendations of the President were for $56 billion in grants-in-aid, as compared with $13 billion in 1966. Further, Federal aid constituted 21 percent of total State and local government receipts in 1974, more than twice the percentage of 1954. These recipients are engaged, in turn, in varied practices and procedures regarding controls over the manner in which grant funds are utilized. Recipients of Federal grants are engaged in a significant amount of contract activity financed from public funds. For example, in 1974, $8 billion of grant funds were committed to construction project contracts entered into by grantees as opposed to $5 billion of construction contracts entered into directly by Federal agencies. Aside from construction projects, grant funds are also frequently utilized to acquire by contract many other such items as office furnishings and equipment, automobiles, laboratory equipment, specialized clothing, and other types of materials required for the proper prosecution of the effort contemplated by the grant.

Of particular concern, in connection with the sizeable expenditure of grant funds for contract purposes, is the propriety of contracting procedures followed. Often particular procedures to be followed as specified in grant instruments are legally binding upon the grantee.

The General Accounting Office has from time to time considered on an *ad hoc* basis complaints regarding contract award procedures followed by grantees in specific cases. However, we think it is now necessary to clarify the GAO role concerning the review of such complaints. Therefore, consistent with the statutory obligation of the General Accounting Office to investigate the receipt, disbursement, and application of public funds, we will undertake reviews concerning the propriety of contract awards made by grantees in furtherance of grant purposes upon request of prospective contractors.

It is not the intent of the General Accounting Office to interfere with the functions and responsibilities of grantor agencies in making and administering grants. Prospective contractors are urged to seek resolution of their complaints through regular administrative channels prior to making a complaint with GAO. The purpose of our reviews will be to foster compliance with grant terms, agency regulations, and applicable statutory requirements. We will not consider complaints where the Federal funds in a project as a whole are insignificant.

Complaints are not for consideration under our bid protest procedures (see 40 Fed. Reg. 17979, April 24, 1975), since there is no direct contractual relationship between the Federal Government and the party engaged in contracting with the grantee. We will develop and publish appropriate detailed procedures to govern our consideration of requests for review of grantee contract award matters. In the interim we will receive and consider complaints under the following general interim procedure.

Upon receipt of a complaint, GAO will solicit a report from the grantor agency involved setting forth its views and the views of the grantee with respect to the issues raised. The grantee and other interested parties will be afforded an opportunity to comment on the agency report and to present their views concerning the matters at issue. At the conclusion of its review GAO will inform all interested parties of its conclusions.

Requests for GAO review of complaints concerning grantee contract awards shall be submitted to the General Counsel, General Accounting Office, Washington, D.C. 20548. Such requests should (1) identify the specific grant and contract thereunder at issue and (2) provide a full statement of the basis upon which it is believed that proper contracting procedures have not been fol-

[2] Commissioners Wiley, Chairman; Lee and Robinson acting as a board.

lowed. It is important that complaints be received as promptly as possible.

Agencies will continue to be responsible for assuring that grant administration functions adhere to the statutory requirements applicable to their grant programs.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.75-24310 Filed 9-11-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt and Approval of a Proposed Report

The following request for clearance of a proposed report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on September 4, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and action taken by GAO.

FEDERAL POWER COMMISSION

The Federal Power Commission (FPC) requested clearance of a revised Form No. 8, Underground Gas Storage Report, to broaden reporting of underground natural gas storage. The revised Form No. 8 will be filed by all companies subject to FPC jurisdiction that operate underground gas storage fields, and will permit continuous monitoring of all storage injections, withdrawals, balances, and capacities. The revised form will be filed within 5 days of the first and 15th day of the months from December through March, and the first day of the months of April through November. There will be approximately 35 respondents and it is estimated that an average of 4 manhours will be required per response.

The FPC requested expeditious clearance of Form No. 8 so that collection of the information can be coordinated on a timely basis with the issuance of an identical form by FEA. FEA's form solicits information from companies not under the jurisdiction of FPC, while the FPC form solicits the information from companies under their jurisdiction.

GAO noticed the FEA form in the FEDERAL REGISTER on July 28, 1975, and solicited comments. Because the FPC form is identical to the FEA form, we are of the opinion that no new comments would be made. Therefore, GAO has granted expedited clearance to the FPC form under number B-180228 (R0273).

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-24357 Filed 9-11-75;8:45 am]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 8, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the requests 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 FTC 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 September 30, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL TRADE COMMISSION

The Bureau of Consumer Protection of the Federal Trade Commission has submitted for clearance a one-time questionnaire to be sent to pharmaceutical trade and professional associations requesting information of acts and practices within the industry concerning ownership requirements of retail pharmacies anywhere within the United States. The respondent burden is estimated to be six hours per response. Response to the questionnaire is voluntary.

The Bureau of Consumer Protection of the Federal Trade Commission has submitted for clearance a one-time questionnaire to be sent to boards of pharmacy requesting information of acts and practices within the industry concerning ownership requirements of retail pharmacies anywhere within the United States. The respondent burden is estimated to be three hours per response. Response to the questionnaire is voluntary.

The Bureau of Consumer Protection of the Federal Trade Commission has submitted for clearance a one-time questionnaire to be sent to various consumer interest groups requesting information of acts and practices concerning ownership requirements or retail pharmacies anywhere within the United States. The respondent burden is estimated to be three hours per response. Response to the questionnaire is voluntary.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.75-24358 Filed 9-11-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

ADVISORY COMMITTEE FOR PROTECTION OF ARCHIVES AND RECORDS CENTERS

Notice of Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, P.L. 92-463, notice is hereby given that meetings of the Advisory Committee for Protection of Archives and Records Centers will be held at 9:00 a.m. on September 25-26, 1975, in the Departmental Auditorium, Conference Room B, 14th and Constitution Avenue, NW., Washington, D.C.

The meetings on September 25 and 26 will be devoted to review, comment and revision of the draft report prepared by the Advisory Committee Secretary.

Individuals wishing to offer testimony are requested to submit, in advance, to the Advisory Committee Secretary, a one-page outline of their testimony, and to limit their oral remarks to fifteen minutes. Written statements of any length will be accepted.

Further information with reference to these meetings can be obtained from Mr. D. Peter Lund, Advisory Committee Secretary, c/o Society of Fire Protection Engineers, 60 Batterymarch Street, Boston, MA 02110, or call (617) 482-0686.

Dated: August 15, 1975.

W. A. MEISEN,
Acting Commissioner, Public Buildings Service.

[FR Doc.75-24292 Filed 9-11-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-6 issued to the Consumers Power Company (the licensee) for operation of the Big Rock Point Nuclear Plant (the facility), a boiling-water reactor located in Charlevoix County, Michigan, and currently authorized for operation at power levels up to 240 MWt.

In accordance with the licensee's application for a license amendment dated July 25, 1975, the amendment would modify operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR Section 50.46. The amendment would modify various limits established in accordance with the Commission's Interim Acceptance Criteria, and would impose instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR Section 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By October 14, 1975 the licensee may file a request for a hearing and any per-

son whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER Notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Charles F. Bayless, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine the witnesses.

For further details with respect to this action, see (1) the application for amendment dated July 25, 1975, (2) the report "Heatup Analysis for EXXON Nuclear Company, Inc., G Fuel in the Big Rock Point Plant" in conformance with 10 CFR 50, Appendix K dated July 26, 1975, and letter dated July 26, 1975, from EXXON Nuclear Company, (3) the Commission's Determination with Respect to Variance from the Interim Acceptance Criteria and Extension in Submitting Evaluation from the Acceptance Criteria for Core Cooling Systems [10 CFR § 50.-46(a)(2)(iii)] dated August 5, 1974, published in the FEDERAL REGISTER on August 15, 1974 (39 FR 29403), (4) the Commission's Memorandum and Order dated August 5, 1974, on Certain Requests for Exemption from Emergency Core Cooling System Criteria, and (5) the Determination of Request for Extension of Time for Submittal of Evaluation Required by Acceptance Criteria for Emergency Core Cooling Systems dated April 1, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy 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 4th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-24142 Filed 9-11-75;8:45 am]

[Docket Nos. 50-458 and 50-459]

GULF STATES UTILITIES CO. RIVER BEND STATION, UNITS 1 AND 2

Notice of Issuance of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Nuclear Regulatory Commission's (Commission) regulations, the Commission has authorized the Gulf States Utilities Company to conduct certain site activities in connection with the River Bend Station, Units 1 and 2 prior to a decision regarding the issuance of construction permits.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and include clearing and grading of the plant site, excavation (and dewatering system) for reactor and other building foundations, installation of a railroad spur and new north access road, installation of water wells, installation of fire protection facilities, diversion of West Creek and erection of construction support facilities as follows: Offices, warehouses, shops, roads, and construction power.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Gulf States Utilities Company and the grant of the authorization has no bearing on the issuance of construction permits with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto.

An Initial Decision on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on September 2, 1975. A copy of (1) The Partial Initial Decision; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement dated September 1974; and (5) the Commission's letter of authorization dated September 5, 1975, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and the Audubon Library, West Feliciana Branch, Ferdinand Street, St. Francisville, Louisiana 70775.

Dated at Rockville, Maryland this 5th day of September, 1975.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 4, Division of Reactor Licensing.

[FR Doc.75-24286 Filed 9-11-75;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the licensees), for operation of the Millstone Nuclear Power Station, Unit No. 1, located in Waterford, Connecticut.

The amendment would revise the provisions in the Technical Specifications relating to the Average Power Range Monitor (APRM) flow biased rod block and trip setting, in accordance with the licensee's application for amendment, dated July 25, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By October 14, 1975, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this

FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated July 25, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy 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 3rd day of September 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 6, Division of Reactor Licensing.

[FR Doc.75-24143 Filed 9-11-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

Correction

In FR Doc. 75-23955 appearing in the issue of Wednesday, September 10, 1975 on page 42061, the document heading in the 1st column should read as set forth above.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

SEPTEMBER 5, 1975.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. 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 Section 12(k) 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 September 6, 1975 through September 15, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-24236 Filed 9-11-75;8:45 am]

[Rel. No. 8926 (811-184)]

CAPITAL INVESTORS GROWTH FUND, INC.

Notice of Application

SEPTEMBER 5, 1975.

Notice is hereby given that Capital Investors Growth Fund, Inc. (the "Applicant"), 2727 Allen Parkway, Houston, Texas 77019, registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end management investment company filed an application on June 25, 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 was organized as a Delaware Corporation under the name of Mutual Investment Company of America on July 1, 1938 and was registered under the Act by Filing a Form N-8A Notification of Registration on October 31, 1940. Applicants name was changed to Capital Investors Growth Fund, Inc. on October 10, 1966.

Applicant represents that pursuant to a plan of reorganization approved by its shareholders at a meeting held on December 20, 1974, it transferred substantially all of its assets to Capital Shares, Inc. on December 27, 1974 in exchange for shares of Capital Shares, Inc. Applicant further represents that it has no shareholders and was dissolved by filing a Certificate of Dissolution pursuant to the laws of Delaware on June 17, 1975.

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 taking effect 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 September 30, 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 reasons 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 the 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 September 30, 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.75-24237 Filed 9-11-75;8:45 am]

[Rel. No. 8925; (811-2230)]

C. I. DIRECT PLACEMENT FUND, INC.

Notice of Application

SEPTEMBER 5, 1975.

Notice is hereby given that C. I. Direct Placement Fund, Inc. (the "Applicant"), c/o John J. McHugh, Secretary, 767 Fifth Avenue, New York, New York 10022, registered under the Investment Company Act of 1940 (the "Act") as a nondiversified, closed-end management investment company filed an application on August 11, 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 was organized as a Delaware Corporation on September 16, 1971 and registered under the Act by filing a Form N-8A Notification of Registration on September 17, 1971. At that same time Applicant filed a Form N-8B-1 Registration Statement under the Act and filed a Form S-4 Registration Statement under the Securities Act of 1933 ("1933 Act"). The "1933 Act" Registration Statement has never become effective and the Applicant has applied for a withdrawal. Applicant represents that it has no shareholders, that it has no intention of proceeding with any offering of its shares and that it will be dissolved.

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 taking effect 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 September 30, 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 reasons 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 the 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 O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following September 30, 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.75-24238 Filed 9-11-75;8:45 am]

[Rel. No. 19158; 70-5732]

DELMARVA POWER AND LIGHT CO. AND DELMARVA POWER AND LIGHT COMPANY OF MARYLAND

Notice of Proposed Issuance and Sale of Long-Term Promissory Notes and Capital Stock

SEPTEMBER 5, 1975.

In the matter of: Delmarva Power & Light Company, 800 King Street, Wilmington, Delaware, 19899; Delmarva Power & Light Company of Maryland, U.S. Route 13 and Naylor Mill Road, Salisbury, Maryland, 21801; (70-5732).

Notice is hereby given that Delmarva Power & Light Company of Maryland ("Maryland"), a wholly-owned electric utility subsidiary company of Delmarva Power & Light Company ("Delmarva"), a registered holding company and a public-utility company, have filed an application-declaration with this Commission, designating Sections 6(b), 9(a), 10, 12(d), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 44 promulgated thefeunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

All of the presently outstanding securities of Maryland are owned by Delmarva and pledged with Chemical Bank, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delmarva to Chemical Bank, Trustee, dated as of October 1, 1943.

It is proposed that Maryland will, prior to September 30, 1977, issue and sell to Delaware its 30-year promissory notes in a total principal amount not exceeding $10,000,000 and will also issue and sell to Delaware a total not to exceed 100,000 shares of its common capital stock of the par value of $100 per share. It is proposed that Delaware will purchase such notes, when issued, at the principal amount thereof, plus accrued interest from their issuance date, and such common stock, when issued, at the par value thereof. Such notes and stock will be issued and sold by Maryland from time to time as may be necessary to meet Maryland's cash requirements. The notes will bear interest at 11.1% (such interest rate being based on the cost of the last public borrowing of Delaware (11.0674%), rounded to the next higher one tenth of one per cent, but at such time as Delaware shall market its next issue of bonds, all notes thereafter issued by Maryland under this proposal shall bear interest equal to the cost of money to Delaware under such bond issue, rounded to the next higher one tenth of one per cent. At the time of the sale of any of said notes by Maryland to Delaware, Maryland will sell and Delaware will acquire common capital stock having a par value equal to the principal amount of notes being so sold and acquired.

It is also proposed that Maryland's 30-year, 3½% promissory notes to Delaware in the aggregate principal amount of $2,490,000 maturing on various dates between April 1, 1976, and July 1, 1977, will be refunded by the issuance and sale to Delaware on the respective dates of maturity of new 30-year promissory notes in like amounts, to bear interest at the cost of the last public borrowing of Delaware prior to such respective issuances, rounded to the next higher one-tenth of one per cent.

Delaware further proposes that the notes and stock to be acquired by Delaware will be pledged by it with Chemical Bank, Trustee, in accordance with the provisions of said Indenture of Mortgage and Deed of Trust of Delaware to Chemical Bank, Trustee, dated as of October 1, 1943.

Maryland will use the proceeds derived from the sale of the notes and stock to provide funds for the repayment of said 30-year, 3½% promissory notes in the principal amount of $2,490,000, for future capital expenditures, and for other corporate purposes. Proposed additions to Maryland's property and plant are estimated at $7,094,229 for the remaining months of 1975, $14,995,000 for 1976, and $13,088,000 for 1977.

It is stated that the Public Service Commission of Maryland has jurisdiction over the proposed transactions and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses paid or incurred, or to be paid or incurred, directly or indirectly, in connection with the proposed transactions are estimated to be $4,000, including counsel fees of $1,750.

Notice is further given that any interested person may, not later than October 1, 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 applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or 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.75-24239 Filed 9-11-75;8:45 am]

[Rel. No. 8924; 811-2308]

INVESTMENT CAPITAL CORP.

Notice of Proposal To Terminate Registration

Rel. No. 8924/SEPTEMBER 5, 1975.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act") to declare by order upon its own motion that Investment Capital Corporation ("ICC") c/o Bernard L. Greer, Jr. Shoob, McLain, Jessee, Merritt & Lyle 3242 First National Bank Tower Atlanta, Georgia, 30303; 811-2308. Registered under the Act as a closed-end, nondiversified management investment company has ceased to be an investment company as defined in the Act.

ICC was organized as a Georgia Corporation on February 18, 1972, and filed a Notification of Registration on Form N-8A on August 14, 1972.

Material in the Commission's records indicate that none of ICC's securities have ever been offered or sold to the public and that ICC never became an operating investment company. Material in the Commission's records also indicates that, on December 27, 1972, ICC was merged into ABCO International Corporation ("ABCO"), a Georgia corporation, which is engaged in the business of management, marketing, executive consulting, franchise marketing, financial planning, and related fields, and that ABCO is not now, and never has been an investment company as defined in the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission on its own motion, 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 October 3, 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 ICC at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following 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.75-24240 Filed 9-11-75;8:45 am]

[Release No. 11635]

MUNICIPAL SECURITIES RULEMAKING BOARD

Announcement of Appointment of Members

SEPTEMBER 5, 1975.

The Securities and Exchange Commission today announced the appointment of the members of the Municipal Securities Rulemaking Board (the "Board"), in accordance with the provisions of Section 15B(b)(1) of the Securities Exchange Act of 1934 (the "Act"), as set forth in the Securities Acts Amendments of 1975 (the "1975 Amendments"). Section 15B(b)(1) provides that the Board shall consist of 15 members: five individuals who are not associated with any broker, dealer, or municipal securities dealer ("public members"), as defined in Section 3(a)(18) and 3(a)(32) of the Act (at least one of whom shall be representative of investors in municipal securities, and at least one of whom shall be representative of issuers of municipal securities); five individuals who are associated with, and representative of, municipal securities brokers and municipal securities dealers which are not banks or subsidiaries, departments or divisions of banks ("broker-dealer members"); and five individuals who are associated with and representative of municipal securities dealers which are banks or subsidiaries, departments or divisions of banks ("bank members").

The 1975 Amendments grant the Board broad rulemaking authority. The Board will have primary responsibility for formulating rules regulating the activities of municipal securities brokers (as defined in Section 3(a)(31) of the Act) and municipal securities dealers (as defined in Section 3(a)(30) of the Act), including banks and subsidiaries, departments and divisions of banks which act as dealers in municipal securities. The Board's rulemaking authority includes, but is not limited to, the power to: define and establish means of preventing fraudulent and manipulative acts and practices; promote just and equitable principles of trade; establish professional qualifications for municipal securities dealers; regulate selling and underwriting practices; determine the minimum scope and frequency of inspection of municipal securities brokers and dealers by the appropriate regulatory agency, as defined in Section 3(a)(34) of the Act; establish fair procedures for the nomination and election of future members of the Board; and define the relationship between a municipal securities professional's investment activities and its underwriting and dealing activities. Any rule proposed by the Board will be filed with the Commission, which is then required either to approve such proposed rule or institute proceedings to determine whether the proposed rule should be disapproved.

Following are the names and a brief description of the background of the individuals selected by the Commission to serve as the initial members of the Board, each for a two-year term:

PUBLIC MEMBERS

Mr. Harlan E. Boyles, Deputy Treasurer of North Carolina, Raleigh, North Carolina. Mr. Boyles has served as Deputy Treasurer since 1964 and has also served as Secretary to the State Local Government Commission.

Mr. Roswell C. Dikeman, Partner specializing in municipal bonds, in the law firm of Sykes, Galloway & Dikeman. He also served as Associate Counsel for the New York State Department of Audit and Control.

Mr. Harry B. Gilmore, Jr., consultant on domestic investment policy for the New Hampshire Insurance Company, Manchester, New Hampshire. He previously served as a Director and Vice President for Finance of the American International Group, an insurance holding company.

Mr. Lennox L. Moak, Director of Finance for the City of Philadelphia, Pennsylvania. He has served as a consultant for municipal finance matters to various American cities and served as Executive Director, Bureau of Governmental Research for New Orleans. He is the author of several books on government budgeting and debt and has lectured in Public Finance at the Wharton School of Finance.

Mr. Richard R. West, Dean of the College of Business and Professor of Finance at the University of Oregon, Eugene, Oregon. He received degrees from the University of Chicago and Yale University and has published numerous articles and held various teaching and consulting responsibilities dealing with economic and securities market problems.

BROKER-DEALER MEMBERS

Mr. Gedale B. Horowitz, Partner in Charge of Municipal Bond Department, Salomon Brothers, New York, New York. He is the Chairman of the Securities Industry Association's Municipal Federal Legislation Committee.

Mr. Thomas W. Masterson, Senior Vice President and Director of Underwood Neuhaus & Company, Inc., Houston, Texas. He is the Chairman of the Municipal Advisory Council of Texas and is National Chairman of the Municipal Securities Committee of the Securities Industry Association.

Mr. William J. Rex, Executive Vice President and Director of Foster & Marshall, Inc., Seattle, Washington. Prior to this position, he served in the Seattle Offices of John Nuveen & Co., Inc. and Merrill Lynch, Pierce, Fenner and Smith, Inc.

Mr. George Rinker, Jr., Executive Vice President and Director, The Ohio Company, Columbus, Ohio. He is a member of the Board of Governors of the National Association of Securities Dealers and serves as Chairman of its National Business Conduct Committee.

Mr. Wallace O. Sellers, Vice President and Director of Merrill Lynch, Pierce, Fenner & Smith, Inc., New York, New York. He has served in the firm's municipal department since 1957 and presently is the Director of the Municipal and Corporate Bond Division.

BANK MEMBERS

Mr. Richard F. Kezer, Senior Vice President and head of Money Market Division, First National City Bank, New York, New York. He was previously the head of the bank's Municipal Underwriting Department.

Mr. Bert C. Madden, Senior Vice President and Manager, Investment Banking Division, Trust Company Bank, Atlanta, Georgia. He has served as Assistant Vice President of the Municipal Bond Department of Chase Manhattan Bank and as an instructor at the Georgia Banking School and the Stonier Graduate School of Banking.

Mr. Frank K. Spinner, Senior Vice President and Manager of Bond Department, First National Bank in St. Louis, St. Louis, Missouri. He has been with the bank for over 25 years and has been in the Bond Department since it was formed 13 years ago.

Mr. David G. Taylor, Executive Vice President, Continental Illinois National Bank and Trust Company of Chicago. He is in charge of the bank's Bond Department and is also associated with the bank's Bond and Money Market Services Department.

Mr. John R. Vella, Vice President, Investment Banking Group of the Bank of America NT & SA, San Francisco, California. Previously he served as Vice President and Head of the Municipal Securities Department and also served in the Bank's Municipal Bond Dealer and Municipal Trading Departments.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-24241 Filed 9-11-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09/12-0087]

SUTTER HILL CAPITAL CORP.

Surrender of License

Notice is hereby given that Sutter Hill Capital Corporation, Two Palo Alto Square, Palo Alto, California 94304, has surrendered its License No. 09/12-0087, issued September 20, 1962.

Sutter Hill Capital Corporation has complied with all conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Sutter Hill Capital Corporation is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: September 4, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-24334 Filed 9-11-75;8:45 am]

DEPARTMENT OF LABOR

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 tranfer 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 September 26, 1975, to: Deputy Assistant Secretary for Manpower, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 8th day of September 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending September 5, 1975

Name of applicant	Location of enterprise	Principal product or activity
Forest-All Corp	Pembroke, N.H	Manufacture of automatic sawmill machinery.
C and C Yachts (tenant to city of Middletown).	Middletown, R.I	Construct sailing yachts.
The Industrial Development Board of the city of Fayette on behalf of Fayette Cotton Mill Inc.	Fayette, Ala	Manufacture of cotton and cotton-polyester blended yarn.
Roy Stevie Studdard	Talladega, Ala	Pre-slaughtered beef and pork products.
Concept Inc	Cherokee County, S.C.	Packaged orange juice.
Hancock Concrete Products Co., Inc	Hancock, Minn	Manufacture and sales of reinforced concrete products.
Fulton Square Corp	Canton, Ill	Redevelopment of downtown area.
Jerry Logan Bush	Jerseyville, Ill	Retail grocery.
Birchwood Investments	Shawano, Wis	Nursing home services.
American Lighting Standards Corp	Brenham, Tex	Manufacture of poles, steel, tubular; manufacture of anchor bolts.
Athens Steel Building Corp	Athens, Tex	Pre-engineered, prefabricated steel buildings for agriculture, commercial, industrial, and residential uses.
French Truss and Wholesale Products	Cimarron, N. Mex	Manufacture of laminated patio and indoor furniture.
Lodgepole Products Co	Laramie, Wyo	Manufacture of milled rail fencing, stock gates, treated fence posts, and corral poles.
I. I. Inc	Roosevelt, Ariz	Motel.
North Pacific Lumber Co	Republic, Wash	Manufacture of softwood (pine, fir and larch etc.) lumber.

[FR Doc.75-24311 Filed 9-11-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 852]

ASSIGNMENT OF HEARINGS

SEPTEMBER 9, 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 136285 Sub 10, Southern Intermodal Logistics, Inc., now assigned October 8, 1975, at Atlanta, Georgia, will be held in Room 305, 1252 West Peachtree Street, Northwest.

MC 119777 Sub 318, Ligon Specialized Hauler, Inc., now being assigned October 15, 1975 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 61592 Sub 321, Jenkins Truck Line, Inc., and MC 119493 Sub 110, Monkem Co., Inc., now assigned October 15, 1975, at Chicago, Ill., is postponed indefinitely.

MC 139853 Sub 1, Marten Transport, Ltd., now assigned October 15, 1975 at St. Paul, Minnesota; will be held in Court Room No. 2, Federal Building & U.S. Courthouse, 316 North Robert St.

MC 117068 Sub 36, Midwest Specialized Transportation, Inc., now assigned October 16, 1975 at St. Paul, Minnesota; will be held in Court Room No. 2, Federal Building & U.S. Courthouse, 316 North Robert Street.

MC-F-12411, Noel Transfer, Inc.—Control—Dakota Express, Inc., now assigned October 20, 1975 at St. Paul, Minnesota; will be held in Room 584, 5th Floor, Federal Building & U.S. Courthouse, 316 North Robert Street.

MC 7316 Sub 321, Eagle Motor Lines, Inc., now assigned September 23, 1975, at Salt Lake City, Utah, is cancelled and application is dismissed.

MC 133591 Sub 15, Wayne Daniel Truck, Inc., now assigned October 16, 1975 at Kansas City, Missouri, will be held in Room 609, 911 Walnut Street.

MC 108393 Sub 88, Signal Delivery Service, Inc., now assigned October 17, 1975 at Kansas City, Missouri, will be held in Room 609, 911 Walnut Street.

MC 111401 Sub 445, Groendyke Transport, Inc., now assigned October 20, 1975, at Kansas City, Missouri, will be held in Room 609, 911 Walnut Street.

MC 66886 Sub 45, Belger Cartage Service, Inc., now assigned October 21, 1975, at Kansas City, Missouri, will be held in Room 609, 911 Walnut Street.

MC 64932 Sub 549, Rogers Cartage Co., now being assigned October 29, 1975, (1 day), at Chicago, Illinois, in a hearing room to be later designated.

MC 128273 Sub 164, Midwestern Distribution, Inc., now assigned October 23, 1975 at Kansas City, Missouri, will be held in Room 609, 911 Walnut Street.

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

[FR Doc.75-24350 Filed 9-11-75;8:45 am]

[Notice No. 853]

ASSIGNMENT OF HEARINGS

Correction

SEPTEMBER 9, 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.

CORRECTION:

MC 136315 Sub 5, Olen Burrage Trucking, Inc., now being assigned November *11*, 1975 at New Orleans, Louisiana; should read Now being assigned November *5*, 1975.

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

[FR Doc.75-24351 Filed 9-11-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 9, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 43042—*Iron and Steel Articles to Points in Central—Eastern Territory.* Filed by Southwestern Freight Bureau, Agent, (No. B-552), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from points in Arkansas, Louisiana, Missouri, Oklahoma and Texas, to points in central—eastern territory.

Grounds for relief—Rate relationship, modified short-line distance formula and grouping.

Tariff—Supplement 139 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098. Rates are published to become effective on October 9, 1975.

FSA No. 43043—*Recyclable materials from, to and Between Points in the United States and Canada.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (E.R. No. 3045), for interested rail carriers. Rates on recyclable materials, as described in the application, from, to and between points in the United States and Canada.

Grounds for relief—Carrier competition.

Tariff—Traffic Executive Association-Eastern Railroads, Agent, tariff I.C.C. No. C-1072, and supplement No. 1. Rates are published to become effective on October 11, 1975.

By the Commission.

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

[FR Doc.75-24349 Filed 9-11-75;8:45 am]

[Ex Parte No. 252 (Sub-No. 1)]

INCENTIVE PER DIEM CHARGES, 1968

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 4th day of September, 1975; service date September 9, 1975.

Upon consideration of the record in the above-captioned proceeding, including the report of March 31, 1975 at 349 I.C.C. 303; the petitions for reconsideration filed by Robert W. Blanchette, Richard C. Bond, and John H. McArthur, trustees of the Property of the Penn Central Transportation Company on May 2, 1975; by the Southern Railway Company on May 8, 1975; and by the Canadian National Railway Company and CP Rail on May 8, 1975; the replies filed by the Chicago and North Western Transportation Company on May 27, 1975; and by the Union Pacific Railroad Company on May 28, 1975; and the petition for interpretation and clarification filed by the Maine Central Railroad Company on May 8, 1975;

It appearing, That the Southern Railway objects to the 1964-68 test period average, the good cause standard for modification of this average, and the voluntary surrender of unspent incentive per diem funds to Rail Box without retention of the ownership of cars; but any arbitrariness in the test period average was remedied by the good cause standard for modification, that guidelines for using this standard were mentioned in the Commission's report at 349 I.C.C. at 314-15, and the carrier is not required to surrender funds to Rail Box but when it chooses to it does not retain ownership since the purpose of Rail Box is to set up a fleet of free-running boxcars in which "the participating railroad . . . takes no title or interest in the pool cars . . . ," *American Rail Box Car Co.—Pooling* 347 I.C.C. 862, 869;

It further appearing, That the Canadian Railroads object to the surrender of incentive funds to Rail Box because the Canadian Railroads are not allowed to participate in Rail Box and Rail Box cars are barred from use in Canada, and thus there will be inefficient utilization of cars and some of the amounts paid by Canadian Railroads to American carriers could be surrendered to Rail Box which will be of no benefit to the Canadian Railroads; but since the objectives of the incentive per diem program are "to increase the supply of plain boxcars in the U.S." 339 I.C.C. 627, 630 and to "seek national solutions to the national 6-month shortage" 337 I.C.C. 217, 226 the Commission must look to the overall benefits of its modifications, the Canadian Railroads should raise their objections in the Rail Box proceeding, and their concern about the use of their funds is premature since they are net incentive creditors;

It further appearing, That the Penn Central requests that this proceeding to be held open indefinitely, that carriers with net incentive balances file copies of their report to the Commission and to all parties of record for the year 1974, and that these carriers thereafter will file quarterly report to the Commission

with copies to all parties of record; but, that it has been repeatedly stated by the Commission that this proceeding is open-ended, that the Commission currently receives annual accounting of incentive funds, that there would be little benefit from quarterly reporting, and to supply the data to all the parties would be burdensome;

And it further appearing, That the Maine Central in its petition for interpretation and clarification asks that a carrier be allowed to draw down incentive funds for boxcars leased since the incentive per diem order became effective on June 1, 1970; that based on the Commission's decision in 343 I.C.C. 49, 57, incentive funds can be used not merely for the portion of the year after the effective date of the order but for the entire calendar year of the order; that leases the equivalent of a purchase have been interpreted as being the same as purchases and thus incentive funds can be used for leases the equivalent of a purchase from January 1, 1970; that non-equity leases were not allowed until the Commission's order of March 31, 1975, and thus incentive funds can be applied on non-equity leases from January 1, 1975;

Wherefore and good cause appearing therefore:

It is ordered, That the Maine Central's petition be, and it is hereby, granted, in effect, by the above interpretation.

It is further ordered, That the petitions for reconsideration be, and they are hereby, denied.

It is further ordered, That the reference to the Rail Box decision in section 1036.4 of Title 49, Code of Federal Regulations at 349 I.C.C. 303, 333 be, and it is hereby changed from "Finance Docket No. 27589, American Rail Box Car Company and Trailer Train Company, et al.—For Approval of the Pooling of Car Service with Respect to Box Cars" to the short title of "*American Rail Box Car Co.—Pooling*, 347 I.C.C. 862."

It is further ordered, That a copy of this order shall be delivered to the Director, Office of the Federal Register, for publication therein.

And it is further ordered, That the order entered in this proceeding on March 31, 1975, which order was stayed by order of May 12, 1975 pending disposition of the petitions be, and it is hereby, reinstated and modified to become effective October 1, 1975, without other change in the requirements of said order, except as indicated above.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-24347 Filed 9-11-75;8:45 am]

federal register

FRIDAY, SEPTEMBER 12, 1975

PART II:

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

■

INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

Final Regulations on Compliance

Title 49—Transportation

CHAPTER II—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. MC-62; Notice No. 75-17]

PART 325—COMPLIANCE WITH INTERSTATE MOTOR CARRIER NOISE EMISSION STANDARDS

Final Regulations on Compliance with Standards

● Purpose: The Director of the Bureau of Motor Carrier Safety is issuing these final regulations for the purpose of establishing measurement procedures and methodologies for determining whether commercial motor vehicles conform to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency (40 CFR 202). ●

INTRODUCTION

On October 21, 1974, the Acting Administrator of the Environmental Protection Agency (EPA) issued final regulations establishing standards for maximum external noise emissions of motor vehicles having a gross vehicle weight rating (GVWR) or a gross combination weight rating (GCWR) of more than 10,000 pounds that are operated by commercial motor carriers engaged in interstate commerce (39 FR 38208). Those regulations were issued under the authority of section 18 of the Noise Control Act of 1972. Section 18 of the Noise Control Act of 1972 also directs the Secretary of Transportation to promulgate regulations to ensure compliance with the EPA's standards. The Secretary is required to carry out the regulations through the use of his powers and duties of inspection and enforcement authorized by the Interstate Commerce Act and the Department of Transportation Act.

Those two statutes vest in the Department of Transportation the responsibility for issuing and enforcing the Federal Motor Carrier Safety Regulations.

On February 28, 1975, the Director of the Bureau of Motor Carrier Safety (BMCS) published in the FEDERAL REGISTER (40 FR 8658) a text of proposed regulations establishing measurement methodologies for determining whether commercial motor vehicles conform to the Interstate Motor Carrier Noise Emission Standards published by the EPA at 40 CFR 202. The purpose of this order is to establish final regulations which detail those measurement methodologies.

The objective of the regulations detailed herein is to prescribe the manner in which commercial motor vehicles will be inspected and examined, and their performance will be monitored and measured, to determine whether they conform to the EPA standards. Those standards become effective on October 15, 1975, and, as noted above, are applicable only to motor vehicles with a GVWR or a GCWR of more than 10,000 pounds which are operated by interstate motor carriers. The enforcement regulations contained herein also become effective on October 15, 1975.

SUMMARY OF COMMENTS

Thirty responses were filed to the docket on this subject. The BMCS has carefully reviewed and considered all of those comments. A summary of the major points raised in those comments along with the Bureau's disposition of each follows:

(1) Several respondents suggested that the final rule should not be made applicable to older vehicles, thereby eliminating the potential of having to retrofit or improve the maintenance of some of these vehicles to meet the noise emission requirements.

Both the EPA and the BMCS were specifically directed by the language of section 18 of the Noise Control Act of 1972 to develop noise emission standards applicable to the operations of motor carriers engaged in interstate commerce regardless of the date of manufacture of the vehicle. The applicability section of the EPA standards reflects that mandate and the BMCS may not alter or limit the scope of that applicability.

(2) Several respondents cited the possibility of a vehicle being able to pass one test, say a low speed pass-by-test, and yet fail another, say the stationary run-up test. They suggested a number of alternatives, such as using pass-by tests only for screening purposes while using stationary tests as the sole enforcing method. Another suggested that a successful demonstration that a vehicle could pass one of the three vehicle tests, should nullify a failure, by that same vehicle, of either of the other two tests.

EPA's noise emission standards clearly intend that the three vehicle tests that are specified be equally applicable to the operation of a motor vehicle subject to the standard. The BMCS regulations, therefore, merely specify the test procedures that are necessary when using each of these three tests.

BMCS is not at liberty to decrease the flexibility designed into the EPA standards by limiting enforcing agencies to only one of the specified tests.

(3) Numerous comments were submitted relative to the "need" for a tolerance when making measurements for enforcement purposes. Several respondents submitted data which were intended to document the imprecision of motor vehicle noise emission measurements. Variables, such as ambient temperature and atmospheric pressure, wind, sound measuring equipment variations, terrain at the measuring site, the presence of reflecting surfaces, such as curbs and guardrails in or around a site, and the potential for human error were cited as being factors which could influence noise measurements.

The Director is faced with a set of conflicting requirements with regard to this issue. On one hand is the need and desire to maintain the intended stringency of the EPA standard by not decreasing its effectiveness with the addition of a mandatory tolerance. On the other hand, there is the realization that unless some flexibility is built into any enforcement measurement program, the probability is high that the rule will be improperly enforced and potentially inequitable.

The Director does not dispute the fact that the above-cited variables can, and do, affect motor vehicle noise emission measurements. What can be argued is the degree to which the presence or absence of these variables adversely affects a measurement in a practical sense.

It is highly improbable, for example, as one respondent suggested, that the positive tolerances implicitly allowed for both sound level meters (in ANSI S1.4–1971) and for coupler type calibrators (in ANSI S1.3–1971) could consistently combine to the disadvantage of fleet operators, thereby causing the meter readings to always be 3 dB higher than they should be. Theoretically this could happen, but practically and statistically it is a remote possibility.

If this logic were applied from the opposite viewpoint, it could be argued that a 3 dB penalty should be added to all readings since it is equally probable that all measured readings could be consistently 3 dB low. Mandating, as was suggested, that a 3 dB tolerance be added to all measurements to take into account this possibility alone would represent an irresponsible denigration of the intended stringency of the EPA standard.

Other respondents disputed the validity of allowing objects such as curbs and guardrails within a measurement site. Data were also submitted to show that high or low ambient temperature extremes can affect the levels measured.

One respondent cited the intent of Congress that there be uniform national standards in this area as being sufficient justification for a mandatory tolerance, since to do otherwise would potentially result in vehicles being cited in violation in one State and not in violation in another.

Some of the comments have pointed out combinations of conditions permitted under these regulations (i.e., reflecting surfaces just outside the required clear zone) which, under other test procedures (for example, those of the California Highway Patrol) would call for 1 dB corrections. Such corrections are not specified in these regulations. Other comments submitted to the EPA docket for that agency's standard, detailed the extraordinary circumstance of focusing reflecting surfaces (e.g. buildings behind and flanking the clear zone) which could increase measured sound levels by several dB.

The Director has carefully weighed these arguments and has decided against mandating a specific tolerance. He does so, however, with the knowledge that enforcement agencies will have to clearly demonstrate that a violation of the standard was measured, (i.e., that the specified level of the standard was exceeded by a meaningful minimum amount) and that the measurements were made with sufficiently accurate equipment in a sufficiently controlled environment to verify that the standard

was exceeded under the actual test conditions. In order to control as many of these variables as possible, one would have to choose a site having perfectly flat ground within and beyond the test site, uniform short grass in the case of a pass-by test, and paved asphalt or concrete for a stationary test, and absolutely no reflecting surfaces within or beyond the test site area.

Measurements would ideally be made only at temperatures of approximately 55° to 85° F (13° to 29.4° C), under standard atmospheric pressure, with no wind present. The site would ideally be in a rural location with extremely low background noise and low traffic volume. Measurements made on an individual vehicle would be taken with no other vehicles anywhere near the test site area.

Under the above conditions, and using Type 1 sound level measuring equipment, an enforcing agency could possibly cite as violations any vehicle measured at 1 decibel in excess of the level specified in the EPA Standard and be secure in the knowledge that their citation would be technically valid. However, noise measurements are rarely, if ever, made at sites such as the one described above.

In an effort to provide the widest geographic coverage possible, the Director has adopted an enforcement procedure that expands the potential number of inspection sites available to a higher number than would otherwise be possible if only "clean" test sites, from an acoustical measuring point of view, were utilized. What results is a trade-off. Measuring now becomes possible for a wider range of locations and conditions but the potential for variance slightly increases.

The regulation as written guards against many of the potential errors by including, among other things, such requirements as the 6 dB "rise and fall" requirement for pass-by tests and ground surface correction factors. The combined effects of these corrections do not guarantee with total certainty in each and every case, that other variables are not present to cause a meter reading to be high.

Enforcing agencies, therefore, must consider these uncertainties when enforcing the motor carrier noise emission standards. However, the application of a tolerance need not be mandatory in each and every case, as for example, in the situation where a carrier's vehicles are consistently measured at levels slightly above the allowable level, but within the tolerance range, and no corrective action on the part of the carrier has been evidenced. Enforcement agencies should inform the carrier of the situation, strongly recommending that the carrier take appropriate corrective actions to reduce the sound level of his vehicles safely below the standard before further equipment degradation produces actual violations. The possibility that "noise traps" might emerge as a result of the issuance of these regulations was clearly on the minds of many respondents as they addressed themselves to this issue. The Director's position on this issue will not totally satisfy them in that a lack of mandatory tolerance leaves some discretion to an enforcing agency. The narrow range within which enforcement agencies are to operate guards against the potential of noise traps to the extent feasible. The State and local agencies that currently enforce noise emission regulations generally do so in a professional and equitable manner. There is no reason to believe that these agencies or any other agencies enforcing noise regulations in the future will begin, with the issuance of these regulations, to do otherwise.

The BMCS, in the immediate future, will be issuing guidelines that will cover some of the more common pitfalls in noise emission measurements. When published, this document will be available to interested parties. The subject of measurement tolerances will be covered in that document.

(4) The EPA requested that the Bureau clarify which sections of this regulation must be incorporated by a State or local government wishing to adopt the Federal standards while complying with the "preemptive" clause contained in section 18(c)(1) of the Noise Control Act.

Clearly, the measurement methodologies contained in subparts C through G of these regulations constitute the second part of the Federal regulatory program of interestate motor carrier noise control. These subparts assure the uniform implementation and enforcement of the EPA noise emission standards. Subparts A and B need not be incorporated since they contain certain aspects which only pertain to the actions of Federal enforcing agents. The DOT is researching means to enhance the enforceability of the EPA standards. These research results, in addition to Federal, State, and local experience gained with the present regulations, will serve as bases for future amendments to these regulations.

(5) One respondent requested that proposed § 325.1(b) be modified to make it clear that the Bureau had no jurisdiction to enforce noise emission regulations on vehicles being operated in intrastate commerce.

Sections 18(a)(1) and (2) of the Noise Control Act authorize the EPA to set ". . . limits on noise emissions resulting from operation of motor carriers engaged in interstate commerce . . . ." Based on this language, EPA has promulgated final noise emission standards which clearly apply to both the intrastate as well as the interstate, operations of interstate motor carriers. Those standards do not apply to the wholly intrastate operations of intrastate motor carriers.

The role of the Department of Transportation, defined by section 18(b) of the Noise Control Act is to ". . . promulgate regulations to insure compliance with standards promulgated by the Administrator under this section."

Recognizing that EPA has the authority to set noise emission standards applicable to all operations of interstate motor carriers, it would be contrary to the Congressional intent for the Director to promulgate compliance regulations applicable to only *some* operations of those motor carriers.

The Bureau's activities are further defined by the statement that, "The Secretary of Transportation shall carry out such regulations through the use of his powers and duties of enforcement and inspection authorized by the Interstate Commerce Act and the Department of Transportation Act." It is apparent that the phrase ". . . powers and duties of enforcement and inspection . . . " as used in the above context does not carry with it the jurisdictional limitations referred to by the respondent. Rather, it expands upon the safety functions of the Bureau to now include jurisdiction over motor carrier noise emission enforcement activities. The jurisdiction attendant with these activities is derived from the Noise Control Act, not the Interstate Commerce Act, since this latter act addresses only the safety related activities of the Bureau.

To adopt the respondent's jurisdictional interpretation, pushed to its logical extreme, could result in the spurious argument that the Bureau could not enforce any EPA noise standard because it is not a safety standard. This was obviously not the intent of Congress. Accordingly, the applicability of these enforcement regulations extends to all the vehicles operated by a motor carrier who engages in interstate commerce.

(6) Several commenters suggested the need for additional language in § 325.1(c)(3) and (6) to prohibit the intentional thwarting of noise measurements by sounding warning devices or by operating, at speeds greater than 5 mph (8 kph), auxiliary equipment designed for use at speeds less than 5 mph (8 kph).

The two sections in question, as originally proposed, were incorporated directly from the EPA noise emission standard. The exemptions were obviously added by EPA to preclude the possibility of inadvertently penalizing an operator for an otherwise justifiable and necessary act. They were not intended to provide a means for escaping noise emission measurements. Accordingly, these two sections have been modified to include measurement of sound generated by otherwise exempted sound sources if such sources are operated in an attempt to avoid enforcement measurements.

(7) Several suggestions were offered to change the time that an enforcement officer or agent may inspect a carrier's vehicles from "anytime" to "any reasonable time." Bureau safety investigators have never been intentionally unreasonable about the time they inspect the properties of motor carriers. Accordingly, it does not appear necessary to add the requested language.

(8) One respondent questioned the seemingly loose tolerances proposed for calibrators.

The tolerance proposed for calibrators was incorporated directly from ANSI S1.13–1971, *Methods for Measurements of Sound Pressure Levels*, for field type measurements. Since this is a recognized document for this subject area, its inclusion is appropriate herein. To further

emphasize this fact, the final regulation has been modified to incorporate by reference the requirements of this document rather than specifying a specific tolerance.

(9) The time intervals between sound level meter calibration checks, specified in proposed § 325.25, were questioned by several respondents as being too burdensome and potentially unnecessary. Several wording changes were suggested by these commenters. It was also suggested that microphone coupler type calibrators be specifically required.

The respondents on this issue indicate that repeated calibrations, relatively close in time, are unnecessary since the meter rarely drifts from its calibrated level after it has been set up. Accordingly, the section in question has been modified to incorporate fewer calibration checks once the meter stability has been established after initial set-up.

A requirement for coupler type calibrators has also been incorporated in the final rule, since this type of calibrator checks the function of both the microphone and the internal electronic systems of a sound level measurement system.

(10) It was suggested that the attenuation properties specified for windscreens in § 325.27 of the proposed regulation would place an unnecessary burden of proof on enforcing agents, and should, therefore, be dropped. The attenuation limits proposed were those specified by several sound level meter manufacturers as being the attenuation limits of the windscreens they currently offered for sale. It was the intention of the Bureau, in its proposal, to ensure that windscreens of the type and quality currently manufactured and in use, would continue to be the type used for enforcement purposes. Accordingly, the section has been reworded to reflect that intention.

Proposed §§ 325.33 and 325.53, which deal with site characteristics, drew the most comments and criticism from respondents. The comments were almost equally split in sentiment. State and local enforcement agencies generally indicated that the language, as proposed, was too legalistic, too precise in tone and would tend to hinder enforcement efforts by severely limiting the number of sites available for measurements and by creating evidential difficulties. Counter arguments were raised by users and manufacturers to the effect that the restrictions were too few, and that too many objects, such as curbs and guardrails, would be allowed within a site, thus potentially causing noise readings to be high. Specific objections were raised by both groups about 1) the allowable distances between the microphone and the vehicle, 2) clear zone distances, 3) allowable objects within a test site, specifically guardrails and curbs, 4) ground surface correction factors, and 5) topography at the measurement site.

Sufficient experience has been gained by State and local governments to indicate that noise emission measurements can be made effectively and equitably at typical highway locations. Relatively few, if any, of the sites used resemble the "engineering" type of test site that was suggested to be made mandatory by several respondents.

In view of the previous discussions on measurement tolerances and the need for flexibility when choosing sites, little has been changed in this section from that which was proposed. The section has been reworded in an effort to make it clear that it will not be necessary to conduct topographical surveys of sites to ensure precise measurements of microphone heights and distances, and topography of the ground within the test site, relative to the roadway. The open site requirements relative to tunnels and overpasses have been extended to 200 feet (62 m) on the suggestion that this will totally preclude the possibility of this source of noise enhancement, but in so doing very few potential measurement sites will be excluded.

The distance correction factors have not been modified to allow measurements at distances less than 35 feet (10.7 m), nor more than 83 feet (25.3 m), since the sound propagation assumptions used to generate correction factors for these lesser or greater distances are not undisputed. Several factors cause measurements taken at distances closer than 35 feet to be viewed suspiciously. Among these are 1) near field acoustical effects not generally seen at greater measurement distances, 2) the fact that at close distances a passing truck can no longer be even approximated to be a point source of noise, thereby invalidating some theoretical source propagation models, and 3) the fact that reflection effects from the ground tend to become exaggerated at close-in measurement distances. These factors, heretofore, have combined to cause measurements at these closer distances to be highly unpredictable. Accordingly, until further data can be obtained relative to this issue, the Director has opted not to expand the range of allowable measurement distances.

New definitions have been added to define "relatively flat" as it applies to site topography, "traffic railings," and "hard" and "soft" as they relate to the ground surface within the site. For the sake of uniformity and consistency of enforcement, the last two definitions have been specified in absolute, quantitative terms. While it is realized that the break point between a "hard" and "soft" site, as defined herein, is arbitrary, it is presented in the interests of specificity, rather than as being a scientifically determined certainty. Due to this fact, care should be exercised when choosing sites to try to avoid those which are marginally "soft" or "hard."

(12) Several respondents pointed out the potential for confusion arising out of the use of the proposed tables of ambient sound levels.

In response to these comments, the ambient noise level tables have been dropped and a new table which lists maximum allowable emission levels has been included in the regulation, and ambient sound levels are now specified as having to be a minimum of 10 dB below the appropriate level in the new table.

(13) Concern was expressed by several State noise enforcing agencies about the seeming stringency of the wind measurement requirements. Their practical experience has indicated that the maximum wind velocities specified can be viewed rather loosely with no detrimental effects to noise measurements. With this in mind, it was suggested that extremely accurate wind measuring devices, such as anemometers, while desirable, were not always necessary.

In view of the above, the wind measurement requirements have been reworded to reflect a wider latitude insofar as an absolute upper wind velocity limit is concerned.

(14) One State enforcing agency expressed the desire to be able to measure noise emissions with already fallen snow on the ground. Without this ability, they stated, enforcement efforts within their State would be severely curtailed.

Data were submitted to the docket which indicate that snow is generally a sound absorptive material. Accordingly, it could be expected to attenuate measured truck noise. Realizing this, if an enforcement agency still wishes to make measurements, they are free to do so and not be in jeopardy of unduly penalizing motor carriers. However, no correction factor can be applied for measurements made under these conditions since the amount of absorption attributable to snow varies so widely (e.g., from hard frozen to loose powder) as to preclude a single correction factor.

(15) Several respondents asked that §§ 325.35 and 325.55 be modified to make it clear that measurements were prohibited under any conditions of precipitation.

Since this was the original intention of the proposed language of the two sections, they have been modified to make this point clear.

(16) Several commenters requested a clarification as to what orientations were acceptable, with regard to observer position relative to the vehicle and the sound level meter, when the sound level meter is being hand held. Since the publication of the Notice of Proposed Rule Making (NPRM) on this subject, it has been noted that several observer positions may be appropriate, depending on which sound level measuring system is being used. Accordingly, §§ 325.37 and 325.57 have been modified to allow any observer orientation that is recommended by the manufacturer of the sound level meter.

(17) Several commenters suggested that § 325.51(a) (1) and (2), dealing with microphone location heights relative to the ground, be clarified.

The Director concurs and has simplified the language of the section in an attempt to clarify its original intent.

(18) Several commenters requested that the 6 dB "rise and fall" that was proposed in § 325.39 be changed to be an 8 or 10 dB "rise and fall." These requests were generally tied to discussions of the 10 dB "down" ambient noise level requirements contained in § 325.35.

The 6 dB "rise and fall" requirement was added in an effort to ensure that when measurements are made, vehicles are spaced sufficiently far apart so that neither direct sound radiation nor reflections from vehicles, other than the one being measured, interfere with or enhance the measured noise levels. This requirement is a corollary to the open site clear zone requirements and acts to validate those requirements.

The 6 dB figure was determined by B. H. Sharp in *Methods on Highway Noise Measurement Sites*, March 1972, Wyle Labs Report WSR 72-1. There is no reason to dispute the validity of the determination made therein nor is there any reason to tie the figure to the ambient noise level requirement. Accordingly, the figure remains at 6 dB.

(19) Considerable discussion centered around the proposal to reference microphone location points during stationary tests to the front face of the front bumper of the parked vehicle. Various alternative positions were suggested, such as on a line with the exhaust outlets, the rear face of the cab, and the midpoint of the vehicle's wheel base.

The proposed position was arbitrarily chosen as one which could be easily referenced and would therefore facilitate measurement procedures. The comments pointed out that, in some cases, this referencing system may result in less than maximum observed noise readings due to the sometimes distant location of the exhaust outlets relative to the vehicle's front bumper. Therefore, to ensure that the maximum readings envisioned by the test procedure are obtained, the referencing system has been changed to call out the vehicle's exhaust outlet(s).

(20) The New Jersey Turnpike Authority stated that they measure motor vehicle noise emissions with the microphone located 10±5 feet (3±1.5 m) above the ground. It was implied that they wished to continue this practice.

The noise survey data upon which the EPA based its Interstate Motor Carrier Noise Emission Standards were collected with microphone heights of 4±½ feet (1.2±.15 m) from the ground. In order to maintain the consistency of that standard, the microphone height originally proposed has been retained. Truck noise research sponsored by the U.S. DOT has shown that elevated microphones detect higher sound levels than those levels which would be detected at microphone heights of 4 feet (1.2 m). Thus, higher microphone elevations, if permitted, would impose a greater stringency than intended by the EPA standard.

(21) Several commenters, notably the U.S. EPA and the Illinois Environmental Protection Agency, expressed concern that the BMCS had, in effect, prescribed a standard by including a provision to allow vehicles equipped with fan clutches a "cool down" period, if necessary, prior to being subjected to a stationary noise emission test.

The provision was intended to eliminate the possibility of testing the vehicle with its radiator fan clutch engaged, as a result of a period of "hot soak" while waiting to be tested. This condition is generally not encountered when the vehicle is operating.

The Director feels that, rather than prescribing a standard in this regard, he is merely prescribing the test procedures necessary to ensure compliance with the EPA standard when the technology identified by EPA as being available is utilized. The fan clutch has been identified as available noise abatement technology in the preamble to the EPA noise emission standard and in the EPA background document on the subject. Research sponsored by the U.S. DOT has shown rather conclusively that vehicles equipped with a fan clutch have their fans operating only 1 to 3 percent of the time the vehicle is in operation. (Accordingly, a substantial noise benefit is realized; see 40 FR 8658, February 28, 1975, for a further discussion of fan clutches.)

The exemption was proposed only for the stationary test since it is likely that during this test the fan clutch will engage. Vehicles waiting in a line at, say a weigh station, following high speed travel prior to arrival at the weigh station, are likely to be in a "hot soak" condition. Ram air across the radiator is absent and thermal loads on the engine cooling system will be high for this short period of time. Under these conditions, the fan may engage. If the vehicle were then subjected to a stationary test, which is likely to occur immediately after the vehicle is weighed, it is possible that, with the fan engaged, the vehicle would fail a test that it would otherwise pass, due to high fan noise. Such a situation is not compatible with the intent of the EPA standard since the manufacturer or the operator would have applied the technology available to him in this area, only to be penalized. If, after the prescribed 10-minute cool-down period, the vehicle still fails to comply, it is safe to assume that the fan clutch is out of adjustment or that another source of noise is excessive. Such failure to comply with the standard after cool-down shall be considered noncompliance.

The wording of the fan clutch provision has been modified to make it clear that any engine speed may be used to cool the engine down. This rewording should obviate the need for a cool down period longer than that initially proposed.

Subsequent discussions with officials of the U.S. EPA have clarified the logic, intent and authority of the proposed section. Agreement has been reached that the sections as included herein do not intrude upon the authority of EPA to set noise emission standards. However, to ensure the complete integrity of the EPA standards, EPA intends to amend their standard as soon as possible to provide specifically for use of fan clutches. The fan clutch provision applies only to the stationary test. No exemption or retest provisions apply to the drive-by tests.

In view of the above, the Bureau feels compelled to retain this provision. The provision does not, however, include a waiver for radiator shutters, nor was one intended. Radiator shutters tend to increase a vehicle's overall noise level when they are closed. No data have been submitted to indicate that noise reduction benefits result from the use of radiator shutters. To the contrary, they tend to cause additional fan noise except when they are open.

(22) Several commenters suggested modifications to the proposed stationary test procedure to make it clear that: 1) the engine should be "rapidly" accelerated in neutral gear at wide open throttle; 2) tests could be made with the microphone located on either side of the vehicle; and 3) stationary tests on gasoline powered vehicles may be invalid due to excessive governor overshoot.

The first two points listed above appear to be valid, and, therefore, have been included in this final rule. The last point is not a valid one. The test data collected by the Society of Automotive Engineers (SAE) and others, taken to verify the repeatability and validity of the stationary test, included numerous gasoline engine vehicles. The peak readings obtained from those vehicles, during stationary tests, as well as the readings obtained from diesel engine vehicles, were equally considered by the EPA when arriving at the maximum allowable value for the stationary test. Accordingly, the high governor overshoot problem attributable to some gasoline engine vehicles has already been factored into the standard.

(23) Several respondents requested that the range of allowable measurement distances be expanded from 35 to 83 feet (10.7 to 25.3 m) to 26 to 99 feet (7.9 to 30.3 m).

For reasons outlined in the previous discussion on site characteristics (point No. 11 in this discussion), the Director has declined to expand the originally proposed limits. Should further data become available in the future which will verify the validity of measuring at these other distances without being too lenient or too stringent, the Director will reconsider this issue.

(24) Several respondents challenged the validity of the 2 dB correction factor for ground surfaces. Others proposed that measurements be made only at sites meeting the stringent requirements of the SAE J336 test procedure.

In both the preamble to the EPA final rule on the Interstate Motor Carrier Noise Emission Standards (39 FR 38208, October 29, 1975) and in the EPA Background Document for Interstate Motor Carrier Noise Emission Regulations (October 1974, EPA 550/9-74-017, p. 36-37), the EPA clearly states that the final maximum allowable values for the stationary and for highway operations tests were based on the assumption that the former test would be conducted on a "hard" site, and that the latter tests would be conducted at "soft" grassy sites. The documents then state that the differences between the allowable stationary test noise level and the low speed highway operations test level are attributable to site variations, and that

both levels would be the same if implemented at identical sites. The BMCS enforcement procedures merely reflect this fact and, therefore, the inclusion of a ground surface correction factor is still deemed appropriate.

(25) One respondent pointed out the fact that under the proposed wording of § 325.91, exhaust-gas driven unloading systems would be prohibited since they employed an exhaust system cutout. It was requested that these types of cutouts be allowed.

The EPA standard on this subject obviously was not intended to prohibit exhaust-gas driven unloading systems. Accordingly, § 325.91 has been modified to make it clear that their continued use is not prohibited.

(26) One respondent asked that proposed § 325.93, dealing with visual tire inspections, be dropped since it was felt to be burdensome on carriers and manufacturers.

The BMCS is not at liberty to eliminate standards promulgated by the EPA under the provisions of the Noise Control Act. Accordingly, proposed § 325.93 has been retained.

ENVIRONMENTAL AND ECONOMIC IMPACT

Pursuant to the requirement of the National Environmental Policy Act (42 USC 4321 et seq.) and Executive Order 11821, Inflation Impact Statements, dated November 27, 1974, the Director has considered both the economic and environmental impacts of these regulations and determined them to be negative. This is the case since the regulations impose no new substantive requirements on the motor carrier industry. Rather, the regulations specified herein merely detail the measurement methodologies that must be followed in order to implement the Interstate Motor Carrier Noise Emission Standards issued by the EPA at 40 CFR 202.

The EPA extensively considered both the economic and environmental impacts attendant to motor carrier noise emission standards in their Background Document for Interstate Motor Carrier Noise Emission Regulations, October 1974, EPA–550/9–74–017. That document should be consulted for a detailed discussion of the costs and benefits resulting from the EPA standards.

The BMCS has analyzed the costs attributable to its enforcement efforts in this area and again has determined them to have a negative impact. Bureau Safety Investigators, will add this function to their responsibilities. Approximately 10 new positions are envisioned, at this time, for noise enforcement purposes. Accordingly, manpower costs will be somewhat increased.

Equipment costs associated with the Federal enforcement effort have been largely absorbed during another related Bureau activity. As a consequence of the Bureau's recently promulgated in-cab noise level regulations (49 CFR 393.94), the Bureau procured sound level measurement systems, calibrators, and tripods. Therefore, new equipment costs associated with the exterior noise emission enforcement effort will not increase significantly.

ENFORCEMENT

As stated in the preamble to the proposed rule on this subject, the Bureau anticipates that it will conduct a program of enforcing the noise emission standards through the same techniques that are used to enforce the Federal Motor Carrier Safety Regulations (FMCSR). Inspection and surveillance of motor carriers will be carried out through terminal surveys and equipment inspection and driver-equipment compliance checks at roadside sites. Under the Noise Control Act, a violation of an EPA Interstate Motor Carrier Noise Emission Standard gives rise to the possibility of imposing sanctions under Section 11 of the Act. The sanctions include criminal prosecution of knowing or willful violators, in which the maximum sentence may not exceed a fine of $25,000 per day, imprisonment for 1 year, or both, in the case of first offenders, and a fine of $50,000 per day, imprisonment for 2 years, or both, in the case of subsequent offenses. In addition, Section 11 authorizes the United States to secure an injunction against future violations in the appropriate United States District Court and permits the Administrator of the EPA, after notice and the opportunity for hearing, to issue cease-and-desist orders against violators.

Section 18(a) of the Noise Control Act clearly gives to the EPA the statutory authority to promulgate regulations setting limits on noise emissions resulting from the operation of motor carriers engaged in interstate commerce. The EPA has clearly defined the scope of its authority, in its final rule on this subject, to include all the vehicles, having a GVWR or a GCWR greater than 10,000 pounds (4,536 kg.), which are operated by motor carriers who engage in interstate commerce. This authority extends to both the intrastate and interstate operations of interstate motor carriers.

Section 18(b) of the Act authorizes the Secretary of Transportation to carry out the regulations for ensuring compliance with EPA noise emission standards ". . . through the use of his powers and duties of enforcement and inspection authorized by the Interstate Commerce Act and the Department of Transportation Act."

Since the scope of the EPA standard includes both the intrastate and interstate operations of interstate motor carriers, this section, in turn, expands the authority of the BMCS to allow active regulation of all the operations of interstate motor carriers, insofar as noise emissions are concerned.

The basic "powers and duties" referred to in section 220 of the Interstate Commerce Act, 49 U.S.C. 320, section 220, requires motor carriers to submit their properties and documents for inspection and examination by designated special agents of the Department of Transportation's Federal Highway Administration. This is the statutory basis for § 325.13 of these rules. Section 220 also authorizes the Department of Transportation to require periodic and special reports from motor carriers subject to the Department's jurisdiction. It is on this basis that the Bureau now requires motor carriers whose equipment is found to be defective during a driver-equipment compliance check to make a report to the Bureau certifying that repairs have been made (see 49 CFR 396.5). The Bureau will adopt a similar procedure in the case of motor vehicles which are found to be in violation of the noise emission standards.

The use by the Bureau of the administrative enforcement procedures described above, does not limit or restrict the administrative procedures or sanctions that a State or political subdivision thereof may employ in carrying out its motor carrier noise emission regulatory program, even after the effective date of the EPA standards and the Department of Transportation's regulations for implementing those standards. Section 18(c) of the Noise Control Act provides that after the Federal regulations have become effective, ". . . no State or political subdivision thereof may adopt or enforce any standard applicable to the same operation of such motor carrier unless such standard is identical to a standard applicable to noise emissions resulting from such operation prescribed by any regulation under this section." It is the position of the Bureau that, while the "preemption" provisions of Section 18(c) require States and their political subdivisions that have not secured a special variance to apply the criteria and measurement methodologies as are specified in Federal regulations to determine whether a motor vehicle is in conformity with noise emission standards, once a violation is detected, the State or local government may proceed to impose sanctions or take other corrective action in accordance with its own law. Thus, for example, a State could, if it wished, bring a civil penalty proceeding against a violator, notwithstanding the fact that, under Federal law, the violation is a crime. Similarly, a State could, if its law permits, impound equipment found in violation of the noise emission standards, even though Federal law does not provide for impoundment as a sanction.

The rules finalized herein do not explicitly refer to the matters discussed here under the heading of "Enforcement." This is the case because the resolution of issues relating to the imposition of sanctions after violations of the noise emission standards are detected is a function of statutory construction rather than regulatory issuance. The discussion is included at this point in order to give interested persons insight into the Bureau's current thinking on these important issues.

In consideration of the foregoing, the Director of the Bureau of Motor Carrier Safety is amending Subchapter A of Chapter III in title 49, CFR, by adding a new part 325, reading as set forth below.

This regulation is issued under the authority of Section 18 of the Noise Control Act of 1972, 42 U.S.C. 4917, the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(p), and the delegation of authority by the Federal Highway Administrator at paragraph 7, Chapter 7, Part I of FHWA Order 1-1.

Issued on September 8, 1975.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

Subpart A—General Provisions

Sec.

325.1 Scope of the rules in this part.
325.3 Effective date.
325.5 Definitions.
325.7 Allowable Noise Levels.
325.9 Measurement Tolerances.

Subpart B—Administrative Provisions

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325.21 Scope of the rules in this subpart.
325.23 Types of measurement systems which may be used.
325.25 Calibration of measurement systems.
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Subpart D—Measurement of Noise Emissions; Highway Operations

325.31 Scope of rules in this subpart.
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325.35 Ambient conditions; highway operations.
325.37 Location and operation of sound level measurement systems; highway operations.
325.39 Measurement procedures; highway operations.

Subpart E—Measurement of Noise Emissions; Stationary Test

325.51 Scope of the rules in this subpart.
325.53 Site characteristics; stationary test.
325.55 Ambient conditions; stationary test.
325.57 Location and operation of sound level measurement systems; stationary test.
325.59 Measurement procedure; stationary test.

Subpart F—Correction Factors

325.71 Scope of the rules in this subpart.
325.73 Microphone distance correction factors.
325.75 Ground surface correction factors.
325.77 Computation of open site requirements—nonstandard sites.
325.79 Application of correction factors.

Subpart G—Exhaust Systems and Tires

325.91 Exhaust systems.
325.93 Tires.

AUTHORITY: sec. 18, 86 Stat. 1234, 1249-1250, 42 U.S.C. 4917.

Subpart A—General Provisions

§ 325.1 Scope of the rules in this part.

(a) The rules in this Part prescribe procedures for inspection, surveillance, and measurement of motor vehicles and motor vehicle equipment operated by motor carriers to determine whether those vehicles and that equipment conform to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency, 40 CFR Part 202.

(b) Except as provided in paragraph (c) of this section, the rules in this Part apply to motor carriers engaged in interstate commerce. The rules apply at any time or under any condition of highway grade, load, acceleration or deceleration.

(c) The rules in this Part do not apply to—

(1) A motor vehicle that has a Gross Vehicle Weight Rating (GVWR) of 10,000 pounds (4,536 kg.) or less;

(2) A combination of motor vehicles that has a Gross Combination Weight Rating (GCWR) of 10,000 pounds (4,536 kg.) or less;

(3) The sound generated by a warning device, such as a horn or siren, installed in a motor vehicle, unless such device is intentionally sounded in order to preclude an otherwise valid noise emission measurement;

(4) An emergency motor vehicle, such as a fire engine, an ambulance, a police van, or a rescue van, when it is responding to an emergency call;

(5) A snow plow in operation; or

(6) The sound generated by auxiliary equipment which is normally operated only when the motor vehicle on which it is installed is stopped or is operating at a speed of 5 miles per hour (8 kph) or less, unless such device is intentionally operated at speeds greater than 5 mph (8 kph) in order to preclude an otherwise valid noise measurement. Examples of that type of auxiliary equipment include, but are not limited to, cranes, asphalt, spreaders, ditch diggers, liquid or slurry pumps, auxiliary air compressors, welders, and trash compactors.

§ 325.3 Effective date.

The rules in this part are effective on October 15, 1975.

§ 325.5 Definitions.

(a) Statutory definitions. All terms defined in the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234) are used as they are defined in that Act.

(b) Definitions in standards. All terms defined in § 202.10 of the Interstate Motor Carrier Noise Emission Standards, 40 CFR 202.10, are used as they are defined in that section.

(c) Additional definitions.

(1) "Hard test site" means any test site having the ground surface covered with concrete, asphalt, packed dirt, gravel, or similar reflective material for more than ½ the distance between the microphone target point and the microphone location point.

(2) "Soft test site" means any test site having the ground surface covered with grass, other ground cover, or similar absorptive material for ½ or more of the distance between the microphone target point and the microphone location point.

(3) "Ground cover" means any of various low, dense-growing plants, such as ivy, myrtle, low weeds, or brush.

(4) "Traffic railing" means any longitudinal highway traffic barrier system installed along the side or median of a highway. For the purpose of this part, a traffic railing must have at least 35 percent of its vertical height, from the ground surface to the top of the railing, open to free space in order to qualify as an acceptable object within a noise measurement test site. Further, for the purposes of this part, posts or other discrete supports shall be ignored when ascertaining open free space.

(5) "Relatively flat" when used to describe a noise measurement site means a site which does not contain significant concave curvatures or slope reversals that may result in the focusing of sound waves toward the microphone location point.

§ 325.7 Allowable noise levels.

Motor vehicle noise emissions, when measured according to the rules of this part, shall not exceed the values specified in Table 1.

TABLE 1.—*Maximum Permissible Sound Level Readings* [decibel(A)][1][2]

If the distance between the microphone location point and the microphone target point is—	Highway operations test				Stationary tests	
	Soft site		Hard site		Soft site	Hard site
	35 mi/h or less	Above 35 mi/h	35 mi/h or less	Above 35 mi/h		
35 ft (10.7 m) or more but less than 39 ft (11.9 m)	89	93	91	95	89	91
39 ft (11.9 m) or more but less than 43 ft (13.1 m)	88	92	90	94	88	90
43 ft (13.1 m) or more but less than 48 ft (14.6 m)	87	91	89	93	87	89
48 ft (14.6 m) or more but less than 58 ft (17.1 m)	86	90	88	92	86	88
58 ft (17.1 m) or more but less than 70 ft (21.3 m)	85	89	87	91	85	87
70 ft (21.3 m) or more but less than 83 ft (25.3 m)	84	88	86	90	84	86

[1] The speeds shown refer to measurements taken at sites having speed limits as indicated. These speed limits do not necessarily have to be posted.

[2] This table is based on motor carrier noise emission requirements specified in 40 CFR 202.20 and 40 CFR 202.21.

§ 325.9 Measurement tolerances.

(a) Measurement tolerances will be allowed to take into account the effects of the following factors:

(1) The consensus standard practice of reporting field sound level measurements to the nearest whole decibel.

(2) Variations resulting from commercial instrument tolerances.

(3) Variations resulting from the topography of the noise measurement site.

(4) Variations resulting from atmospheric conditions such as wind, ambient temperature, and atmospheric pressure.

(5) Variations resulting from reflected sound from small objects allowed within the test site.

(6) The interpretation of the effects of the above cited factors by enforcement personnel.

(b) Measurement tolerances shall not exceed 2 decibels for a given measurement.

Subpart B—Administrative Provisions

§ 325.11 Issuance, amendment, and revocation of the rules in this part.

The procedures specified in Part 389 of this Chapter for the issuance, amendment, or revocation of the Federal Motor Carrier Safety Regulations apply to rulemaking proceedings for the issuance, amendment, or revocation of the rules in this part.

§ 325.13 Inspection and examination of motor vehicles.

(a) Any special agent of the Federal Highway Administration (designated in Appendix B to Subchapter B of this Chapter) is authorized to inspect, examine, and test a motor vehicle operated by a motor carrier in accordance with the procedures specified in this Part for the purpose of ascertaining whether the motor vehicle and equipment installed on the motor vehicle conforms to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency, 40 CFR Part 202.

(b) A motor carrier, its officers, drivers, agents, and employees must, at any time, submit a motor vehicle used in its operations for inspection, examination, and testing for the purpose of ascertaining whether the motor vehicle and equipment installed on it conforms to the Interstate Motor Carrier Noise Emission Standards of the Environmental Protection Agency, 40 CFR Part 202.

Subpart C—Instrumentation

§ 325.21 Scope of the rules in this subpart.

The rules in this subpart specify criteria for sound level measurement systems which are used to make the sound level measurements specified in Subpart D and Subpart E of this part.

§ 325.23 Type of measurement systems which may be used.

The sound level measurement system must meet or exceed the requirements of American National Standard Specification for Sound Level Meters (ANSI S1.4–1971), approved April 27, 1971, issued by the American National Standards Institute,[1] throughout the applicable frequency range for either:

(a) A Type 1 sound level meter;

(b) A Type 2 sound level meter; or

(c) A Type S sound level meter which has—

(1) A-weighting frequency response;

(2) Fast dynamic characteristics of its indicating instrument; and

(3) A relative response level tolerance consistent with those of either a Type 1 or Type 2 sound level meter, as specified in Section 3.2 of ANSI S1.4–1971.

§ 325.25 Calibration of measurement systems.

(a) (1) The sound level measurement system must be calibrated and appropriately adjusted at one or more frequencies in the range from 250 to 1,000 Hz at the beginning of each series of measurements and at intervals of 5–15 minutes thereafter until it has been established that the sound level measurement system has not drifted from its calibrated level. Once this fact has been established, calibrations may be made at intervals of once every hour.

(2) The sound level measurement system must be checked periodically by its manufacturer, a representative of its manufacturer, or a person of equivalent special competence to verify that its accuracy meets the manufacturer's design criteria.

(b) An acoustical calibrator of the microphone coupler type designed for the sound level measurement system in use shall be used to calibrate the sound level measurement system in accordance with paragraph (a) of this section. The calibrator must meet or exceed the accuracy requirements specified in the American National Standards Institute Standard *Methods for Measurements of Sound Pressure Levels*, (ANSI S1.13–1971) for calibrators for field type measurements.

§ 325.27 Windscreens.

A properly installed windscreen, of the type recommended by the manufacturer of the Sound Level Measurement System, shall be used during the time that noise emission measurements are being taken.

Subpart D—Measurement of Noise Emissions Highway Operations

§ 325.31 Scope of the rules in this subpart.

The rules in this subpart specify conditions and procedures for measurement of the sound level generated by a motor vehicle engaged in a highway operation for the purpose of ascertaining whether the motor vehicle conforms to the Standards for Highway Operations set forth in 40 CFR 202.20.

§ 325.33 Site characteristics: highway operations.

(a) Measurement shall be made at a test site which is adjacent to, and includes a portion of, a traveled lane of a public highway. A microphone target point shall be established on the centerline of the traveled lane of the highway, and a microphone location point shall be established on the ground surface not less than 35 feet (10.7 n) or more than 83 feet (25.3 m) from the microphone target point and on a line that is perpendicular to the centerline of the traveled lane of the highway and that passes through the microphone target point. In the case of a standard test site, the microphone location point is 50 feet (15.2 m) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2 m) radius of both the microphone target point and the microphone location point, is shown in Figure 1. Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in Subpart F of this Part.

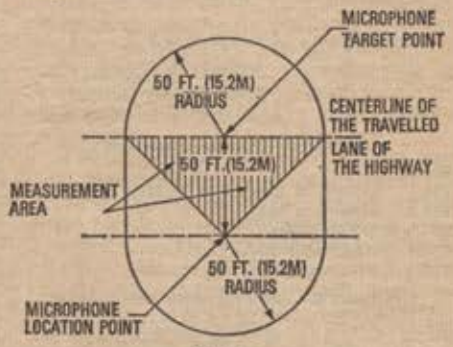

Figure 1
STANDARD TEST SITE; HIGHWAY OPERATIONS

(b) The test site must be an open site, essentially free of large sound-reflecting objects. However, the following objects may be within the test site, including the triangular measurement area:

(1) Small cylindrical objects such as fire hydrants or telephone or utility poles.

(2) Rural mailboxes.

(3) Traffic railings of any type of construction except solid concrete barriers (see § 325.5(c)(4)).

(4) One or more curbs having a vertical height of 1 foot (.3 m) or less.

(c) The following objects may be within the test site if they are outside of the triangular measurement area of the site:

(1) Any vertical surface (such as billboard), regardless of size, having a lower edge more than 15 feet (4.6 m) higher than the surface of the traveled lane of the highway.

(2) Any uniformly smooth sloping surface slanting away from the highway (such as a rise in grade alongside the highway) with a slope that is less than 45 degrees above the horizontal.

(3) Any surface slanting away from the highway that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m) above the surface of the traveled lane of the highway.

(d) The surface of the ground within the measurement area must be relatively flat (see § 325.5(c)(5)). The site shall be a "soft" test site. However, if the site is determined to be "hard," the correction factor specified in § 325.75(a) of this part shall be applied to the measurement.

(e) The traveled lane of the highway within the test site must be dry, paved with relatively smooth concrete or asphalt, and substantially free of—

(1) Holes or other defects which would cause a motor vehicle to emit irregular tire, body, or chassis impact noise; and

[1] Copies of the specification may be secured from the American National Standards Institute, 1430 Broadway, New York, New York, 10018.

(2) Loose material, such as gravel or sand.

(f) The traveled lane of the highway on which the microphone target point is situated must not pass through a tunnel or underpass located within 200 feet (61 m) of that point.

§ 325.35 Ambient conditions; highway operations.

(a)(1) *Sound.* The ambient A-weighted sound level at the microphone location point shall be measured, in the absence of motor vehicle noise, with fast meter response using a sound level measurement system that conforms to the rules in § 325.23 of this Part.

(2) The measured ambient level must be 10 dB(A) or more below that level specified in § 325.9, Table 1, which corresponds to the maximum permissible sound level reading which is applicable at the test site at the time of testing.

(b) *Wind.* The wind velocity at the test shall be measured at the beginning of each series of noise measurements and at intervals of 5–15 minutes thereafter until it has been established that the wind velocity is essentially constant. Once this fact has been established, wind velocity measurements may be made at intervals of once every hour. Noise measurements may only be made if the measured wind velocity is 12 mph (19.3 kph) or less. Gust wind measurements of up to 20 mph (33.2 kph) are allowed.

(c) *Precipitation.* Measurements are prohibited under any condition of precipitation, however, measurements may be made with snow on the ground. The ground surface within the measurement area must be free of standing water.

§ 325.37 Location and operation of sound level measurement system; highway operations.

(a) The microphone of a sound level measurement system that conforms to the rules in § 325.23 of this Part shall be located at a height of not less than 2 feet (.6 m) nor more than 6 feet (1.8 m) above the plane of the roadway surface and not less than 3½ feet (1.1 m) and not more than 4½ feet (1.4 m) above the surface on which the microphone stands.

(b)(1) When the sound level measurement system is hand-held or is otherwise monitored by a person located near its microphone, the holder must orient himself relative to the highway in a manner consistent with the recommendation of the manufacturer of the sound level measurement system.

(2) In no case shall the holder or observer be closer than 2 feet (.6 m) from the system's microphone, nor shall he locate himself between the microphone and the vehicle being measured.

(c) The microphone of the sound level measurement system shall be oriented toward the traveled lane of the highway at the microphone target point at an angle that is consistent with the recommendation of the system's manufacturer. If the manufacturer of the system does not recommend an angle of orientation for its microphone, the microphone shall be oriented toward the highway at an angle of not less than 70 degrees and not more than perpendicular to the horizontal plane of the traveled lane of the highway at the microphone target point.

(d) The sound level measurement system shall be set to the A-weighting network and "fast" meter response mode.

§ 325.39 Measurement procedure; highway operations.

(a) In accordance with the rules in this subpart, a measurement shall be made of the sound level generated by a motor vehicle operating through the measurement area on the traveled lane of the highway within the test site, regardless of the highway grade, load, acceleration or deceleration.

(b) The sound level generated by the motor vehicle is the highest reading observed on the sound level measurement system as the vehicle passes through the measurement area, corrected, when appropriate, in accordance with the rules in Subpart F of this Part. (Table 1 in § 325.9 lists the range of maximum permissible sound level readings for various test conditions.) The sound level of the vehicle being measured must be observed to rise at least 6 dB(A) before the maximum sound level occurs and to fall at least 6 dB(A) after the maximum sound level occurs in order to be considered a valid sound level reading.

Subpart E—Measurement of Noise Emissions Stationary Test

§ 325.51 Scope of the rules in this subpart.

(a) The rules in this subpart specify conditions and procedures for measuring the sound level generated by a vehicle when the vehicle's engine is rapidly accelerated from idle to governed speed at wide open throttle with the vehicle stationary, its transmission in neutral, and its clutch engaged, for the purpose of ascertaining whether the motor vehicle conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21.

(b) The rules in this subpart apply only to a motor vehicle that is equipped with an engine speed governor.

(c) Tests conducted in accordance with the rules of this subpart may be made on either side of the vehicle.

§ 325.53 Site characteristics; stationary test.

(a)(1) The motor vehicle to be tested shall be parked on the test site. A microphone target point shall be established on the ground surface of the site on the centerline of the lane in which the motor vehicle is parked at a point that is within 3 feet (.91 m) of the vehicle's exhaust system outlet(s). A microphone location point shall be established on the ground surface not less than 35 feet (10.7 m) and not more than 83 feet (25.3 m) from the microphone target point. Within the test site is a triangular measurement area. A plan view diagram of a standard test site, having an open site within a 50-foot (15.2 m) radius of both the microphone target point and the microphone location point, is shown in Figure 2.

(2) Measurements may be made at a test site having smaller or greater dimensions in accordance with the rules in Subpart F of this Part.

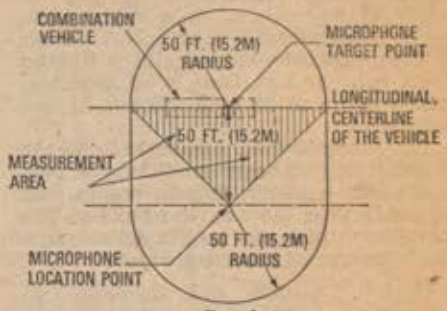

Figure 2
STANDARD TEST SITE; STATIONARY TEST

(b) The test site must be an open site, essentially free of large sound-reflecting objects. However, the following objects may be within the test site, including the triangular measurement area:

(1) Small cylindrical objects such as fire hydrants or telephone or utility poles.

(2) Rural mailboxes.

(3) Traffic railings of any type of construction except solid concrete barriers (see § 325.5(c)(4)).

(4) One or more curbs having a height of 1 foot (.3 m) or less.

(c) The following objects may be within the test site if they are outside of the triangular measurement area of the site:

(1) Any vertical surface, regardless of size (such as a billboard), having a lower edge more than 15 feet (4.6 m) above the ground.

(2) Any uniformly smooth surface slanting away from the vehicle with a slope that is less than 45 degrees above the horizontal.

(3) Any surface slanting away from the vehicle that is 45 degrees or more and not more than 90 degrees above the horizontal, if all points on the surface are more than 15 feet (4.6 m) above the surface of the ground in the test site.

(d) The surface of the ground within the measurement area must be relatively flat. (See § 325.5(c)(5)). The site shall be a "hard" site. However, if the site is determined to be "soft," the correction factor specified in § 325.75(b) of this Part shall be applied to the measurement.

§ 325.55 Ambient conditions; stationary test.

(a) *Sound.* The ambient A-weighted sound level at the microphone location point shall be measured in the absence of motor vehicle noise, with fast meter response using a sound level measurement system that conforms to the rules in § 325.23 of this Part. The measured ambient level must be 10 dB(A) or more below that level specified in § 325.9, Table 1, which corresponds to the maximum permissible sound level reading which is applicable at the test site at the time of testing.

(b) *Wind.* The wind velocity at the test site shall be measured at the beginning of each series of noise measure-

ments and at intervals of 5–15 minutes thereafter until it has been established that the wind velocity is essentially constant. Once this fact has been established, wind velocity measurements may be made at intervals of once every hour. Noise measurements may only be made if the measured wind velocity is 12 mph (19.3 kph) or less. Gust wind measurements of up to 20 mph (33.2 kph) are allowed.

(c) *Precipitation.* Measurements are prohibited under any conditions of precipitation, however, measurements may be made with snow on the ground. The ground within the measurement area must be free of standing water.

§ 325.57 Location and operation of sound level measurement system; stationary test.

(a) The microphone of a sound level measurement system that conforms to the rules in § 325.23 of this part shall be located at a height of not less than 2 feet (.6 m) nor more than 6 feet (1.8 m) above the plane of the roadway surface and not less than 3½ feet (1.1 m) and not more than 4½ feet (1.4 m) above the surface on which the microphone stands.

(b) When the sound level measurement system is hand-held or otherwise monitored by a person located near its microphone, the holder must orient himself relative to the highway in a manner consistent with the recommendation of the manufacturer of the sound level measurement system. In no case shall the holder or observer be closer than 2 feet (.6 m) from the system's microphone, nor shall he locate himself between the microphone and the vehicle being measured.

(c) The microphone of the sound level measurement system shall be oriented toward the vehicle at an angle that is consistent with the recommendation of the system's manufacturer. If the manufacturer of the system does not recommend an angle of orientation for its microphone, the microphone shall be oriented at an angle of not less than 70 degrees and not more than perpendicular to the horizontal plane of the test site at the microphone target point.

(d) The sound level measurement system shall be set to the A-weighting network and "fast" meter response mode.

§ 325.59 Measurement procedure: stationary test.

In accordance with the rules in this subpart, a measurement shall be made of the sound level generated by a stationary motor vehicle as follows:

(a) Park the motor vehicle on the test site as specified in § 325.53 of this subpart. If the motor vehicle is a combination (articulated) vehicle, park the combination so that the longitudinal centerlines of the towing vehicle and the towed vehicle or vehicles are in substantial alignment.

(b) Turn off all auxiliary equipment which is installed on the motor vehicle and which is designed to operate under normal conditions only when the vehicle is operating at a speed of 5 mph (8 kph) or less. Examples of such equipment include cranes, asphalt spreaders, liquid or slurry pumps, auxiliary air compressors, welders, and trash compactors.

(c) If the motor vehicle's engine radiator fan drive is equipped with a clutch or similar device that automatically either reduces the rotational speed of the fan or completely disengages the fan from its power source in response to reduced engine cooling loads, park the vehicle before testing with its engine running at high idle or any other speed the operator may choose, for sufficient time but not more than 10 minutes, to permit the engine radiator fan to automatically disengage when the vehicle's noise emissions are measured under stationary test.

(d) With the motor vehicle's transmission in neutral and its clutch engaged, rapidly accelerate the vehicle's engine from idle to its maximum governed speed with wide open throttle. Return the engine's speed to idle.

(e) Observe the maximum reading on the sound level measurement system during the time the procedures specified in paragraph (d) of this section are followed. Record that reading, if the reading has not been influenced by extraneous noise sources such as motor vehicles operating on adjacent roadways.

(f) Repeat the procedures specified in paragraphs (d) and (e) of this section until the first two maximum sound level readings that are within 2dB(A) of each other are recorded. Numerically average those two maximum sound level readings. When appropriate, correct the average figure in accordance with the rules in Subpart F of this part.

(g) The average figure, corrected as appropriate, contained in accordance with paragraph (f) of this section, is the sound level generated by the motor vehicle for the purpose of determining whether it conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21. (Table 1 in § 325.9 lists the range of maximum permissible sound level readings for various test conditions.)

Subpart F—Correction Factors

§ 325.71 Scope of the rules in this subpart.

(a) The rules in this subpart specify correction factors which are added to, or subtracted from, the reading of the sound level generated by a motor vehicle, as displayed on a sound level measurement system, during the measurement of the motor vehicle's sound level emissions at a test site which is not a standard site.

(b) The purpose of adding or subtracting a correction factor is to equate the sound level reading actually generated by the motor vehicle to the sound level reading it would have generated if the measurement had been made at a standard test site.

§ 325.73 Microphone distance correction factors.[2]

If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the maximum observed sound level reading generated by the motor vehicle in accordance with § 325.39 of this part or the numerical average of the recorded maximum observed sound level readings generated by the motor vehicle in accordance with § 325.59 of this part shall be corrected as specified in the following table:

TABLE 2—DISTANCE CORRECTION FACTORS

If the distance between the microphone location point and the microphone target point is:	*The value (dB(A) to be applied to the observed sound level reading is—*
35 feet (10.7 m) or more but less than 39 feet (11.9 m)	−3
39 feet (11.9 m) or more but less than 43 feet (13.1 m)	−2
43 feet (13.1 m) or more but less than 48 feet (14.6 m)	−1
48 feet (14.6 m) or more but less than 58 feet (17.7 m)	0
58 feet (17.7 m) or more but less than 70 feet (21.3 m)	+1
70 feet (21.3 m) or more but less than 83 feet (25.3 m)	+2

§ 325.75 Ground surface correction factors.[2]

(a) Highway operations. When measurements are made in accordance with the rules in Subpart D of this part upon a test site which is "hard," a correction factor of 2 dB(A) shall be subtracted from the maximum observed sound level reading generated by the motor vehicle to determine whether the motor vehicle conforms to the Standards for Highway Operations, 40 CFR 202.20.

(b) Stationary Test. When measurements are made in accordance with the rules in Subpart E of this part upon a test site which is "soft," a correction factor of 2 dB(A) shall be added to the numerical average of the recorded maximum observed sound level readings generated by the motor vehicle to determine whether the motor vehicle conforms to the Standard for Operation Under Stationary Test, 40 CFR 202.21.

§ 325.77 Computation of open site requirements—nonstandard sites.

(a) If the distance between the microphone location point and the microphone target point is other than 50 feet (15.2 m), the test site must be an open site within a radius from both points which is equal to the distance between the microphone location point and the microphone target point.

(b) Plan view diagrams of nonstandard test sites are shown in Figures 3 and 4. Figure 3 illustrates a test site which is larger than a standard test site and is based upon a 60-foot (18.3 m) distance

[2] Table 1, in § 325.9 is a tabulation of the maximum allowable sound level readings taking into account both the distance correction factors contained in § 325.73 and the ground surface correction factors contained in § 325.75.

between the microphone location point and the microphone target point. (See § 325.79(b)(1) for an example of the application of the correction factor to a sound level reading obtained at such a site.) Figure 4 illustrates a test site which is smaller than a standard test site and is based upon a 35-foot (10.7 m) distance between the microphone location point and the microphone target point. (See § 325.79(b)(2) for an example of the application of the correction factor to a sound level reading obtained at such a site.)

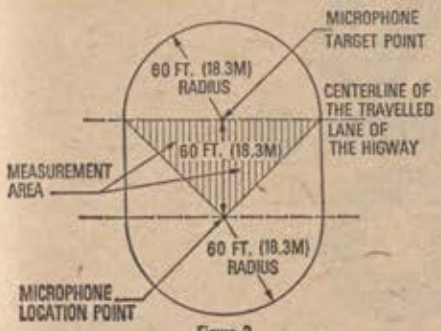

Figure 3
NON-STANDARD TEST SITE;
(60 FT (18.3M) DISTANCE BETWEEN
MICROPHONE LOCATION AND TARGET POINTS)

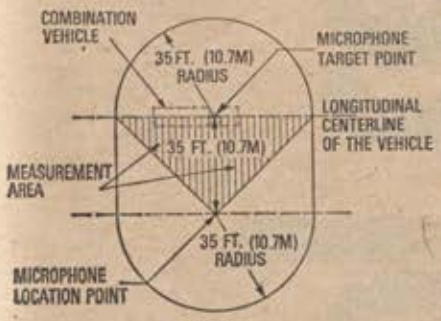

Figure 4
NON-STANDARD TEST SITE;
(35 FT.(10.7M) DISTANCE BETWEEN
MICROPHONE LOCATION AND TARGET POINTS)

§ 325.79 Application of correction factors.

(a) If two correction factors apply to a measurement they are applied cumulatively.

(b) The following examples illustrate the application of correction factors to sound level measurement readings:

(1) *Example 1—Highway operations.* Assume that a motor vehicle generates a maximum observed sound level reading of 86 dB(A) during a measurement in accordance with the rules in Subpart D of this Part. Assume also that the distance between the microphone location point and the microphone target point is 60 feet (18.3 m) and that the measurement area of the test site is acoustically "hard." The corrected sound level generated by the motor vehicle would be 85 dB(A), calculated as follows:

86 dB(A)	Uncorrected reading
+1 dB(A)	Distance correction factor
−2 dB(A)	Ground surface correction factor
85 dB(A)	Corrected reading

(2) *Example 2—Stationary test.* Assume that a motor vehicle generates maximum sound level readings which average 88 dB(A) during a measurement in accordance with the rules in Subpart E of this Part. Assume also that the distance between the microphone location point and the microphone target point is 35 feet (10.7 m), and that the measurement area of the test site is acoustically "soft." The corrected sound level generated by the motor vehicle would be 87 dB(A), calculated as follows:

88 dB(A)	Uncorrected average of readings
−3 dB(A)	Distance correction factor
+2 dB(A)	Ground surface correction factor
87 dB(A)	Corrected reading

Subpart G—Exhaust Systems and Tires

§ 325.91 Exhaust systems.

A motor vehicle does not conform to the visual exhaust system inspection requirements, 40 CFR 202.22, of the Interstate Motor Carrier Noise Emission Standards, if inspection of the exhaust system of the motor vehicle discloses that the system—

(a) Has a defect which adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements, (small traces of soot on flexible exhaust pipe sections shall not constitute a violation of this subpart);

(b) Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust gases); or

(c) Is equipped with a cut-out, by-pass, or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.

§ 325.93 Tires.

(a) Except as provided in paragraph (b) of this section, a motor vehicle does not conform to the visual tire inspection requirements, 40 CFR 202.23, of the Interstate Motor Carrier Noise Emissions Standards, if inspection of any tire on which the vehicle is operating discloses that the tire has a tread pattern composed primarily of cavities in the tread (excluding sipes and local chunking) which are not vented by grooves to the tire shoulder or circumferentially to each other around the tire.

(b) Paragraph (a) of this section does not apply to a motor vehicle operated on a tire having a tread pattern of the type specified in that paragraph, if the motor carrier who operates the motor vehicle demonstrates to the satisfaction of the Director of the Bureau of Motor Carrier Safety or his designee that either—

(1) The tire did not have that type of tread pattern when it was originally manufactured or newly remanufactured; or

(2) The motor vehicle generates a maximum sound level reading of 90 dB(A) or less when measured at a standard test site for highway operations at a distance of 50 feet (15.3 m) and under the following conditions:

(i) The measurement must be made at a time and place and under conditions specified by the Director or his designee.

(ii) The motor vehicle must be operated on the same tires that were installed on it when the inspection specified in paragraph (a) of this section occurred.

(iii) The motor vehicle must be operated on a highway having a posted speed limit of more than 35 mph (56.3 kph).

(iv) The sound level measurement must be made while the motor vehicle is operating at the posted speed limit.

[FR Doc.75-24086 Filed 9-11-75;8:45 am]

federal register

FRIDAY, SEPTEMBER 12, 1975

PART III:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

Proposed Implementation; Correction

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency

[32 CFR Part 1814]

PERSONAL PRIVACY AND RIGHTS OF INDIVIDUALS REGARDING THEIR PERSONAL RECORDS

Extension of Comment Period and Correction of Reference to Systems of Records and Systems Notices

In order to provide a thirty-day period of notice following FEDERAL REGISTER publication of the Notice of Proposed Rulemaking (40 FR 37498) the period for comment is extended five days to the new due date of September 25, 1975.

The proposed new Part 1814 is corrected by amending paragraph (b) of § 1814.9 (40 FR 37501) as follows:

1. In place of the date "August 13, 1975" substitute the date "August 18, 1975."

2. In place of the reference to system of records "PER 7, General personnel" substitute "PER 1, General personnel."

JOHN E. DAVIS,
Director,
Defense Civil Preparedness Agency.

[FR Doc.75-24485 Filed 9-10-75;3:55 pm]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

[41 CFR 51]

PRIVACY ACT RULES

Notice of Proposed Rulemaking

Notice is hereby given that the Committee for Purchase from the Blind and Other Severely Handicapped has under consideration rulemaking action to amend 41 CFR 51 by establishing a new Part 8 which implements provisions of the Privacy Act of 1974 (Pub. L. 93-579).

The new Part establishes procedures by which individuals may safeguard their privacy by obtaining access to and requesting changes in information about them which is under the Committee's control. The Committee accepts the responsibility to ensure that any system of records it maintains will be kept in such a way that the privacy of all individuals concerned is protected. Disclosure of information from any system of records will be made only in conformity with the Privacy Act.

Notice of system of records maintained by the Committee was published in the FEDERAL REGISTER on August 13, 1975 as required by Pub. L. 93-579, December 31, 1974.

Before taking action to issue the proposed rules in final form, the Committee will consider comments and suggestions received in writing on or before October 14, 1975.

Comments should be sent to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

Issued in Washington, D.C. on September 12, 1975.

By the Committee.

C. W. FLETCHER,
Executive Director.

Part 51-8 is added as follows:

PART 51-8—PRIVACY ACT RULES

Subpart 51-8.1—General Policy

Sec.

51-8.101 Maintenance of records.
51-8.101-1 Collection and use.
51-8.101-2 Standards of accuracy.
51-8.101-3 Content of systems of records.
51-8.101-4 Rules of conduct.
51-8.101-5 Safeguarding systems of records.
51-8.102 Availability of records.
51-8.102-1 Specific exemptions.

Subpart 51-8.2—Disclosure of Records

51-8.201 Conditions of disclosure.
51-8.202 Accounting of disclosures.

Subpart 51-8.3—Individual Access to Records

51-8.301 Notification.
51-8.302 Times, places and requirements for access requests.
51-8.303 Access procedures.
51-8.303.1 Form of requests.
51-8.303-2 Special requirements for medical/psychological records.
51-8.303.3 Granting access.
51-8.303-4 Denials of access.
51-8.304 Fees.
51-8.304-1 Records available without charge.
51-8.304-2 Records available at a fee.
51-8.304-3 Prepayment of fees over $25.
51-8.304-4 Form of payment.
51-8.304-5 Reproduction of fee schedule.

Subpart 51-8.4—Requests To Amend Records

51-8.401 Submission of requests to amend records.
51-8.402 Review of requests to amend records.
51-8.403 Approval of requests to amend.
51-8.404 Refusal of request to amend.
51-8.405 Request of review of refusal to amend a record.

Subpart 51-8.5—Report on New Systems and Alteration of Existing Systems

51-8.501 Reporting requirement.
51-8.502 FEDERAL REGISTER notices of establishment of new system or alteration of existing system.
51-8.503 Effective date of new systems of records or alteration of an existing system of records.

Subpart 51-8.6—Exemptions

51-8.601 [Reserved]

Subpart 51-8.7—Rules of Conduct for Disclosure of Information About an Individual

51-8.701 Committee rules of conduct.

AUTHORITY: Pub. L. 93-579, Dec. 31, 1974, 5 U.S.C. 552a.

Subpart 51-8.1—General Policy

§ 51-8.101 Maintenance of records.

§ 51-8.101-1 Collection and use.

Any information used in whole or in part in making a determination about an individual's rights, benefits, or privileges under the Committee programs, shall, to the extent practicable, be collected directly from the subject individual. At the time information is collected, the individual must be informed of the authority for collecting such information, whether providing the information is mandatory or voluntary, the purposes for which the information will be used, the routine uses as published in the FEDERAL REGISTER, and the effects on the individual, if any, of not providing the information. The information collected shall be used only for the intended purpose or permission for additional use will be obtained from the subject individual.

§ 51-8.101-2 Standards of accuracy.

The Executive Director shall ensure that all records which are used by the agency to make determinations about any individual are maintained with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual. Upon petition by an individual, the Executive Director shall provide the individual with the opportunity to review his records, and to request amendment of a portion which the individual believes is not accurate, relevant, timely or complete. Prior to dissemination of records about any individual to any person or to another agency, exclusive of disclosure pursuant to the Freedom of Information Act, the Executive Director shall make reasonable effort to ensure that such records are accurate, complete, timely, and relevant.

§ 51-8.101-3 Content of systems of records.

The Executive Director shall maintain in records only such information about an individual as is relevant and necessary to accomplish an agency purpose required by statute or executive order. Such records shall not contain any information describing how any individual exercises rights guaranteed by the First Amendment unless specifically authorized by statute, by the subject individual, or is pertinent to and within the scope of an authorized law enforcement activity. For these purposes, First Amendment rights include, but are not limited to, religious and political beliefs, freedom of speech, the press, assembly, and freedom to petition.

§ 51-8.101-4 Rules of conduct.

Any employee of the Committee involved in the design, development, operation or maintenance of any system of records, or in maintaining any record, shall review the provisions of 5 U.S.C. 552a and these regulations, and shall conduct himself accordingly with the rules of conduct concerning the protection of personal information outlined in 41 CFR 51-8.7, Rules of Conduct for *Disclosure of Information about an Individual.*

§ 51-8.101-5 Safeguarding systems of records.

The Executive Director shall ensure that appropriate administrative, technical and physical safeguards are established to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness

to any individual on whom information is maintained.

§ 51–8.102 Availability of records.

Committe records pertaining to an individual shall be made available to the subject individual to the greatest extent possible. Disclosures of records to other than the subject individual will be made only in accordance with subpart 51–8.2.

§ 51–8.102–1 Specific exemptions.

Systems of records maintained by the Committee which have been exempted from certain requirements of the Privacy Act are designated in subpart 51–8.6. An individual shall have access to all exempted records containing information about him under procedures outlined in subpart 51–8.3. Upon request, an individual shall receive an accounting of any disclosure of information about him.

Subpart 51–8.2—Disclosure of Records

§ 51–8.201 Conditions of disclosure.

No Committee member or employee of the Committee shall disclose any record to any person or to another agency without the express written consent of the subject individual unless the disclosure is:

(a) To Committee members or employees who have a need for the information in the official performance of their duties.

(b) Required under the provisions of the Freedom of Information Act.

(c) For a routine as published in the annual notice in the FEDERAL REGISTER.

(d) To the Bureau of Census for uses pursuant to Title 13.

(e) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record and the record is to be transferred in a form that is not individually identifiable. The written statement should include as a minimum:

(1) A statement of the purpose for requesting the records, and

(2) Certification that the records will be used only for statistical purposes.

These written statements shall be maintained as records. In addition to stripping personally identifying information from records released for statistical purpose, the Committee will ensure that the identity of the individual cannot reasonably be deduced by combining various statistical records.

(f) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value.

(g) To another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought.

(h) To a person showing compelling circumstances affecting the health and safety of an individual (not necessarily the individual to whom the record pertains). Upon such disclosure, a notification of such shall be sent to the last known address of the individual.

(i) To either House of Congress or to a subcommittee or committee (joint or of either House, to the extent that the subject matter falls within their jurisdiction).

(j) To the Comptroller General, or any of his authorized representatives in the course of the performance of the duties of the General Accounting Office, or

(k) Pursuant to the order of the court of competent jurisdiction.

§ 51–8.202 Accounting of disclosures.

(a) Except for disclosures made pursuant to paragraph (a) and (b) of subpart 51–8.201, an accurate accounting of each disclosure will be made and retained for five years after the disclosure or for the life of the record, whichever is longer. The accounting will include the date, nature, and purpose of each disclosure, and the name and address of the person or agency to whom the disclosure is made.

(b) The accounting will be recorded and maintained in any manner the Executive Director determines is satisfactory for the purposes of constructing a listing of all disclosures, and for providing a cross reference to the justification or basis upon which the disclosure was made, including written documentation required when records are released for statistical or law enforcement purposes and any written consents provided by the individual.

(c) Except for disclosures made to agencies or instrumentalities in law enforcement activities in accordance with § 51–8.201(2) or for disclosures made from systems exempted from this requirement of the Act as outlined in subpart 51–8.6, the accounting of disclosures will be made available to the individual upon request. Procedures for requesting access to the accounting are outlined in subpart 51–8.3.

Subpart 51–8.3—Individual Access to Records

§ 51–8.301 Notification.

Any individual who wishes to determine if a system of records maintained by the Committee contains a record pertaining to him should direct a request to the Executive Director at the address indicated in the public notice describing the system of records which has been published in the FEDERAL REGISTER. The request should display clearly the legend "Privacy Act Request" both on the face of the request letter and on the face of the envelope. The request letter should contain the complete name and identifying number of the system as published in the FEDERAL REGISTER; the full name, address, and telephone number of the subject individual; a brief description of the nature, time, place and circumstances of the individual's association with the Committee and any other information which the individual believes would facilitate the Executive Director's determination whether the individual's name is included in the system of records. The Executive Director shall answer or acknowledge the request within ten working days.

§ 51–8.302 Times, places and requirements for access requests.

Records will be available for authorized access during normal business hours at the offices where the records are located. A requester should be prepared to identify himself through production of a driver's license, student or employee identification card, or other identification acceptable to the Executive Director. When the disclosure of records to the wrong individual would result in substantial harm, embarrassment, inconvenience, or unfairness to the subject individual, the Executive Director may require a notarized statement of identity. The Executive Director shall ensure that such times, places, and requirements for identification are not excessive and do not restrict individual access unduly.

§ 51–8.303 Access procedures.

§ 51–8.303–1 Form of requests.

(a) An individual must request access to his record in writing. The Executive Director shall accept by telephone only general inquiries for information regarding systems of records or procedures.

(b) A written request should be directed to the Executive Director as listed in the public notice describing the system of records. The individual should display clearly on the face of the request letter and on the face of the envelope the legend "Privacy Act Request", and include the complete name and identifying number of the system as published in the FEDERAL REGISTER; the full name, address, the telephone number of the individual; a brief description of the nature, time, place and circumstances of the individuals association with the Committee; and any other information which the individual believes would facilitate the Executive Director's search for the record.

(c) An individual who wishes to have a person of his choosing accompany him in reviewing a record must sign a statement authorizing the disclosure of his record in the presence of another individual, if so requested by the Executive Director. An individual who intends to visit the Committee office in order to review a record should make an appointment with the Executive Director at least one week in advance.

§ 51–8.303–2 Special requirements for medical/psychological records.

(a) The Executive Director may require an individual who requests access to his medical or psychological record to designate a physician of his choice to whom he may disclose the individual's record if in the opinion of the Executive Director, disclosure directly to the individual might be harmful.

(b) The Executive Director shall mark records which should not be disclosed directly to the subject individual and shall inform an individual requesting such records of the requirement to designate a physician to whom the records can be disclosed.

§ 51–8.303–3 Granting access.

(a) Upon receipt of a request for access to non-exempt records, the Executive Director shall make such records available to the individual, or shall acknowledge the request within ten working days. The acknowledgment shall indicate when the Executive Director will make the record available.

(b) If the Executive Director anticipates more than ten days in making a record available he also shall include in the acknowledgment specific reasons for the delay.

(c) If an individual's request for access doe not contain sufficient information to permit the Executive Director to locate the record, the Executive Director shall request additional information from the individual and shall have ten working days following receipt of the additional information in which to make the record available, or to acknowledge receipt of the request and indicate when the record will be available. In no case shall more information be requested from the individual than that contained in the pertinent system of records.

(d) The Executive Director, at his discretion, either shall permit an individual to examine the original of the record, or shall provide the individual with a copy of the record. Fees shall be charged only for copies requested by the individual and not for copies provided to the individual for convenience of the agency.

(e) An individual may request to pick up a record in person or receive it by mail, directed to the name and address provided by the individual in his request. The Executive Director shall not make a record available to a third party for delivery to the subject individual, except in the case of medical records outlined in § 51–8.303–2.

(f) The Executive Director shall maintain in an individual's record an accounting of disclosures to the individual documenting compliance with the request.

(g) The procedures for access to an accounting of disclosures is identical to the procedure for access to a record as set forth in this subsection.

§ 51–8.303–4 Denials of access.

(a) The Executive Director may deny any individual access to his record only on the grounds that the Committee has published rules in the FEDERAL REGISTER exempting the pertinent system of records from the access requirement.

(b) Upon receipt of a request for access to an exempt system, the Executive Director shall prepare a letter denying access. The letter of denial shall contain a justification for denial of access which includes appropriate citation to the exemption provisions of these rules or other FEDERAL REGISTER notice exempting the system.

§ 51–8.304 Fees.

§ 51–8.304–1 Records available without charge.

The Executive Director shall make one copy of a record available to an employee without charge, and may waive the fee requirement for any other individual requesting records if the cost of collecting the fee is an unduly large part of, or greater than, the fee, or when furnishing the record without charge conforms to generally established business custom or is in the public interest.

§ 51–8.304–2 Records available at a fee.

The Executive Director shall provide one copy of a record to the individual at a fee proscribed in 51–8.304–5. A reasonable number of additional copies will be provided for the applicable fee where reproduction services are not readily available.

§ 51–8.304–3 Prepayment of fees over $25.

When the Executive Director determines that the anticipated total fee is likely to exceed $25, he shall notify the individual that he must prepay the anticipated fee prior to making the records available. The Committee will remit the excess paid by the individual or bill the individual for an additional amount according to variations between the final fee charged and the amount prepaid.

§ 51–8.304–4 Form of payment.

Payment shall be by check or money order payable to the Committee for Purchase from the Blind and Other Severely Handicapped and shall be addressed to the Executive Director.

§ 51–8.304–5 Reproduction fee schedule.

(a) The fee for reproducing a copy of a record (by routine electrostatic copying) up to and including material 8½ x 14 inches shall be $0.10 per page.

(b) The fee for reproducing a copy of a record over 8½ x 14 inches or whose physical characteristics do not permit reproduction by routine electrostatic copying shall be the direct cost of reproducing the records through Government or commercial sources.

Subpart 51–8.4—Requests To Amend Records

§ 51–8.401 Submission of requests to amend records.

An individual who desires to amend any record or information pertaining to him should direct a written request to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street, N., Arlington, Virginia 22201. A request should bear the legend "Privacy Act—Request to Amend Record" prominently marked on both the face of the request letter and the envelope.

§ 51–8.402 Review of requests to amend records.

(a) Upon receipt of a request to amend a record, the responsible official, whenever practicable shall complete the review and advise the individual of the results within ten working days. If a determination cannot be made within ten working days, the Executive Director, within ten working days, shall send the individual a written acknowledgement of receipt of the request including a description of the request and the date when the requester may expect to be advised of action taken on the request. Except in unusual circumstances, the Executive Director shall complete the review within 30 working days. In unusual circumstances, causing delay beyond the 30 day limit, the Executive Director shall inform the individual in writing of the cause of delay, the actions taken to review the record, and the date the Executive Director anticipates the review to be complete.

(b) When reviewing a record in response to a request to amend, the Executive Director also shall review the request relevance, timeliness, and completeness of the record to ensure fairness to the individual in any determination made on the basis of the record. With respect to a request to delete information, the Executive Director also shall rveiew the request and record to determine whether the information is relevant and necessary to accomplish an agency purpose required to be accomplished by law or Executive Order.

§ 51–8.403 Approval of requests to amend.

If the Executive Director agrees to amend a record, he promptly shall make the necessary corrections to the record and shall send a copy of the corrected record to the individual. Where an accounting of disclosure has been maintained, he shall advise all previous recipients of the record of the fact that a correction was made of the substance of the correction. Where practicable, the Executive Director shall send a copy of the corrected record to previous recipients.

§ 51–8.404 Refusal of request to amend.

(a) The Executive Director, or any official acting for him, shall have the authority to issue an initial refusal of a request to amend a record within his custody and shall be responsible for the initial adverse agency determination.

(b) If the Executive Director, after reviewing the request to amend a record, determines not to amend the record, he promptly shall advise the requester in writing of the determination. The refusal letter (1) shall state the reasons for refusal, (2) shall state the requester's right to seek a review of the initial determination, and (3) shall state the procedures for requesting such review.

§ 51–8.405 Request of review of refusal to amend a record.

(a) An individual who disagrees with the refusal to amend may appeal that refusal with the Committee. An individual should address a request for review of a refusal to amend any record, exclusive of a personnel record of a current Committee employee to the Chairman, Committee for Purchase from the

Blind and Other Severely Handicapped, 2009 14th Street N., Suite 610, Arlington, Virginia 22201.

(b) A request to review must be in writing and should include a copy of the initial request and refusal to amend. The request to review should bear the legend "Privacy Act—Request for Review of Refusal to Amend" on both the face of the letter and the envelope. The Chairman shall complete the review and make a determination no later than 30 working days after receipt of the request for review, unless a determination is made to extend the 30 day period. If a determination is made to extend the 30 day period, the Chairman shall notify the requester in writing of the reasons for the delay and the date when the review will be completed.

(c) Upon receipt of a request to review a refusal to amend, the Chairman shall undertake an independent review of the request and initial determination. If, after conducting the review, the Chairman agrees to amend, he shall notify the requester promptly in writing of the determination, amend the record, and notify previous recipients in accordance with § 51–8.403.

(d) If, after conducting the review, the Chairman agrees with the refusal to amend the record, he shall notify the requester promptly in writing of the determination. The notification shall include the reasons for the refusal, and shall advise the individual of his right to file a statement of disagreement, and the procedures for doing so. The Chairman also shall advise the individual that such statement of disagreement will be made available in any subsequent disclosures of the record together with a concise statement summarizing reasons for refusal where the responsible official deems it appropriate. The Chairman also will advise the individual of his right to bring civil action against the agency in a district court of the Unted States.

Subpart 51–8.5—Report on New Systems and Alteration of Existing Systems

§ 51–8.501 Reporting requirement.

(a) No later than 30 days prior to the establishment of a new systems of records, the Executive Director shall submit a copy of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals of the disclosure of information relating to such individuals.

(b) No later than 30 days prior to the alteration of a system of records, the Executive Director for the maintenance of that system of records shall submit a copy of the proposal to the President of the Senate, the Speaker of the House of Representatives, and the Director of the Office of Management and Budget for their evaluation of the probable or potential effect of such proposal on the privacy and other personal or property rights of individuals of the disclosure of information relating to such individuals.

§ 51–8.502 Federal Register notice of establishment of new system or alteration of existing system.

(a) When the Executive Director receives notice that the Senate, the House of Representatives, and the Office of Management and Budget do not object to the establishment of a new system of records, or the alteration of an existing system of records, or

(b) When no fewer than 30 days elapse from the submission of the proposal to the Senate, the House of Representatives, and the Office of Management and Budget, without receipt by the Executive Director of an objection to the proposal, then a notice shall be published in the FEDERAL REGISTER of the proposed establishment or alteration of a system of records. The notice shall include all of the information required to be provided by the Privacy Act of 1974, and such other information as deemed necessary.

§ 51–8.503 Effective date of new systems of records or alteration of an existing system of records.

Systems of records proposed to be established or altered in accordance with the provision of the subpart shall be effective no sooner than 30 days from the publication of notice required by Section 51–8.502.

Subpart 51–8.6—Exemptions

§ 51–8.601 [Reserved]

Subpart 51–8.7—Rules of Conduct for Disclosure of Information About an Individual

§ 51–8.701 Committee rules of conduct.

(a) Every Committee member and employee who is involved in the design, development, operation, or maintenance of a system of records, or who has access to a system of records shall familiarize himself with the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) and the Committee regulations and orders issued thereunder and apply these requirements to all systems of records.

(b) No Committee member or employee shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains, unless the disclosure would be to a recipient specified in paragraph c of this section. The term "record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph. The term "system of records" means a group of any records under the control of the Committee from which information is retrieved by the name of the individual or by some identifying number symbol, or other identifying particular assigned to the individual. The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected. The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence. The term "agency" is defined in 5 U.S.C. 552(e).

(c) An employee may disclose any record which is contained in a system of records, without a written request by and without the prior written consent of the individual to whom the record pertains, if the disclosure would be:

(1) To those Committee members and employees of the agency which maintains the record who have a need for the record in the performance of their duties;

(2) Required under section 552 of Title 5 U.S.C.;

(3) For a routine use as described in paragraph b, above;

(4) To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 U.S.C.;

(5) To a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(6) To the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(7) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought;

(8) To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(9) To either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(10) To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office; or

(11) Pursuant to the order of a court of competent jurisdiction.

(d) No Committee member or employee shall maintain a record describing how any individual exercises rights guaranteed by the First Amendment un-

less expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(e) No Committee member or employee shall sell or rent an individual's name and address unless such action is specifically authorized by law.

(f) A Committee member or employee, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited by paragraph 'a' of this section or by any other rules or regulations established under the Privacy Act of 1974, and who (1) knowing that disclosure of the specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, or (2) willfully maintains a system of records without meeting the notice requirements of the Privacy Act of 1974, or (3) knowingly and willfully requests or obtains any record concerning an individual from any agency under false pretenses, is subject to criminal penalties and administrative sanctions. Any Committee member or employee who (1) makes a determination not to amend an individual's record in accordance with the Privacy Act of 1974, or (2) refuses to comply with an individual's request to gain access to review, and obtain a copy of any information pertaining to him, or (3) fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities or of benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual, or (4) fails to comply with any provision of the Privacy Act of 1974 or any Committee regulation implementing it, subjects the Committee to civil penalties and himself to administrative sanctions.

[FR Doc.75-24328 Filed 9-9-75;3:22 pm]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 206]

PRIVACY ACT OF 1974

Notice of Proposed Rulemaking

The Federal Energy Administration ("FEA") hereby gives notice of a proposal to amend Chapter II of Title 10 of the Code of Federal Regulations by the addition of Part 206—Privacy Act. Through these proposed regulations and the notice of systems of records and "routine uses" of such records published in the August 27, 1975, issue of the FEDERAL REGISTER (40 FR 39321), FEA will implement the requirements of the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a) ("Act").

INTRODUCTION

There are two broad objectives to the act—(1) to provide an individual the opportunity to determine if records maintained by Federal agencies contain personal information about him by giving public notice of the various systems of records being maintained and the uses to which the information routinely will be put, and to insure that he is able to ascertain the correctness of such information and have the records corrected or amended, if justified; and (2) to place restrictions on the manner in which personal information about an individual is collected, maintained and disseminated by Federal agencies.

The scope of the Act, as implemented by the proposed regulation, is circumscribed by the definitions of two terms;

"System of records" means a group of any records under the control of the FEA from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

"Record" means any item, collection, or grouping of information about an individual that is maintained by the FEA, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

The only systems of records to which the Act applies, therefore, are those containing personal information about an individual, and only then if the record containing that information can be retrieved by use of the individual's name or some other identifier keyed to his name. In addition, the Office of Management and Budget Circular No. A-108 cites Senate legislative history to support a narrowing of the Act's coverage to exclude from "personal" information, information about an individual acting in an entrepreneurial capacity (40 FR 28951, July 9, 1975). Given the nature of FEA's responsibilities and functions, some of FEA's systems of records are excluded from the Act's coverage (*E.g.*, FEA maintains records that contain information about an individual in his capacity as a sole proprietorship.).

The Act's two objectives were satisfied in part by the August 27 publication in the FEDERAL REGISTER of a notice of the systems of records containing information about individuals that are maintained by FEA. These proposed regulations provide the structure and means to accomplish the remainder of the Act's objectives. The proposed regulations can be summarized by grouping their eighteen sections into four categories: (1) Description of procedures for gaining access to records, for verifying the identity of the individual making the request, and for disclosing the information to the person making the request, other agencies, or to persons other than the individual who is the subject of the record (§ 206.3 through § 206.6); (2) description of the content of the systems of records and the methods by which such information will be collected (§§ 206.7 and 206.8); (3) description of the method by which an individual can request that the record pertaining to him be corected or amended, FEA's procedures in acting on such request, and the procedures to appeal the denial by FEA of that request (§ 206.9 through § 206.11); and (4) the miscellaneous sections, which include the purpose and scope (§ 206.1), the requirement for public notice of the systems of records (§ 206.12), criminal penalties (§ 206.13); the fees for supplying copies of records (§ 206.16); the satisfaction of the requirement in Section 7(i)(1)(D) of the Federal Energy Administration Act of 1974 that any FEA regulations include certain procedures (§ 206.17); and the addresses of the FEA Regional Offices (§ 206.18).

Exemptions. Throughout this discussion there are references to the fact that certain systems of records may be exempt from some of the Act's requirements. The Act provides that an agency may claim an exemption from certain of the Act's requirements for certain systems of records. The exemptions are of two types—general and specific. At this time FEA is not proposing to claim the general exemption for any of its records. FEA, however, is proposing to claim exemptions for three systems of records noticed in the August 27 issue of the FEDERAL REGISTER: FEA-10 Minority Group Data File; FEA-6 Personnel Security Records (only the memorandum identified as OSI form DPA 24); and FEA-7 Investigative Report Records (only investigative records concerning FEA employees, past and present).

FEA-6 and 7 are systems of records that include investigatory materials compiled for law enforcement purposes. The Act (5 U.S.C. 552a(k)(2)) provides an exemption for such records. FEA proposes that the records be exempted from the requirement that FEA provide access to the record (§ 206.3-.5) or make available upon request the accounting of any disclosures of information (§ 206.6(d)), and the requirement that information maintained in the record only be that necessary to carry out a purpose required to be accomplished by a statute or executive order (§ 206.7(a)). However, FEA does not propose to claim an exemption from the Act's requirement that procedures for access be provided. This is to enable an individual to exercise a provision in the Act (5 U.S.C. 552a(k)(2)) that requires disclosure "if any individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material. . . ." (The assertion of these grounds would have to be included in the request for access (§ 206.-3)). FEA is not required to disclose this record, however, if the material disclosed would reveal the identity of a source who provided the information on an assure of the confidentiality of his identity. Nevertheless, FEA may waive the exemption as to that material if the source who provided the information on an assurance of confidentiality will agree to the release of the information that would identify him, if FEA determines that the record does not contain information that is adverse

or detrimental to the individual making the request, or for good cause shown; and the proposed access procedures (§ 206.3) provide the means for the individual to seek this waiver. Furthermore, for good cause shown, FEA may in its discretion waive the exemption as to other records in the investigatory file, and the access procedures must be utilized for that request. The objective of these waiver procedures is to provide FEA the flexibility to review the blanket exemption from the Act's requirement that access to systems of records be provided upon request and, if appropriate, provide an individual access to an exempt record.

FEA–10 is a statistical record, and FEA proposes to claim an exemption, in accordance with 5 U.S.C. 552a(k)(4) from the requirement that FEA provide an individual access to the record (§§ 206.3–.6, 206.9–.11) and make available, upon request by an individual the accounting of any disclosures of the record by FEA to other agencies or other persons (§ 206.6(d)).

FEA–6 and 7 also are systems of records that include investigatory material used by FEA to determine suitability, eligibility, or qualifications for employment, and under the Act (5 U.S.C. 552a(k)(5)), an exemption may be claimed for such records. FEA proposes that the records be exempted from the requirement that FEA provide access to the record (§ 206.3–.5) or make available upon request the accounting of any disclosures of information (§ 206.6(d)), and the requirement that information maintained in the record only be that necessary to carry out a purpose required to be accomplished by a statute or executive order (§ 206.7(a)). As with the "(k)(2)" exemption of these systems of records previously discussed, FEA does not propose to exercise its exemption from the Act's requirement that procedures for access be provided, to enable an individual to request a waiver of the exemption. The grounds on which it will provide access to a record containing information that would identify a source who had been assured his identity would be confidential are the same as described in the "(k)(2)" exemption.

Procedures for Access to and Disclosure of Records

Any individual may request information regarding whether one of FEA's systems of records (as defined in the Act and in the proposed regulations) contains any information pertaining to him and may gain access to the record or any information about him in the system of records, unless access has been limited as a result of an exemption claimed by FEA. The individual may review and make copies of the record or information and, upon request, may be accompanied during such review by a person of his own choosing. The request must be in writing and may be submitted by mail or in person to the FEA Privacy Act Officer. The Act provides that if the individual is a minor or has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, a parent or legal guardian may request access and review the individual's record.

To insure that information in the record is not disclosed to an unauthorized individual, FEA is proposing procedures for verification of the identity of the individual making the request. That verification would be required whether the request is made by mail or in person. If the person making the request is acting in his capacity as either a parent or a legal guardian, there also must be verification of the status of the requester as parent or guardian of the individuals whose records are being sought.

The proposed regulations provide that FEA promptly will act on each request for information about a record or for access to a record. If FEA grants the request, the notification to the individual will include the methods of access, the place at which the record may be reviewed and other appropriate information. If the request is denied, it will state the reasons why and advise the individual making the request of the civil remedies provided by the Act (5 U.S.C. 552a(g)(1)(B)).

It is proposed that special access procedures apply to medical records. FEA may require the individual to provide a statement from his physician or mental health professional that release of the records directly to the individual will not adversely affect the individual. FEA may determine, however, that the record should only be released to a physician or mental health professional designated by the individual.

The proposed regulations provide that FEA will not disclose the record to agencies or persons other than the individual who is the subject of the record except in specified circumstances. These "circumstances" track the provisions of 5 U.S.C. 552a(b) or are otherwise specified in the Act. In addition, the regulations would require that FEA make an accounting of those disclosures, except disclosures made with the consent of the individual to whom the record pertains, pursuant to the Freedom of Information Act (5 U.S.C. 552), or to authorized FEA officers and employees.

Collection of Information for and Content of Systems of Records

Under the Act, FEA is required, to the greatest extent practicable, to collect information for a record in a systems of records directly from the individual who is the subject of the record and with respect to whom an adverse determination regarding such individual's rights, benefits and privileges under Federal programs may be made based on the information collected and in the record. Under the proposed regulations, unless an exemption from this requirement is claimed, FEA will inform each individual it asks to supply information of the statutory authority for the collection, the primary purposes for which the information will be utilized, the "routine uses" of the record, and the effect, if any, of not providing the information.

The regulations proposed by FEA place restrictions on the information that may be maintained in its systems of records, unless an exemption from the Act's requirements is claimed. To the extent the information is used in making determinations about an individual, the regulations would require that the information be as accurate, relevant, timely and complete "as is reasonably necessary to assure fairness to the individual in such determination."

Correction or Amendment of a Record

As provided in the proposed regulations, any individual may request the correction or amendment of information contained in a system of records that pertains to him. The regulations describe the grounds on which the request must be made, the procedures for filing the request and the time within which FEA must respond to the request. As with a request for access to or information about a record, FEA may require verification of the identity of the individual making the request. The request should contain sufficient information to enable FEA to locate the record and determine precisely what changes are being sought.

The regulations proposed describe the content of FEA's response to such request and the criteria by which the request will be evaluated. These criteria include the sufficiency of the evidence submitted, the factual accuracy of the information in the record, the relevance and necessity for the information given the purpose for which it was collected, and the timeliness and completeness of the information in the record. If the request is granted, the record will be corrected or amended, and all persons or agencies to which the amended or corrected portion of the record had been disclosed would be notified of the FEA action.

The request would be denied if the "individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendment in relation to the criteria stated in the regulations." In addition, the request would be denied (1) if it seeks to alter a record compiled either in terminated or in pending judicial, quasi-judicial or quasi-legislative proceedings to which the individual was a party or a participant, (2) if the correction or amendment would violate a statute or regulation, or (3) if the individual making the request had unreasonably failed to comply with the procedural requirements of Part 206.

In contrast to requests for access to or information about a record, the Act requires that there be an administrative review (appeal) of the denial of a request for correction or amendment of a record. It is proposed that the appeal be filed with FEA's Office of Exceptions and Appeals. The proposed regulations state the contents of the appeal and the procedures FEA will utilize in evaluating it. If the individual disagrees with the determination on appeal, he may file with FEA a concise statement of disagreement, which will be noted in the disputed record, and a copy of the statement will be provided to those persons or agencies to which the record had been disclosed prior to the filing of the statement. Judicial re-

view of the denial of an appeal may be sought in accordance with 5 U.S.C. 552a(g)(1)(A).

MISCELLANEOUS

Public notice of systems of records. The regulations would require that FEA annually publish in the FEDERAL REGISTER a notice containing a listing of the systems of records maintained by FEA that are subject to the Act, as required by the Act. Unless FEA has claimed an exemption from the requirements of the Act, the notice will contain a full description of FEA's systems of records, the location, the name of the person responsible for the record, the "routine uses" of the record, and other information. Copies of this annual notice will be available at the FEA National Office and Regional Offices.

Criminal Penalties. The Act provides that the knowing and wilfull request to obtatin information about an individual (or the obtaining of such information) from FEA under false pretenses shall result in that person being guilty of a misdemeanor and fined not more than $5,000.

Interested persons are invited to participate in this proposed rulemaking by submitting written comments consisting of data, views or arguments with respect to the proposed regulation set forth in this notice to Executive Communications, Federal Energy Administration, Box EF, Washington, D.C. 20461. Hand-carried comments may be delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except on legal public holidays.

Comments should be identified on the outside of the envelope and on the documents submitted to FEA Executive Communications with the designation "Privacy Act Regulations". Ten copies should be submitted. All comments received by Monday, September 22, 1975, and all relevant information, will be considered by FEA before final action is taken on the proposed regulation.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

Since the proposed rulemaking will not affect the quality of the environment, FEA has not submitted the proposed regulations to the Administrator of the Environmental Protection Agency for comment, as provided in section 7(c)(2) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275) ("FEAA"). Also, since the proposed regulations are not likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses because they regulate the record-keeping functions of FEA, no public hearing will be conducted with respect to this proposed rulemaking, as provided in section 7(i)(1)(c) of the FEAA.

The inflationary impact of this proposal has been considered by the FEA, consistent with Executive Order 11821, issued November 27, 1974.

These regulations as proposed, with any modification made as a result of this proposed rulemaking, will be effective on or before September 27, 1975. Since the regulations must be in effect on or by such date to insure that procedures are available for individuals seeking access to or correction/amendment of any records in the notice of systems of records published in the FEDERAL REGISTER on August 27, 1975 (40 FR 39323), FEA finds good cause to waive the requirement of 5 U.S.C. 553(d) that these regulations not become effective until 30 days after their publication.

(Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a); Federal Energy Administration Act of 1974 (Pub. L. 93-275); E.O. 11790 (39 FR 23185))

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., September 9, 1975.

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

Chapter II of 10 Code of Federal Regulations is amended to add Part 206, which reads as follows:

PART 206—PRIVACY ACT

COLLECTION, MAINTENANCE, ACCESS AND DISSEMINATION OF PERSONAL INFORMATION ABOUT INDIVIDUALS IN SYSTEMS OF RECORDS MAINTAINED BY FEA

Sec.

206.1 Purpose and scope.
206.2 Definitions.
206.3 Procedures for requesting information about or for access to an individual's records in a system of records.
206.4 Procedures for identifying the individual making the request.
206.5 Disclosure of requested information to individuals.
206.6 Disclosure to other agencies or persons other than the individual to whom the record pertains.
206.7 Content of systems of records.
206.8 Collection of information by FEA about an individual for a system of records.
206.9 Request for correction or amendment of record.
206.10 FEA review of request for correction or amendment of a record.
206.11 Appeals of denial of requests for correction or amendment of a record.
206.12 Public notice of systems of records.
206.13 Criminal penalties.
206.14 General exemptions. [reserved]
206.15 Specific exemptions.
206.16 Fees.
206.17 Exceptions, exemptions, interpretations, rulings and rulemakings.
206.18 Addresses of FEA Regional Offices.

AUTHORITY: (Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a); Federal Energy Administration Act of 1974 (Pub. L. 93-275); E.O. 11790 (39 FR 23185)).

§ 206.1 Purpose and scope.

(a) This part establishes the methods and procedures by which the Federal Energy Administration is implementing the Privacy Act of 1974 (Pub. L. 93-579, 5 U.S.C. 552a). This part applies to all records maintained by FEA that contain personal information about an individual, identify that individual by name or identifying number, symbol, or other identifying particular and are contained in a system of records from which such information is retrieved by the individual's name or identifying number, symbol or other identifying particular.

(b) Subject to the general and specific exemptions claimed by FEA in §§ 206.14 and 206.15 of this part, or any exemptions provided by the Privacy Act of 1974 that are claimed by another agency, or unless otherwise provided by such Act, this part prohibits FEA from disclosing any record that is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of the individual to whom the record pertains.

§ 206.2 Definitions.

"Agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency.

"Act" means the "Privacy Act of 1974", Pub. L. 93-579, 5 U.S.C. 552a.

"FEA" means the Federal Energy Administration, including the Administrator of FEA or his delegate.

"Individual" means a citizen of the United States or an alien lawfully admitted for permanent residence. For purposes of this part, the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, may act on behalf of the individual.

"Legal public holiday" means New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day appointed as a national holiday by the President or the Congress of the United States.

"Maintain" includes maintain, collect, use or disseminate.

"Record" means any item, collection, or grouping of information about an individual that is maintained by the FEA, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

"Routine use" means, with respect to the disclosure of a record, the use of such record for a purpose that is compatible

with the purpose for which it was collected.

"System of records" means a group of any records under the control of the FEA from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

"Statistical record" means a record in a system of records maintained for statistical research or reporting purposes only and not used in whole or in part in making any determination about an identifiable individual, except as provided by section 8 of title 13, United States Code.

Throughout this part, the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

§ 206.3 Procedures for requesting information about or for access to an individual's records in a system of records.

(a) Any individual may request information regarding whether a system of records maintained by the FEA contains any information pertaining to him, and may request access to his record or to any information pertaining to him that is contained in a system of records, unless such access has been restricted by a general or specific exemption claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency. All such requests shall be directed to the Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461, or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18. The consideration by FEA of requests submitted by mail will be facilitated if the words "PRIVACY ACT REQUEST" appear in capital letters on the face of the envelope.

(b)(1) A request for information about a record or for access to a record or to information pertaining to him that is contained in a system of records may be made by mail or in person during FEA's regular business hours.

(2) The regular business hours of the FEA National Office are 8:00 a.m. to 4:30 p.m. Requests made in person should be to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C., or to the Privacy Act Officer at the FEA Regional Offices, at the addresses listed in § 206.18.

(c)(1) The request shall (i) be in writing and signed by the individual making the request; (ii) include the full name (including the middle name) of the individual seeking the information or record, his home address and telephone number, his business address and telephone number; (iii) include a certified or authenticated copy of documents establishing parentage or legal guardianship, if appropriate, and (iv) if a waiver of an exemption is sought by these procedures, as statement of the grounds on which such waiver is sought, as provided in § 206.15 (a) and (c).

(2) In addition, the request should (i) specify the title and identifying number of the system of records, which appears in the notice of systems published in the FEDERAL REGISTER by the FEA; (ii) provide such additional identifying information, if any, as may be required by the description of the system contained in the notice or as will assist FEA in responding to the request, *e.g.*, location of the record as stated in the FEDERAL REGISTER; and (iii) describe the information sought or the time, place, or form of access, as appropriate.

(d) Any request not addressed and marked as specified in paragraph (a) of this section shall be forwarded immediately to the Privacy Act Officer. A request that is improperly addressed by an individual shall not have been "received" for purposes of measuring time periods in this section until actual receipt by the Privacy Act Officer. In each instance when a request so forwarded is received by the Privacy Act Officer, the individual making the request shall be notified that the request was improperly addressed and the date when the request was received by the Privacy Act Officer.

(e) When access to a record or information pertaining to the individual that is contained in a system of records is requested, the individual either will be notified in writing where and when he may obtain access to the records requested or, if further arrangements are required, will be given the name, address and telephone number of the person at FEA responsible for such arrangements.

§ 206.4 Procedures for identifying the individual making the request.

(a) When a request for information about or for access to a record or to information pertaining to an individual that is contained in a system of records has been made pursuant to § 206.3, the FEA shall require reasonable identification of the individual making the request before information will be given or access will be granted, to insure that information is given or records are disclosed only to the proper person.

(b) Subject to paragraphs (c) and (d) of this section, an individual making a request may establish his identity by:

(1) Including with his request if submitted by mail, subject to paragraph (c) of this section, a photocopy of two identifying documents bearing his name and signature, one of which shall bear his current home or business address; or

(2) Appearing at the FEA National Office or appropriate Regional Office during the regular business hours for the office and, subject to paragraph (c) of this section, presenting either of the following:

(i) One identifying document containing his photograph and signature, such as a driver's license or passport; or

(ii) Two identifying documents bearing his name and signature, one of which shall bear his current home or business address; or

(3) Providing such other proof of identity as the FEA deems satisfactory in the circumstances of a particular request.

(c) If the Privacy Act Officer or other designated FEA official determines that the information in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual whose record is involved, or if the individual making the request is unable to produce satisfactory evidence of identity under paragraph (b) of this action, the individual making the request may be required to submit a notarized statement attesting to his identity and that he is familiar with and understands the criminal penalties provided under section 1001 of Title 18 of the United States Code for making false statements to a Government agency and under section 552a(i)(3) of the Act for obtaining records under false pretenses. Copies of these statutory provisions and forms of such notarized statements may be obtained upon request from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

(d) *Parents of minors and legal guardians.* (1) An individual acting as the parent of a minor or the legal guardian of the individual to whom a record pertains shall establish his personal identity in the same manner prescribed in either paragraphs (b) or (c) of this section. (A parent or legal guardian may act only for a living individual, not for a decedent).

(2) In addition to such identification, such person shall establish his identity in the representative capacity of parent or legal guardian. In the case of the parent of a minor, the proof of identity shall be a certified or authenticated copy of the minor's birth certificate. In the case of a legal guardian of an individual who has been declared incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, the proof of identity shall be a certified or authenticated copy of the order from a court of competent jurisdiction.

(e) An individual shall not be required to state a reason or otherwise justify his request for information about or for access to a record or to information pertaining to him that is contained in a system of records.

§ 206.5 Disclosure of requested information to individuals.

(a) Each request for information about or for access to a record or to information pertaining to him that is contained in a system of records shall be acted upon promptly. Every effort will be made to respond within ten days (excluding Saturdays, Sundays and legal public holidays) of the date of receipt. If a response cannot be made within ten days due to unusual circumstances, FEA shall send an acknowledgment during that period providing information on the status of the request and asking for such further information as may be necessary to respond to the request. The term "unusual circumstances" as used in this section shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where in-

formation on other individuals must be separated or expunged from the particular record, and cases where consultations with other agencies having a substantial interest in the determination of the request is necessary.

(b)(1) Any individual who has requested access to a record or to information pertaining to him that is contained in a system of record, other than medical records, in the manner prescribed in § 206.3 and has identified himself as prescribed in § 206.4 shall be permitted to review the record or information and have a copy made of all or any portion thereof in a form comprehensible to him upon payment of the fee, if applicable, for copying services set forth in § 206.17, unless such information or access is denied on the grounds stated in paragraph (e) of this section. Upon the request of an individual, persons of the individual's own choosing may accompany him to review the record at FEA, but the individual shall first furnish to the Privacy Act Officer a written statement authorizing discussion of that individual's record in the accompanying person's presence.

(2) The special procedures pertaining to requests for information about or access to the individual's medical records are stated in paragraph (f) of this section.

(c) Where record of a document containing information about an individual also contains information not pertaining to him, the portion not pertaining to the individual shall not be disclosed, except to the extent the information is available to any person under the Freedom of Information Act. If the records sought cannot be provided for review and copying in a meaningful form, the FEA shall provide to the individual a report of the information pertaining to the individual that is contained in the record or records, which report shall be complete and accurate in all material aspects.

(d) *Grant of access.*—(1) *Notification.* An individual shall be provided information about or granted access to a record or information pertaining to him that is contained in the system, except where the provisions of paragraph (e) of this section apply. The Privacy Act Officer shall notify the individual of such determination and provide the following information:

(i) The existence of a record or information pertaining to him that is contained in a system of records;

(ii) The methods of access, as set forth in paragraph (d)(2) of this section;

(iii) The place at which the record or information may be inspected;

(iv) The earliest date on which the record or information may be inspected and the period of time that the record or information will remain available for inspection (In no event shall the earliest date be later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date of notification.);

(v) The estimated date by which a copy of the record could be mailed and the estimate of fees that would be charged to provide other than the first copy of the record, pursuant to § 206.17 (In no event shall the estimated date be later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date of notification.);

(vi) The fact that the individual, if he wishes, may be accompanied by another person during the record or information review, subject to the procedures set forth in paragraph (b) of this section; and,

(vii) Any additional requirements needed to provide information about or to grant access to the requested record or information.

(2) *Methods of access.* The following methods of access to records or information pertaining to an individual that is contained in a system of records may be available to that individual depending on the circumstances of a particular request:

(i) Inspection in person may be held in the office specified by FEA during the regular business hours;

(ii) Transfer of records to a Federal facility more convenient to the individual may be arranged, but only if FEA determines that a suitable facility is available, that the individual's access can be properly supervised at that facility, and that transmittal of the records or information to that facility will not unduly interfere with operations of the FEA or involve unreasonable costs, in terms of both money and manpower; and

(iii) The requested number of copies may be mailed *at the request* of the individual, subject to payment of the fees prescribed in § 206.17.

(e) *Initial denial of access.* (This section does not apply to the denial of a request for waiver of an exemption in accordance with § 206.15 (a) and (c).):

(1) *Grounds.* A request by an individual for information about or access to a record or information pertaining to that individual that is contained in a system of records may be denied only upon a determination by the Privacy Act Officer that:

(i) The record is subject to an exemption under §§ 206.14 and 206.15, or to an exemption claimed by another agency; or

(ii) The record is information compiled in reasonable anticipation of a civil action or proceeding; or

(iii) The individual unreasonably has failed to comply with the procedural requirements of this part.

(2) *Notification.* The Privacy Act Officer shall give written notice of the denial of a request for information about or access to records or information pertaining to the individual that is contained in a system of records, which notice shall include the following information:

(i) The Privacy Act Officer's name and title or position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate section of the Act and this part; and

(iv) The individual's right to judicial review under 5 U.S.C. 552a(g)(1)(B), as limited by § 552a(g)(5).

(f) *Special procedures for medical records.*—(1) *Statement of physician or mental health professional.* When an individual requests access to records or information pertaining to him that include medical and/or psychological information, the FEA, if it deems it necessary under the particular circumstances, may require the individual to submit with the request a signed statement by his physician or a mental health professional indicating that, in his view, disclosure of the requested records or information directly to the individual will not have an adverse effect on the individual.

(2) *Designation of physician or mental health professional to receive records.* If the FEA believes, in good faith, that disclosure of medical and/or psychological information directly to an individual could have an adverse effect on that individual, the individual may be asked to designate in writing a physician or mental health professional to whom he would like the records to be disclosed, and disclosure that otherwise would be made to the individual will instead be made to the designated physician or mental health professional.

(g) The FEA shall supply such other information and assistance at the time of an individual's review of his record as is necessary to make the record intelligible to the individual.

(h) The FEA reserves the right to limit access to copies and abstracts of original records, rather than the original records. This election would be appropriate, for example, when the record is in an automated data media such as tape or disc, when the record contains information on other individuals, and when deletion of information is permissible under exemptions provided by the Act. In no event shall original records of the FEA be made available to the individual except under the immediate supervision of the Privacy Act Officer or his designee. Title 18, United States Code, section 2701(a) makes it a crime to conceal, mutilate, obliterate, or destroy any record filed in a public office, or to attempt to do any of the foregoing.

(i) Nothing in this section shall:

(1) Require the disclosure of systems of records subject to an exemption under §§ 206.14 or 206.15 or to an exemption claimed by another agency;

(2) Allow an individual access to any information compiled in reasonable anticipation of a civil action or proceeding or a criminal proceeding; or

(3) Require the furnishing of information or records which cannot be retrieved by the name or by some other identifying number, symbol or identifying particular of the individual making the request.

§ 206.6 Disclosure to other agencies or persons other than the individual to whom the record pertains.

(a) The FEA shall not disclose to any agency or to any person other than the individual who is the subject of the record, by any means of communication, a record pertaining to that individual which is contained in a system of records, except under the following circumstances:

(1) The individual to whom the record pertains has given his written con-

sent to the disclosure or has made a written request for such disclosure;

(2) The disclosure is to officers and employees of the FEA who have a need for the record in the performance of their duties;

(3) The disclosure is required under the Freedom of Information Act (5 U.S.C. 552);

(4) The disclosure is for a routine use as defined in § 206.2 of these rules and described in the FEDERAL REGISTER notice for that system of records;

(5) The disclosure is made to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity pursuant to the provisions of Title 13 of the United States Code;

(6) The disclosure is made to a recipient who has provided the agency with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable;

(7) The disclosure is made to the National Archives of the United States as a record which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Administrator of General Services or his designee to determine whether the record has such value;

(8) The disclosure is made to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency or instrumentality has made a written request to the FEA specifying the particular portion desired and the law enforcement activity for which the record is sought;

(9) The disclosure is made to a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure notification is transmitted to the last known address of such individual;

(10) The disclosure is made to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;

(11) The disclosure is made to the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the General Accounting Office;

(12) The disclosure is made pursuant to the order of a court of competent jurisdiction; or

(13) This disclosure is required by the Act and not covered explicitly by 5 U.S.C. 552a(b).

(b) The situations referred to in paragraph (a)(13) of this section include the following:

(1) 5 U.S.C. 552a(c)(4) requires dissemination of a corrected or amended record or notation of a disagreement statement by the FEA in certain circumstances;

(2) Sec. 5(e)(2) of the Act authorizes release of any records or information by the FEA to the Privacy Protection Study Commission upon request of the Chairman; and

(3) Sec. 6 of the Act authorizes the Office of Management and Budget to provide the FEA with continuing oversight and assistance in implementation of the Act.

(c)(1) For each system of records under its control, except disclosures made with the consent of the individual to whom the record pertains, disclosures to authorized officers and employees of FEA and disclosures required by the Freedom of Information Act, FEA shall keep an accurate accounting of:

(i) The date, nature, and purposes of each disclosure of a record made to any person or to another agency; and

(ii) The name and address of the person or agency to which the disclosure was made.

(2) The accounting shall be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

(d) The accounting described in paragraph (c) shall be made available to the individual named in the record upon his written request, directed to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, except that the accounting shall not be revealed with respect to disclosures made under paragraph (a)(8) of this section, pertaining to law enforcement activity, and to disclosures involving systems of records for which FEA has claimed an exemption from certain requirements of the Act, as provided in §§ 206.14 and 206.15, or with respect to which another agency has claimed an exemption.

(e) Whenever an amendment or correction of a record or a notation of dispute concerning the accuracy of records is made by the FEA in accordance with §§ 206.10 and 206.11, FEA shall inform any person or other agency to whom the record was previously disclosed if an accounting of the disclosure was made pursuant to the requirements of paragraph (c) of this section, unless the disclosure was made pursuant to paragraph (a)(8) of this section or the disclosure involved a system of records for which FEA has claimed an exemption from certain requirements of the Act, as provided in §§ 206.14 and 206.15, or with respect to which another agency has claimed an exemption.

(f) The FEA shall make reasonable efforts to serve notice on an individual when any record containing information about such individual in a FEA systems of record is made available to any person under compulsory legal process when such process becomes a matter of public record.

(g) Prior to disclosing any record about an individual to any person other than an agency, unless the disclosure is pursuant to paragraph (a)(3) of this section, FEA shall make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for FEA's purposes.

§ 206.7 Content of systems of records.

(a) The FEA shall maintain in its records only such information about an individual as is relevant and necessary to accomplish a purpose FEA is required to accomplish by statute or by executive order of the President, unless an exemption to this requirement has been claimed by FEA, as provided in §§ 206.14 and 206.15, or by another agency.

(b) The FEA shall maintain no record describing how any individual exercises rights guaranteed by the First Amendment unless expressly authorized by statute or by the individual about whom the record is maintained or unless pertinent to and within the scope of an authorized law enforcement activity.

(c) The FEA shall maintain all records that are used by it in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in such determination.

§ 206.8 Collection of information by FEA about an individual for a system of records.

(a) The FEA shall collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges under Federal programs, unless an exemption from the Act to this requirement has been claimed by FEA as provided in § 206.14, or by another agency.

(b) Unless an exemption from the Act has been claimed by FEA, as provided in § 206.14, or by another agency, FEA shall inform each individual whom it asks to supply information on the form or other means by which it uses to collect the information, or on a separate form that can be retained by the individual, of the following:

(1) The authority (whether granted by statute, or by executive order of the President) that authorizes the solicitation of the information and whether disclosure of such information is mandatory or voluntary;

(2) The principal purpose or purposes for which the information is intended to be used;

(3) The routine uses which may be made of the information, as published in the FEDERAL REGISTER pursuant to the requirements of the Act; and

(4) The effects on him, if any, of not providing all or any part of the requested information.

§ 206.9 Request for correction or amendment of a record.

(a)(1) Any individual may request the correction or amendment of information pertaining to him that is contained in a system of records maintained by the FEA (i) if he believes such information is not relevant or not necessary to accomplish a purpose that FEA is required to accomplish by statute or by executive order of the President, or (ii) if the in-

formation is to be used by FEA in making any determination about the individual if he believes such information is not as accurate, relevant, timely or complete as is reasonably necessary to assure fairness in any determination about the individual.

(2) A request for amendment or correction may be made by mail or in person and shall be directed to the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. If the request is made in person, it must be submitted during the regular business hours of the FEA National Office or Regional Office regular business hours, which for the National Office are 8:00 a.m. to 4:30 p.m. If the request is submitted by mail, the envelope in which the request is mailed should have the words "PRIVACY ACT REQUEST (AMENDMENT)" in capital letters on the front of it.

(b) (1) A request for the correction or amendment shall (i) be in writing and signed by the person making the request; (ii) describe the particular record to be corrected or amended with sufficient specificity to permit the record to be located among those maintained by FEA; and (iii) specify the nature of the correction or amendment sought, including the specific words to be deleted from the record or added to it, as appropriate, and the justification for the requested change, including all available supporting documents and materials that substantiate the statement. The statement of justification for the change should identify the basis for the request, that is, whether the information in the record is unnecessary, inaccurate, irrelevant, untimely or incomplete.

(2) The individual making the request may be required to provide the information specified in § 206.3 and § 206.4 to simplify identification of the record and permit verification of the identity of the person making the request.

(c) (1) Receipt of a request for correction or amendment shall be acknowledged in writing within ten days (excluding Saturdays, Sundays and legal public holidays), except that if the individual is given notice within the ten day period that his request will or will not be complied with, no acknowledgement is required.

(2) The acknowledgement shall contain an estimate of the time within which action will be taken on the request and, if necessary, will request such additional information as may be necessary to act on the request. The estimate of time may take into account unusual circumstances that will delay the response. "Unusual circumstances" as used in this section shall include circumstances where a search for and collection of requested records from inactive storage, field facilities or other establishments are required, cases where a voluminous amount of data is involved, instances where information on other individuals must be separated or expunged from the particular record, and cases where consultations with other agencies having a substantial interest in the determination of the request as necessary.

(3) Any request not addressed and mailed as specified in paragraph (a) of this section shall be forwarded immediately to the Privacy Act Officer. A request that is improperly addressed by an individual shall not have been "received" for purposes of measuring time periods in this section until actual receipt by the Privacy Act Officer. In each instance when a request so forwarded is received by the Privacy Act Officer, the individual making the request shall be notified that the request was improperly addressed and the date when the request was received by the Privacy Act Officer.

(d) Assistance in preparing a request to correct or amend a record may be obtained from the Privacy Act Officer, Federal Energy Administration, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

§ 206.10 FEA review of request for correction or amendment of record.

(a) Within 30 days after acknowledging receipt of a request (excluding Saturdays, Sundays and legal public holidays), or after receiving such further information as may have been requested by FEA, or after arriving at a decision within the ten days, the Privacy Act Officer shall either:

(1) Make the requested correction or amendment and advise the individual in writing of such action, providing either a copy of the corrected or amended record, or a statement as to the means whereby the correction or amendment was effected in cases where a copy cannot be provided (for example, erasure of information from a record maintained only in an electronic data bank); or,

(2) Inform the individual in writing that his request is denied and provide the following information:

(i) The Privacy Act Officer's name and title and position;

(ii) The date of the denial;

(iii) The reasons for the denial, including citation to the appropriate sections of the Act and this part; and

(iv) The procedures for appeal of the denial of a request for correction or amendment as set forth in § 206.11, including the name and address of the FEA Office or official with the responsibility for considering appeals.

(3) If the Privacy Act Officer cannot make the determination within thirty days, the individual will be advised in writing of the reason therefor and of the estimated date by which the determination will be made.

(b) Whenever an individual's record is corrected or amended pursuant to a request by that individual, the Privacy Act Officer shall notify all persons and agencies to which the corrected or amended portion of the record had been disclosed prior to its correction or amendment, if an accounting of such disclosure required by the Act was made. The notification shall require a recipient agency maintaining the record to acknowledge receipt of the notification, to correct or amend the record and to apprise any agency or person to which it had disclosed the record of the substance of the correction or amendment.

(c) The following criteria will be considered by the Privacy Act Officer in reviewing a request for correction or amendment:

(1) The sufficiency of the evidence submitted by the individual;

(2) The factual accuracy of the information;

(3) The relevance and necessity of the information in relation to the purpose for which it was collected;

(4) If such information is used in making any determination about the individual, whether the information is as accurate, relevant, timely and complete as is reasonably necessary to assure fairness to the individual in such determination;

(5) The degree of possibility that denial of the request could unfairly result in determinations adverse to the individual;

(6) The nature of the record sought to be corrected or amended; and,

(7) The propriety and feasibility of complying with the specific means of correction or amendment requested by the individual.

(d) The FEA will not undertake to gather evidence for the individual, but does reserve the right to verify the evidence which the individual submits.

(e) Correction or amendment of a record requested by an individual shall be denied only upon a determination by the Privacy Act Officer that:

(1) The individual has failed to establish, by a preponderance of the evidence, the propriety of the correction or amendments in relation to the criteria stated in paragraph (c) of this section;

(2) The record sought to be corrected or amended was compiled in a terminated judicial, quasi-judicial or quasi-legislative proceeding to which the individual was a party or participant;

(3) The record sought to be corrected or amended is the subject of a pending judicial, quasi-judicial or quasi-legislative proceeding to which the individual is a party or participant.

(4) The correction or amendment would violate a duly enacted statute or promulgated regulation; or,

(5) The individual unreasonably has failed to comply with the procedural requirements of this part.

(f) If a request is partially granted and partially denied, the Privacy Act Officer shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

§ 206.11 Appeals of denial of requests for correction or amendment of a record.

(a) (1) Any individual may appeal the denial of a request made by him for correction or amendment of a record issued pursuant to § 206.10.

(2) An appeal, if filed, shall be filed within 30 days after the service of the

denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. (Service by FEA of a denial of a request may be by personal service or by registered, certified or regular United States Mail. Service upon an individual's duly authorized representative shall constitute service upon the individual.)

(b) (1) The appeal shall be in writing and shall be filed with the Office of Exceptions and Appeals, Federal Energy Administration, Washington, D.C. 20461. The envelope in which the application is mailed should have the words "PRIVACY ACT APPEAL" on both the appeal and on the outside of the envelope in which the appeal is transmitted.

(2) An appeal not addressed and marked as specified in paragraph (b) (1) of this section shall be forwarded immediately to the Office of Exceptions and Appeals. An appeal that is not properly addressed by an individual shall not have been "received" for purposes of measuring the time periods in this section until actual receipt by the Office of Exceptions and Appeals has been accomplished. In each instance when an appeal so forwarded is received, the individual filing the appeal shall be notified that the appeal was improperly addressed and the date when the appeal was received by the Office of Exceptions and Appeals.

(c) *Content of appeal.* (1) The appeal shall include the following: (i) A copy of the original request for correction or amendment; (ii) a copy of the initial denial; (iii) and a statement of the reasons why the initial denial is believed to be in error. The appeal shall be in writing and shall be signed by the individual.

(2) The record requested to be corrected or amended will be supplied to the Office of Exceptions and Appeals by the Privacy Act Officer who issued the initial denial. While such record normally will comprise the entire record on appeal, the Office of Exceptions and Appeals may seek such additional information as is necessary to assure that the final determination is fair and equitable and, in such instances, the additional information will be disclosed to the individual making the appeal and, consistent with the time periods provided in paragraph (e) of this section, an opportunity will be provided for comment thereon.

(d) No personal appearance or hearing on appeal will be allowed.

(e) The Office of Exceptions and Appeals shall act upon the appeal and issue a final determination in writing no later than thirty days (excluding Saturdays, Sundays and legal public holidays) from the date on which the appeal is received; provided that the Director of the Office of Exceptions and Appeals may extend the thirty day period upon a determination that a fair and equitable review cannot be made within that period, but only if the individual is advised in writing of the reason for the extension. The notice of extension shall include the estimated date by which a final determination will be issued, which shall not be later than the sixtieth day (excluding Saturdays, Sundays and legal public holidays) after receipt of the appeal unless unusual circumstances, as described in § 206.9(c)(2), are present.

(f) If the appeal is granted, that determination shall include the specific corrections or amendments to be made and a copy thereof shall be transmitted promptly both to the individual and to the Privacy Act Officer who issued the initial denial. Upon receipt of that determination, the Privacy Act Officer promptly shall take the actions set forth in §§ 206.6(e) and 206.10(b).

(g) If the appeal is denied, the final determination shall be transmitted promptly to the individual and shall state the reasons for the denial. The notice of that determination also shall include the following information:

(1) The right of the individual to file with the Office of Exceptions and Appeals a concise signed statement of reasons for disagreeing with the final determination, receipt of which statement shall be acknowledged by the Office of Exceptions and Appeals;

(2) The fact that any such disagreement statement filed by the individual shall be noted in the disputed record and that a copy of the statement shall be provided by the Privacy Act Officer to persons and agencies to which the record is disclosed subsequent to the date of receipt of such statement;

(3) The fact that the FEA shall append to any such disagreement statement filed by the individual a copy of the final determination or summary thereof that also will be provided to persons and agencies to which the disagreement statement is disclosed; and,

(4) The right of the individual to judicial review of the final determination under 5 U.S.C. 552a(g)(1)(A), as limited by 5 U.S.C. 552a(g)(5).

(h) In deciding the appeal, the Office of Exceptions and Appeals shall determine whether the denial of the request was erroneous in fact or in law.

(i) If an appeal is partially granted and partially denied, the Office of Exceptions and Appeals shall follow the appropriate procedures of this section as to the records within the grant and the records within the denial.

(j) Although a copy of the final determination or a summary thereof will be treated as part of the individual's record for purposes of disclosure in instances where the individual has filed a disagreement statement, it will not be subject to correction or amendment by the individual.

§ 206.12 Public notice of systems of records.

(a) (1) The FEA shall publish in the FEDERAL REGISTER at least annually a notice of the existence and character of each of its system of records, which notice shall include:

(i) The name and location of the system;

(ii) The categories of individuals on whom records are maintained in the system;

(iii) The categories of records maintained in the system;

(iv) Each routine use of the records contained in the system, including the categories of users and the purpose of such use, subject to paragraph (c) of this section;

(v) The policies and practices of the FEA regarding storage, retrievability, access controls, retention, and disposal of the records;

(vi) The title and business address of the FEA official who is responsible for the system of records;

(vii) The procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him;

(viii) The procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system of records, and how he can contest its content; and

(ix) The categories of sources of records in the system.

(2) Notwithstanding the requirements of paragraph (a) (1) of this section, the notice of such systems of records shall not include the information in paragraphs (a) (1) (vi–ix) of this section if FEA has claimed a general or specific exemption from the requirements of the Act, as provided in §§ 206.14 and 206.15, or such exemptions have been claimed by another agency.

(b) Copies of the notices as printed in the FEDERAL REGISTER shall be available in the FEA National Office and in each Regional Office. Locations of the Regional Offices are listed in § 206.18. Requests by mail should be sent to Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461. The first copy will be furnished free of charge. A charge reflecting the costs of printing and handling may be made for each additional copy.

(c) At least 30 days (including Saturdays, Sundays and legal public holidays) prior to the implementation of any new routine use of a system of records, or at least 30 days prior to publication of the annual notice of routine uses of systems of records as provided in paragraph (a) (1) of this section, FEA shall publish in the FEDERAL REGISTER notice of any new routine use or intended routine use of the information in the system of records, and shall provide an opportunity for interested persons to submit written comments consisting of data, views, or arguments regarding such use to FEA.

§ 206.13 Criminal penalties.

(a) The Act provides, in pertinent part:

> Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretences shall be guilty of a misdemeanor and fined not more than $5,000. (5 U.S.C. 552a(i)(3).)

(b) A person who falsely or fraudulently attempts to obtain records under the Act also may be subject to prosecution under such other criminal statutes as 18 U.S.C. 494, 495 and 1001.

§ 206.14 General exemptions. [Reserved]

§ 206.15 Specific exemptions.

The specific exemptions determined to be necessary and proper with respect to systems of records maintained by the FEA, including the parts of each system to be exempted, the provisions of the Act from which they are exempted, and the justification for the exemption, are as follows:

(a) (1) *Exempt under 5 U.S.C. 552a (k) (2).* The system of records exempt and the sections of the Act from which they are exempted are:

(i) FEA–6 Personnel Security Records (only the memorandum identified as OSI form DPA 24);

(ii) FEA–7 Investigative Report Records (only investigative records concerning FEA employees, past and present).

(2) The foregoing are exempted from 5 U.S.C. 552a(c) (3) (accounting of disclosures), (d) (access to records) and (e) (1) (type of information maintained). The reasons for asserting the exemption are to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques and to maintain the ability to obtain necessary information.

(3) (i) Notwithstanding the exemption from the Act's requirement that FEA, upon request, provide an individual information about or access to his record or to any information pertaining to him that is contained in the systems of records identified in paragraphs (a) (1) (i, ii) of this section, access to investigatory materials compiled for law enforcement purposes shall be provided to an individual upon his request, made in accordance with § 206.3, if such individual is denied any right, privilege, or benefit that he would otherwise be entitled by Federal law, or for which he would otherwise be eligible, as a result of the maintenance of such material, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

(ii) *Waiver of exemption.* (A) FEA may, upon request made in accordance with § 206.3, waive the exemption with respect to records identified in paragraphs (a) (1) (i) (ii) of this section containing material or information that would reveal the identity of source who was given assurance of confidentiality if such source consents to the release of such material or information to the individual, or if FEA determines that such material or information is not adverse or detrimental to the individual, or for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

(B) FEA may, upon request filed in accordance with § 206.3, waive the exemption with respect to any record in the systems of records identified in paragraphs (a) (1) (i) (ii) of this section, subject to the limitation as to records that would reveal the identity of certain sources, for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

(b) (1) *Exempt under 5 U.S.C. 552a (k) (4).* The system of record exempt is—FEA–10 Minority Group Data File.

(2) The foregoing is exempted from 5 U.S.C. 552a(c) (3) (accounting of disclosures), (d) (access to record), and (f) (procedures for access). The system of record is used for statistical research or reporting purposes only and is not used in whole or in part in making any determination about the rights, benefits or entitlements identifiable with the individual, except as provided by section 8 of Title 13 of the United States Code.

(c) (1) *Exempt under 5 U.S.C. 552a (k) (5).* The system of records exempt and the sections of the Act from which they are exempted are:

(i) FEA–6 Personnel Security Records (only the memorandum identified as OSI form DPA 24);

(ii) FEA–7 Investigative Report Records (only investigative records concerning FEA employees, past and present).

(2) The foregoing are exempted from 5 U.S.C. 552a (c) (3) (accounting of disclosures), (d) (access to records) and (e) (1) (type of information maintained). The reasons for asserting the exemption are to facilitate proper selection or continuance of the best applicants or persons for a given position, security clearance or contract.

(3) (i) *Waiver of exemption.* Notwithstanding the exemption from the Act's requirement that FEA, upon request, provide an individual information about or access to his record or to any information pertaining to him that is contained in the systems of records identified in paragraphs (b) (1) (i, ii) of this section, FEA may waive that exemption.

(ii) FEA may, upon request, made in accordance with § 206.3, waive the exemption with respect to such records if the source who furnished information to FEA under an express promise that his identity would be held in confidence or, prior to September 27, 1975, under an implied promise that his identity would be held in confidence, consents to the release of such information to the individual, or if FEA determines that such information is not adverse or detrimental to the individual, or for good cause shown. The exercise of FEA's discretion with respect to waiver of the exemption shall be final.

§ 206.16 Fees.

(a) The only fees to be charged to or collected from an individual under the provisions of this part are for copying records *at the request* of the individual. The fee charged may not exceed the direct cost of making the copy (*i.e.* printing, typing or photocopy and related personnel and equipment costs).

(1) No fees shall be charged or collected for the following: search for and retrieval of the records; review of the records, copying by FEA incident to granting access, copying at the initiative of the FEA without a request from the individual, transportation of records and personnel, and first class postage.

(2) It is the policy of the FEA to provide an individual with one copy of each record corrected or amended pursuant to his or her request without charge.

(3) As required by the United States Civil Service Commission in its published regulations implementing the Act, the FEA will charge no fee for a single copy of a personnel record covered by that Commission's Government-wide published notice of systems of records.

(b) The schedule of fees is as follows:

(1) $0.10 per each copy of each page, when the aggregate of fees for copying is more than $3.00.

(2) For other forms of copying and other forms of materials (*e.g.*, cassettes, computer materials), the direct cost of the materials, personnel and equipment, shall be charged, but only with prior specific approval of the person making the request.

(c) The FEA may, upon application by an individual, furnish any records without charge or at a reduced rate, if it determines that such waiver or reduction of fee is in the public interest.

(d) Requests for copies of documents should be addressed to Privacy Act Officer, Federal Energy Administration, Washington, D.C. 20461.

(e) Payment should be made by check or money order payable to the Treasury of the United States.

(f) Advance payment of all or part of the fee may be required at the discretion of the FEA. Unless the individual requesting the copies specifically states that he is willing to pay whatever fees are assessed by FEA for meeting the request or, alternatively, specifies an amount in excess of $25 that he is willing to pay and which in fact covers the anticipated fees for meeting the request, a request that is expected to involve assessed fees in excess of $25 will not be deemed to have been received, for purposes of the time periods specified in §§ 206.5(a), 206.9(c) (1) and 206.11(e), until the requester is advised of the anticipated cost, agrees to bear it, and makes any advance deposit required. Such notification shall be made by the Privacy Act Officer promptly upon receipt of the request.

§ 206.17 Exceptions, exemptions and interpretations, rulings and rulemaking.

(a) Applications for exceptions, exemptions or request for interpretations relating to this part shall be filed in accordance with the procedures provided in Subparts D, E and F, respectively, of Part 205 of this chapter. Rulings shall be issued in accordance with the procedures of Subpart K of Part 205 of this chapter. Rulemakings shall be undertaken in accordance with the procedures provided in Subpart L of Part 205 of this chapter.

(b) As used in this section the term—

"Exception" means the waiver or modification of the requirements of a regulation, ruling or generally applicable requirement under a specific set of facts.

"Exemption" means the release from the obligation to comply with an entire part, or subpart thereof, of Part 206 of this chapter.

"Interpretation" means a written statement issued by the FEA General Counsel, in response to a written request, that applies the regulations, rulings, and other precedents previously issued by the FEA to the particular facts of a prospective or completed act or transaction.

"Ruling" means an official interpretative statement of general applicability issued by the FEA General Counsel and published in the FEDERAL REGISTER that applies the FEA regulations to a specific set of circumstances.

§ 206.18 Addresses of FEA Regional Offices.

REGION 1

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont; Regional Office, Federal Energy Administration, 150 Causeway Street, Room 700, Boston, Mass. 02114 (617) 223-3701.

REGION 2

New Jersey, New York, Puerto Rico, Virgin Islands; Regional Office, Federal Energy Administration, 26 Federal Plaza, Room 3206, New York, N.Y. 10007 (212) 264-1021.

REGION 3

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia; Regional Office, Federal Energy Administration, Federal Office Building, 1421 Cherry Street, Room 1001, Philadelphia, Pa. 19102 (215) 597-3890.

REGION 4

Alabama, Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee; Regional Office, Federal Energy Administration, 1655 Peachtree Street NE., 8th Floor, Atlanta, Ga. 30309 (404) 526-4484.

REGION 5

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin; Regional Office, Federal Energy Administration, 175 West Jackson Street, Third Floor, Chicago, Ill. 60604 (312) 353-0540.

REGION 6

Arkansas, Louisiana, New Mexico, Oklahoma, Texas; Regional Office, Federal Energy Administration, P.O. Box 35228, 2626 West Mockingbird Lane, Dallas, Tex. 75235 (214) 749-7345.

REGION 7

Iowa, Kansas, Missouri, Nebraska; Regional Office, Federal Energy Administration, Federal Office Building, P.O. Box 2208, 112 East 12th Street, Kansas City, Mo. 64142 (816) 374-2061.

REGION 8

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming; Regional Office, Federal Energy Administration, P.O. Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colo. 80226 (303) 234-2420.

REGION 9

American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory of the the Pacific Islands; Regional Office, Federal Energy Administration, 111 Pine Street, Third Floor, San Francisco, Calif. 94111 (415) 556-7216.

REGION 10

Alaska, Idaho, Oregon, Washington; Regional Office, Federal Energy Administration, Federal Office Building, 915 Second Avenue, Room 1992, Seattle, Wash. 98174 (206) 442-7280.

[FR Doc.75-24366 Filed 9-11-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

[45 CFR Part 1115]

PRIVACY ACT REGULATIONS

Correction of Deadline for Comments

On page 40052 and the highlights portion of the first page of the FEDERAL REGISTER of Friday, August 29, 1975, the deadline for submission of comments in reference to the Foundation's Privacy Act Regulations was listed as September 1, 1975. On page 40054 of the Federal Register of Friday, August 29, 1975, September 15, 1975, was listed as the deadline for comments in reference to the Foundation's Notice of Existence and Character of Systems of Records. This is to inform the general public that the correct deadline for comments concerning the Foundation's Privacy Act Regulations is September 29, 1975.

ROBERT KINGSTON,
Deputy Chairman, National Endowment for the Humanities.

MICHAEL STRAIGHT,
Deputy Chairman, National Endowment for the Arts.

[FR Doc.75-24221 Filed 9-11-75;8:45 am]

federal register

FRIDAY, SEPTEMBER 12, 1975

PART IV:

POSTAL SERVICE

■

CERTAIN PERMANENT POSTAL RATES AND FEES

Effective Date

POSTAL SERVICE

CERTAIN PERMANENT POSTAL RATES AND FEES

Effective Date

1. On September 25, 1973, the Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of domestic postage and fees for domestic postal services pursuant to chapter 36 of title 39, United States Code (Postal Rate Commission Docket No. R 74–1). Notice of this action was published in the FEDERAL REGISTER by the Postal Rate Commission on October 3, 1973 (38 FR 27482) and by the Postal Service on October 19, 1973 (38 FR 29193).

On August 28, 1975, the Postal Rate Commission transmitted to the Governors of the Postal Service its recommended decision in which it recommended permanent rates of domestic postage and fees for domestic postal services. On September 4, 1975, the Governors approved the permanent rates and fees recommended by the Postal Rate Commission and the Board of Governors determined the effective date thereof. (The Governors' decision, the record of the Commission's hearings, and the Commission's recommended decision is available for inspection in the Library at Headquarters, United States Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260, and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.)

In accordance with action by the Governors and the Board of Governors, the Postal Service hereby gives notice that the rates and fees listed below become effective as of 12:01 a.m., September 14, 1975.

2. The schedules A–1 through E set forth below shall be applicable from and after the time and date specified, until further notice, except that the phased rates set forth in schedules 1–7, which are applicable to the classes of mail and kinds of mailers identified in subparagraphs (1) and (2) of § 3626 of title 39, shall instead be in effect, and the rates becoming effective shall be those set forth in the "year 4" column under the heading "Phased rates."

(39 U.S.C. sec. 101(d), 401, 403, 404, 407, 3621, 3625, 3626, 3627)

ROGER P. CRAIG,
Deputy General Counsel.

SCHEDULE A-1

First-Class, Airmail, and Business Reply

Mail Type	Postage Rate Unit	Rate (cents)
First-Class:		
Letters	1st Ounce	10*
	Each add'l. ounce	9
Cards	Piece	7
Airmail:		
Letters	Ounce	13**
Cards	Piece	11
Business Reply	Up to 2 oz.	5
	Over 2 oz.	8

* Rate applies up to 13 ounces. Heavier pieces are subject to priority mail rates.

** Rate applies up to 9 ounces. Heavier pieces are subject to priority mail rates.

SCHEDULE A-2

Priority Mail

Postage Rate Unit (Pounds)	Rates 1/ (dollars)					
	Zones					
	Local 1, 2 & 3	4	5	6	7	8
1	1.25	1.25	1.25	1.30	1.30	1.30
1.5	1.50	1.54	1.60	1.68	1.75	1.82
2	1.75	1.83	1.95	2.06	2.20	2.34
2.5	1.93	2.03	2.17	2.31	2.48	2.65
3	2.11	2.23	2.39	2.56	2.76	2.96
3.5	2.29	2.43	2.61	2.81	3.04	3.27
4	2.47	2.63	2.83	3.06	3.32	3.58
4.5	2.65	2.83	3.05	3.31	3.60	3.89
5	2.83	3.03	3.27	3.56	3.88	4.20
Each add'l. pound	0.36	0.40	0.44	0.50	0.56	0.62

1/ Exception: Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

SCHEDULE B-1

Second-Class Mail: In-County and Transient

Mail Type	Full Rate (cents)
In-County	
Pound-rate matter:	
Per-pound	2.4
Per-piece	1.7
Per-copy-rate matter:	
Publications issued more frequently than weekly	3.5
Publications issued less frequently than weekly:	
copies weighing 2 ounces or less	3.5
copies weighing more than 2 ounces	4.7
Transient	
First 2 ounces	8.0
Each additional ounce	4.0

SCHEDULE B-2

Second-Class Mail: Publications of Authorized Nonprofit Organizations, Outside County

	Postage Rate Unit	Full Rate * (cents)
Per-pound		
Non-advertising portion	Pound	6.2
Advertising portion: **		
Zone: 1 & 2	Pound	9.6
3	Pound	10.3
4	Pound	11.5
5	Pound	13.3
6	Pound	15.2
7	Pound	17.3
8	Pound	19.5
Per-piece	Piece	2.5

* Charges for second-class nonprofit mail are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

** Not applicable to publications containing 10 percent or less advertising content.

SCHEDULE B-3*

Second-Class Mail: Classroom Publications, Outside County

	Postage Rate Unit	Full Rate * (cents)
Per-pound		
Non-advertising portion	Pound	3.6
Advertising portion:		
Zone: 1 & 2	Pound	3.8
3	Pound	4.5
4	Pound	5.7
5	Pound	7.5
6	Pound	9.4
7	Pound	11.5
8	Pound	13.7
Per-piece	Piece	1.4

* Charges for classroom publications are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

SCHEDULE B-4

Second-Class Mail: Regular Rate Publications, Outside County

	Postage Rate Unit	Full Rate* (cents)
Per-pound		
Non-advertising portion	Pound	8.0
Advertising portion:		
Zone: 1 & 2	Pound	10.0**
3	Pound	10.7
4	Pound	11.9
5	Pound	13.7
6	Pound	15.6
7	Pound	17.7
8	Pound	19.9
Per-piece	Piece	3.5
Exceptions for publications mailing fewer than 5,000 copies per issue outside the county of publication:		
Per-piece	Piece	2.5

*Charges for second-class regular mail are computed by adding the appropriate per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

** Per-pound advertising portion rate for science of agriculture publications mailed to zones 1 and 2 is 9.6 cents.

SCHEDULE C

Controlled Circulation Mail

	Full Rate (cents)
Per-pound	18
Minimum-per-piece	6.3

SCHEDULE D

Third-Class Mail

	Full Rate (cents)
Single-Piece	
First 2 ounces	10
Each additional 2 ounces	8
Keys & Identification Devices	
First 2 ounces	16
Each additional 2 ounces	9
Regular Bulk	
Per-pound	
Ordinary matter*	32
Books, catalogs, etc.**	28
Minimum-per-piece	6.1/6.3***
Nonprofit Bulk	
Per-pound	
Ordinary matter*	18
Books, catalogs, etc.**	16
Minimum-per-piece	3.0

* Ordinary matter includes all regular and nonprofit bulk matter except: books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants. See former title 39 U.S.C. § 4552(a), printed in 39 U.S.C.A. (App. in 1972 Supp.).

** Books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants. Id.

*** The lower minimum-per-piece rate applies to the first 250,000 pieces of regular bulk mail yearly.

SCHEDULE E-1

Fourth-Class Mail: Special and Library

	Full Rate (cents)
Special:	
First pound	32
Each additional pound	10
Library:	
First pound	13
Each additional pound	6

SCHEDULE E-2

Fourth-Class Mail: Single-Piece Catalogs

Rates for Pieces Weighing Up To (Pounds)	Zones							
	Local	1 & 2	3	4	5	6	7	8
1.5	.34	.41	.42	.44	.46	.48	.51	.55
2	.35	.43	.44	.47	.49	.52	.56	.61
2.5	.36	.45	.46	.50	.53	.56	.61	.67
3	.38	.47	.49	.52	.56	.61	.66	.73
3.5	.39	.49	.51	.55	.60	.65	.71	.79
4	.40	.51	.53	.58	.63	.69	.77	.86
4.5	.41	.52	.55	.61	.66	.73	.82	.92
5	.42	.54	.57	.63	.70	.77	.87	.98
6	.45	.58	.62	.69	.77	.86	.97	1.10
7	.47	.62	.66	.74	.83	.94	1.07	1.22
8	.50	.66	.71	.80	.90	1.03	1.17	1.34
9	.52	.70	.75	.85	.97	1.11	1.28	1.47
10	.54	.73	.79	.91	1.04	1.19	1.38	1.59

SCHEDULE E-3

Fourth-Class Mail: Bulk Catalogs

Zones	Per Piece (cents)	Per Pound (cents)
Local	22	2.3
1&2	26	3.7
3	26	4.3
4	26	5.3
5	26	6.5
6	26	8.0
7	26	9.7
8	27	11.6

SCHEDULE E-4

Fourth-Class Mail: Parcel Post 1/ 2/

Zones	Per Piece (cents)	Per Pound (cents)
Local	58	4.5
1 & 2	66	6.5
3	66	8.0
4	71	10.0
5	74	13.0
6	78	17.0
7	80	21.5
8	80	26.0

1/ Full rate matrix is shown in schedule E-4a.

2/ Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

SCHEDULE E-4a - 15

Fourth Class Mail: Parcel Post

WEIGHT *	LOCAL	ZONE 1 AND 2	3	4	5	6	7	8
2 lbs.	0.67	0.79	0.82	0.91	1.01	1.12	1.23	1.32
3	0.72	0.86	0.90	1.01	1.13	1.29	1.45	1.58
4	0.76	0.92	0.98	1.11	1.26	1.46	1.66	1.84
5	0.81	0.99	1.06	1.21	1.39	1.63	1.88	2.10
6	0.85	1.05	1.14	1.31	1.52	1.80	2.09	2.36
7	0.90	1.12	1.22	1.41	1.65	1.97	2.31	2.62
8	0.94	1.18	1.30	1.51	1.78	2.14	2.52	2.88
9	0.99	1.25	1.38	1.61	1.91	2.31	2.74	3.14
10	1.03	1.31	1.46	1.71	2.04	2.48	2.95	3.40
11	1.08	1.38	1.54	1.81	2.17	2.65	3.17	3.66
12	1.12	1.44	1.62	1.91	2.30	2.82	3.38	3.92
13	1.17	1.51	1.70	2.01	2.43	2.99	3.60	4.18
14	1.21	1.57	1.78	2.11	2.56	3.16	3.81	4.44
15	1.26	1.64	1.86	2.21	2.69	3.33	4.03	4.70
16	1.30	1.70	1.94	2.31	2.82	3.50	4.24	4.96
17	1.35	1.77	2.02	2.41	2.95	3.67	4.46	5.22
18	1.39	1.83	2.10	2.51	3.08	3.84	4.67	5.48
19	1.44	1.90	2.18	2.61	3.21	4.01	4.89	5.74
20	1.48	1.96	2.26	2.71	3.34	4.18	5.10	6.00
21	1.53	2.03	2.34	2.81	3.47	4.35	5.32	6.26
22	1.57	2.09	2.42	2.91	3.60	4.52	5.53	6.52
23	1.62	2.16	2.50	3.01	3.73	4.69	5.75	6.78
24	1.66	2.22	2.58	3.11	3.86	4.86	5.96	7.04
25	1.71	2.29	2.66	3.21	3.99	5.03	6.18	7.30
26	1.75	2.35	2.74	3.31	4.12	5.20	6.39	7.56
27	1.80	2.42	2.82	3.41	4.25	5.37	6.61	7.82
28	1.84	2.48	2.90	3.51	4.38	5.54	6.82	8.08
29	1.89	2.55	2.98	3.61	4.51	5.71	7.04	8.34
30	1.93	2.61	3.06	3.71	4.64	5.88	7.25	8.60
31	1.98	2.68	3.14	3.81	4.77	6.05	7.47	8.86
32	2.02	2.74	3.22	3.91	4.90	6.22	7.68	9.12
33	2.07	2.81	3.30	4.01	5.03	6.39	7.90	9.38
34	2.11	2.87	3.38	4.11	5.16	6.56	8.11	9.64
35	2.16	2.94	3.46	4.21	5.29	6.73	8.33	9.90
36	2.20	3.00	3.54	4.31	5.42	6.90	8.54	10.16
37	2.25	3.07	3.62	4.41	5.55	7.07	8.76	10.42
38	2.29	3.13	3.70	4.51	5.68	7.24	8.97	10.68
39	2.34	3.20	3.78	4.61	5.81	7.41	9.19	10.94
40	2.38	3.26	3.86	4.71	5.94	7.58	9.40	11.20
41	2.43	3.33	3.94	4.81	6.07	7.75	9.62	11.46
42	2.47	3.39	4.02	4.91	6.20	7.92	9.83	11.72
43	2.52	3.46	4.10	5.01	6.33	8.09	10.05	11.98
44	2.56	3.52	4.18	5.11	6.46	8.26	10.26	12.24
45	2.61	3.59	4.26	5.21	6.59	8.43	10.48	12.50
46	2.65	3.65	4.34	5.31	6.72	8.60	10.69	12.76
47	2.70	3.72	4.42	5.41	6.85	8.77	10.91	13.02
48	2.74	3.78	4.50	5.51	6.98	8.94	11.12	13.28
49	2.79	3.85	4.58	5.61	7.11	9.11	11.34	13.54
50	2.83	3.91	4.66	5.71	7.24	9.28	11.55	13.80
51	2.88	3.98	4.74	5.81	7.37	9.45	11.77	14.06
52	2.92	4.04	4.82	5.91	7.50	9.62	11.98	14.32
53	2.97	4.11	4.90	6.01	7.63	9.79	12.20	14.58
54	3.01	4.17	4.98	6.11	7.76	9.96	12.41	14.84
55	3.06	4.24	5.06	6.21	7.89	10.13	12.63	15.10
56	3.10	4.30	5.14	6.31	8.02	10.30	12.84	15.36
57	3.15	4.37	5.22	6.41	8.15	10.47	13.06	15.62
58	3.19	4.43	5.30	6.51	8.28	10.64	13.27	15.88
59	3.24	4.50	5.38	6.61	8.41	10.81	13.49	16.14
60	3.28	4.56	5.46	6.71	8.54	10.98	13.70	16.40
61	3.33	4.63	5.54	6.81	8.67	11.15	13.92	16.66
62	3.37	4.69	5.62	6.91	8.80	11.32	14.13	16.92
63	3.42	4.76	5.70	7.01	8.93	11.49	14.35	17.18
64	3.46	4.82	5.78	7.11	9.06	11.66	14.56	17.44
65	3.51	4.89	5.86	7.21	9.19	11.83	14.78	17.70
66	3.55	4.95	5.94	7.31	9.32	12.00	14.99	17.96
67	3.60	5.02	6.02	7.41	9.45	12.17	15.21	18.22
68	3.64	5.08	6.10	7.51	9.58	12.34	15.42	18.48
69	3.69	5.15	6.18	7.61	9.71	12.51	15.64	18.74
70	3.73	5.21	6.26	7.71	9.84	12.68	15.85	19.00

* 1 lb. and not exceeding:

SCHEDULE 1

Second-Class Phased Rates: In-County

Rate Category	Phased Rates (cents)												
	Year												
	4	5	6	7	8	9	10	11	12	13	14	15	16
Pound-rate matter:													
Per pound	1.6	1.6	1.7	1.8	1.8	1.9	2.0	2.1	2.1	2.2	2.3	2.3	2.4
Per piece	0.4	0.5	0.6	0.7	0.8	0.9	1.0	1.1	1.3	1.4	1.5	1.6	1.7
Per-copy-rate matter:													
Issued more frequently than weekly	1.4	1.6	1.8	2.0	2.1	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5
Issued less frequently than weekly:													
Copies weighing 2 ounces or less	1.4	1.6	1.8	2.0	2.1	2.3	2.5	2.6	2.8	3.0	3.2	3.3	3.5
Copies weighing more than 2 ounces	2.5	2.6	2.8	3.0	3.2	3.4	3.6	3.8	4.0	4.1	4.3	4.5	4.7

SCHEDULE 2

Second-Class Phased Rates: Publications of Authorized Nonprofit Organizations, Outside County

	Postage Rate Unit	Phased Rates (cents)												
		Year												
		4	5	6	7	8	9	10	11	12	13	14	15	16
Per-pound														
Non-advertising portion	Pound	3.1	3.4	3.6	3.9	4.1	4.4	4.7	4.9	5.2	5.4	5.7	5.9	6.2
Advertising portion:														
Zone: 1 & 2	Pound	5.4	5.7	6.1	6.4	6.8	7.1	7.5	7.8	8.2	8.5	8.9	9.2	9.6
3	"	6.1	6.4	6.8	7.1	7.5	7.8	8.2	8.5	8.9	9.2	9.6	9.9	10.3
4	"	7.6	7.9	8.3	8.6	8.9	9.2	9.6	9.9	10.2	10.5	10.9	11.2	11.5
5	"	9.2	9.6	9.9	10.3	10.6	10.9	11.3	11.6	11.9	12.3	12.6	13.0	13.3
6	"	10.3	10.7	11.1	11.5	11.9	12.3	12.7	13.2	13.6	14.0	14.4	14.8	15.2
7	"	10.9	11.5	12.0	12.5	13.0	13.6	14.1	14.6	15.2	15.7	16.2	16.8	17.3
8	"	11.6	12.2	12.9	13.6	14.2	14.9	15.5	16.2	16.9	17.5	18.2	18.8	19.5
Per-piece	Piece	0.5	0.7	0.9	1.0	1.2	1.4	1.5	1.7	1.8	2.0	2.2	2.3	2.5

SCHEDULE 3

Second-Class Phased Rates: Classroom Publications, Outside County

	Postage Rate Unit	Phased Rates (cents)												
		Year												
		4	5	6	7	8	9	10	11	12	13	14	15	16
Per-pound														
Non-advertising portion	Pound	2.8	2.9	3.0	3.0	3.1	3.2	3.2	3.3	3.3	3.4	3.5	3.5	3.6
Advertising portion:														
Zone: 1 & 2	Pound	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8	3.8
3	"	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
4	"	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7
5	"	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5	7.5
6	"	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4	9.4
7	"	10.6	10.6	10.7	10.8	10.9	11.0	11.0	11.1	11.2	11.3	11.3	11.4	11.5
8	"	12.2	12.4	12.5	12.6	12.7	12.9	13.0	13.1	13.2	13.3	13.5	13.6	13.7
Per-piece	Piece	0.5	0.5	0.6	0.7	0.8	0.9	0.9	1.0	1.1	1.2	1.2	1.3	1.4

Second-Class Phased Rates: Regular Rate Publications, Outside County

	Postage Rate Unit	Phased Rates (cents)												
		Year												
		4	5	6	7	8	9	10	11	12	13	14	15	16
Per-pound														
Non-advertising portion	Pound	5.8	6.4	6.9	7.5	8.0								
Advertising portion:														
Zone: 1 & 2	Pound	7.7	8.3	8.9	9.4	10.0								
1 & 2 *	"	5.5	5.8	6.1	6.5	6.8	7.2	7.5	7.9	8.2	8.6	8.9	9.3	9.6
3	"	8.6	9.2	9.7	10.2	10.7								
4	"	10.3	10.7	11.1	11.5	11.9								
5	"	12.3	12.7	13.0	13.4	13.7								
6	"	14.4	14.7	15.0	15.3	15.6								
7	"	16.0	16.5	16.9	17.3	17.7								
8	"	18.4	18.8	19.1	19.5	19.9								
Per-piece **	Piece	1.3	1.9	2.4	3.0	3.5								
Per-piece ***	Piece	0.5	0.7	0.9	1.0	1.2	1.4	1.5	1.7	1.8	2.0	2.2	2.3	2.5

* Science of agriculture.

** Publications mailing 5,000 or more copies per issue outside county of publication.

*** Publications mailing fewer than 5,000 copies per issue outside county of publication.

SCHEDULE 5

Controlled Circulation Phased Rates

	Phased Rates (cents)				
	Year				
	4	5	6	7	8
Per-Pound	16.0	16.0	17.0	17.0	18.0
Minimum-per-piece	4.8	5.2	5.6	5.9	6.3

SCHEDULE 6

Third-Class Phased Rates

	Phased Rates (cents)												
	Year												
	4	5	6	7	8	9	10	11	12	13	14	15	16
Nonprofit Bulk													
Per-pound:													
Ordinary matter	12.0	12.0	13.0	13.0	14.0	14.0	15.0	15.0	16.0	16.0	17.0	17.0	18.0
Books, catalogs, etc.	10.0	10.0	11.0	11.0	12.0	12.0	13.0	13.0	14.0	14.0	15.0	15.0	16.0
Minimum-per-piece	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0

SCHEDULE 7

Fourth-Class Phased Rates: Special and Library

	Phased Rates (cents)												
	Year												
	4	5	6	7	8	9	10	11	12	13	14	15	16
Special													
First pound	20.0	23.0	26.0	29.0	32.0								
Each additional pound	9.0	9.0	9.0	10.0	10.0								
Library													
First pound	7.0	7.0	8.0	8.0	9.0	9.0	10.0	10.0	11.0	11.0	12.0	12.0	13.0
Each additional pound	3.0	4.0	4.0	4.0	4.0	4.0	5.0	5.0	5.0	5.0	6.0	6.0	6.0

[FR Doc.75-24297 Filed 9-11-75;8:45 am]

federal register

FRIDAY, SEPTEMBER 12, 1975

PART V:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Pre-determination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL75–1073	Aug. 8, 1975.
Delaware:	
DE75–3092	Aug. 22, 1975.
Maryland:	
AR–2085	Nov. 22, 1974.
Oklahoma:	
OK75–4116	June 27, 1975.
OK75–4138	Aug. 1, 1975.
OK75–4148	Aug. 15, 1975.
Pennsylvania:	
PA75–3077; PA75–3078; PA75–3080	Aug. 22, 1975.
Tennessee:	
TN75–1072	July 25, 1975.
Virginia:	
MD75–3062	June 20, 1975.
Washington, D.C.:	
DC75–3061	June 20, 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.

Florida:	
FL75–1037(FL75–1089)	Jan. 21, 1975.
FL75–1018(FL75–1090)	Feb. 7, 1975.
FL75–1016(FL75–1091)	Mar. 21, 1975.
Georgia:	
GA75–1019(GA75–1092)	Feb. 7, 1975.
Ohio:	
AM–422(OH75–2109)	Aug. 18, 1975.
Massachusetts:	
MA75–2006(MA75–2110)	Feb. 21, 1975.
Nebraska:	
AM–6140(NE75–4157)	Nov. 12, 1971.
Oklahoma:	
AR–93(OK75–4158)	Dec. 27, 1974.
Tennessee:	
TN75–1057(TN75–1088)	June 20, 1975.
Washington:	
WA75–5108(WA75–5113)	Aug. 22, 1975.

Signed at Washington, D.C., this 5th day of September 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AL75-1073 - Mod. #1 (40 FR 33580 - August 8, 1975) Montgomery County, Alabama					
CHANGE:					
Painters:					
Brush and roller	$ 5.80		.20		
Sandblasters	7.10		.20		
Spray and structural steel	7.10		.20		
Paperhangers	6.05		.20		
DECISION #DE75-3096 - Mod. #1 (40 FR 36903 - August 22, 1975) Statewide, Delaware					
Change:					
Laborers - Heavy & Highway Construction:					
New Castle County:					
Common laborers, landscapers, planters, seeders, aborists, asphalt tampers, rakers, concrete pitmen, puddlers, rubber magazine tenders, railroad trackmen, signal men	$4.00	.60	.40		
Pipelayers	4.15	.60	.40		
Wagon drill, diamond point drill, gunite nozzlemen, form setters, blasters, caisson & coffer dams (open-air, below 8')	4.30	.60	.40		
Kent & Sussex Counties:					
Common laborers, landscapers, planters, seeders, aborists, asphalt tampers, rakers, concrete pitmen, puddlers, rubber magazine tenders, railroad trackmen, signal men	3.85	.60	.40		
Pipelayers	4.00	.60	.40		
Wagon drill, diamond point drill, gunite nozzlemen, form setters, blasters, caissons & coffer dams (open-air, below 8')	4.15	.60	.40		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-2085 - Mod. #1 (39 FR 41100 - November 22, 1974) Anne Arundel, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Marys and Washington Counties, Maryland					
Omit:					
Carroll County					

DECISION NO. OK75-4116 - Mod. #2
(40 FR 27434 - June 27, 1975)
Comanche County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGE:					
IRONWORKERS	$8.90	.30	.35		.08
ASBESTOS WORKERS	9.70	.40	.60		.02
LABORERS:					
Common laborers	4.85	.25	.20		
Air tool operator, mason and plasterer tender, mortar mixer, pipelayers (concrete & clay)	5.10	.25	.20		
Powderman (make-up) & wagon drill operator	5.60	.25	.20		
SPRINKLER FITTERS	10.10	.50	.80		.08
POWER EQUIPMENT OPERATORS:					
Group 1	9.25	.35	.40		.12
Group 2	9.00	.35	.40		.12
Group 3	8.75	.35	.40		.12
Group 4	8.50	.35	.40		.12
Group 5	8.25	.35	.40		.12
Group 6	8.00	.35	.40		.12
Group 7	7.60	.35	.40		.12
Group 8	7.50	.35	.40		.12
ADD:					
POWER EQUIPMENT OPERATORS:					
Group 9	7.30	.35	.40		.12
Group 10	7.00	.35	.40		.12

CHANGE POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS TO READ AS FOLLOWS:

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. of more (as rates by mfg.), sideboom (booms 30' & over), guy derrick
GROUP IV - Heavy duty mechanic welder, crane-book & overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clam-shell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' & longer mast)

DECISION NO. OK75-4116

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP V - Motor patrol (blade), fork lift (35' and over), 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, 6 similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail toom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.

GROUP VI - 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 5, 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 engineers, diesel elec., winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of oper. engrs., fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor-with or without attachments, batch plant operator - duel, continous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII - Greaser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2) welding machine (1 or 2), pum (1 or 2), fuelman, conveyor operator-single-continous belt bulk handling
GROUP IX - Asphalt lay machine back end man, helpers
Group X - Truck crane oiler driver or truck crane oiler

DECISION NO. OK75-4138 - Mod. #2
(40 FR 32663 - August 1, 1975)
Pittsburg County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
CHANGE:					
Asbestos workers	$9.80	.35	.60		.015
CARPENTERS:					
Carpenters	6.65		.25		
Millwrights & Piledrivermen	7.45		.25		
Glaziers	7.68	.40	.30		.01
LABORERS:					
Five mile strip along the North border:					
Group 1	5.05	.25	.20		
Group 2	5.35	.25	.20		
Group 3	5.55	.25	.20		
All of Pittsburg County, except a five mile strip along the North border:					
Group 1	5.05	.25	.20		
Group 2	5.35	.25	.20		
Group 3	5.55	.25	.20		
Plumbers-Pipefitters	9.75	.40	.80		.10
Sheet-metal workers	8.83	.45	.45		.10
Soft floor layers	7.37		.15	.70	.03
Truck Drivers:					
Group 1	6.45				
Group 2	6.55				
Group 3	6.65				
Group 4	6.60				
Group 5	6.75				
POWER EQUIPMENT OPERATORS:					
Group 1	9.25	.35	.40		.12
Group 2	9.00	.35	.40		.12
Group 3	8.75	.35	.40		.12
Group 4	8.50	.35	.40		.12
Group 5	8.25	.35	.40		.12
Group 6	8.00	.35	.40		.12
Group 7	7.60	.35	.40		.12
Group 8	7.50	.35	.40		.12
ADD:					
POWER EQUIPMENT OPERATORS:					
Group 9	7.30	.35	.40		.12
Group 10	7.00	.35	.40		.12

DECISION NO. OK75-4138

CHANGE POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS TO READ AS FOLLOWS:

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. of more (as rates by mfg.), sideboom (boom 30' & over), guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook & overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clam-shell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' & longer mast)
GROUP V - Motor patrol (blade), fork lift (35' and over), 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, & similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail toom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.

GROUP VI - 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 5, 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 engineers, diesel elec., winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, beaters under jurisdiction of oper. engrs., fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor-with or without attachments, batch plant operator - duel, continous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII - Greaser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2) welding machine (1 or 2), pum (1 or 2), fuelman, conveyor operator-single-continous belt bulk handling
GROUP IX - Aspahlt lay machine back end man, helpers
Group X - Truck crane oiler driver or truck crane oiler

DECISION NO. OK75-4148 - Mod. #1
(40 FR 34567 - August 15, 1975)
McIntosh County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
CHANGE:					
Asbestos workers	$9.80	.35	.60		.015
Cement masons	7.55				
Glaziers	7.68	.40	.30		.01
LABORERS:					
Group 1	5.30	.25	.20		
Group 2	5.60	.25	.20		
Group 3	5.90	.25	.20		
Lathers	8.40		.30		.01
Sheet metal workers	8.93	.45	.45		.10
TRUCK DRIVERS:					
Group 1	6.45				
Group 2	6.55				
Group 3	6.65				
Group 4	6.60				
Group 5	6.75				
POWER EQUIPMENT OPERATORS:					
Group 1	9.25	.35	.40		.12
Group 2	9.00	.35	.40		.12
Group 3	8.75	.35	.40		.12
Group 4	8.50	.35	.40		.12
Group 5	8.25	.35	.40		.12
Group 6	8.00	.35	.40		.12
Group 7	7.60	.35	.40		.12
Group 8	7.50	.35	.40		.12
ADD:					
POWER EQUIPMENT OPERATORS:					
Group 9	7.30	.35	.40		.12
Group 10	7.00	.35	.40		.12

DECISION NO. OK75-4148

CHANGE POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS TO READ AS FOLLOWS:

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. of more (as rates by mfg.), sideboom (booms 30' & over), guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook & overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' & longer mast)
GROUP V - Motor patrol (blade), fork lift (35' and over), 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, & similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.

GROUP VI - 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 5, 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 engineers, diesel elec., winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of oper. engrs., fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor-with or without attachments, batch plant operator - duel, continous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII - Greaser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2) welding machine (1 or 2), pum (1 or 2), fuelman, conveyor operator-single-continous belt bulk handling
GROUP IX - Asphalt lay machine back end man, helpers
GROUP X - Truck crane oiler driver or truck crane oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. PA-75-3077 - Mod. #1 (40 FR 36957 - August 22, 1975) Warren County, Pennsylvania					
Change: Asbestos Workers	$9.81	.82	.55		.04
Laborers: (See Schedule Below)					
DECISION NO. PA-75-3078 - Mod. #1 (40 FR 36961 - August 22, 1975) Forest & McKean Counties, Pennsylvania					
Change: Asbestos Workers McKean County	9.81	.82	.55		.04
Laborers: (See Schedule Below)					
DECISION No. PA-75-3080 - Mod. #1 (40 FR 36963 - August 22, 1975) Butler & Fayette Counties, Pennsylvania					
Change: Laborers: Butler County Class II	7.625	.40	.50		

Decision No. PA-75-3077 - Mod. # 1, Cont'd;
Dec. No. PA-75-3078 - Mod. # 1, Cont'd;

PA-42-Lab-1- L

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BUILDING CONSTRUCTION Laborers:					
Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building materials handlers (Loading and Unloading), concrete plisan, puddler, mason tender.	$7.42	.40	.50		1%
Mechanical tampers (power) powered wheelbarrows and buggies & work-lifts, sweepers and similar, mortar mixer, bell botton man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper (Includes drill mounted truck, track or similar) sheeters and shores, vibrator operators, power tamper operators, y-gun, burner-cutting torch, carryayable pumps, chain saw operator, pipe layers, all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or smallar, scaffold builder for plasterers' regardless of height, hod carrier, plaster tender, form cleaning machine operator, plaster applicating and/or pump machine operator, paving breaker, asphalt raker, lancer, berfix cutting tool, gunnite potman, blacksmith, tool dresser (cable tools	7.67	.40	.50		1%
Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and temper, walder, driller (cable tools)	8.22	.40	.50		1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TN75-1072 - Mod. #2 (40 FR 31567 - July 25, 1975) Hamilton County, Tennessee					
CHANGE:					
Cement Masons:					
Cement masons	$ 7.55				
Power machine operator; swinging scaffold & bos'n chair	7.75				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. MD-75-3062 - Mod. #5 (40 FR 26203 - June 20, 1975) Montgomery and Prince Georges Counties, Maryland, Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia					
Change:					
Laborers:					
Common Laborers, Landscapers	7.71	.35	.40		.05
Acetylene Burners Used on Wrecking	8.21	.35	.40		.05
Air Tool Operator; Scaffold Builders; Paving Breakers; Townmaster; Buggy Mobiles; Spaders; Mortarmen and Scootcretes	7.86	.35	.40		.05
Pipelayers	7.86	.35	.40		.05
Powdermen	8.885	.35	.40		.05
Powersaw, Well Points	7.96	.35	.40		.05
Plasterers	9.80	.45	.25		.06
Stone Masons	10.80	.45	.30		.05
Marble Setters	10.80	.45	.30		.05
DECISION NO. DC75-3061 - Mod. #6 (40 FR 26242 - June 20, 1975) Washington, D.C.					
Change:					
Building & Heavy Construction Laborers:					
Common Laborers, Landscapers	$ 7.71	.35	.40		.05
Acetylene Burners Used on Wrecking	8.21	.35	.40		.05
Air Tool Operator; Scaffold Builders; Paving Breakers; Townmasters; Buggy Mobiles; Spaders; Mortarmen and Scootcretes	7.86	.35	.40		.05
Pipelayers	7.86	.35	.40		.05
Powdermen	8.885	.35	.40		.05
Powersaw, Well Points	7.96	.35	.40		.05
Plasterers	9.80	.45	.25		.06
Stone Masons	10.80	.45	.30		.05
Marble Setters	10.80	.45	.30		.05
Terrazzo Workers Helpers	8.05	.40	.30		

SUPERSEDEAS DECISION

STATE: Florida
COUNTY: Alachua
DECISION NUMBER: FL75-1089
DATE: Date of Publication
Supersedes Decision No.: FL75-1037 dated January 21, 1975, in 40 FR 4807
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	9.01	.30	.30		.04
Boilermakers	8.20	.60	.90		.02
Bricklayers	7.80	.30	.30		.02
Carpenters	8.12	.44	.30	.30	.03
Accoustical workers	8.12	.44	.30	.30	.03
Millwrights	8.80	.39	.30		.03
Piledrivermen	8.12	.39	.30	.30	.03
Cement masons	7.30	.30	.30		.02
Electricians:					
Wiremen	8.15	.25	3%		3%
Cable splicers	8.90	.25	3%		3%
Elevator constructors	8.16	.445	.29	3%+a+b	.02
Elevator constructors helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors helpers (prob.)	50%JR				
Glaziers	8.00		.20		.01
Ironworkers, structural & ornamental	8.50	.47	.60		
Laborers:					
Unskilled	4.40	.20			.02
Air tool operator	4.45	.20			.02
Mortar mixers	4.45	.20			.02
Pipelayers (concrete & clay)	4.45	.20			.02
Lathers	7.95				.01
Leadburners	6.90	.30		c	.01
Line Construction:					
Linemen	8.15	.25	3%		3%
Cable splicers	8.35	.25	3%		3%
Winch truck operator	6.52	.25	3%		3%
Heavy equipment operator	7.90	.25	3%		3%
Flat bed pick-up driver	5.75	.25	3%		3%
Groundmen, 1st class	4.79	.25	3%		3%
Groundmen, 2nd class	3.78	.25	3%		3%
Marble setters	7.30	.30	.30		.02
Painters:					
Brush	6.56	.10			.05
Paperhangers	7.06	.10			.05
Structural steel	7.06	.10			.05
Spray	7.06	.10			.05
Swing stage	7.06	.10			.05
Boatswain's chair	7.06	.10			.05

FL75-1037 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plasterers	7.80	.30	.30		.02
Plumbers	9.85	.20	.25		.10
Roofers	6.99	.30	.05		
Roofers' helpers & Kettlemen	3.83	.30	.05		
Sheet metal workers	7.78	.50	.40	.70	.085
Soft floor layers	8.12	.44	.30	.30	.03
Sprinkler fitters	9.31	.50	.70		.10
Steamfitters	9.85	.20	.25		.10
Stone masons	7.80	.30	.30		.02
Terrazzo workers	7.30	.30	.30		.02
Tile setters	7.30	.30	.30		.02
Welders - receive rate prescribed for craft performing operation to which welding is incidential					

FOOTNOTES:

a. Six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% or regular rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F plus Christmas Eve, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular schedule work days immediately preceding and following the holidays.

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Florida 1-FCO-1-W (1-1)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	8.03	.60	.35		.05
GROUP II	6.96	.60	.35		.05
GROUP III	6.12	.60	.35		.05
GROUP IV	5.04	.60	.35		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrapers

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist) mobile winch trucks, self-propelled sub-grader, asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines

GROUP IV: Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine

SUPERSEDES DECISION

STATE: Florida — COUNTY: Dade
DECISION NUMBER: FL75-1090 — DATE: Date of Publication
Supersedes Decision No. FL75-1018 dated February 7, 1975, in 40 FR-6018
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	10.65	.35	.40		.04
Boilermakers	8.20	.60	.90		.02
Bricklayers:					
Bricklayers and Stonemasons	9.70	.60	.54		.04
Cement masons	9.70	.60	.54		.04
Marble masons	9.70	.60	.54		.04
Plasterers	9.70	.60	.54		.04
Terrazzo workers and Tile setters	9.70	.50	.39		.04
Carpenters:					
Carpenters and Soft floor layers	8.70	.70	.55		.01
Millwrights	8.95	.70	.55		.01
Piledrivermen	8.70	.70	.55		.01
Electricians:					
Electricians, welders & equip. ops.					
Zone 1 21½ mi. radius from the Dade County Courthouse	10.25	4%	1%+.20	8%	1%
Zone 2 - 6 mi. radius from Zone 1	10.98	4%	1%+.20	8%	1%
Zone 3 - 6 mi. radius from Zone 2	11.71	4%	1%+.20	8%	1%
Zone 4 - 6 mi. radius from Zone 3	12.45	4%	1%+.20	8%	1%
Cable splicers (25¢ an hour above JR					
Elevator constructors	10.395	.395	.26	2%+a&b	.02
Elevator constructors' helpers	70%JR	.395	.26	2%+a&b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	9.00	.45	.35		.01
Ironworkers:					
Structural & ornamental	8.80	.75	.83		.03
Reinforcing	8.80	.75	.83		.03
Laborers:					
Air tool operator, pipelayers	6.60	.60	.30		
Laborers (Common)	6.50	.60	.30		
Masons tenders, Mortar mixers	6.60	.60	.30		
Plasterers' tenders	6.78	.60	.30		
Lathers	9.20	.35	.10		.06
Line Construction: Linemen	9.00	4%	1%+.20	5%	½ of 1%
Cable splicer	9.25	4%	1%+.20	5%	½ of 1%
Groundmen	5.23	4%	1%+.20	5%	½ of 1%
Heavy equipment operator	9.00	4%	1%+.20	5%	½ of 1%

FL75-1090 (Cont d)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Line Construction (Cont d)					
Winch truck operator	6.40	4%	1%+.20	5%	½ of 1%
Painters:					
Brush	8.75	.45	.40		.02
Scaffold work	9.15	.45	.40		.02
Spray	9.25	.45	.40		.02
Taper & paperhangers	9.00	.45	.40		.02
Extension ladder & erected scaffold over 28'	9.00	.45	.40		.02
Structural steel	9.00	.45	.40		.02
Drywall taper mechanical	9.00	.45	.40		.02
Sandblaster	9.25	.45	.40		.02
Plumbers	10.09	.67	1.05		.07
Refrigeration and air conditioning mechanic	9.75	.60	1.00		.08
Roofers:					
Roofers, damp and waterproofers	10.02	.43	.25		.02
Sheet metal workers	10.50	.45	.35		.08
Sprinkler fitters	8.71	.40	.60		.10
Steamfitters	9.93	.60	1.00		.08
Welders & riggers - receive rate prescribed for craft performing operation to which welding and rigging are incidential.					

FOOTNOTES:

a. Six paid holidays; A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FL75-1090 (Cont d)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	9.50	.35	.35		
GROUP II	8.71	.35	.35		
GROUP III	7.86	.35	.35		
GROUP IV	7.31	.35	.35		
GROUP V	6.31	.35	.35		

Group I: Field mechanic cranes, derricks, hoist (2 or more drums), oiler-fireman combination

Group II: Draglines, backhoes, gradalls, finish grader, welding machine, 1 drum hoist, fork lift, hopto machine, air compressor (above 125 CFM, more than one pump or combination of other equip., up to 5), winch trucks

Group III: Bulldozers, distributors, scrapers, motor graders, trenching machines, front end loaders, pumps (3" or more), mixers

Group IV: Rollers, finishing machines, tractors, oilers, & drivers, mechanic helper

Group V: Oiler on crawler cranes

STATE: Florida COUNTY: Duval
DECISION NUMBER: FL75-1091 DATE: Date of Publication
Supersedes Decision No.:FL75-1016 dated March 21, 1975 in 40 FR 12974
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	9.01	.30	.30		.04
Boilermakers - Blacksmith	8.20	.60	.90		.02
Bricklayers:					
Bricklayers	8.31	.30	.40		.02
Stonemasons	8.31	.30	.40		.02
Tile setters	7.01	.25	.30	.53	.02
Marble masons	7.01	.25	.30	.53	.02
Terrazzo workers	7.01	.25	.30	.53	.02
Carpenters:					
Carpenters	8.12	.44	.30	.30	.03
Millwrights	8.80	.44	.20		.03
Piledrivermen	8.12	.44	.30	.30	.03
Soft floor layers	8.12	.44	.30	.30	.03
Acoustical workers	8.12	.44	.30	.30	.03
Cement masons	7.03	.25	.40		.01
Electricians	8.50	.30	1¾+.43	.43	
Elevator Constructors	8.62	.445	.29	3%+a&b	.02
Elevator Constructors' helpers	70%JR	.445	.29	3%+a&b	.02
Elevator Constructors' helpers (Prob)	50%JR				
Glaziers	8.00		.20		.01
Ironworkers:					
Structural	8.50	.47	.60		
Ornamental	8.50	.47	.60		
Reinforcing	8.50	.47	.60		
Linemen:					
Linemen	7.88	.40	5%		of 1%
Cable splicers	8.08	.40	5%		of 1%
Heavy equipment operators	7.63	.40	5%		of 1%
Winch truck operators	6.12	.40	5%		of 1%
Groundmen 1ft class	4.25	.40	5%		of 1%
Groundmen 2nd class	3.90	.40	5%		of 1%
Laborers:					
Laborers	4.50	.20			.02
Mechanic tool, power buggy, pipelayers & gunnite workers	4.70	.20			.02
Masons tenders mortar mixers & grouters	4.80	.20			.02
Gunnite nozzlemen	4.95	.20			.02
Lathers	7.85	.25	.10		.025

FL75-1091 - (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Leadburners	6.35	.25		c	.01
Painters:					
Painters, brush	6.90	.30	.35		.02
Spray	7.42	.30	.35		.02
Swing stage	7.42	.30	.35		.02
Structural steel erected Smoke stacks steeples flag pole tank on legs above 15 ft. radio towers & lighthouses	7.42	.30	.35		.02
Sandblasters	8.185	.30	.35		.02
Bridge	7.42	.30	.35		.02
Plasterers	8.185	.30	.35		.02
Plumbers:	7.41	.25	.30		.02
Plumbers	9.25	.40	.45		.06
Steamfitters	9.25	.40	.45		.06
Air conditioning & speculative housing & refrigeration service	6.40	.30	.35		.06
Roofers	6.99	.30			.05
Roofers' helpers & kettlemen	3.83	.30			.05
Sheet metal workers	7.78	.50	.40	.70	.085
Sprinkler fitters	9.31	.50	.70		.10
Welders - receive rate prescribed for craft performing operation to which welding is incidential.					

FL75-1091 (cont'd)

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Eight paid holidays, A through F plus Washington's Birthday & Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular schedule work days immediately and following the holidays.

PAID HOLIDAYS:

A-New Years' Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FL75-1091 (Cont't)

Florida 1-FOH-1-W (1-1)

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Apr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	8.03	.40	.35		.05
GROUP II	6.96	.40	.35		.05
GROUP III	6.12	.40	.35		.05
GROUP IV	5.04	.40	.35		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrapers

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist) mobile winch trucks, self-propelled sub-grader, asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines

GROUP IV: Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpmen (other than well point up to 6 incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine

STATE: Georgia
DECISION NUMBER: GA75-1092
COUNTY: Clayton, Cobb, Fulton & DeKalb
DATE: Date of Publication
Supersedes Decision No.: GA75-1019 dated February 7, 1975 in 40 FR 6020
DESCRIPTION OF WORK: Building Construction (exploding single family homes and garden type apartments up to and including 4 stories.)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	8.70	.35	.35		.05
Boilermakers	8.20	.60	.90		.06
Bricklayers:					
Bricklayers & stonemasons	8.60	.40	.40		.05
Marble masons, terrazzo workers and ceramic tile setters	8.30	.40	.40		
Carpenters:					
Carpenters & resilient layers	8.25	.40	.45		.02
Carpet layers	6.15	.40	.45		.02
Millwrights	8.85				.05
Piledrivermen	8.40	.40	.45		.02
Cement masons	7.65	.35	.55		
Electricians	9.55	8%	7%+ 7%		½ of 1%
Elevator constructors	8.165	.445	.29	3%+abb	.02
Elevator constructors helpers	5.925	.445	.29	3%+abb	.02
Elevator constructors helpers (prob.)	4.23				
Glaziers	7.25	.45	.24	.25	.055
Ironworkers:					
Structural, ornamental, & reinforcing	8.25	.40	.47		.07
Lathers	8.00	.30	.35	.50	.05
Leadburners	7.80	.30		c	.01
Painters:					
Brush	8.10	.45	.55		.04
Spray and sandblasting	9.10	.45	.55		.04
Paperhanging	8.35	.45	.55		.04
Plasterers	7.97	.35	.55		
Plumbers and Steamfitters	9.45	.45	.50		.11
Roofers:					
Roofers and weatherproofers slate, tile, and asbestos shingle	6.50	.30	.20		
	6.75	.30	.20		
Helpers	4.90	.30	.20		
Sheet metal workers	8.70	.35	.55		.06
Sprinkler fitters	8.75	.50	.70		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

GA75-1092 (Cont d)

PAID HOLIDAYS:
A-New Year's; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 4% of 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. Holidays: A through F; Washington's Brithday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

BUILDING CONSTRUCTION

GA75-1092 P.3

	Basic Hourly Rates	Fringe Benefits Payment			
		H & W	Pensions	Vacation	App
LABORERS:					
Group A Batch plant man; buggy rollers (Ga.); cleaners (brick or lumber), clearing of right of way and building site (hand tools), concrete curer-sealer and liquid hardner, conveyer operator (used by tenders of plasterers and bricklayers), electrician laborer, excavator, backfiller grader (hand), forklift operator, walk type tending bricklayers and plasterers, form oiler, form stripper, metal pan handler, plumber-laborer, pipe doper, precast slab layer (floors, roofs, walks, curbs), concrete puddlers, rail porter, railroad track laborer, reinforcing steel handler, scaffolds and staging for masons and plasterers, erecting and removing scarifyer, concrete (mechanical and hand), sheeting and shoring laborers, steam jennies (used in cleaning equipment), tenders (all crafts), truck spotter dumper, winch handler (manual), wracking buildings and miscellaneous structures.	5.45	.20	.25		.05
Group B Bucket-dumpman (concrete), mixer-mortar, grout clay, etc. (hand or machine), power post hole digger, power cleaning machine operator, power wheelbarrow, mortar mixer-hose for gypsum roofs; plastering, asbestos fiber sound proofing, etc.	5.57	.20	.25		.05
Group C Burner-demolition, chain saw operator, power concrete saw operator, steel form setter, sewer pipe layer, yarner, wiper, potman, slip form raiser (steel or wood) jack or screw type.	5.67	.20	.25		.05
Group D Wagon drill operator (track or wheel type) and like used in drilling for blasting.	5.75	.20	.25		.05
Group E Powderman-helper	5.95	.20	.25		.05
Group F Powderman, nozzleman (concrete pneumatic)	6.30	.20	.25		.05
Group G Caisson holeman 25¢ above rate for classification working: chimney or stacks isolated.					

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators					
Group A					
Backhoe operators, clamshell operator, conc. mix operator, cent. mix plant, conc. pump operator-Ridley or similar type, crane operator (truck, tower, crawler, or locomotive), derrick operator, dragline operator, drill operator-caisson foundation type, elevating grader operator, fork-lift operator that comes within the jurisdiction of the Operating Engineers hoisting engine operator, locomotive operator, mechanics-heavy duty, oilers on cranes with earth boring drill attached with a separate power source, concrete paving mixer operator, pile driver operator, rock crusher operator, shovel operator, trenching machine operator over 6 ft. depth capacity, well point system operator (including the operation of all pumps on project operated by the contractor) generator operator-75 K. VA and over, tugger hoist operator, winch truck operator, hoisting material, air compressor operator, 365 C.F.M. and over furnishing air simultaneously for more than one contractor.	8.20	.35	.25		.07
Group B					
Bulldozer operator, dozer shovel operator, drill operator-Quarry master type, firemen-sationary or portable, motor grader operator, motor scraper operator (pans), pusher dozer operator, self-propelled compactor operator with blade, tractor operator with special equipment, trenching machine operator up to and including 6 ft. depth capacity.	7.85	.35	.25		.07
Group C					
Air compressor operator 600 cu. ft. and over, air compressor operator batt. of two, 300 cu. ft. and over, hydrohammer operator, concrete batch plant operator.	6.18	.35	.25		.07
Group D					
Oiler-truck or locomotive cranes	6.53	.35	.25		.07
Group E					
Oiler-unspecified, pump operator over 4" up to batteries of 4, welding machine operator, batteries of two 300 amps and over.	5.63	.35	.25		.07
Group F					
Concrete mixer operator skip types except paving mixers, concrete finishing machine operator, concrete paving machine operator, roller operator, well drill operator	5.98	.35	.25		.07
Group G					
Air compressor operator up to and including 300 cu. ft. or one machine over 300 but less than 600 cu. ft. conveyor operator, belt type, sand blasting machine operator, water pump operator 4" or less, water pump operator over 4" (one only), welding machine operator 300 amps and over	4.96	.35	.25		.07

GA75-1092

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Trucks up to and including 2½ tons, tractor farm types	5.75	.15			
Trucks from 2½ tons up to and including 5 tons all low-boys and other trailer pulled by tractors except farm type tractor with ratings up to and including 5 tons.	5.85	.15			
Trucks over 5 tons including all euclids up to and including 10 tons.	6.10	.15			
Euclids over 10 tons	6.15	.15			

SUPERSEDEAS DECISION

STATE: OHIO

COUNTIES: GREENE, MIAMI, MONTGOMERY and PREBLE

DECISION NUMBER: OH 75-2109

DATE: Date of Publication

Supersedes Decision No. AM-422 dated August 18, 1971 in 36 FR 15965

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.
BRICKLAYERS	$ 7.00				
Carpenters	5.47				
CEMENT MASONS	5.82				
DRYWALL HANGERS	6.45				
DRYWALL FINISHERS	5.75				
ELECTRICIANS	5.83				
INSULATORS	5.47				
LABORERS	3.67				
PAINTERS	4.00				
PLUMBERS	7.29				
ROOFERS	6.84				
SHEET METAL WORKERS	5.20				
SOFT FLOOR LAYERS	7.10				
TILE SETTERS	7.60				
TRUCK DRIVERS	5.35				
POWER EQUIPMENT OPERATORS:					
Bulldozers	6.47				
Backhoes	5.65				
Roller Operators	6.55				

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Franklin
DECISION NO.: MA75-2110 DATE: Date of Publication
Supersedes Decision No. MA75-2006, dated February 21, 1975 in 40 FR 7777.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9.60	.54	.75		.01
Boilermakers	10.00	.60	10%		.01
Bricklayers; cement masons; plasterers stone masons; marble, tile & terrazzo workers; caulker; cleaner; pointer	9.55	.55	.55		.03
Carpenters and soft floor layers:					
Erving, Warwick, Orange, & N. Orange	10.00	.60	.65		.07
Remainder of County	9.15	.35	.50		.02
Monroe & Monroe Bridge	8.535	.40	.50		.04
Electricians: Hawley, Monroe, Rowe	9.14	.45	3%+.49		.02
Remainder of County	9.76	.45	3%+.20		.01
Elevator Constructors	9.505	.445	.29	3%+a	.02
Elevator Constructors' helpers	70%JR	.445	.29	3%+a	.02
Elevator constructors' helpers (prob.)	50%JR	.445	.29	3%+a	.02
Glaziers	9.45	.47	.45		.005
Ironworkers, structural, ornamental and reinforcing	9.11	.55	1.40		.09
Laborers, Building:					
Laborers, carpenter and cement finisher tenders, wrecking laborers	7.50	.50	.45		.10
Asphalt rakers, carbide, core drillers, chain saw op, pipelayers jackhammer & paving breaker ops, barco-type jumping tampers, laser beam ops, concrete pump ops, mason tenders, mortar mixers, & ride-on motorized buggy ops	7.75	.50	.45		.10
Air track ops. block pavers, rammers, & curb setters	8.00	.50	.45		.10
Powdermen and blasters	8.25	.50	.45		.10
Open air caisson, underpinning work and test boring crew:					
Bottom man	8.25	.50	.45		.10
Top man	7.50	.50	.45		.10
Driller	8.37	.50	.45		.10
Helper	7.62	.50	.45		.10

DECISION NO. MA75-2110

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Lathers	$ 8.45	.45	.25		.01
Line Construction:					
Linemen	10.16	.40	1%	b	3/8of1%
Equipment Operators	9.48	.40	1%	b	3/8of1%
Driver groundmen	7.32	.40	1%	b	3/8of1%
Marble setters' helpers	8.00				
Millwrights	9.85	.60	.65		.07
Painters:					
Brush & roller	8.82	.50	.35		.03
Spray	11.76	.6667	.4667		.04
Swing state under 40' and steel	9.007	.50	.35		.03
Swing state over 40' and steel	9.32	.50	.35		.03
Piledrivermen	9.50	.50	.50		
Plumbers & steamfitters:					
Monroe, Rowe and western of Charlemont	8.15	.65	.50	c	.05
Organe	9.20	.30	.40	4%	.05
Remainder of County	9.95	.60	.60		.02
Roofers:					
Composition, dump waterproof	8.945	.64	.66		
Slate, tile, precast concrete	9.60	.64	.66		
Sheet metal workers	9.11	.75	.97		.02
Sprinkler fitters	10.53	.50	.80		.08
Welders - rate for craft					

PAID HOLIDAYS:
A-New Year;s Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiviving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay plus six paid holidays; A through F.

b. Holidays; A through F, Washington's Birthday, Patriots Day providing employee has been employed for a period of five (5) working days prior to the holiday and the regular scheduled work day immediately preceding and following the holiday. One floating holiday per year.

c. Holidays:A through F, plus Veterans' Day, Good Friday & Washington's Birthday; plus an employer contribution of $1.00 per hour to a savings fund.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Dorricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Mahicnes, Belt-type Loaders, Front End Loader-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over

CLASS II Rotary Drill (with mounted compressor), compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.

CLASS III Combination Backhoe-Loader-up to 3/4 hoe, Bulldozers, Push Cats, Scraper-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.

CLASS IV Asphalt Roller-under 10 ton

CLASS V Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts up to 15 feet.

CLASS VI Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber, Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.

CLASS VII Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck, and Grease Trucks with hand greasing equipment

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Holidays: A through F, Veterans' Day and Columbus Day.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.35	.60	.75	a	.05
CLASS II	9.15	.60	.75	a	.05
CLASS III	8.95	.60	.75	a	.05
CLASS IV	8.58	.60	.75	a	.05
CLASS V	7.90	.60	.75	a	.05
CLASS VI	7.45	.60	.75	a	.05
CLASS VII	6.72	.60	.75	a	.05

CLASSIFICATIONS

CLASS I Shovels, Crawler and Truck Cranes, Dorricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Graders-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine

CLASS II Rotary Drill (with mounted Compressor), Compressor House 3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (Struck Load), Forklifts-7 ft. lift and over or 3 ton capacity and over,, Sonic Hammer Console.

CLASS III Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Firemen, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck Self-Propelled Hydraulic Cranes-up to 10 ton

CLASS IV Asphalt Roller-up to 10 ton

CLASS V Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.

CLASS VI Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil

CLASS VII Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

FOOTNOTES:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day and Christmas Day.

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

MASS - 1 - TD - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Nebraska COUNTY: Lancaster

DECISION NUMBER: NE75-4157 DATE: Date of Publication

Supersedes Decision No. AM-6140 dated November 12, 1971 in 36 FR 21736
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.
BRICKLAYERS	$7.95				
CARPENTERS	4.90				
CEMENT MASONS	6.00				
DRYWALL FINISHERS	4.84				
ELECTRICIANS	9.26	.30	1%	1%	.04
LABORERS:					
Common Laborers	4.01				
LATHERS	5.45				
PAINTERS, Brush	5.16				
PLUMBERS	9.11	.58	.60	.25	.10
ROOFERS	5.00				
SHEET METAL WORKERS	5.21				
SOFT FLOOR LAYERS	4.50				
TRUCK DRIVERS	4.07				
POWER EQUIPMENT OPERATORS:					
Backhoe	6.13				
Equipment Operators	4.25				
Trenching Machines Operators	7.075				

SUPERSEDEAS DECISION

STATE: Oklahoma
COUNTY: Wagoner
DECISION NO.: OK75-4158
DATE: Date of Publication
Supersedes Decision No. AR-93 dated December 27, 1974 in 39 FR 44903.
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	$9.80	.35	.60		.015
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS	8.36	.30	.40		.04
CARPENTERS:					
Carpenters	7.95		.25		.01
Millwrights-Piledrivermen	8.45		.25		.01
CEMENT MASONS:					
Zone I - That portion of Wagoner county on a diagonal line from the northeast corner of Okmulgee to the Southeast corner of Mayes	7.67		.40		.06
Zone II - Remainder of Wagoner Co.	7.55				
ELECTRICIANS:					
Zone I					
Electricians	7.93	.30	1%		1/2%
Cable splicers	8.53	.30	1%		1/2%
Zone II					
Electricians	8.23	.30	1%		1/2%
Cable splicers	8.63	.30	1%		1/2%
Zone III					
Electricians	7.65	.36	1%+.25	.30	.07
Cable splicers	7.90	.36	1%+.25	.30	.07

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION

Blue Mount, Coweta, Gatesville, Shannon, Tullahassee, Porter and Stone Bluff Townships
Zone I - A 20 mile radius from the Post Office in Muskogee
Zone II - That area outside zone I
Zone III - Adams Creek, Lone Star and Shahan Townships Only

GLAZIERS	7.68	.40	.30		.01
IRONWORKERS	8.90	.30	.35		.08
LABORERS:					
Group I - Construction laborers	5.30	.25	.20		
Group II - Mason tenders, mortar mixers, sewer drain; tile layers; machine tool operators	5.60	.25	.20		
Group III - Powderman (make-up); wagon drill operator	5.80	.25	.20		

DECISION NO. OK75-4158

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen	$8.65		1%		1/2%
Cable splicers	9.16		1%		1/2%
Hole digger operator	7.85		1%		1/2%
Heavy equipment operator (or pole cat equivalent)	7.85		1%		1/2%
Line truck driver (winch operator)	7.10		1%		1/2%
Jack hammerman	6.48		1%		1/2%
Powderman	7.85		1%		1/2%
Groundman	5.77		1%		1/2%
Truck driver (flat bed, ton and half and under)	6.16		1%		1/2%
PAINTERS:					
Commercial brush and roller	5.35		.25	.20	
Spray; glove or dipping; sand-blaster; spray or sand pot tender (maximum two pots, two guns or nozzles); powder rollers; power equipment operators; bituastic and like materials, applicators and kettle tenders	6.60		.25	.20	
Spray or sand pot tender (maximum, one pot, one nozzle or gun)	5.70		.25	.20	
Cooling steel, stage bosun chair, spiders, jack, roof work, skates, rolling scaffolds over 18 feet, suspend scaffolds and like equipment - fifty cents (50c) above basic hourly rate					
PLUMBERS-Steamfitters	9.75	.40	.80		.10
POWER EQUIPMENT OPERATORS:					
Group I	9.25	.35	.40		.12
Group II	9.00	.35	.40		.12
Group III	8.75	.35	.40		.12
Group IV	8.50	.35	.40		.12
Group V	8.25	.35	.40		.12
Group VI	8.00	.35	.40		.12
Group VII	7.60	.35	.40		.12
Group VIII	7.50	.35	.40		.12
Group IX	7.30	.35	.40		.12
Group X	7.00	.35	.40		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 200' of boom or over (including jib)
GROUP II - All crane type equipment with 150-200' of boom (including jib)
GROUP III - All crane type equipment with 100-150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. of more (as rates by mfg.), sideboom (booms 30' & over), guy derrick
GROUP IV - Heavy duty mechanic welder, crane-hook & overhead monorail, whirley, panel board batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe, sideboom (under 30'), gradall, hydro crane, cherry picker, hoists while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' & longer mast)
GROUP V - Motor patrol (blade), fork lift (35' and over), 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, & similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or Hi-lift (Engine h.p. 65 or over), asphalt lay machine, tail toom, conveyor-multiple, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump - boom type

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications.

GROUP VI - 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 5, 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 engineers, diesel elec., winch truck with a frame, roller, all types, outside elevator or building type of personnel hoist, concrete buster or tamper, heaters under jurisdiction of oper. engrs., fireman, boiler operator, crushing plants, oiler distributor, polvinixer, farmer tractor-with or without attachments, batch plant operator - duel, continous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines

Engineers for machines not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII - Greaser, tilt top trailer operator
GROUP VIII - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft. & under (1 or 2) welding machine (1 or 2), pum (1 or 2), fuelman, conveyor operator-single-continous belt bulk handling
GROUP IX - Asphalt lay machine back end man, helpers
Group X - Truck crane oiler driver or truck crane oiler

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
ROOFERS	$7.00	.25	.25		.04
SHEET METAL WORKERS	8.83	.45	.45		.10
SPRINKLER FITTERS	10.10	.50	.80		.08
TRUCK DRIVERS:					
Group I	6.45				
Group II	6.55				
Group III	6.65				
Group IV	6.60				
Group V	6.75				

TRUCK DRIVERS CLASSIFICATION DEFINITION

Group I
Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses
Group II
3 tons or 4 yards and up to but not including 4 tons or 6 yards
Group III
5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, tournerpulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers
Group IV
Ready-mix concrete trucks up to but not including 3 yards
Group V
Ready-mix concrete trucks 3 yards and over

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

STATE: Tennessee COUNTY: Davidson
DECISION NUMBER: TN75-1088 DATE: Date of Publication
Supersedeas Decision No.: TN75-1057 dated June 20, 1975 in 40 FR 26239
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	9.55	.35	.35		
Boilermakers	7.50	.40	.90		.02
Bricklayers	8.00				
Carpenters	8.00	.15	.10		.01
Cement masons	6.04	.25			
Electricians	8.15	.40	1%		.25%
Elevator constructors	6.92	.445	.29	3%+add	.02
Elevator constructors helpers	70%JR	.445	.29	3%+add	.02
Elevator constructors helpers (Prob.)	50%JR				
Glaziers	7.70	.45	.35		.02
Ironworkers:					
Structural, ornamental, & reinforcing	8.35	.45	.30		.10
Laborers:					
Unskilled	4.40	.15	.10		
Air tool operator	4.55	.15	.10		
Mason tenders	4.55	.15	.10		
Pipelayers	4.70	.15	.10		
Powderman	4.95	.15	.10		
Lathers	7.55		.20		.01
Millwrights	8.45	.15	.10		.01
Painters, brush	6.50		.40		.05
Plasterers	7.25	.30	.20		.01
Plumbers	8.09	.40	.40		.05
Roofers, composition	6.50	.30	.20	.15	
Sheet metal workers	7.85	.35	.30		.02
Steamfitters	8.09	.40	.40		.05
Sprinkler fitters	8.75	.50	.70		.08
Terrazzo workers	5.50				
Tile setters	5.50				
Truck drivers	4.90				
Welders - Rate for craft.					

TN75- 1088 (Cont'd)

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

TN75-1088 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr
CLASS A	7.50	.30	.35		
CLASS B	7.04	.30	.35		
CLASS C	6.58	.30	.35		
CLASS D	6.21	.30	.35		

CLASS A:
Shovels, backhoes, dragline, cranes, derricks, gantreys, gradall, Winches with boom, motor patrol, trenching machines (18" or over), pile driver, tug boat operator, mechanic, forklifts, central mixing plant, locomotive engineers, straddle carrier, core drills, tower cranes, hydro-cranes, austin western and all similar type cranes. (Drilling of piling all types) tugger, hoist more than one drum, earth freezing equipment, side-boom, dredge operator, dredge engineer, hopto, pump crete, mucking machine, cableway, finishing machine, central compressor, derrick boat, concrete pump, welders, helicopters.

De-watering system all types, sweeper, bull-dozers, pans, pulls, scrapers, traxcavators, front end loader, concrete placing machines. Two towers cranes require three (3) operators.

CLASS B:
Trenching machines (18" or smaller) tandem rollers, pavers, mixer mobiles, back fillers, blade grader, dinkey operators, elevating graders, winches operated from trucks and tractors without booms, distributors bituminous surfaces, hoist (1) drum, mixers, grout pumps, motor boat, switchman, brake man, elevator earth compactors, tractors, conveyors.

CLASS C:
Locomotive firemen on boilers, air compressor (stationery), earth drills, scale operators, motor crane driver and oiler, pumps 4" and larger, oilers on gantreys, greasers, drill helpers.

CLASS D:
Air compressor, mechanic helper, firemen (low pressure pumps under 4"), oilers, welding machine operators, deckhand.

SUPERSEDEAS DECISION

STATE: Washington
DECISION NUMBER: WA75-5113
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. WA75-5108 dated August 22, 1975, in 40 FR 37006
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.

DECISION NO. WA75-5113

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$10.11	.51	.75		
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	9.96	.50	.80		.10
Remaining Counties	9.65	.44	.80		
BOILERMAKERS	8.90	.65	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties and Grand Coulee Dam area in Okanogan County	9.69	.55	.50		.04
Benton, Franklin, and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.12	.55	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	9.42	.50	.55		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Counties	9.75	.50	.50		
BRICKLAYERS: (Cont'd)					
Grays Harbor, Lewis, Mason, Thurston, and Northern portion of Pacific County	$8.45	.55	.30		
Pierce County	9.79	.55	.65		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	9.85	.55	.45		
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima)					
Carpenters	9.04	.55	.55		.045
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	9.19	.55	.55		.045
Shingler (wood or composition)	9.24	.55	.55		.045
Boom Men; Carpenters (Creosoted material)	9.29	.55	.55		.045
Piledriver (creosoted material)	9.44	.55	.55		.045
Millwright and Machine Erector	9.54	.55	.55		.045
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters	9.10	.50	.65		.02
Carpenters on Creosoted material	9.20	.50	.65		.02
Sawfilers; Stationary power saw; Floor finisher; Floor layer; Shingles; Floor sander and other stationary power woodworking tools	9.23	.50	.65		.02
Millwrights and machine erectors	9.60	.50	.65		.02
Piledrivers; Bridge, dock and wharf builders	9.25	.50	.65		.02
Acoustical Workers	9.26	.50	.65		.02
Boommen	9.30	.50	.65		.02
Drywall Applicators	9.10	.50	.65		.01

DECISION NO. WA75-5113

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form stripper; Manhole builders; Acoustical applicators	$8.79	.55	.65	.35	.03
Piledrivermen, bridge, dock and Wharf builders	8.89	.55	.65	.35	.03
Floor layers; Floor finishers; Stationary power saw operator	8.94	.55	.65	.35	.03
Boomman	8.99	.55	.65	.35	.03
Millwrights; Machine Erectors	9.04	.55	.65	.35	.03
Drywall Applicator	8.79	.55	.65	.35	.03
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	8.93	.50	.65		.04
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion) San Juan, Skagit, Snohomish, and Whatcom Counties	9.02	.35	.90		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Cement Masons	8.47	.55	.60	.60	.10
Composition materials and power machinery	8.62	.55	.60	.60	.10
Lewis, Pierce, Thurston and the City of Auburn in King County	8.25	.50	.65		.02
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.45	.35	1%+.40		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	$9.85	.35	1%+.40		.02
Cable Splicers	10.835	.35	1%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	8.95	.35	1%+.40		.02
Cable Splicers	9.85	.35	1%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	9.45	.25	1%+.40		.03
Cable Splicers	10.395	.25	1%+.40		.03
Clark, Klickitat and Skamania Counties					
Electricians	9.60	.45	1%+.40		.02
Cable Splicers	10.35	.45	1%+.40		.02
Cowlitz and Wahkiakum Counties					
Electricians	9.76	.25	1%	5%	.02
Cable Splicers	10.74	.25	1%	5%	.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Counties					
Electricians	8.92	.45	1%+.45	.36	.04
Cable Splicers	9.81	.45	1%+.45	.36	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	9.95	.45	1%+.40		.01
Cable Splicers	10.95	.45	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties					
Elevator Constructors	8.975	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS: (Cont'd)					
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties					
Elevator Constructors	$ 9.275	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific, (southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	7.97	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Adams, (northeastern portion), Lincoln (eastern half); Pend Oreille, Spokane, and Stevens Counties	7.455	.31	.10	.545	
Adams (Southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	8.15	.40	.45	.53	
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Cos.	7.08	.31	.55	.50	
Asotin, Garfield, and Whitman Cos.	7.28	.31	.25	.284b	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Cos.	8.05	.22	.40	b	.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	7.20	.26	.30	6.5%	.01
Kittitas and Yakima Counties	6.41	.25	.25		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	$ 10.15	.58	1.00		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	9.90	.58	1.00	.25	.05
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	8.88	.45			
Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40			
Pierce County	7.25	.40	.50		.02
MARBLE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	9.69	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.12	.55	.35		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS: (Cont'd)					
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	$ 9.42	.50	.55		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River) Counties	7.25	.50	.50		
Grays Harbor, Lewis, Mason, Thurston and Northern half of Pacific Counties	8.45	.55	.30		
Pierce County	9.66	.55	.65		.02
San Juan, Skagit, (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.85	.55	.45		
MARBLE, TILE AND TERRAZZO WORKERS HELPERS:					
All Counties east of the Cascade Mountain Range in Washington	6.55				
Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties)	8.12	.55			
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)	8.12	.65	.95		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties					
Brush	$ 8.46	.31	.60		.02
Steel; Spray; Steam Cleaning; Roller over 9" or 10" handle; Drywall Taper	8.71	.31	.60		.02
Swing Stage work or high rate (over 30')	8.81	.31	.60		.02
Bituminastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	8.86	.31	.60		.02
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Brush	7.77	.35	.45	.30	.03
Spray; High towers, ground to 100'	8.02	.35	.45	.30	.03
High work over 100'; High towers, ground to 300'	8.27	.35	.45	.30	.03
High towers, ground to over 300'	8.77	.35	.45	.30	.03
Drywall Tapers	7.81	.40	.40	.50	.06
Grays Harbor, Island, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers	8.91	.44	.49		.02
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	9.16	.44	.49		.02
Clallam and Jefferson Counties					
Brush	7.50				
Spray, Steel, Sandblasting, and bituminastic	7.75				

DECISION NO. WA75-5113

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Kittitas and Yakima Counties					
Brush	$7.95	.31	.45		.02
Spray; Steel; Roller 9" or 10' handles; Drywall Taper; Steam Cleaning	8.20	.31	.45		.02
Swing Stage over 30' high	8.30	.31	.45		.02
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting	8.35	.31	.45		.02
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	8.88	.45			
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties	8.28	.45	.60		
Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	9.35	.55	.80		.04
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	8.50	.50	.60		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	9.50	.50	.70		.04
PLASTERERS' TENDERS:					
All Counties and portions of Counties East of the 120th Meridian	8.00	.50	.70		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS:					
Chelan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of 119°30' W. Long.), Jefferson and Okanogan (except the area lying between 119°30' W. Long. and south of 48°30' N. Lat.) Counties	$9.61	.58	.95	.75	.06
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County Northward to the Canadian Border), Kittitas (south of 47° 15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan (east of 119°30' W. Lat.) Counties	10.66	.65	1.10	1.00	.10
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line)Cos.	10.02	.65	1.10	1.00	.11
Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line.	9.37	.70	1.00		.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	$7.64	.50	.30		.01
Asotin and Garfield Counties	8.25				
Benton, Franklin, Kittitas, Klickitat and Yakima Counties					
Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	8.25	.30	.30		
Clallam, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish, Thurston, and Wahkiakum Counties					
Roofers; Waterproofers	8.45	.30	.20		
Slate and Tile Roofers	8.70	.30	.20		
Island, San Juan, Skagit and Whatcom Counties					
Roofers and Waterproofers	7.60	.45	.30		
Slate and Tile Roofers	8.10	.45	.30		
Clark, and Skamania Counties					
Roofers	7.80	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	8.30	.45	.75		
Handling of irritating material (coal, tar or epoxy) in confined area	8.55	.45	.75		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	10.91	.52	.50		
Clallam, Jefferson, Kitsap and Mason Counties	9.28	.37	.50	.50	.03
Clark and Skamania Counties	8.27	.55	.41	.57	.04
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	9.45	.37	.77	.47	.02
King County	11.11	.52	.84		.03
Island and Snohomish Counties	11.40	.47	.60		.02
Whatcom, Skagit and San Juan Cos.	10.17	.57	.60		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS:					
Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	$ 7.89	.25	.40	.31	
Benton, Franklin and Walla Walla Counties	7.29	.40	.40	1.21	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit, Whatcom, King, Kitsap and Snohomish Counties	9.26	.46	.70		.05
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.735	.45	.45	c	.05
Grays Harbor, Mason, Pacific (northern portion), Pierce and Thurston Counties	9.07	.46	.70		.05
Yakima and Kittitas Counties	7.43	.25	.25	.23	
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Cos.	10.88	.50	.70		.07
Remaining Counties	9.40	.50	.70		.08
TERRAZZO WORKERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	9.50	.55	.40		
Benton, Franklin and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40		.25
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	9.63	.55	.65		
Grant County and that portion of Adams County including the City of Othello	8.25	.45			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS: (Cont'd)					
Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties	$ 7.25	.50	.50		
Grays Harbor, Lewis, Mason and Thurston Counties	8.45	.55	.30		
Pierce County	9.66	.55	.65		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.85	.55	.45		
TILE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Grafield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	9.50	.55	.40		
Benton, Franklin, and Walla Walla Counties	8.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	9.63	.55	.65		.04
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	7.84	.35	.35	.25	
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Cos.	7.25	.50	.50		
Grays Harbor, Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	9.66	.55	.65		.02
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

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*STATEWIDE -
Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

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 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicers; Leadman Pole Sprayer	$ 11.12	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/2%
Tree Trimmer	9.06	.35	1%	.10	1/2%
Line Equipment Man	8.65	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer man	7.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	7.12	.35	1%	.10	1/2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$7.50	.50	.70		.02
Group 2	7.65	.50	.70		.02
Group 3	7.75	.50	.70		.02
Group 4	7.80	.50	.70		.02
Group 5	7.85	.50	.70		.02
Group 6	7.90	.50	.70		.02
Group 7	7.95	.50	.70		.02
Group 8	8.15	.50	.70		.02
Group 9:					
Class A	7.55	.50	.70		.02
Class B	7.60	.50	.70		.02
Class C	8.00	.50	.70		.02
Class D	8.05	.50	.70		.02
LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County)					
Group 1	7.66	.65	.95		.06
Group 2	7.76	.65	.95		.06
Group 3	7.81	.65	.95		.06
Group 4	7.86	.65	.95		.06
Group 5	7.91	.65	.95		.06
Group 6	7.96	.65	.95		.06
Group 7	8.01	.65	.95		.06
Group 8	7.71	.65	.95		.06
Group 9	7.76	.65	.95		.06
Group 10	7.86	.65	.95		.06
Group 11	7.96	.65	.95		.06
Group 12	8.01	.65	.95		.06
Group 13	8.11	.65	.95		.06

LABORERS (Area 3)
(Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Cos.)

	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
Group 1	$7.22	$7.62	$7.97	$8.22	$8.47	$8.72
Group 2	7.57	7.97	8.32	8.57	8.82	9.07
Group 3	7.87	8.27	8.62	8.87	9.12	9.37
Group 4	8.12	8.52	8.87	9.12	9.37	9.62

FRINGE BENEFITS:
Health and Welfare $.65
Pension .95
Vacation $.50
Apprenticeship Training .10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (Area 4) (Those portions of Chelan, Douglas Kittitas, Okanogan and Yakima Counties West of the 120th Meridian)					
Group 1	$6.65	.60	.80		.06
Group 2	6.75	.60	.80		.06
Group 3	6.80	.60	.80		.06
Group 4	6.85	.60	.80		.06
Group 5	6.90	.60	.80		.06
Group 6	6.95	.60	.80		.06
Group 7	7.00	.60	.80		.06
Group 8:					
Class A	6.70	.60	.80		.06
Class B	6.75	.60	.80		.06
Class C	6.85	.60	.80		.06
Class D	6.95	.60	.80		.06
Class E	7.00	.60	.80		.06
Class F	7.10	.60	.80		.06

	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)	ZONE 1	ZONE 2	ZONE 3				
Group 1	$8.05	$8.55	$9.00	.75	.85		.03
Group 2	8.35	8.85	9.30	.75	.85		.03
Group 3	8.90	9.40	9.85	.75	.85		.03
Group 4	9.05	9.55	10.00	.75	.85		.03
Group 5	9.20	9.70	10.15	.75	.85		.03
Group 6	9.45	9.95	10.40	.75	.85		.03
Group 7	9.70	10.20	10.65	.75	.85		.03

*ZONE 1: Within a 15 mile radius from the Center of the following Cities: Moses Lake, Pasco, Spokane and Walla in Washington - and Coeur d' Alene and Lewiston in Idaho.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities.
*ZONE 3: Over a 45 mile radius from the center of the above named Cities.

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POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$9.32	.60	.90		.11
Group 2	9.42	.60	.90		.11
Group 3	9.53	.60	.90		.11
Group 4	9.58	.60	.90		.11
Group 5	9.60	.60	.90		.11
Group 6	9.65	.60	.90		.11
Group 7	9.66	.60	.90		.11
Group 8	9.70	.60	.90		.11
Group 9	9.72	.60	.90		.11
Group 10	9.85	.60	.90		.11
Group 11	9.88	.60	.90		.11
Group 12	9.91	.60	.90		.11
Group 13	9.96	.60	.90		.11
Group 14	9.98	.60	.90		.11
Group 15	10.00	.60	.90		.11
Group 16	10.03	.60	.90		.11
Group 17	10.06	.60	.90		.11
Group 18	10.10	.60	.90		.11
Group 19	10.17	.60	.90		.11
Group 20	10.18	.60	.90		.11
Group 21	10.23	.60	.90		.11
Group 22	10.28	.60	.90		.11
Group 23	10.50	.60	.90		.11
Group 24	10.54	.60	.90		.11
Group 25	10.59	.60	.90		.11
Group 26	10.67	.60	.90		.11
Group 27	10.89	.60	.90		.11
Group 28	11.09	.60	.90		.11
Group 29	11.20	.60	.90		.11
Group 30	11.22	.60	.90		.11
Group 31	11.50	.60	.90		.11

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POWER EQUIPMENT OPERATORS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

WAGE RATES:

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	$8.30	$8.70	$9.05	$9.30	$9.55	$9.80
2	8.44	8.84	9.19	9.44	9.69	9.94
3	8.54	9.94	9.29	9.54	9.79	10.04
4	8.70	9.10	9.45	9.70	9.95	10.20
5	8.72	9.12	9.47	9.72	9.97	10.22
6	8.80	9.20	9.55	9.80	10.05	10.30
7	8.86	9.26	9.61	9.86	10.11	10.36
8	8.96	9.36	9.71	9.96	10.21	10.46
9	9.02	9.42	9.77	10.02	10.27	10.52
10	9.08	9.48	9.82	10.08	10.33	10.58
11	9.10	9.50	9.85	10.10	10.35	10.60
12	9.16	9.56	9.91	10.16	10.41	10.66
13	9.24	9.64	9.99	10.24	10.49	10.74
14	9.40	9.80	10.15	10.40	10.65	10.90
15	9.56	9.96	10.31	10.56	10.81	11.06
16	9.74	10.14	10.49	10.74	10.99	11.24
17	9.88	10.28	10.63	10.88	11.13	11.38
18	10.06	10.46	10.81	11.06	11.31	11.56
19	10.20	10.60	10.95	11.20	11.45	11.70

FRINGE BENEFITS:

Health and Welfare	$ .75
Pension	1.00
Vacation	.50
Apprenticeship Tr.	.05

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POWER EQUIPMENT OPERATORS (Area 1) (Dredging)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
(All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$8.24	.60	.90		.07
Group 2	8.34	.60	.90		.07
Group 3	8.68	.60	.90		.07
Group 4	7.73	.60	.90		.07
Group 5	8.78	.60	.90		.07
Group 6	9.10	.60	.90		.07
Group 7:					
(a)	9.49	.60	.90		.07
(b)	10.04	.60	.90		.07
DREDGING (Area 2)					
(All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	8.24	.60	.90		.07
Group 2	8.34	.60	.90		.07
Group 3	8.68	.60	.90		.07
Group 4	8.73	.60	.90		.07
Group 5	8.78	.60	.90		.07
Group 7:					
(a)	9.49	.60	.90		.07
(b)	10.04	.60	.90		.07
DREDGING (Area 3)					
(Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	8.40	.55	.85	.35	.05
Group 1A	9.06	.55	.85	.35	.05
Group 2	8.04	.55	.85	.35	.05
Group 3	7.80	.55	.85	.35	.05
Group 4	7.54	.55	.85	.35	.05

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TRUCK DRIVERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$8.00	.82	.65		
Group 2	8.05	.82	.65		
Group 3	8.10	.82	.65		
Group 4	8.20	.82	.65		
Group 5	8.40	.82	.65		
Group 6	8.45	.82	.65		
Group 7	8.50	.82	.65		
Group 8	8.55	.82	.65		
Group 9	8.65	.82	.65		
Group 10	8.70	.82	.65		
Group 11	9.00	.82	.65		
Group 12	9.15	.82	.65		
Group 13	9.30	.82	.65		
Group 14	9.45	.82	.65		
TRUCK DRIVERS (Area 2) (All Counties and portions of Cos. West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)					
Group 1	9.39	.80	.63		.09
Group 2	9.44	.80	.65		.09
Group 3	9.49	.80	.65		.09
Group 4	9.60	.80	.65		.09
Group 5	9.66	.80	.65		.09
Group 6	9.70	.80	.65		.09
Group 7	9.71	.80	.65		.09
Group 8	9.77	.80	.65		.09
Group 9	9.82	.80	.65		.09
Group 10	9.84	.80	.65		.09
Group 11	9.87	.80	.65		.09
Group 12	9.97	.80	.65		.09
Group 13	9.99	.80	.65		.09
Group 14	10.03	.80	.65		.09
Group 15	10.15	.80	.65		.09
Group 16	10.19	.80	.65		.09
Group 17	10.31	.80	.65		.09
Group 18	10.36	.80	.65		.09
Group 19	10.52	.80	.65		.09
Group 20	10.68	.80	.65		.09
Group 21	10.84	.80	.65		.09

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TRUCK DRIVERS (Area 3)
(Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties)

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	$8.48	$8.88	$9.23	$9.48	$9.73	$9.98
Group 2	8.53	8.93	9.28	9.53	9.78	10.03
Group 3	8.58	8.98	9.33	9.58	9.83	10.08
Group 4	8.63	9.03	9.38	9.63	9.88	10.13
Group 5	8.68	9.08	9.43	9.68	9.93	10.18
Group 6	8.78	9.18	9.53	9.78	10.03	10.28
Group 7	8.88	9.28	9.63	9.88	10.13	10.38
Group 8	8.98	9.38	9.73	9.98	10.23	10.48
Group 9	9.08	9.48	9.83	10.08	10.33	10.58
Group 10	9.25	9.65	10.00	10.25	10.50	10.75
Group 11	9.35	9.75	10.10	10.35	10.60	10.85
Group 12	9.45	9.85	10.20	10.45	10.70	10.95
Group 13	9.55	9.95	10.30	10.55	10.80	11.05
Group 14	9.65	10.05	10.40	10.65	10.90	11.15

FRINGE BENEFITS:

Health and Welfare	$.53	Vacation	$.45
Pension	.65	Apprenticeship Training	.05

ZONE WAGE SCALE (Area 3)
LABORERS
POWER EQUIPMENT OPERATORS
TRUCK DRIVERS

For the following Cities:
Astoria, Goldendale, Hood River, Longview, The Dalles and Vancouver

Zone A - All jobs or projects located within 10 miles of the respective City Hall
Zone B - More than 10 miles but less than 25 miles from the respective City Hall
Zone C - More than 25 miles but less than 35 miles from the respective City Hall
Zone D - More than 35 miles but less than 45 miles from the respective City Hall
Zone E - More than 45 miles but less than 75 miles from the respective City Hall
Zone F - More than 75 miles from the respective City Hall

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LABORERS (Area 1)
All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of sqeeerecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, posts and right-of-way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include spearating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw Walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shoere and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

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LABORERS (Area 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 7: Brush Machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3 inch piston or larger and out-of-the-hole drills with 4 inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, air track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1200 pounds, jet blast machine power propelled, sand blast nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

Group 9: Tunnel and Shaft, Free Air
Class A: Bull Gang, Pump Crete Crewman including distributing pipe, Assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (Area 2)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Bucker; Hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer, Pavement Breaker, Vibrator Tampers (multiple and self-propelled); Railroad spike puller; Rakers-asphalt

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LABORERS (Area 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sand blast, gunnite, shotcrete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - Sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Changehouse Man or Dry Shak Man; Choke Setter; Clean Up Laborers; Concrete Laborers; Culvert, Hand labor; Curing, concrete; Demolition, wrecking, and moving Laborers; Driller Helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Flagman, traffic; Form Strippers (not swinging stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chipper Operator or similar types Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

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LABORERS (Area 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman-Greencutter (concrete, Rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Guns, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air gas or electic; Vibrating Screed; Tampers, Ribbon Setter, head, Rip Rap Man (head), hand placed, Sand Blasting (wet), Stake Setter, Tunnel-Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar typed; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align Laser Beam; Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzleman; Sand Blasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel - Chuck Tenders, Nippers, and Timbermen; Vibrators (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (Tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Area 4)

Thos portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, faller and bucker, hand

Group 3: Drill Chipper; Grinder, Tampers and similar light power tools; Faller and Bucker (hand; Grout Man (power); Top Man, Swinging Scaffold or Boatswain Chair over water or over 25' in height

Group 4: Asphalt Raker and Spreader; Cement Handler, Cask or bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar Heavy Power Tools; Power Buggy Tampers (multiple and self-propelled)

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LABORERS (Area 4) (Cont'd)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 5: Form Setter, Steel Forms; Grademan, Stake Hopper; Spreader, Rodder, Nozzleman: Concrete Pumps, Gunnite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Trakk and Wagon Drill Operator; High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Hod Carrier; Faller and Bucker; Chain Saw

Group 7: Cement Dumpers - Paving

Group 8: Tunnel Work:
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader, Laser Beam Operator
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (Area 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hogh; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple Cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift of Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator (self-propelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R.T with attachments except backhoe); Tugger Operator; Ditch Witch or similar

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POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump cutter (Wayne, Saginaw or similar); Canal Linning Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipe-line); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader-type Loader (Dunor, Adams, or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loader (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechine; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine Power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Hester and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R. A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over) (Robbins' reverse circulation and similar); Loader Operator (front end and overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar), Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

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POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (Area 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (heavy duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavat ng and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Trucks Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p.)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw and similar types); Buildozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drot Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

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POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene and similar types, and overhead and front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon and Concrete and Pumpcrete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (greated or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case and similar type 60 h.p. and under)

Group 18: Bull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - Over 200 yards per hour through 400 yards per hour, and paving dual)

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POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Yo Operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" Frame trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (core, cable rotary and exploration); Loader (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (mole, tunnel drill, and/or shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Crane (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

Group 30: Cranes (Crawler, Truck type, Floating, Locomotive, Whirley, either 5 yards and over 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar types equipment (over 85 yards through 100 yards)

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POWER EQUIPMENT OPERATORS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Oiler, including plant, crane, cursher, guardrail equipment, and trenching machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Drill Helper; Auger Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, Combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Helper; Welder's Helper; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Ross Carrier Operator (on job site); Bucket Elevator Loader, Barber-Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, Including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5(any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayn type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

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POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2-1/2 cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Cement Pump, Fuller-Kenyon and similar; Concrete Pump; Grouting Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2-1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2-1/2 cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC12 and similar); Cable plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and Pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

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POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and Southern portion of Pacific, Counties

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledrver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with push-pull attachments, self-loading, Paddle Wheel, Auger type; Blade mounted Spreaders, Ulrich and similar types; Shielf Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechamical hydraulic means; Blade, Multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons a and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Piledriver Operator; Floating Clamshell, etc. under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Grader, Operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

DECISION NO. WA75-5113

POWER EQUIPMENT OPERATORS (Areas 1 and 2)
(DREDGING)

Group Description for Areas 1 and 2

Group 1: Assistant Mate (deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

Group Description for Area 3

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, Attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

DECISION NO. WA75-5113

TRUCK DRIVERS (Area 1)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat and Yakima Counties)

Group 1: Flat Bed Truck single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat Bed Truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bottperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yds. to 6 yds.); Water Tank Truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water Tank Truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons); Water Tank Truck (8,001 - 10,000 gallons); Tractor with Steer Trailer

Group 9: Transit Mixers and Trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water Tank Truck (10,001 - 12,000 gallons)

Group 10: Mechanic, Field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, g llonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 gallons)

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TRUCK DRIVERS (Area 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat and Yakima Counties)

Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material ; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (Area 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup Truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump Trucks - side, end and bottom dump, including Semi-trucks and Trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Truck (up to 1,600 gallons); Winch Truck, single rear axle; Wrecker, tow truck and similar equipment

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons)

Group 6: Transit-mix, 0 to and including 4½ yds.

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Lowbed and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

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TRUCK DRIVERS (Area 2) (Cont'd)

All Counties and portion of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 8: Dumpster and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and Heavy Duty Trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix, over 20 yards

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TRUCK DRIVERS (Area 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: 6 cu. yds. and under Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 29—Labor (Part 1920–End)	$3.50
Title 30—Mineral Resources	5.80
Title 33—Navigation and Navigable Waters (Part 200–End)	4.60
Title 34—Government Management	1.70

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