AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Vol. 40—No. 183
9–19–75
PAGES
43197–43477

federal register

FRIDAY, SEPTEMBER 19, 1975

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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—The President

Executive Order 11879 • September 17, 1975

Delegating to the Secretary of Commerce Functions Relating to Orders for the Provision of Chemicals or Substances Necessary for Treatment of Water

By virtue of the authority vested in me by Section 1441 of the Public Health Service Act, as amended by the Safe Drinking Water Act (88 Stat. 1680, 42 U.S.C. 300j), and as President of the United States, the Secretary of Commerce is hereby delegated, with power to redelegate to agencies, officers and employees of the Government, the functions of the President contained in said section 1441. Those functions shall be administered under regulations or agreements which are identical or compatible with other regulations and agreements, including those provided pursuant to Executive Order No. 10480, as amended, for the allocation of similar chemicals or substances.

Gerald R. Ford

THE WHITE HOUSE,
September 17, 1975.

[FR Doc.75-25158 Filed 9-17-75;3:15 pm]

rules and regulations

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

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

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. K and Y]

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

PART 225—BANK HOLDING COMPANIES

Computation of Amount Invested in Foreign Corporations Under General Consent Procedures

SEPTEMBER 15, 1975.

Under § 211.8(a) of Regulation K, the Board of Governors grants its general consent for a corporation organized under section 25(a) of the Federal Reserve Act (an "Edge Act Corporation") to invest, directly or indirectly, in the shares of foreign corporations not doing business in the United States; but no investment thereunder shall cause an Edge Act Corporation to have invested more than $500,000 in the shares, or to hold more than 25 percent of the voting shares, of any foreign corporation. The Board of Governors has ruled that in computing the $500,000 limitation under these general consent procedures, an Edge Act Corporation must include not only amounts actually paid in to the foreign corporation for its shares but also unpaid amounts on the shares of the corporation for which the Edge Act Corporation will be liable. If the total of such amounts exceeds $500,000, the Edge Act Corporation must apply for the Board's specific consent to make such investment.

This interpretation also applies to the foreign investments of domestic bank holding companies since, under Regulation Y, the consent procedures of Regulation K also govern such investment.

Effective September 12, 1975, 12 CFR Parts 211 and 225 are amended by adding a new § 211.111 and a new § 225.133 to read, as follows:

§ 211.111 Computation of amount invested in foreign corporations under general consent procedures.

(a) Under § 211.8(a) of Regulation K, the Board of Governors grants its general consent for a corporation organized under section 25(a) of the Federal Reserve Act (an "Edge Act Corporation") to invest, directly or indirectly, in the shares of foreign corporations not doing business in the United States; but no investment thereunder shall cause an Edge Act Corporation to have invested more than $500,000 in the shares, or to hold more than 25 percent of the voting shares, of any foreign corporation. Under § 225.4(f)(2) of Regulation Y, these general consent procedures also govern the foreign investments of domestic bank holding companies made pursuant to section 4(c)(13) of the Bank Holding Company Act of 1956, as amended.

(b) In computing the $500,000 limitation under the general consent procedures, an Edge Act Corporation or bank holding company must include not only amounts actually paid in for the shares of the foreign corporation but also any unpaid amounts on the shares of the foreign corporation for which the Edge Act Corporation or bank holding company will be liable. If the total of such amounts exceeds $500,000, then the Edge Act Corporation or bank holding company must apply for the Board's prior specific consent to make such investment.

(c) For example, an Edge Act Corporation plans to acquire a 20 per cent interest in a proposed foreign corporation by subscribing to 60,000 shares with a par value of $10 per share. Initially, the shares will be 50 per cent paid in for an initial investment of $300,000; under the Articles of Association of the proposed corporation, the unpaid balance of $300,000 on the shares may be called at any time at the discretion of the corporation's board of directors. It appears that some Edge Act Corporations have in this situation only included in their computation the $300,000 intially paid in to the foreign corporation, and would thus acquire the shares of the foreign corporation under the general consent procedures. The Board has determined that in this situation the total amount invested for purposes of the general consent procedures is $600,000, as the Edge Act Corporation must include in the computation its liability for the unpaid balance on the shares. The proposed investment in this situation would therefore require prior specific Board consent.

§ 225.133 Computation of amount invested in foreign corporations under general consent procedures.

For text of this interpretation, see § 211.111 of this subchapter.

By order of the Board of Governors of the Federal Reserve System, September 12, 1975.

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

[FR Doc.75-24960 Filed 9-18-75;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Open End Credit Accounts—Specific Disclosures

On December 27, 1974, the Board of Governors published for comment in the FEDERAL REGISTER (39 FR 44779) a proposed amendment to the open-end credit disclosure requirements of Regulation Z (§ 226.7(f)). The proposal required open-end creditors sending to their credit cardholders blank checks or other credit devices which are intended to be used in connection with such open-end credit accounts to include a clear disclosure statement of the charges and other pertinent credit information specifically related to the use of blank checks or other credit devices delivered. The proposed amendment required such disclosure only the first time the blank checks or other credit devices were sent to the customer, but not when later renewed or resupplied.

Following consideration of 44 comment letters received on this proposal, the Board revised the proposed language and hereby promulgates it in final form. Two significant clarifications have been made to the regulatory requirement as proposed: The language of the regulation has been clarified to indicate that the term "credit devices" does not apply to credit cards and to indicate that the disclosure requirement is not applicable to checks used in conjunction with a demand deposit account, even though such checks may also activate a cash advance under an open-end credit account.

In response to concerns over the need for such disclosures where these blank checks have been provided to a customer shortly after the opening of an account, the regulation has been revised to indicate that the disclosures need not be made unless the blank checks are mailed or delivered to the customer subsequent to 30 days after the delivery of the initial open-end credit disclosures. In response to questions concerning the location of the disclosures accompanying the blank checks, the revised regulation stipulates that the disclosure consist of a single written statement which shall not appear on any promotional material mailed or delivered at the same time. The disclosure statement may be printed on a separate sheet or printed on a booklet containing the checks; the statement need not be repeated on each blank check. Questions also were raised concerning which disclosures of § 226.7(a) should be made in connection with these blank checks. The pertinent dis-

closure provisions are those contained in §§ 226.7(a) (1), (2), (3), and (4). The revised regulation provides that the disclosure statement accompanying the blank checks may be limited to the provisions of § 226.7(a) (1), (2), (3), and (4). Alternatively, the revised regulation provides that a full statement of the requirements of § 226.7(a) be provided with the provisions of subsections (1), (2), (3), and (4) clearly and conspicuously referenced on or accompanying that statement. For example, if the full statement of the provisions of § 226.7(a) is subdivided into terms covering credit sale and cash advance transactions, reference may be made in the accompanying material to the terms covering cash advance transactions. Likewise, if the terms covering cash advance transactions are numbered, the accompanying material may refer to the appropriate numbered terms.

The provisions of § 226.7(f) are to become effective January 1, 1976.

§ 226.7 Open-end credit accounts—specific disclosures.

* * * * *

(f) *Supplemental credit devices for use in open-end credit accounts.* If, subsequent to 30 days after delivering the disclosures required under paragraph (a) of this section, a creditor of an open-end credit account mails or delivers, other than as a renewal or resupply, a blank check, payee designated check, blank draft or order or other similar credit device other than a credit card, to an existing customer or cardholder for use in connection with such account, such device shall be accompanied by a single written statement setting forth clearly and conspicuously those disclosures of paragraph (a) of this section which specifically relate to the use of such device. Such disclosure statement shall either be limited to the disclosures of paragraphs (a) (1), (2), (3), and (4) of this section or contain all disclosures required of such paragraph with the pertinent disclosures clearly and conspicuously referenced on or accompanying that disclosure statement. Such disclosure statement shall not appear on any promotional material mailed or delivered at the same time. The requirements of this paragraph shall not be applicable to checks to be used in conjunction with a checking account even though such checks may also activate a cash advance under an open-end credit account.

By order of the Board of Governors, September 10, 1975.

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

[FR Doc.75-24961 Filed 9-18-75;8:45 am]

[Reg. Z]

PART 226—TRUTH IN LENDING

Fair Credit Billing, Description of Transactions

On May 5, 1975, the Board of Governors published for comment in the FEDERAL REGISTER (40 FR 19489) proposed regulations implementing the Fair Credit Billing Act (Title III of Pub. L. 93-495). The comment period on this proposal was initially set to terminate on May 30 and was subsequently extended through June 20, 1975 (40 FR 23896). On June 24, 1975, the Board of Governors published for comment in the FEDERAL REGISTER (40 FR 26571) proposed regulations to implement section 411 of Title IV of Pub. L. 93-495, which, though not technically a part of the Fair Credit Billing Act, is related to it in some respects and shares the same effective date. The comment period on this proposal terminated on July 18, 1975.

Following the receipt of approximately 300 comments on the proposal published on May 5 and approximately 110 comments on the proposal published on June 24, the Board on July 24, 1975, announced in the FEDERAL REGISTER (40 FR 30986) its intent to publish for comment revised regulations implementing these same statutory provisions and to hold informal hearings August 5 and 6, 1975, on these revised proposals.

On August 1, 1975, the Board published in the FEDERAL REGISTER (40 FR 32350) the revised regulations referenced in the July 24 publication. The comment period on these revised regulations, initially set to terminate on August 12, was extended to August 18, 1975.

On August 5, public hearings were held regarding the revised proposal. Ten interested parties were represented by witnesses at these hearings. Approximately 150 written comments were received and analyzed by the Board.

In response to the testimony and written comments received by the Board, some changes in the provisions previously published were made. Many are of a technical nature. An explanation of the most substantive changes follows:

1. *Transition periods.* Transition periods for compliance with certain portions of the regulation have been provided in § 226.6(k). These portions generally are those which require the printing of new forms or substantial technical program or operational changes which cannot be accomplished by October 28, 1975. In most cases the transition period is 6 months. The transition section covers the new disclosure requirements for periodic statements including showing dates of payment, indicating credit balances, and identifying the address to which billing errors must be sent. The prohibition against disclosing inconsistent State laws will also be delayed for 6 months to allow creditors to use up existing forms.

2. *Short notice of rights.* Many comments were made about the length of the notice of customer rights and creditor responsibilities required by § 226.7 (a) (9) and (d). A shortened version of this notice may be included with every periodic statement as an alternative to the twice-yearly mailing of the full notice: *Provided,* That the creditor must supply the customer with a full notice upon request or whenever the customer submits a proper written notification of a billing error.

3. *Time for payments after resolution of a billing error.* Earlier drafts of the regulation would have required creditors to provide a free period for payment without the imposition of finance charges after completion of the error resolution procedure, even when the creditor did not make an error or did not offer a free ride period generally. The regulation in § 226.14(b) (3) has been rewritten to require a free period only when the creditor has made an erroneous billing on the disputed item and the terms of the credit plan normally provide a free period for payment of such items. In all other cases the creditor must promptly notify the customer of how much is owed with regard to a disputed item after the completion of the error resolution procedure.

4. *Identification of transactions.* Many comments were received citing computer reprogramming and other data collection problems which would make compliance with § 226.7(b) (1) (ii) impossible by October 28, 1975. In order to facilitate compliance the Board has provided a gradual phase-in of the full impact of this section. Until July 1, 1976, creditors will be able to identify transactions in the same way as is presently required.

By October 28, 1977, the section will be fully effective. At that time, the regulation requires creditors who bill "descriptively" on their periodic statements to provide a transaction date. In addition, for two-party creditors, a description of any goods or services purchased or, for three-party creditors, the merchant's name and the address where the transaction took place would be required. If any of the primarily required information is not available to the creditor despite the maintenance of procedures reasonably adapted to procure it in the first instance, a voucher number or identifying symbol which appears on the document evidencing the transaction must be disclosed.

Between July 1, 1976, and October 28, 1977, the creditor may in all cases substitute the date of debiting the transaction to the customer's account for the primarily required date if the latter date is unavailable. Also, the creditor may substitute a voucher number or other identifying symbol which appears on the document evidencing the transaction for the description of goods or services or the merchant's name and address when they are unavailable.

5. *Inconsistent State laws.* Section 226.6(b) (2) has been revised to provide greater clarity and certainty for consumers and creditors.

The regulation now provides that any State credit billing law which differs from the error resolution procedure and credit reporting prohibitions of sections 161 and 162 of the Act and their implementing provisions in the regulation is inconsistent and, thus, preempted in its entirety. This determination was made because of the many internal steps with varying time limits and other requirements which are found in the processes embodied in Federal and State law regarding billing error resolution procedures. To do otherwise would cause

confusion among creditors and consumers alike, especially with respect to informing consumers of their rights and obligations regarding the resolution of disputes. As an exception to this rule, the regulation provides that any State law which allows the customer to make inquiry concerning a billing error after the time for doing so under the Act and the regulation has expired is not inconsistent, and thus is not preempted, to the extent that it allows such later inquiry. In those cases in which the State law allows such later inquiry, any inquiry submitted after the time allowed by Federal law has expired is to be handled under the State procedure.

With respect to the other provisions of the Act and regulation, a State law is not inconsistent with the Federal law if the creditor can comply with it without violating the Federal law.

The regulation prescribes limitations on notification to consumers of State law and sets up a procedure whereby a State may ask the Board for a determination that its law provides greater protection to consumers or is otherwise not inconsistent with Federal law.

6. *Discounts for payments in cash.* The regulation provides that a discount offered by merchants of up to five per cent of the tagged, posted, or advertised price of an item for payment in cash in lieu of use of a credit card does not constitute a finance charge for purposes of § 226.4. However, if an amount is added to the tagged, posted or advertised price of an item and imposed on a customer who pays by use of a credit card, such amount is not a discount and is to be treated as a finance charge subject to § 226.4 and disclosed in accordance with § 226.7(e).

The major provisions of the regulation provide:

1. A procedure to be used in attempting to correct alleged billing errors in open end credit accounts. The regulation imposes a forfeiture penalty on creditors who fail to comply with the procedure whether or not a billing error has in fact been made. The regulation also defines a billing error and specifies procedures for customers to follow in raising billing inquiries.

2. For the method of treating minimum periodic payments and finance charges with respect to the disputed amount for the period during which the error resolution procedure is in operation.

3. Prohibitions against threatening to report or in fact reporting adversely regarding a customer's credit standing during the pendency of the dispute resolution procedure; and provides for correction or updating of adverse credit reports made on disputed amounts, in certain cases, to show the fact that the amount is in dispute.

4. That in those cases in which an open-end credit account provides a time period during which the customer can make payment without incurring an additional finance charge, with certain exceptions, the periodic statement must be mailed or delivered to the customer at least 14 days before the date of the payment is due.

5. For crediting payments made on an open-end account as of the date of its receipt by the creditor at the creditor's designated location. In certain circumstances creditors who cannot meet the requirements of the regulation because of operational limitations must post payments promptly (in no case more than 5 days from receipt), until October 28, 1976. Provision is also made for crediting payments received at a creditor's branch or other remote location within 5 days of receipt by the creditor and for refunding or crediting any finance charges imposed because the creditor failed to comply with the section.

6. A system for refunding or crediting excess payments made by customers.

7. For prompt notification of a creditor by a seller of credit refunds made for returned goods or forgiveness of debt for services and prompt crediting of such refunds by the creditor.

8. That a discount for use of cash or similar means of payment in lieu of use of a credit card of up to five per cent of the tag, posted or otherwise generally available price offered by a merchant does not constitute a finance charge. The discount must be available to all customers and be disclosed as provided in the regulation. Agreements or contracts by credit card issuers prohibiting merchants from offering such discounts are prohibited, and within one month of the effective date of the Regulation card issuers must notify all merchants with whom they have such prohibited agreements that they are no longer in effect.

9. That a credit card issuer may not require a merchant who honors its card to maintain a deposit account with the card issuer or procure any other service from the card issuer not essential to the credit card plan. Any card issuers who do have such prohibited agreements must, within one month of the regulation's effective date, inform the merchant that the agreement is no longer in effect.

10. That a card issuer may not offset the customer's indebtedness against the cardholder's funds held by the card issuer on deposit except as a means of periodic payment agreed to by the customer or pursuant to a court order under a procedure constitutionally available to all creditors generally.

11. That, with certain limitations, a customer may assert against the card issuer claims and defenses he may have regarding goods or services purchased by use of a credit card and for which he cannot obtain satisfaction from the seller.

12. A method for dealing with and reconciling with the Act and the regulation State laws which are similar to the regulation but different in some respects. A method of determining whether such laws are consistent with the Act and regulation is prescribed.

13. The minimum disclosures necessary to identify transactions which are billed on a customer's periodic statement.

Regulations to implement section 409 of Title IV of Pub. L. 93-495 will be issued by the Board at a later date.

In consideration of the testimony and comments received and pursuant to the authority granted in 15 U.S.C. 1604, Part 226 of Chapter II of Title 12 of the Code of Federal Regulations is amended as follows, effective October 28, 1975.

1. To implement section 102, § 226.1(a) is amended as follows:

a. Section 226.1(a)(1) is revised as set forth below.

b. Section 226.1(a)(2) is amended by inserting the following sentence immediately before the last sentence to read as set forth below.

§ 226.1 Authority, scope, purpose, etc.

(a) *Authority, scope, and purpose.* (1) This part comprises the regulations issued by the Board of Governors of the Federal Reserve System pursuant to Title I (Truth in Lending Act) and Title V (General Provisions) of the Consumer Credit Protection Act, as amended (15 U.S.C. 1601 et seq.). Except as otherwise provided herein, this part, within the context of its related provisions, applies to all persons who are creditors, as defined in paragraph(s) of § 226.2.

(2) * * * In addition, this part is designed to assist the customer to resolve credit billing disputes in a fair and timely manner, to regulate certain billing and credit card practices, and to strengthen the legal rights of consumers. * * *

* * * * *

2. Certain paragraphs of §§ 226.2 and 226.13 are redesignated as shown below.

Old section No.:	*New section No.*
226.13(a)(1)	226.2(a)
226.13(a)(2)	226.2(c)
226.13(a)(3)	226.2(l)
226.13(a)(4)	226.2(m)
226.13(a)(6)	226.2(r)
226.13(a)(7)	226.2(ll)
226.2(a)	226.2(b)
226.2(b)	226.2(d)
226.2(c)	226.2(e)
226.2(d)	226.2(f)
226.2(e)	226.2(g)
226.2(f)	226.2(h)
226.2(g)	226.2(i)
226.2(h)	226.2(k)
226.2(i)	226.2(n)
226.2(j)	226.2(o)
226.2(k)	226.2(p)
226.2(l)	226.2(q)
226.2(m)	226.2(s)
226.2(n)	226.2(t)
226.2(o)	226.2(u)
226.2(p)	226.2(v)
226.2(q)	226.2(w)
226.2(r)	226.2(x)
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226.2(u)	226.2(aa)
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226.2(y)	226.2(ff)
226.2(z)	226.2(gg)
226.2(aa)	226.2(hh)
226.2(bb)	226.2(jj)
226.2(cc)	226.2(kk)
226.2(dd)	226.2(ll)

3. To implement sections 103 and 161, in § 226.2, redesignated paragraphs (h), (p), (q), (s), (u), and (x) are revised and new paragraphs (j) and (cc) are added as set forth below:

§ 226.2 Definitions and rules of construction.

* * * * *

(h) "Arrange for the extension of credit" means to provide or offer to provide consumer credit which is or will be extended by another person under a business or other relationship pursuant to which the person arranging such credit.

(1) Receives or will receive a fee, compensation, or other consideration for such service, or

(2) Has knowledge of the credit terms and participates in the preparation of the contract documents required in connection with the extension of credit.

It does not include honoring a credit card or similar device where no finance charge is imposed at the time of that transaction.

* * * * *

(j) "Billing error" means:

(1) A reflection on or with a periodic statement of an extension of credit which (i) was not made to the customer, or (ii) was made to a person who did not have actual, implied, or apparent authority of the customer to use the account and from which use the customer received no benefit, or (iii) if made, was misidentified, insufficiently identified, or was not in the amount indicated or on the date specified on or with the periodic statement, or

(2) A reflection on a periodic statement of an extension of credit or indebtedness for which the customer requests explanation or clarification, including requests for copies of documentary evidence of the indebtedness reflected thereon, or

(3) A reflection on a periodic statement of an extension of credit for property or services not accepted by the customer or his designee, or not delivered to the customer or his designee in accordance with any agreement made in connection with the transaction,[1] or

(4) Any failure to properly reflect on a periodic statement, a payment or other credit to the customer's account, or

(5) A computational error or similar error of an accounting nature made by the creditor on a periodic statement, including errors in computing finance charges, late payment charges, or other charges, or

(6) A failure to mail or deliver a customer's periodic statement to his current designated address, if the creditor has received notification of any change of address at least 10 days prior to the closing date of the billing cycle for which the periodic statement was incorrectly mailed or delivered.

* * * * *

(p) "Consumer credit" means credit offered or extended to a natural person, in which the money, property, or service which is the subject of the transaction is primarily for personal, family, household, or agricultural purposes. "Consumer loan" is one type of "consumer credit."

(q) "Credit" means the right granted by a creditor to a customer to defer payment of debt, incur debt and defer its payment, or purchase property or services and defer payment therefor. (See also paragraph (jj) of this section.)

* * * * *

(s) "Creditor" means a person who in the ordinary course of business regularly extends or arranges for the extension of consumer credit, or offers to extend or arrange for the extension of such credit, which is payable by agreement in more than four instalments, or for which the payment of a finance charge is or may be required, whether in connection with loans, sales of property or services, or otherwise. For purposes of the requirements of §§ 226.7(a) (6), (7), (8), and (9); 226.7(b)(1) (i), (ii), (iii), (ix), and (x); 226.7(b)(2); 226.7 (c), (d), (f), (g), (h), and (i); 226.13; and 226.14, the term "creditor" shall also include card issuers, whether or not the payment of a finance charge is or may be required. For purposes of the requirements of §§ 226.4(i) and 226.13(k) the term "creditor" shall include any person who honors a credit card.

* * * * *

(u) "Customer" means (1) a cardholder or (2) a natural person to whom consumer credit is offered or to whom it is or will be extended, and includes a comaker, endorser, guarantor, or surety for such natural person who is or may be obligated to repay the extension of consumer credit.

* * * * *

(x) "Open end credit" means consumer credit extended on an account pursuant to a plan under which (1) the creditor may permit the customer to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device, as the plan may provide; (2) the customer has the privilege of paying the balance in full or in instalments; and (3) a finance charge may be computed by the creditor from to time on an outstanding unpaid balance. For purposes of the requirements of §§ 226.7(a) (6), (7), (8), and (9); 226.7(b)(1) (i), (ii), (iii), (ix), and (x); 226.7(b)(2); 226.7 (c), (d), (f), (g), (h), and (i); 226.13 (i), (j), and (k); and 226.14, the term includes consumer credit extended on an account by use of a credit card, whether or not a finance charge may be imposed. The term does not include negotiated advances under an open end real estate mortgage or a letter of credit.

* * * * *

(cc) "Proper written notification of a billing error" is any written notification (other than notice on a payment medium or other material accompanying the periodic statement if the creditor so stipulates in the disclosure required by § 226.7 (a)(9), (d), and (i)) received at the address disclosed under § 226.7(b)(1)(x) within 60 days of the first mailing or delivering to the customer's current designated address (as required in § 226.7 (b)) of the periodic statement on which the disputed item(s) or amount(s) is reflected in which the customer—

(1) Sets forth or otherwise enables the creditor to identify the name and account number (if any) of the customer,

(2) Indicates the customer's belief that the periodic statement contains a billing error and the suspected amount of such error, and

(3) Sets forth the reasons for such belief to the extent applicable or known by the customer.

* * * * *

§ 226.3 [Amended]

4. Footnote in § 226.3 is redesignated as follows:

Footnote 1 is redesignated 1a, footnote 1a is redesignated 1b, and new footnote 1 is added as set forth in § 226.2(j)(3) *supra*.

5. To implement section 167, § 226.4(i) is added as follows:

§ 226.4 Determination of finance charge.

* * * * *

(i) *Discounts for payments in cash.* (1) Notwithstanding any other provision of this section, a discount which a creditor offers, allows, or otherwise makes available for the purpose of inducing payment for a purchase by cash, check, or similar means rather than by use of an open-end credit card account, whether or not a credit card is physically used, is not a finance charge, *Provided*, That:

(i) Such discount does not exceed five percent when computed or expressed as a percentage of the tag, posted, or advertised price of the property or services which are the subject of the transaction,

(ii) Such discount is available to all prospective buyers, whether or not they are cardholders, and such fact is clearly and conspicuously disclosed by a sign or display posted at or near each public entrance to the seller's place of business wherein such discount is offered, and at all locations within the place of business where a purchase may be paid for, and

(iii) If an offer of property or services is advertised in any medium or if offers are invited or accepted through the mail, over the telephone, or by means other than personal contact between the customer and the creditor offering such a discount, and if customers are allowed to pay by use of a credit card or its underlying account and such fact is disclosed in the advertisement, telephone contact, or in other correspondence, the

[1] The delivery of property or services different from that described in any agreement, the delivery of the wrong quantity, late delivery, or delivery to the wrong location shall be considered to be a billing error subject to this paragraph, but any dispute with respect to the quality of property in the physical possession of the customer or services performed for the customer shall not be considered to be a billing error under this paragraph.

availability of a discount for payments in cash must be clearly and conspicuously disclosed in any advertisement for such offerings and, in any case, before the transaction has been completed by use of the credit card or its underlying account.

(2) With respect to any such discount for cash which is greater than five per cent, the total amount of such discount shall constitute a finance charge under § 226.4(a) to be disclosed in accordance with § 226.7(e).

(3) The availability of any discount may be limited by the creditor offering such discount to certain types of property or services or to certain outlets maintained by that creditor provided that such limitations are clearly and conspicuously disclosed.

(4) Notwithstanding anything contained in the foregoing paragraph to the contrary, any amount added to the tag, posted, or advertised price of property or services offered by a creditor which is imposed by such creditor as a condition or consequence of the use of the credit card with respect to a transaction involving such property and services, shall be a finance charge subject to the requirements of this section and § 226.7 (e).

6. To implement section 171(a) and to provide a transition period to obtain new forms, § 226.6 is amended as follows:

§ 226.6 General disclosure requirements.

* * * * *

(b) *Inconsistent State requirements.* (1) With respect to the requirements of this part, State law is inconsistent with the requirements of the Act and this part, within the meaning of section 111(a) of the Act to the extent that it:

(i) Requires a creditor to make disclosures or take actions different from the requirements of this part with respect to form, content, terminology, or time of delivery;

(ii) Requires disclosure of the amount of the finance charge determined in any manner other than that prescribed in § 226.4; or

(iii) Requires disclosure of the annual percentage rate of the finance charge determined in any manner other than that prescribed in § 226.5.

(2)(i) A State law with respect to credit billing practices which is similar in nature, purpose, scope, intent, effect, or requisites of the provisions of sections 161 or 162, or both of the Act is inconsistent with the Act and this part within the meaning of section 171(a) of the Act, and is preempted, if it provides procedures or imposes rights or responsibilities upon either customers or creditors which are different from those required by sections 161 or 162, or both, of the Act and their implementing provisions in this part; except that, any such State law which allows a customer to make inquiry concerning an open end credit account and imposes upon the creditor an obligation to respond to such an inquiry after the time allowed in this part for the customer to submit a proper written notification of a billing error shall not be preempted as to any situation in which the time period for making a proper written notification of a billing error as provided in this part has expired.

(ii) A State law which is similar in nature, purpose, scope, intent, effect, or requisites of a section of Chapter 4 of the Act other than sections 161 or 162 is not inconsistent with the Act or this part within the meaning of section 171(a) of the Act if the creditor can comply with the State law without violating this part. If the creditor cannot comply with a State law without violating a provision of this part which implements a section of Chapter 4 of the Act other than sections 161 or 162, such State law is inconsistent with the requirements of the Act and this Part within the meaning of section 171 (a) of the Act and is preempted.

(iii) A State law which requires disclosure or notification to customers of provisions of State law which are inconsistent with Chapter 4 of the Act and its implementing provisions in this part within the meaning of 171(a) of the Act is inconsistent with the Act and this part within the meaning of 111(a) and 171(a) of the Act, and the creditor shall not make such a disclosure or provide such a notice. When a creditor gives written notice to a customer of the customer's rights under any provision of State law which would permit a customer to inquire concerning an open end credit account after the time period allowed in this part for submission of a proper written notification of a billing error has expired, the creditor shall clearly and conspicuously set forth in the notice that relevance upon the longer time period available under State law may result in the customer losing important rights which could be preserved by acting more promptly under Federal law and that the State law provisions only become operative upon the expiration of the time period provided by this part for submitting a proper written notification of a billing error. If such a disclosure is made on the same side of a sheet of paper as the disclosures required by §§ 226.7 (a) (d), and (i), such State disclosures shall appear separately and below the disclosures required by §§ 226.7 (a) (d), and (i); the disclosures required by §§ 226.7 (a), (d), and (i) shall be clearly and conspicuously identified by a heading indicating they are made in compliance with Federal law and the disclosures of State law shall appear separately and below a conspicuous demarcation line.

(iv) A State, through its Governor, Attorney General, or other appropriate official having primary enforcement or interpretive responsibilities for its credit billing practices law, may apply to the Board for a determination that the State law offers greater protection to customers than a comparable provision(s) of Chapter 4 of the Act and its implementing provision(s) in this part, or is otherwise not inconsistent with Chapter 4 of the Act and this part, or for a determination with respect to any issues not clearly covered by § 226.6(b)(2) (i), (ii), (iii) as to the consistency or inconsistency of a State law with Chapter 4 of the Act or its implementing provisions in this part.

* * * * *

(k) *Transition period.* Any creditor who can demonstrate that he has taken bona fide steps, prior to October 28, 1975, to obtain printed forms which are necessary to comply with the requirements of this part may, until such forms are received but in no event later than April 30, 1976, utilize existing supplies of printed forms for the purpose of complying with the disclosure requirements of this part: *Provided*, That such forms are altered or supplemented as necessary to assure that all of the items of information the creditor is required to disclose to the customer are set forth clearly and conspicuously in every case except:

(1) Where a creditor has, prior to October 28, 1975, prepared the § 226.7(a) disclosures without the notice and statement required by § 226.7(a)(9) and dispersed them to remote locations, as in the case of mail order catalogs, the statement required by § 226.7(a)(9) may be made separately from the other § 226.7 (a) disclosures until April 30, 1976, so long as the § 226.7(a)(9) statement is mailed or delivered to the customer no later than the date the first payment is due. For the purpose of this paragraph the creditor may disregard the required notice in § 226.7(a)(9) until April 30, 1976;

(2) Where a creditor's forms must be adapted to comply with the disclosure requirements of § 226.7(b)(1)(x), the creditor need not supplement or alter his forms if there is only one address listed on or with the periodic statement. In the case where a creditor has more than one address listed on or with the periodic statement and the creditor has not complied with the requirements of § 226.7(b)(1)(x), the creditor must accept as properly received any proper written notification of a billing error at any of the addresses listed on or with the periodic statement. New forms which comply with the requirements of § 226.7 (b)(1)(x) must be in use no later than April 30, 1976;

(3) Where a creditor's forms must be adapted to comply with the disclosure requirements of § 226.7(g), the creditor need not supplement or alter his forms; however, complying forms must be in use no later than April 30, 1976;

(4) Where a creditor is disclosing inconsistent State law provisions within the meaning of section 171(a) of the Act and § 226.6(b)(2) or is making disclosures not in compliance with § 226.6 (b)(2)(iii) on or with the disclosure required by this part, the creditor need not alter or supplement his forms; however, complying forms must be in use not later than April 30, 1976; and

(5) Where, because of operational limitations, a creditor is unable to comply with the disclosure requirements in § 226.7(b)(1) (i) and (ix), which require appropriate identification of credit balances, or with the disclosure requirement in § 226.7(b)(1)(iii), which re-

quires the dates of payments and credits, the creditor need not supplement or alter his forms; however, complying forms and procedures must be in use not later than April 30, 1976.

7. To implement sections 127(a)(8), 127(b)(11), 127(c), 163, 164, 165, and 167, § 226.7 is amended as follows:

a. Paragraph (a)(9) is added as set forth below.

b. The text following the heading of paragraph (b) is redesignated as paragraph (b)(1).

c. Paragraphs (b)(1) through (9) are redesignated as paragraphs (b)(1)(i) through (ix).

d. Paragraph (b)(1)(x) is added as set forth below.

e. Redesignated paragraphs (b)(1)(i), (ii), (iii), (v), and (ix) are revised as set forth below.

f. Paragraph (b)(2) is added as set forth below.

g. Paragraphs (c)(1) and (2) are revised, and old paragraph (c)(3) is redesignated as paragraph (c)(4). New paragraph (c)(3) is added.

h. Paragraphs (d) and (e) are redesignated as paragraphs (e) and (f); new paragraphs (d), (g), (h), and (i) are added. Redesignated paragraph (e) is revised as set forth below.

§ 226.7 Open end credit accounts—specific disclosures.

(a) * * *

(9) The following notice:

NOTICE: See accompanying statement for important information regarding your rights to dispute billing errors

and a separate statement containing substantially the following text,[46] as applicable, written clearly and conspicuously, shall accompany the statement required by paragraph (a) of this section; or the following text without the preceding notice may be included on the statement required by paragraph (a) of this section if disclosed clearly and conspicuously; or the following text may be included on the reverse side of the statement required by paragraph (a) of this section with the following notice on the face of the statement:

NOTICE: See reverse side for important information regarding your rights to dispute billing errors.

IN CASE OF ERRORS OR INQUIRIES ABOUT YOUR BILL

The Federal Truth in Lending Act requires prompt correction of billing mistakes.

1. If you want to preserve your rights under the Act, here's what to do if you think your bill is wrong or if you need more information about an item on your bill:

a. Do not write on the bill. On a separate sheet of paper write [*Alternate:* Write on the bill or other sheet of paper] (you may telephone your inquiry but *doing so will not preserve your rights under this law*) the following:

i. Your name and account number (if any).

ii. A description of the error and an explanation (to the extent you can explain) why you believe it is an error.

If you only need more information, explain the item you are not sure about and, if you wish, ask for evidence of the charge such as a copy of the charge slip. Do not send in your copy of a sales slip or other document unless you have a duplicate copy for your records.

iii. The dollar amount of the suspected error.

iv. Any other information (such as your address) which you think will help the creditor to identify you or the reason for your complaint or inquiry.

b. Send your billing error notice to the address on your bill which is listed after the words: "Send Inquiries To:" or similar wording. [*Alternate:* Send your billing error notice to: (creditor's name and address).]

Mail it as soon as you can, but in any case, early enough to reach the creditor within 60 days after the bill was mailed to you. If you have authorized your bank to automatically pay from your checking or savings account any credit card bills from that bank, you can stop or reverse payment on any amount you think is wrong by mailing your notice so the creditor receives it within 16 days after the bill was sent to you. However, you do not have to meet this 16-day deadline to get the creditor to investigate your billing error claim.

2. The creditor must acknowledge all letters pointing out possible errors within 30 days of receipt, unless the creditor is able to correct your bill during that 30 days. Within 90 days after receiving your letter, the creditor must either correct the error or explain why the creditor believes the bill was correct. Once the creditor has explained the bill, the creditor has no further obligation to you even though you still believe that there is an error, except as provided in paragraph 5 below.

3. After the creditor has been notified, neither the creditor nor an attorney nor a collection agency may send you collection letters or take other collection action with respect to the amount in dispute; but periodic statements may be sent to you, and the disputed amount can be applied against your credit limit. You cannot be threatened with damage to your credit rating or sued for the amount in question, nor can the disputed amount be reported to a credit bureau or to other creditors as delinquent until the creditor has answered your inquiry. *However, you remain obligated to pay the parts of your bill not in dispute.*

4. If it is determined that the creditor has made a mistake on your bill, you will not have to pay any finance charges on any disputed amount. If it turns out that the creditor has not made an error, you may have to pay finance charges on the amount in dispute, and you will have to make up any missed minimum or required payments on the disputed amount. Unless you have agreed that your bill was correct, the creditor must sent you a written notification of what you owe; and if it is determined that the creditor did make a mistake in billing the disputed amount, you must be given the time to pay which you normally are given to pay undisputed amounts before any more finance charges or late payment charges on the disputed amount can be charged to you.

5. If the creditor's explanation does not satisfy you and you notify the creditor *in writing* within *10* days after you receive his explanation that you still refuse to pay the disputed amount, the creditor may report you to credit bureaus and other creditors and may pursue regular collection procedures. But the creditor must also report that you think you do not owe the money, and the creditor must let you know to whom such reports were made. Once the matter has been settled between you and the creditor, the creditor must notify those to whom the creditor reported you as delinquent of the subsequent resolution.

6. If the creditor does not follow these rules, the creditor is not allowed to collect the first $50 of the disputed amount and finance charges, even if the bill turns out to be correct.

7. If you have a problem with property or services purchased with a credit card, you may have the right not to pay the remaining amount due on them, if you first try in good faith to return them or give the merchant a chance to correct the problem. There are two limitations on this right:

a. You must have bought them in your home state or if not within your home state within 100 miles of your current mailing address; and

b. The purchase price must have been more than $50.

However, these limitations do not apply if the merchant is owned or operated by the creditor, or if the creditor mailed you the advertisement for the property or services.

(b) *Periodic statements required.* (1) Except in the case of an account which the creditor deems to be uncollectible or with respect to which delinquency collection procedures have been instituted, the creditor of any open end credit account shall mail or deliver to the customer, for each billing cycle at the end of which there is an outstanding undisputed debit or credit balance in excess of $1 in that account or with respect to which a finance charge is imposed, a statement or statements which the customer may retain, setting forth in accordance with paragraph (c) of this section each of the following items to the extent applicable:

(i) The outstanding balance in the account at the beginning of the billing cycle, using the term "previous balance," and in the case of a credit balance, an appropriate identification as such.

(ii) (A) In cases in which an actual copy of the document evidencing the credit transaction (which does not include a so-called "facsimile draft") accompanies the periodic statement on which the transaction is first reflected, the amount of the transaction and either the date of the transaction or the date the transaction is debited to the customer's account; or

(B) In cases in which an actual copy of the document evidencing the credit transaction does not accompany the periodic statement, then on or with the periodic statement on which the credit transaction is first reflected at least:

(*1*) The date on which the transaction took place[7] and the amount of the transaction; and

(2) A brief identification[7a] of the

[46] Wherever the word "creditor" appears or is referred to in the statement, the creditor may substitute appropriate references, such as "company," "bank," "we" or a specific name.

[7] With respect to transactions which are not billed in full on any single statement but for which precomputed instalments are billed periodically, the date the transaction takes place for purposes of this paragraph shall be deemed to be the date on which the amount is debited to the customer's account.

[7a] For purposes of this paragraph, designations such as "merchandise" or "miscellaneous" shall not be considered sufficient identification of property or services, but a reference to a department in a sales establishment which accurately conveys the identification of the type(s) of property or services which are available in such department shall be sufficient under this paragraph. Identification may be made on an accompanying slip or by symbol relating to an identification list printed on the statement.

property or services purchased in cases in which the creditor and the seller are the same person or related persons, or the seller's name (as disclosed on the document evidencing the transaction provided to the customer) and the address (city and state or foreign country, using understandable and generally accepted abbreviations if the creditor so desires) where the transaction took place in cases in which the creditor and the seller are not the same person or related persons.

(C) Notwithstanding the provisions of §§ 226.7(b)(1)(ii)(A) and 226.7(b)(1)(ii)(B), in cases in which a transaction involving nonsale credit, such as a cash advance or an overdraft or other checking plan transaction, is reflected on the periodic statement, at least:

(1) An actual copy of the document evidencing the transaction which shows the dollar amount of the transaction and either the date of the transaction, the date the transaction was debited to the customer's account, or the date placed on the document or instrument by the customer (if the customer signed the document or instrument); or

(2) An identification of the transaction, which characterizes it as a cash advance, loan, overdraft loan, or other designation as appropriate, and which includes the amount and the date of the transaction [75] or the date which appears on the document evidencing the transaction (if the customer signed the document or instrument).

(D) In a case in which any of the information with regard to the date of the transaction, the date placed on a document signed by the customer, the description of the property and services purchased, or the seller's name and address as required by §§ 226.7(b)(1)(ii)(B) and 226.7(b)(1)(ii)(C) is not available to the creditor, an identifying number or symbol which appears on the document evidencing the credit transaction given to or used by the customer at the time of or in connection with the transaction. The provisions of the first sentence of this paragraph shall not relieve the creditor of responsibility for maintaining procedures reasonably adapted to enable the creditor to obtain the primarily required information at the time the amount of the transaction is transmitted to the creditor for debiting to the customer's account.

(E) In complying with the disclosure requirements of paragraphs (b)(1)(ii)(A), (B), (C), and (D) of this section:

(1) In cases in which the creditor and the seller are not the same or related persons,[76] the creditor may rely upon and disclose the information supplied by the seller with respect to the date and amount of the transaction.

(2) Notwithstanding the provisions of paragraph (b)(1)(ii)(D) of this section, from July 1, 1976, to October 28, 1977, the date of debiting the amount of the transaction to the customer's account may be substituted for the date of the transaction or the date placed on the document evidencing a credit transaction when either such date is unavailable to the creditor; and an identifying number or symbol which appears on the document evidencing the credit transaction given to or used by the customer at the time of or in connection with the transaction may be substituted for the seller's name and address or description of the property or services purchased when such information is unavailable to the creditor.

(3) The effective date of §§ 226.7(b)(1)(ii)(A) through 226.7(b)(1)(ii)(E)(2), inclusive, is July 1, 1976. Until July 1, 1976, the creditor shall disclose the date of each extension of credit or the date such extension of credit is debited to the account during the billing cycle, the amount of such extension of credit and, unless previously furnished, a brief identification [74] of any goods or services purchased or other extension of credit.

(iii) The amounts and dates of crediting to the account during the billing cycle for payments, using the term "payments," and for other credits including returns, rebates of finance charges, and adjustments, using the term "credits," and unless previously furnished a brief identification [*] of each of the items included in such other credits.

* * * * *

(v) Each periodic rate, using the term "periodic rate" (or "rates"), that may be used to compute the finance charge (whether or not applied during the billing cycle), the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year. The words "corresponding annual percentage rate," "corresponding nominal annual percentage rate," "nominal annual percentage rate," or "annual percentage rate" (or "rates") may be used to describe the corresponding annual percentage rate. The requirements of § 226.6(a) with respect to disclosing the term "annual percentage rate" more conspicuously than other required terminology shall not be applicable to the disclosure made under this paragraph, although such term (or words incorporating such term) may, at the creditor's option, be shown as conspicuously as the terminology required under paragraph (b)(1)(vi) of this section. Where a minimum charge may be applicable to the account, the amount of such minimum charge shall be disclosed.[75]

* * * * *

(ix) The closing date of the billing cycle and the outstanding balance in the account on that date, using the term "new balance," and in the case of a credit balance, appropriately identified as such, accompanied by the statement of the date by which, or the period within which, if any, payment must be made to avoid additional finance charges, except that the creditor may, at his option and without disclosure, impose no such additional finance charges if payment is received after such date or termination of such period.

(x) An address to be used by the creditor for the purpose of receiving billing inquiries from customers. Such address shall be preceded by the caption "Send Inquiries To:", or other similar language indicating that the address is the proper location to send such inquiries.

(2) If the terms of the open end credit plan provide a time period within which the customer may repay any portion of the new balance without incurring an additional finance charge, late payment charge, or other charge, no such charge may be imposed with respect to any portion of such new balance unless the periodic statement disclosing the new balance is mailed or delivered to the customer at least 14 days prior to the date specified in the statement as being the date by which payment of the new balance must be made in order to avoid the imposition of that finance charge or late payment charge, except that such time limitation shall not apply in any case where the creditor has been prevented, delayed, or hindered in mailing or delivering the periodic statement within such time limit because of an act of God, war, civil disorder, natural disaster, or strike.

(c) * * *

(1) The information required to be disclosed under paragraph (b)(1)(ii) of

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[75] In cases in which an amount is debited to a customer's open end credit account under an overdraft checking plan, the date of debiting the open end credit account shall be considered the date of the transaction for purposes of this paragraph.

[76] For purposes of this paragraph, a person is not related to the creditor simply because he and the creditor have an agreement or contract pursuant to which he is authorized to honor the creditor's credit card under the terms specified in the agreement or contract. Franchised or licensed sellers of a creditor's product shall be considered to be related to the creditor for purposes of this paragraph. Sellers who assign or sell open end customer sales accounts to a creditor or arrange for such credit under an open end credit plan which allows the customer to use the credit only in transactions with that seller shall be considered related to the creditor for purposes of this paragraph.

[74] Identification may be made on an accompanying slip or by symbol relating to an identification list printed on the statement.

[*] Identification may be made on an accompanying slip or by symbol relating to an identification list printed on the statement.

this section and itemization of the amounts and dates required to be disclosed under paragraph (b)(1)(iii) of this section and of the amount of any finance charge required to be disclosed under paragraph (b)(1)(iv) of this section may be made on the reverse side of the periodic statement or on a separate accompanying statement(s): *Provided*, That the totals of debits and credits are disclosed on the face of the periodic statement; and

(2) The disclosures required under paragraphs (b)(1)(v) and (b)(1)(viii) of this section, except the disclosure of the balance on which the finance charge was computed, may be made on the reverse side of the periodic statement or on the face of a single supplemental statement which shall accompany the periodic statement.

(3) The disclosure required by paragraph (b)(1)(x) of this section may be made on the reverse side of the periodic statement.

(4) If the creditor exercises any of the options provided under this paragraph, the face of the periodic statement shall contain one of the following notices, as applicable: "*NOTICE:* See reverse side for important information" or "*NOTICE:* See accompanying statement(s) for important information" or "*NOTICE:* See reverse side and accompanying statement(s) for important information," and the disclosures shall not be separated so as to confuse or mislead the customer or to obscure or detract attention from the information required to be disclosed.

(d) *Semiannual statement required.* (1) The creditor shall mail or deliver during two billing cycles per year to each customer entitled to receive a periodic statement under § 226.7(b) for such billing cycle, the statement required by § 226.7(a)(9), written clearly and conspicuously either on one or both sides of a separate page or on one or both sides of the periodic statement required by paragraph (b) of this section.

(2) The timing of the mailing or delivery of such semiannual statements shall be not less than 5 nor more than 7 months after the month in which the last preceding such statement was mailed or delivered: *Provided*, That:

(i) The creditor shall select at least 2 billing cycles in any 12 month calendar period for the mailing or delivery of such statements; and

(ii) The first semiannual statement to any new customer may be mailed or delivered to that customer during the next regularly scheduled mailing or delivery of semiannual statements in which he is entitled to receive a semiannual statement under paragraph (d)(1) of this section.

(3) If the creditor chooses to alter the cycle of mailing or delivering semiannual statements, the creditor may mail or deliver the semiannual statement less than 5 months after the last preceding such statement was mailed or delivered: *Provided*, That the creditor mails or delivers at least 3 such statements in the next twelve months computed from the month in which the last preceding semiannual statement was mailed or delivered.

(4) Nothing in this section shall be construed to prohibit a creditor from mailing or delivering the statement required by this section more frequently than semiannually.

(5) As an alternative to the requirements of paragraph (d)(1) of this section, the creditor may mail or deliver, on or with each periodic statement required under paragraph (b)(1) of this section, substantially the following statement and, if applicable, the periodic statement must contain one of the notices provided for in paragraph (c)(4) of this section, provided that the creditor must promptly but in no event later than 30 days, mail or deliver to a customer the statement required by § 226.7(a)(9) at any time upon a customer's request and also upon receipt of each billing error notice mailed or delivered to the creditor by a customer:

IN CASE OF ERRORS OR INQUIRIES ABOUT YOUR BILL

Send your inquiry in writing [*at creditor's option:* on a separate sheet] so that the creditor receives it within 60 days after the bill was mailed to you. Your written inquiry must include:

1. Your name and account number (if any);

2. A description of the error and why (to the extent you can explain) you believe it is an error; and

3. The dollar amount of the suspected error.

If you have authorized your creditor to automatically pay your bill from your checking or savings account, you can stop or reverse payment on any amount you think is wrong by mailing your notice so that the creditor receives it within 16 days after the bill was sent to you.

You remain obligated to pay the parts of your bill not in dispute, but you do not have to pay any amount in dispute during the time the creditor is resolving the dispute. During that same time, the creditor may not take any action to collect disputed amounts or report disputed amounts as delinquent.

If you have a problem with property or services purchased with a credit card, you may have the right not to pay the remaining amount due on them if you first try in good faith to return them or give the merchant a chance to correct the problem. There are two limitations on this right:

1. You must have bought them in your home state or, if not within your home state, within 100 miles of your current mailing address; and

2. The purchase price must have been more than $50.

However, these limitations do not apply if the merchant is owned or operated by the creditor, or if the creditor mailed you the advertisement for the property or services.

This is a summary of your rights; a full statement of your rights and the creditor's responsibilities under the Federal Fair Credit Billing Act will be sent to you both upon request and in response to a billing error notice.

(e) *Finance charge imposed at the time of transaction.* (1) Any creditor, other than the creditor of the open end credit account, who imposes a finance charge not expected by § 226.4(i) *Discounts for payments in cash*, at the time of honoring a customer's credit card, shall make the disclosures required under paragraphs (b)(2) and (d) of § 226.8 *Credit other than open end—specific disclosures*, at the time of that transaction, and the annual percentage rate to be disclosed shall be determined by dividing the amount of the finance charge by the amount financed and multiplying the quotient (expressed as a percentage) by 12.

(2) The creditor of the open end credit account shall not separately consider any charge imposed under this paragraph for purposes of the disclosure requirements of paragraphs (a) and (b) of this section.

* * * * *

(g) *Prompt crediting of payments.* Regardless of the date of actual posting of a payment to an account, such payment shall be credited to the customer's account as of the date such payment is received by the creditor, and no finance charge, late payment charge, or other charge shall be imposed with respect to the amount of such payment which is properly received by the creditor on or before the time indicated by the creditor as necessary to avoid imposition thereof: *Provided*, That:

(1) If a creditor fails to post the customer's payment in time to avoid the imposition of finance charges, late payment charges, or other charges, the creditor shall adjust the customer's account so that the finance charges, late payment charges, or other charges are credited to the account during the customer's next billing cycle.

(2) For the purposes of paragraph (g) of this section the creditor may specify on the periodic statement or on accompanying material that need not be retained by the customer, reasonable requirements with respect to the form, amount, manner, location, and time for receipt of payments, except that:

(i) If no particular hour of the day has been clearly specified by the creditor as the time by which payment must be received by the creditor in order to obtain crediting to the customer's account as of that date, payments received prior to the close of business on that day must be credited as of that date;

(ii) If no location(s) has been clearly specified as the location(s) at which payment may be made, then payment at any location where the creditor conducts business shall be credited as of the date such payment is presented; and

(iii) If no particular manner of payment has been clearly specified, then payment by check, cash, money order, bank draft or other similar instrument in properly negotiable form shall constitute proper manner of payment.

(3) If the creditor accepts payment at locations other than those specified under paragraph (g)(2)(ii) of this section, the creditor shall credit the customer's account promptly (in no case later than 5 days from the date of receipt): *Provided*, That the possibility of such delay is clearly disclosed to the customer on the periodic statement or on accompanying

material that need not be retained by the customer.

(4) Payments need not be credited as of the date of receipt (but in any case must be credited promptly) if a delay in crediting does not result in the imposition of any finance charges, late payment charges, or other charges for that billing cycle or a later billing cycle.

(5) If, because of operational limitations, the creditor is unable to credit a payment made on an average daily balance or daily balance account as of the date of receipt and there was a "previous balance" in the account for the billing cycle in which such payment was received, or the account is one in which the terms do not provide a time period within which the customer may repay any portion of the new balance without incurring an additional finance charge, late payment charge, or other charge, a creditor may credit such payment promptly (in no case later than 5 days from the date of receipt) until October 28, 1976.

(h) *Crediting and refunding excess payments.* (1) Whenever a customer mails or delivers payment to the creditor in excess of the new balance (as provided in § 226.7(b)(1)(ix)) to which the payment is to be applied, the creditor shall:

(i) Credit the customer's account with the total amount of the payment as specified in paragraph (g) of this section, or

(ii) Credit the customer's account with an amount equal to the total new balance as specified in paragraph (g) of this section and promptly (in no case later than 5 business days from the creditor's receipt of the payment) refund the excess amount.

(2) Notwithstanding the provisions of paragraph (h)(1) of this section, if the customer requests in writing a refund of any excess payments, a creditor shall refund any such excess payments, of $1 or more, promptly (in no case later than 5 business days from receipt of the customer's request).

(3) After crediting a customer's account with the total amount of a payment under paragraph (h)(1)(i) of this section, a creditor may refund any excess payment of any amount, whether or not requested by the customer.

(i) *Open end credit accounts existing on October 28, 1975.* In the case of any open end credit account in existence and in which a balance of more than $1 is outstanding at or after the closing date of the creditor's first full billing cycle after October 28, 1975, and which account is deemed to be collectible and with respect to which delinquency collection procedures have not been instituted, the items described in paragraph (a) of this section, to the extent applicable and not previously required to be disclosed to the customer, shall be disclosed in the form prescribed in paragraph (a) of this section, and mailed or delivered to the customer not later than the time of mailing or delivery of the periodic statement required under paragraph (b) of this section for that billing cycle.

8. To implement section 103(f) and to clarify certain disclosure requirements with respect to credit other than open end which is extended on an account by use of a credit card, §§ 226.8 (n) and (o)(6) are revised and § 226.8(q) is added as follows:

§ 226.8 Credit other than open end—specific disclosures.

* * * * *

(n) *Periodic statements.* (1) If a creditor transmits a periodic billing statement[33] other than a delinquency notice, payment coupon book, or payment passbook, or transmits a statement, billing, or advice relating exclusively to amounts to be paid by the customer as escrows for payment of taxes, insurance, and water, sewer, and land rents, it shall be in a form which the customer may retain and shall set forth:

(i) The annual percentage rate or rates unless exempted by § 226.8(b)(2); and

(ii) The date by which, or the period, if any, within which payment must be made in order to avoid late payment or delinquency charges.

(2) If the creditor is required to send a periodic statement under paragraph (q) of this section, the requirements of §§ 226.7(b)(1) (i), (ii), (iii), (ix), and (x), and § 226.7(b)(2) shall be met, as applicable, to the disclosures required by this paragraph.

(o) * * *

* * * * *

(6) If a transaction subject to § 226.8 (o) is debited to an open end credit account, disclosures shall be made as specified in paragraph (l) of this section and also as specified in § 226.7. The full amount of the obligation including the amount of the discount may be debited to the open end credit account, under § 226.7(b)(1)(ii), and the amount of any finance charge representing the discount need not be added to any other finance charge for the purpose of computing and disclosing the total amount of finance charge and the annual percentage rate under §§ 226.5(a) and 226.7.[33a]

* * * * *

(q) *Credit card accounts.* In addition to the requirements of this section, consumer credit other than open end which is extended on an account by use of a credit card shall also be subject to the requirements of §§ 226.7(a) (6), (7), (8), and (9); 226.7(b)(1) (i), (ii), (iii), (ix), and (x); 226.7(b)(2); 226.7 (c), (d), (g), (h), and (i); 226.13 (i), (j), and (k); and 226.14.

9. Section 226.11a (2) and (3) is revised as follows:

§ 226.11 Comparative index of credit cost for open end credit.

(a) * * *

* * * * *

(2) Shall recompute the Comparative Index of Credit Cost in accordance with paragraph (b) of this section based upon any new open end credit account terms to be adopted and shall disclose the new Comparative Index of Credit Cost in accordance with paragraph (c)(2) of this section concurrently with the notice required under paragraph (f) of § 226.7.

(3) Shall, when making such disclosure under the provisions of paragraphs (a)(5) and (b)(1)(vii) of § 226.7, make the disclosure to all open end credit account customers; and

* * * * *

10. To implement section 171, § 226.12 (a) and (b) is revised as follows:

§ 226.12 Exemption of certain State regulated transactions.

(a) *Exemption for State regulated transactions.* In accordance with the provisions of Supplements II, IV, and V to Regulation Z, any State may make application to the Board for exemption of any class of transactions within the State from the requirements of Chapters 2 and 4 of the Act and the corresponding provisions of this part: *Provided,* That:

(1) The Board determines that under the law of that State, that class of transactions is subject to requirements substantially similar to those imposed under Chapter 2 or Chapter 4 of the Act, or both, and the corresponding provisions of this part; or in the case of Chapter 4, the consumer is afforded greater protection than is afforded under Chapter 4 of the Act, and

(2) There is adequate provision for enforcement.

(b) *Procedures and criteria.* The procedures and criteria under which any State may apply for the determination provided for in paragraph (a) of this section are set forth in Supplement II to Regulation Z with respect to disclosure and rescission requirements (sections 121–131 of Chapter 2), Supplement IV with respect to the prohibition of the issuance of unsolicited credit cards and the liability of the cardholder for unauthorized use of a credit card (sections 132–133 of Chapter 2), and in Supplement V which will be issued on or before October 28, 1975, with respect to fair credit billing requirements (sections 161–171 of Chapter 4).

* * * * *

11. To implement §§ 166, 167, 168, 169, and 170, § 226.13 is amended as follows:

a. Paragraphs (a) (1) through (4), and (a) (6) and (7), are incorporated into § 226.2 as shown in the redesignation table of paragraph 2 above.

b. Paragraph (a)(5) is deleted.

c. Paragraphs (b) through (i) are redesignated as paragraphs (a) through (h).

d. Paragraphs (a) through (h) are revised and paragraphs (i), (j), (k), and (l) are added as set forth below.

§ 226.13 Credit card transactions—special requirements.

(a) *Issuance of credit cards.* Regardless of whether a credit card is to be used for personal, family, household, agricul-

[33] Any statement, notice, or reminder of payment due on any transaction payable in instalments which is mailed or delivered periodically to the customer in advance of the due date of the instalment shall be a periodic billing statement for the purpose of this paragraph.

tural, business, or commercial purposes, no credit card shall be issued to any person except:

(1) In response to a request or application therefor, or

(2) As a renewal of, or in substitution for, an accepted credit card whether such card is issued by the same or a successor card issuer.

(b) *Conditions of liability of cardholder.* A cardholder shall be liable for unauthorized use of each credit card issued only if,

(1) The credit card is an accepted credit card;

(2) Such liability does not exceed the lesser of $50 or the amount of money, property, labor, or services obtained by such use prior to notification of the card issuer pursuant to paragraph (e) of this section;

(3) The card issuer has given adequate notice to the cardholder of his potential liability on the credit card within two years preceding the unauthorized use; and

(4) The card issuer has provided the cardholder with an addressed notification requiring no postsage to be paid by the cardholder which may be mailed by the cardholder in the event of the loss, theft, or possible unauthorized use of the credit card.

(c) *Other conditions of liability.* In addition to the conditions of liability in paragraph (b) of this section, no cardholder shall be liable for the unauthorized use of any credit card which was issued after January 24, 1971, and, regardless of the date of its issuance, after January 24, 1972, no cardholder shall be liable for the unauthorized use of any credit card, unless the card issuer has provided a method whereby the user of such card can be identified as the person authorized to use it, such as by signature, photograph, or fingerprint on the credit card or by electronic or mechanical confirmation.

(d) *Notice to cardholder.* The notice to cardholder pursuant to paragraph (b)(3) of this section may be given by printing the notice on the credit card, or by any other means reasonably assuring the receipt thereof by the cardholder. An acceptable form of notice must state that liability shall not exceed $50 (or any lesser amount), that notice of loss, theft, or possible unauthorized use may be given orally or in writing, and the name and address of the party to receive the notice. It may include any additional information which is not inconsistent with the provisions of this section. An example of an acceptable notice is as follows:

You may be liable for the unauthorized use of your credit card [*or other term which describes the credit device*]. You will not be liable for unauthorized use which occurs after you notify [*name of card issuer or his designee*] at [*address*] orally or in writing of loss, theft, or possible unauthorized use. In any case liability shall not exceed [*insert $50 or any lesser amount under other applicable law or under any agreement with the cardholder*].

(e) *Notice to card issuer.* For the purposes of this section, a cardholder notifies a card issuer by taking such steps as may be reasonably required in the ordinary course of business to provide the card issuer with the pertinent information with respect to loss, theft, or possible unauthorized use of any credit card, whether or not any particular officer, employee, or agent of the card issuer does, in fact, receive such notice or information. Irrespective of the form of notice provided under paragraph (b)(4) of this section, at the option of the cardholder, notice may be given to the card issuer or his designee in person or by telephone or by letter, telegram, radiogram, cablegram, or, other written communication which sets forth the pertinent information. Notice by mail, telegram, radiogram, cablegram, or other written communication shall be considered given at the time of receipt or, whether or not received, at the expiration of the time ordinarily required for transmission, whichever is earlier.

(f) *Action to enforce liability.* In any action by a card issuer to enforce liability for the use of a credit card, the burden of proof is upon the card issuer to show that the use was authorized or, if the use was unauthorized, then the burden of proof is upon the card issuer to show that the conditions of liability for the unauthorized use of a credit card, as set forth in paragraphs (b) and (c) of this section, have been met.

(g) *Effect on other applicable law or agreement.* Nothing in this section imposes liability upon a cardholder for the unauthorized use of a credit card in excess of his liability for such use under other applicable law or under any agreement with the card issuer.

(h) *Business use of credit cards.* If 10 or more credit cards are issued by one card issuer for use by the employees of a single business or other organization, nothing in this section prohibits the card issuer from agreeing by contract with such business or other organization as to liability for unauthorized use of any such credit cards without regard to the provisions of this section, but in no case may any business or other organization or card issuer impose liability on any employee of such business or other organization with respect to unauthorized use of such credit card except in accordance with and subject to the other liability limitations of this section.

(i) *Right of cardholder to assert claims or defenses against card issuer.* (1) When a person who provides property or services fails to satisfactorily resolve a dispute as to property or services purchased by use of a credit card in connection with a consumer credit transaction, the cardholder may assert all claims (other than tort claims) and defenses arising out of the transaction and relating to such failure against the card issuer, and the cardholder may withhold payment up to the amount of credit outstanding with respect to the property or services which gave rise to the dispute and any finance charges, late payment charges, or other charges imposed on that amount if:

(i) The cardholder has made a good faith attempt to obtain satisfactory resolution of the disagreement or problem relating to the transaction from the person honoring the credit card,

(ii) The amount of credit extended by the card issuer to the cardholder to obtain the property or services which resulted in the assertion of the claim(s) or defense(s) by the cardholder exceeds $50, and

(iii) The initial transaction which gave rise to the assertion of the claim(s) or defense(s) by the cardholder occurred in the same State as the cardholder's current designated address or, if not within the State of the cardholder's address, within 100 miles from such address, except that the limitations stated in paragraphs (i)(1) (ii) and (iii) of this section shall not apply when the person honoring the credit card:

(A) Is the same person as the card issuer, or

(B) Is controlled, directly or indirectly, by the card issuer, or

(C) Is under the direct or indirect control of a third person who also directly or indirectly controls the card issuer, or

(D) Controls, directly or indirectly, the card issuer, or

(E) Is a franchised dealer in the card issuer's products or services, or

(F) Has obtained the order for the transaction, relative to which the claim(s) or defense(s) is asserted, through a mail solicitation made by or participated in by the card issuer, in which the cardholder is solicited to enter into such transaction by using the credit card issued by the card issuer. Simply honoring or indicating that a person honors a particular credit card is not any of the relationships described in paragraphs (i)(1)(iii) (A) through (F) of this section for the purpose of removing the dollar and distance limitations.

(2) The amount of the claim(s) or defense(s) assertable by the cardholder under this section may not exceed the amount of credit outstanding with respect to the transaction which gave rise to the assertion of the claim(s) or defense(s) at the time the cardholder first notifies the card issuer or the person honoring the credit card for such transaction of the existence of such claim(s) or defense(s). For purposes of determining the amount of credit outstanding with respect to such transactions as provided in the preceding sentence, payments and other credits to the cardholder's account will be deemed to have been applied in the order indicated to the payment of:

(i) Late charges in the order of entry to the account,

(ii) Finance charges in the order of entry to the account,

(iii) Any other debits in the order in which each debit entry was made to the account, and

(iv) When more than one item is included in a single extension of credit, credits are to be distributed pro rata according to prices and applicable taxes.

(3) This section does not apply to cash advances obtained with a credit card when the advance is unrelated to any specific credit sale item.

(4) If the cardholder refuses to pay the amount of credit outstanding with respect to the property or services which gave rise to the claim(s) or defense(s) under this section, the creditor may not report to any person that particular amount as delinquent until the dispute is settled or judgment is rendered.

(j) *Prohibition of offsets by card issuer.* (1) A card issuer may not take any action to offset a cardholder's indebtedness arising in connection with a consumer credit transaction under the relevant credit card plan against funds of the cardholder held on deposit with the card issuer unless a court order [16] is obtained.

(2) The prohibition in paragraph (j)(1) of this section does not apply to credit card plans in which the cardholder authorizes the card issuer as a method of payment to periodically deduct all or a portion of the cardholder's credit card debt from his deposit account with the card issuer (subject to the limitations in § 226.14(c)): *Provided*, That:

(i) Such automatic debit was previously authorized in writing by the cardholder, or

(ii) With respect to such automatic debit accounts in existence on October 28, 1975, the card issuer has given notice of the provisions of paragraph (j) of this section to such accounts prior to renewal of the authorization (in no case later than October 28, 1976).

(k) *Prompt notification of returns.* (1) When any creditor other than the card issuer accepts the return of property or forgives a debt for services which is to be reflected as a credit to the customer's open end credit card account, he shall promptly (in no case later than 7 business days from the date the return is accepted) transmit a statement with respect thereto to the card issuer through the normal channels established by the card issuer for the transmittal of such statements.

(2) Upon receipt of a credit statement, the card issuer shall credit the customer's account promptly (in no case later than 3 business days from receipt of the refund statement) with the amount of the refund.

(3) If it is a creditor's (other than a card issuer) policy to give cash refunds to cash customers, he must also give credit or cash refunds to credit card customers, unless he clearly and conspicuously discloses that he does not give credit or cash refunds for returns at the time the transaction is consummated. Nothing in this section shall be construed to require that a creditor give refunds for returns nor shall it be construed to prohibit refunds in kind.

[16] This paragraph does not alter or affect the right of a card issuer acting under State law to attach or otherwise levy upon funds of a cardholder held on deposit with the card issuer if that remedy is constitutionally available to creditors generally.

(l) *Prohibited acts of card issuers.* (1) No card issuer may, by contract or otherwise:

(i) Prohibit any person from offering any cash discounts to all customers of such person, including cardholder customers, to induce such customers to pay by cash, check, or similar means rather than by use of a credit card or its underlying account for the purchase of property or services, or

(ii) Require any person who honors the card issuer's credit card to open or maintain a deposit account or procure any other service not essential to the operation of the credit card plan from the card issuer, its subsidiary, agent, or any other person, as a condition of participation in a credit card plan.

(2) Within 30 days of the effective date of these regulations, any card issuer with existing contracts which include either one or both of the restrictive clauses prohibited in paragraph (1) of this section shall inform all parties to the contract that such provisions are inapplicable and no longer enforceable.

12. To implement sections 161, 162, and 170, § 226.14 is added as follows:

§ 226.14 Billing errors—resolution procedure.

(a) *Correction of billing errors.* After the creditor receives proper written notification of a billing error, unless the customer has subsequently agreed that the periodic statement is correct, the creditor shall:

(1) Not later than 30 days after receipt of such notification, mail or deliver written acknowledgment thereof to the customer's current designated address, unless the appropriate actions in paragraph (a)(2) of this section are taken within such 30 day period; and

(2) Resolve the dispute not later than 2 complete billing cycles (in no event more than 90 days) from the date of receipt of the notice of billing error and prior to any action by the creditor to collect [17] any portion of the amount(s) indicated by the customer as being a billing error or any finance charges, late payment charges, or other charges computed on such disputed amount(s) by:

(i) Correcting the customer's account in the full amount indicated by the customer to have been erroneously billed in accordance with paragraph (b)(2) of this section and mailing or delivering to the customer a written notification of corrections; [18] or

[17] If, despite the establishment by the creditor of procedures reasonably adapted to assure compliance with this paragraph, the creditor or his agent, within 2 business days after receiving proper written notification of a billing error pursuant to this section, inadvertently takes action to collect in contravention of this paragraph, such inadvertent action to collect will not be considered in violation of this paragraph.

[18] A notice on a subsequent billing statement clearly identifying any amount credited to the customer's account in response to a proper written notification of a billing error is one type of a proper transmittal of a written notification of corrections.

(ii) Correcting the customer's account by a differing amount from that indicated by the customer as being erroneously billed in accordance with paragraph (b)(2) of this section and mailing or delivering to the customer an explanation of the change(s), accompanied by copies of documentary evidence of the customer's indebtedness if such evidence is requested by the customer; or

(iii) Mailing or delivering a written explanation or clarification to the customer, after having conducted a reasonable investigation, setting forth, to the extent applicable, the reasons why the creditor believes the amount(s) was correctly shown on the periodic statement and, if the customer so requests, furnishing copies of documentary evidence of the customer's indebtedness with respect to the alleged billing error(s). In any case where the customer alleges that the periodic statement reflects property or services not delivered to the customer or his designee in accordance with any agreement made in connection with the transaction giving rise to the disputed amount, a creditor may not construe such amount to be correctly shown on the periodic statement unless the creditor determines, upon reasonable investigation, that such property or services were actually delivered, mailed, or otherwise sent to the customer or his designee and provides the customer with a written statement explaining such determination. In any case where the customer alleges that an amount of a transaction reflected on the periodic statement is incorrect because the person honoring the credit card has made an incorrect report to the card issuer of the amount which should have been charged, the card issuer may not construe such amount to be correctly reflected on the periodic statement unless the creditor determines, upon reasonable investigation, that the correct amount is shown on the periodic statement and provides the customer with a written statement explaining such determination. After complying with the provisions of this section with respect to an alleged billing error, a creditor has no further responsibility under this section if the customer continues to make substantially the same allegation with respect to such error.

(b) *Minimum periodic payments and finance charges on disputed amounts.* (1) When a minimum periodic payment is permitted, the customer may withhold that portion of the minimum periodic payment which the customer believes is related to the amount in dispute. When the disputed amount is only a part of the total amount of an item, the customer remains obligated to pay the amount not in dispute, and any minimum periodic payment and finance charges, late payment charges, or other charges may be collected on the undisputed amount. If, at the completion of the error resolution procedure, it is determined that the customer owes some or all of the disputed amount, the creditor may require payment of any minimum periodic payment amounts which the customer did not pay because of the

dispute. The creditor may not, however, accelerate the customer's entire debt solely because the customer has exercised rights provided by the Act or this part.

(2) With respect to an erroneous billing, the creditor must credit the customer's account in any amount the customer does not owe, plus any finance charges, late payment charges, or other charges imposed as a result of the erroneous billing. An erroneous billing by a creditor includes, but is not limited to, a misidentification, insufficient identification, or incorrect date of a transaction; a mailing of the periodic statement to other than the current designated address; improper crediting of payments or other credits; computation errors; or a billing for property or services not accepted or delivered in accordance with any agreement; as well as mistakes in dollar amounts.

(3) After or upon completion of the dispute resolution procedure prescribed by § 226.14(a):

(i) If the initial periodic statement is determined to be without error with regard to the disputed item, the creditor shall promptly mail or deliver to the customer written notification of the amount owed with regard to the disputed item, unless such notification is not required by paragraph (a) of this section, or

(ii) If the initial periodic statement is determined to be in error with regard to the disputed item and the creditor normally allows a period for the customer to pay such an item without incurring additional finance charges, late payment charges, or other charges, the creditor shall mail or deliver to the customer written notification of the total amount which the customer owes with regard to the disputed item and shall allow the customer the same number of days thereafter as he customarily or by credit agreement allows, whichever is longer (in no case less than 10 days), for the customer to pay undisputed amounts in accordance with § 226.7(b)(2), or

(iii) If the initial periodic statement is determined to be in error with regard to the disputed item and the creditor normally does not allow a period for the customer to pay such an item without incurring additional finance charges, late payment charges, or other charges, the creditor shall promptly mail or deliver to the customer a notice of the total amount which the customer owes with regard to the disputed item.

(4) Nothing in this section shall be construed to prohibit the mailing or delivery of periodic statements, which include disputed amounts, to the customer: *Provided*, That the creditor indicates on the face of the periodic statement that payment of the amount in dispute is not required pending the creditor's compliance with the provisions of this section.

(5) Nothing in this section shall prohibit any action by a creditor to collect any amount which has not been indicated by the customer to contain a billing error.

(c) *Automatic debit of disputed amounts.* (1) In the case of credit card plans where the cardholder has agreed to permit the card issuer to periodically pay the cardholder's indebtedness by deducting the appropriate amount from the cardholder's deposit account held by the card issuer, if the card issuer receives a proper written notification of a billing error within 16 days from the date of mailing or delivery of the periodic statement on which the suspected billing error first appears, the card issuer shall:

(i) Prevent the automatic debiting of any disputed amounts if receipt of such notification precedes the automatic debiting of the cardholder's account, or

(ii) Promptly (in no case more than 2 business days after receipt of the notice) restore to the cardholder's deposit account any portion of the disputed amount which was previously deducted, if receipt of such notification follows the automatic debiting of the cardholder's account for any disputed amounts.

(2) Nothing in this paragraph shall limit the cardholder's right to dispute an amount he believes to be in error within 60 days of the mailing or delivery of the erroneous periodic statement, as otherwise provided in this section.

(d) *Closing of accounts.* A creditor may not, prior to complying with the requirements of paragraphs (a) and (b) of this section, restrict or close an account with respect to which the customer has indicated a belief that such account contains a billing error solely because of the customer's refusal or failure to pay the amount indicated to be in error. This paragraph does not prohibit the creditor from applying any such amount to the customer's credit limitation.

(e) *Credit reports on amounts in dispute.* (1) After receiving a proper written notification of a billing error pursuant to this section, neither the creditor nor his agent may directly or indirectly threaten to report adversely to any person on the customer's credit standing or credit rating because of the customer's failure to pay the amount specified in such notification as being a billing error, or any finance charges, late payment charges, or other charges imposed thereon, nor shall such amount be reported as delinquent[19] to any third person unless such amount remains unpaid after the creditor has complied with all the requirements of this section and has allowed that customer the same number of days thereafter as he customarily or by credit agreement allows, whichever is longer (in no case less than 10 days), for the customer to pay undisputed amounts so as to avoid the imposition of additional finance charges, late payment charges, or other charges. If, despite establishment by the creditor of procedures reasonably adapted to assure compliance with this paragraph, the creditor or his agent, within 2 business days after receiving proper written notification of a billing error pursuant to this section, inadvertently takes action in contravention of this paragraph, such inadvertent action will not be considered in violation of this paragraph.

(2) If, within the time limit allowed for payment in paragraph (e)(1) of this section, the creditor receives a further written notification from the customer that any portion of a billing error resolved under paragraph (a) of this section is still in dispute, the creditor may not report to any third party that such disputed amount is delinquent unless the creditor also reports that the amount or account is in dispute and, at the same time, notifies the customer in writing of the name and address of each party to whom the creditor is reporting information concerning the disputed amount. If, pursuant to this paragraph, a creditor has reported a disputed amount as being delinquent to any third person, the creditor shall report promptly in writing[20] to any such person subsequent resolution of the reported delinquency.

(3) If a creditor has reported an amount as being delinquent to any third person who is in the business of collecting and disseminating information relating to the credit worthiness of customers, and such amount is subsequently disputed by the customer in accordance with the requirements of § 226.2(cc), the creditor shall, within one billing cycle after receipt of proper written notification of the billing error, mail or deliver a written notice[21] to each such third person to whom the delinquency was reported that the amount is in dispute.

(f) *Forfeiture penalty.* (1) Any creditor who fails to comply with the requirements of this section forfeits any right to collect from the customer the amount indicated by the customer to be a billing error, whether or not such amount is in fact in error, and any finance charges, late payment charges, or other charges imposed thereon: *Provided*, That the amount so forfeited under this section shall not exceed $50 for each item or transaction on a periodic statement indicated by the customer to be a billing error. In no case shall a creditor forfeit any amount for an error in a total figure or subtotal figure reflected on a statement which is caused solely by an error in another item which is the subject of a dispute, nor shall a creditor suffer any forfeit more than once for any item or transaction which may appear on a periodic statement.

(2) Nothing in this subsection shall be construed to limit a customer's right to recover under section 130 of the Act.

(g) *Exceptions to general rule.* This section does not apply to credit other than open end, whether or not a periodic statement is mailed or delivered, unless it is consumer credit extended on an account by use of a credit card.

13. The effective date of these regulations shall be October 28, 1975.

14. This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

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[19] Nothing in this paragraph prohibits a creditor from reporting the disputed amount or account as being in dispute.

[20] "In writing" shall include transmission by computer communication.

[21] "Written notice" shall include computer communication.

By order of the Board of Governors, September 10, 1975.

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

[FR Doc.75-24962 Filed 9-18-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Confidential Assistant to the Special Assistant to the Secretary is excepted under Schedule C.

Effective on September 19, 1975, § 213.3306(a) (69) is added as set out below:

§ 213.3306 **Department of Defense.**

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

(69) One Confidential Assistant to the Special Assistant to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

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

[FR Doc.75-24944 Filed 9-18-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Executive Assistant to the Secretary and one position of Secretary to the Executive Assistant are excepted under Schedule C.

Effective on September 19, 1975, § 213.3316(a) (34) and (35) are added as set out below:

§ 213.3316 **Department of Health, Education, and Welfare.**

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

(34) One Executive Assistant to the Secretary.

(35) One Secretary to the Executive Assistant to the Secretary.

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

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

[FR Doc.75-24945 Filed 9-18-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-146]

PART 312—IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT, INCLUDING THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Enactment of Part

Correction

In FR Doc. 75-21846, appearing at page 37184, in the issue of Monday, August 25, 1975, make the following changes:

1. On page 37187, in the third column, first full paragraph, the 17th line which reads "(ii), (iii), (iv), or (v) of the rule. The", should read "applying the test of § 312.9(a)(2)".

2. On page 37196, second column, under the center heading "METHOD", the formula should read as follows:

$$\text{Area of Contour} = A_o \cdot 10^{\frac{[10 \log N + 24 - NEF + C]}{15}}$$

3. On page 37196, third column, top of page, the formula should read as follows:

$$\text{Area of Contour} = 1.92 \cdot 10^{\frac{[10 \log N - 16 + C]}{15}}$$

4. In the middle column of page 37197, the formula near the bottom of the page should read as follows:

$$\text{Area (sq mi)} = A_o \cdot 10^{\frac{10 \log N + 24 - NEF + C}{15}}$$

5. In the third column, page 37197, the formula at the top of the column should read as follows:

$$A = A_o(NEF)\ 10^{\frac{10 \log N + 24 - NEF + C}{15}}$$

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965.....)

State Supplementary Medical Insurance Coverage Agreements

On April 17, 1975, there was published in the FEDERAL REGISTER (40 FR 17151) a Notice of Proposed Rule Making with proposed amendments to Subpart B of Regulations No. 5, implementing section 18(1) of Pub. L. 93-233. This legislation amended section 1843 of the Social Security Act to provide for the continuance of the supplementary medical insurance (buy-in) agreements after December 31, 1973, at the request of the State, subject to such modifications as the Secretary by regulations provides to take account of the termination of the State cash assistance programs and their replacement by the supplemental security income program. These amendments to regulations also give effect to section 249E of Pub. L. 92-603. Interested persons were given until May 19, 1975, to submit comments and suggestions.

Two favorable comments and one suggested change were received in response to the Notice. This suggestion by a State for the deletion of part of § 405.223(c)(1) was not adopted; it was based on a mistaken interpretation that the regulation assigns to States responsibility for terminating buy-in coverage in cases where the Social Security Administration actually has this termination responsibility.

Accordingly, the amendments to the regulations are adopted without change and are set forth below.

(Secs. 1102, 1843, and 1871 of the Social Security Act, section 249E of P.L. 92-603, section 233 of P.L. 93-66, 49 Stat. 647, as amended, 79 Stat. 312, 331, 86 Stat. 1429, 87 Stat. 152; 42 U.S.C. 1302, 1395v, and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Effective date: October 20, 1975.

Dated: August 11, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 15, 1975.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

1. Section 405.217 is amended by revising so much of paragraph (b) as precedes subparagraph (1), by revising paragraph (c)(1), and by adding paragraphs (g), (h), and (i) to read as follows:

§ 405.217 **Enrollment pursuant to State agreement.**

* * * * *

(b) Subject to paragraph (g) and (h) of this section, an agreement entered into with any State pursuant to paragraph (a) of this section shall be applicable to either of the following coverage groups:

* * * * *

(c) * * *

(1) An individual may not, subject to paragraphs (c)(2) and (g)(5) of this section, be a member of the coverage group specified in an agreement entered into under paragraph (a) of this section for any month in which he is entitled to monthly benefits under title II of the Social Security Act or entitled to receive an annuity or pension under the Railroad Retirement Act of 1937 (without regard to the retroactivity of such entitlement) unless the State requests before 1970, and the agreement is modified to provide, that such individuals shall be members of such coverage group.

* * * * *

(g) Effective January 1, 1974, an agreement pursuant to paragraph (a) of this section, entered into by any of the fifty States or the District of Columbia will at the request of the State be continued and shall be deemed to have been modified as follows:

(1) Where the State's coverage group as of December 31, 1973, consists of individuals receiving money payments under a plan of the State approved under title XVI of the Social Security Act (see paragraph (b)(1) of this section) and the State has a plan approved under title XIX of the Social Security Act in effect as of December 31, 1973, the State's coverage group shall be deemed to consist of individuals who (i) receive supplemental security income under title XVI of the Social Security Act or State supplementary payments (as the term is used in section 1616(a) of the Social Security Act and in section 212 of Pub. L. 93-66), and (ii) are categorically needy (as the term is used in 45 CFR 248.1)

under the plan of such State approved under title XIX of the Social Security Act.

(2) Where the State's coverage group as of December 31, 1973, consists of individuals receiving money payments under the plans of the State approved under titles I, X, XIV, XVI, and part A of title IV of the Social Security Act (see paragraph (b)(2) of this section) and the State has a plan approved under title XIX in effect on December 31, 1973, the State's coverage group shall be deemed to consist of individuals who (i) receive supplemental security income under title XVI of the Social Security Act, or State supplementary payments (as the term is used in section 1616(a) of the Social Security Act and in section 212 of Pub. L. 93-66), or money payments under a plan of the State approved under part A of title IV of the Social Security Act, and (ii) are categorically needy (as the term is used in 45 CFR 248.1) under the plan of such State approved under title XIX of the Social Security Act.

(3) Where a State had an agreement as of December 31, 1973, but it had no plan approved under title XIX of the Social Security Act in effect on December 31, 1973, the State's coverage group shall be deemed to consist of individuals receiving supplemental security income under title XVI of the Social Security Act, State supplementary payments (as the term is used in section 1616(a) of the Social Security Act and in section 212 of Pub. L. 93-66), or money payments under a plan of the State approved under Part A of title IV of the Social Security Act.

(4) For purposes of this section and § 405.222, an individual will be treated as receiving supplemental security income under title XVI of the Social Security Act or State supplementary payments if he receives or the State reports to the Social Security Administration in accordance with prescribed procedures that he receives such income or payments for January 1974 or for any month thereafter.

(5) For purposes of this section and § 405.222, an individual will be treated as categorically needy (as the term is used in 45 CFR 248.1) under a plan of the State approved under title XIX of the Social Security Act, if, for January 1974, or for any month thereafter, he has been determined or the State reports to the Social Security Administration in accordance with prescribed procedures that he has been determined to be categorically needy under such plan.

(h) Where a State's agreement has not been modified, pursuant to a request made by it before 1970, to provide that individuals entitled to monthly benefits under title II of the Social Security Act or entitled to receive an annuity or pension under the Railroad Retirement Act of 1937, as amended, shall be members of the coverage group, such State shall be deemed to have so modified its coverage group, except with respect to individuals receiving money payments under a plan of the State approved under Part A of title IV of the Social Security Act, effective with the month following the effective date of these amendments to regulations.

(i) Except as provided in paragraph (c) of this section, any individual is included in the State's coverage group for any month after August 1972 and before July 1975 if: (1) For August 1972 he was eligible for money payments under any of the plans of the State included in the coverage group of the State under its agreement under this section, and was eligible for medical assistance under a plan of the State approved under title XIX of the Social Security Act, and was entitled to monthly insurance benefits under title II of the Social Security Act; and (2) for such month after August 1972 and before July 1975 the individual would have been eligible for such money payments had the 20 percent increase in monthly insurance benefits under title II of the Social Security Act provided by Pub. L. 92-336 not been applicable for such individual and, in the case of the fifty States and the District of Columbia after December 31, 1973, had the plan of such state approved under titles I, X, IV, and XVI continued in effect.

2. Paragraph (c) of § 405.222 is revised to read as follows:

§ 405.222 Enrollment pursuant to a State agreement; coverage period beginning date.

* * * * *

(c) The first day of the first month in which he is both an eligible individual (see § 405.205) and a member of the coverage group that is specified in such agreement, except that, if an individual is a member of such group solely by virtue of a modification described in § 405.217(c)(2) (i.e., he does not receive money payments under a plan of the State approved under titles I, X, XIV, XVI or part A of title IV; is not both receiving supplemental security income under title XVI or State supplementary payments and determined to be categorically needy (as the term is used in 45 CFR 248.1) under the plan of the State approved under title XIX; and he is not included in the coverage group by virtue of § 405.217(h)), his coverage period may not begin before the first day of the second month following the month in which he is both an eligible individual and the State has made the determination (without regard to the retroactivity of such determination) that he is eligible to receive medical assistance under the plan of such State approved under title XIX of the Social Security Act; or

* * * * *

3. Paragraph (c) of § 405.223 is revised to read as follows:

§ 405.223 Individual enrollments; State enrollments; manner and time of termination of enrollment and coverage.

* * * * *

(c) *Enrollees pursuant to State agreement.* In the case of an individual enrolled pursuant to a Federal-State agreement (see § 405.217), the coverage period attributable to the agreement terminates (subject to the provisions of paragraph (d) of this section) on:

(1) The last day of the last month for which he is eligible for inclusion in the coverage group provided that, where the State makes the determination of ineligibility, the State sends notice to the Social Security Administration of such ineligibility within a reasonable time. Such notice shall be given in such form and in accordance with such instructions as prescribed by the Social Security Administration. The notice is considered to be given within a reasonable period of time if the Social Security Administration receives such notice by the 25th day of the second month after the calendar month in which the individual becomes ineligible for inclusion in the coverage group or, where the individual's State enrollment coverage period began on the basis of a Social Security Administration determination and the State makes the determination of ineligibility after receiving notice from the Social Security Administration through the buy-in data exchange system that the individual is no longer receiving supplemental security income or Federally-administered State supplementary payments, by the 25th day of the second month after the calendar month in which the Social Security Administration so notifies the State. If, however, the Social Security Administration first receives prescribed notice of ineligibility from the State after such reasonable period of time, the individual's coverage attributable to the buy-in agreement will, instead, end on the last day of the second month before the month in which the Social Security Administration receives such notice and, for such purpose, notice received in a calendar month but after the 25th day of that month shall be deemed to have been received in the next following month.

(2) If earlier than paragraph (c)(1) of this section, whichever of the following first occurs:

(i) The last day of the month preceding the first month in which the individual became entitled to monthly benefits under title II of the Social Security Act (see Subpart D of Part 404 of this chapter) or to an annuity or pension under the Railroad Retirement Act of 1937 without regard to the retroactivity of such entitlement unless the State agreement provides for the inclusion of such individuals entitled to such benefits in the coverage group, or

(ii) The last day of the month as of which the State agreement is terminated, or

(iii) The last day of the month in which he dies, or,

(iv) If he is under 65, the last day of the last month for which he is entitled to hospital insurance benefits.

* * * * *

[FR Doc.75-25029 Filed 9-18-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 75N-0229]

PART 510—NEW ANIMAL DRUGS

Extension of Time To Submit Data on Sulfonamide-Containing Drugs

The Commissioner of Food and Drugs is allowing more time to submit results of toxicity studies required by § 510.450 (d) (21 CFR 510.450(d)); the closing date is extended for 90 days, to October 22, 1975.

Section 510.450 was initially published as § 135.102 (21 CFR 135.102) in the FEDERAL REGISTER of October 23, 1970 (35 FR 16538); it established a procedure for setting appropriate safe tolerances and withdrawal periods for the use of sulfonamide-containing drugs in food-producing animals. The section was amended in the FEDERAL REGISTER of July 22, 1974 (39 FR 26633) to require, in addition to the necessary residue depletion studies, that applications be submitted containing the results of 90-day subacute toxicity studies in one rodent and one nonrodent species so that the degree of thyroid response to sulfonamide drugs could be evaluated. (The section was recodified as § 510.450 in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802).) Section 510.450(d) provides that the results of such studies are to be submitted under the provisions of section 512(1) of the act, by July 22, 1975, if interim marketing of these drugs is to continue.

The Commissioner has received a request for an extension of time for the submission of the results of such toxicity studies. The request is from Animal Health Institute (AHI), an industry association representing manufacturers and distributors of sulfonamide-containing drugs for use in animals. The basis of the request is that certain reports of histopathology data from studies contracted by AHI could not be completed by July 22, 1975.

The Commissioner has considered the request for an extension of the time period. He has concluded that a 90-day extension until October 22, 1975, will adequately serve the public interest; will fulfill the intent of the regulation, which is to answer questions that have arisen about sulfonamide drugs subject to the regulation; and will adequately protect the public health. Some of the required data have been submitted to the Food and Drug Administration by AHI on behalf of sponsors of new animal drug applications (NADA's) and are currently being evaluated. The extension of time will not result in a delay in the review of the total toxicity data submitted to the Food and Drug Administration for the sulfonamide-containing drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 512, 701 (a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 2.120), § 510.450 *Sulfonamide-containing drugs for oral, injectable, intramammary, or intrauterine use in food-producing animals* is amended in paragraph (d) by deleting the date "July 22, 1975" from the first sentence and replacing it with the date "October 22, 1975."

Prior notice and public procedure are unnecessary prerequisites for this regulation since it relaxes an existing requirement.

Effective date. This regulation shall be effective on September 19, 1975.

(Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)))

Dated: September 15, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-24965 Filed 9-18-75;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2603—EXAMINATION AND COPYING OF PENSION BENEFIT GUARANTY CORPORATION RECORDS

New Location of Public Reference Room

On June 3, 1975 the Pension Benefit Guaranty Corporation (hereinafter the "PBGC") published in the FEDERAL REGISTER (40 FR 23847) regulations implementing the Freedom of Information Act (5 U.S.C. 552). Section 2603.28 of those regulations provided that the PBGC will maintain a public reference room at its offices located at 8701 Georgia Avenue, Silver Spring, Maryland. On September 15, 1975 the PBGC moved its offices to 2020 K Street, NW., Washington, D.C. Accordingly, the purpose of this regulation is to revise § 2603.28 to set forth the new location of the PBGC's public reference room.

Because this amendment pertains solely to a procedural matter and because of the need to provide immediate guidance to the public with respect to the location where members of the public may examine records of the PBGC pursuant to the Freedom of Information Act, the PBGC finds that the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay of effective date are inapplicable.

Accordingly, § 2603.28 of Part 2603, Chapter XXVI of Title 29 of the Code of Federal Regulations is revised as set forth below, effective September 19, 1975.

§ 2603.28 Where information may be obtained.

The Corporation will maintain a public reference room in its offices located at 2020 K Street, NW., Washington, D.C., wherein persons may inspect and copy all records made available for such purposes under this part.

Issued in Washington, D.C., this 15th day of September 1975.

JOHN T. DUNLOP,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc.75-24966 Filed 9-18-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-191]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Cypress Creek, Va.

This amendment revokes the regulations for the drawbridge across Cypress Creek, Smithfield, Virginia, because this bridge has been replaced by a fixed bridge.

Accordingly Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking subparagraph (28b) of paragraph (f) of § 117.245.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective September 19, 1975.

Dated: September 15, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-24986 Filed 9-18-75;8:45 am]

[CGD 75-086]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Peace River, Fla.

This amendment changes the regulations for the U.S. Highway 41, Barron Collier Bridge, across the Peace River, Mile 2.0, to require that from 10 p.m. to 6 a.m. the draw open on signal if at least 2 hours notice is given. This amendment was circulated as a public notice dated May 2, 1975 by the Commander, Seventh Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75-086) on April 30, 1975 (40 FR 18794). One reply was received that had no objection to the proposal.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (i)(2-c) immediately after paragraph (i)(2-b) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(2-c) *Peace River, Florida, U.S. Highway 41 Bridge (Barron Collier Bridge).*

The draw shall open on signal from 6 a.m. to 10 p.m. From 10 p.m. to 6 a.m. the draw shall open on signal if at least 2 hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on October 20, 1975.

Dated: September 15, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-24987 Filed 9-18-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 421-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Iowa: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

The State of Iowa submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency for review after notice and public hearings. The public hearings were held in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Iowa.

Accordingly, the Administrator proposed approval of these schedules on July 18, 1975, in the FEDERAL REGISTER, 40 FR 30287. The proposed approval of these schedules published in the July 18, 1975, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally-approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the Iowa schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, the Environmental Protection Agency's approval of each compliance schedule is unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule will not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that is federally-approved herein, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation will again become federally enforceable. The schedules were immediately effective on the date of adoption. An "Effective Date" is not indicated on the table. The "Variance Expiration Date" is included instead.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the law of Iowa. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedules, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance.

In the indication of approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of each individual schedule in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. These evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and the State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, SW., Washington, D.C.; and the Iowa Department of Environmental Quality, 3920 Delaware, Des Moines, Iowa.

This rulemaking will become effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: September 12, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart Q—Iowa

1. In § 52.825, the table in paragraph (c) is amended as follows:

§ 52.825 **Compliance schedules.**

* * * * * *

(c) * * *

(1) * * *

IOWA

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
*	*	*	*	*	*
Grain Processing Corp.: Second stage flash dryers Nos. 83 and 84.	Muscatine	4.4(6)	June 12, 1975	July 31, 1975	July 31, 1975
Judd Brown Construction Co.: Turbulent mass asphalt plant.	Forest City	4.4(2)	do	June 30, 1975	June 30, 1975
Marquette Cement Manufacturing Co.:	Des Moines				
Clinker cooler discharge		4.3(2)a	do	May 30, 1975	May 30, 1975
Storage silo vents		4.3(2)a	do	do	Do.
Clinton Corn Processing: Nos. 3 and 4 coal-fired Raymond feed dryers.	Clinton	4.4(7)	do	July 31, 1975	July 31, 1975
Duke Ready-Mix, Inc.: Concrete batching plant.	Des Moines	4.4(11)	do	June 1, 1975	June 1, 1975
Gra-Iron Foundry Corp.: Foundry cupola.	Marshalltown	4.4(4)	do	June 30, 1975	June 30, 1975
Hawkeye Chemical Co.: Prill tower and prill tower evaporator.	Clinton	4.3(2) a and d.	do	July 31, 1975	July 31, 1975
Inland Mills Co. (Division of ADM Milling Co.):	Des Moines.				
System C		4.4(7)	do	June 15, 1975	June 15, 1975
Systems A and B		4.4(7)	do	May 1, 1975	May 1, 1975
Muscatine Power and Water.	Muscatine.				
Boilers Nos. 5 and 6		4.3(2)b	do	June 15, 1975	June 15, 1975
Boiler No. 7		4.3(2)b	do	May 15, 1975	May 15, 1975
The Pillsbury Co. (Grain Division): Cyclones.	Council Bluffs	4.4(7)	do	do	Do.
Scoular-Welsh Grain Co.: Cyclone and grain handling.	do	4.4(7)	do	May 30, 1975	May 30, 1975
Stryer Steel Castnig Co.: Shakeout area for furnaces.	Bettendorf	4.3(2) a and d.	do	Mar. 31, 1975	Mar. 31, 1975
Talbot-Carlson, Inc	Audebon	4.4(6)	do	May 1, 1975	May 1, 1975
Avoca Alfalfa Milling Co.: Alfalfa dehydrating.	Avoca	4.3(2)a	do	May 15, 1975	May 15, 1975
Kateiman Foundry, Inc.: Foundry cupola.	Council Bluffs	4.3(2) a and d.	do	July 31, 1975	July 31, 1975
Farmers Cooperative Co.: Grain storage silo vents.	Hinton	4.4(6)	do	do	Do.
Wertz Feed Products, Inc.: Feed mill cyclones.	Sioux City	4.4(6)	do	do	Do.
Iowa Southern Utilities Co. (Bridgeport Station):	Eddyville				
Boiler No. 2		4.3(2)b	do	June 1, 1975	June 1, 1975
Boiler No. 3		4.3(2)b	do	June 15, 1975	June 15, 1975
The Dexter Co.: Foundry cupola	Fairfield	4.4(4)	do	July 1, 1975	July 1, 1975
Norris Construction Co.: Asphalt Plant No. 291.	Mount Pleasant	4.4(2)	do	May 15, 1975	May 15, 1975
The Greyhound Corp. (Division of Armour & Co.): Boilers 1, 3, 4, and 6.	Mason City	4.3(2)b	do	July 31, 1975	July 31, 1975

[FR Doc.75-24939 Filed 9-18-75;8:45 am]

[FRL 422-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas: Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the State plans for implementation of the national ambient air quality standards, and in the September 22, 1972, FEDERAL REGISTER (37 FR 19809), the Administrator promulgated § 52.876 Compliance schedules as a portion of the Kansas Implementation Plan.

The State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. These compliance schedules have been determined to be consistent with the approved control strategy of Kansas.

Certain schedules failed to meet the requirements of 40 CFR 51.15(b)(1), in that the compliance schedules extend beyond the attainment date in the State Implementation Plan.

Accordingly, the Administrator proposed approval and disapproval of these schedules on July 18, 1975, in the FEDERAL REGISTER, 40 FR 30288. The proposed approval of these schedules published in the July 18, 1975, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. The Environmental Protection Agency has reviewed and considered the records of the public hearings held by Kansas. Set forth below are specific compliance schedules which the Administrator approves and disapproves pursuant to 40 CFR 51.8.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the tables below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The "Effective Date" column in the tables refers to the date the compliance schedules become effective for purposes of federal enforcement.

In the indication of approval and disapproval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval or disapproval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and State Implementation Plans are available for public inspection at the Environmental Protection Agency Regional Office; the Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street, SW, Washington, D.C.; and the Kansas State Department of Health and Environment, Building 740, Forbes Air Force Base, Topeka, Kansas.

This rulemaking will be effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: September 12, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart R—Kansas

1. In § 52.876, the table in paragraph (c)(1) is amended by adding the following:

§ 52.876 Compliance schedules.

(c) * * *
(1) * * *

KANSAS

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
* * *	*	*	*	*	*
Deitz-Hill Development: Primary and secondary crusher.	Olathe	28-19-20	May 23, 1975	Immediately	July 31, 1975
Jay-Tee Construction Co.: Rock crusher.	Ottawa	28-19-20	do	do	Do.
Northern Natural Gas: Gas processing facility.	Holcomb	28-19-45	do	do	Do.
U.S.D. No. 387: Altoona Elementary incinerator.	Buffalo	28-19-40	do	do	Do.
Cross Alfalfa Products: Hammermill	Lewis	28-19-50A	do	do	Do.
Farmer's Union Cooperative Association: Hammermill.	Clay Center	28-19-50A	do	do	June 15, 1975
Hi-Plains Cooperative Association: Grain elevator.	Colby	28-19-50A	do	do	June 1, 1975

2. In § 52.876, the table in paragraph (c) (2) is amended by adding the following:

§ 52.876 Compliance schedules.

(c) * * *
(2) * * *

Source	Location	Regulation involved	Date adopted
* * * *	*	*	*
Empire Dist. Electric Co.: Boilers Nos. 7 and 8	Riverton	28-19-31C	May 23, 1975
Gulf Oil Chemicals Co.: Coal-fired boiler	Pittsburg	28-19-31	Do.
Kansas City Power & Light: Main boiler	La Cygne	28-19-31B	Do.
Mid-America Dairymen: Spray dryers Nos. 1 and 2	Sabetha	28-19-20	Do.
Tower Metal Products: Reverberatory furnace C	Fort Scott	28-19-50A	Do.
U.S. Steel—Universal Atlas Cement:	Independence.		
Clay storage bin		28-19-50A	Do.
Stone storage bin		28-19-50A	Do.
Krupp Ball Mill No. 2		28-19-50A	Do.
Krupp Ball Mill No. 3		28-19-50A	Do.

[FR Doc.75-24940 Filed 9-18-75;8:45 am]

[FRL 432-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Montana Plan Revisions

On May 21, 1975, Montana submitted to the Administrator a revision to the Montana Implementation Plan for the attainment and maintenance of the national ambient air quality standards. The revision sets forth a sulfur oxides control strategy that provides for attainment and maintenance of the national sulfur oxides ambient air quality standards in the vicinity of the American Smelting and Refining Company's (ASARCo) lead smelter located near East Helena, Montana in the Helena Intrastate Region. Specifically, the revision limits sulfur dioxide emissions from the sinter plant at the smelter to 20 tons per six-hour period and to 80 tons per 24-hour period. Additionally, the revision requires ASARCo to reduce its sinter plant emissions by 75 percent on an annual basis. The revision also includes a compliance schedule which provides for final compliance with the emission limitations by July 31, 1977. The schedule includes incremental steps toward compliance with the emission limitations. While the table below does not include these interim dates, the actual compliance schedule does.

On July 3, 1975 (40 FR 28097), the Administrator proposed to approve the Montana SIP revision and requested the public to comment on the approvability of the revision. No comments regarding the revision were received.

The revision to the Montana Implementation Plan was submitted in accordance with the requirements of 40 CFR 51.6 and received public advertisement and hearing in accordance with 40 CFR 51.4.

It is the Administrator's judgement that the Montana SIP revision meets the substantive and procedural requirements of section 110 of the Clean Air Act and 40 CFR Part 51. Therefore, in the absence of public comments, and in light of the Administrator's own evaluation, the Administrator approves the Montana SIP revision as submitted by the Governor on May 21, 1975.

This rulemaking will be effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the control strategy and compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: September 15, 1975.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart BB—Montana

1. In § 52.1370, paragraph (d) is added as follows:

§ 52.1370 Identification of plan.

* * * * *

(d) Plan revisions were submitted on:
(1) May 21, 1975.

2. Subpart BB is amended by adding § 52.1383 as follows:

§ 52.1383 Compliance schedules.

The compliance schedule for the source identified below is approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are found in Subchapter 1, chapter 14, Montana Administrative Code.

MONTANA

Source	Location	Date of State order	Regulations involved	Date of adoption	Effective date	Final compliance date
American Smelting and Refining Co.	East Helena...	May 16, 1975	S1470(2)	May 16, 1975	Immediately..	July 31, 1977

[FR Doc.75-24941 Filed 9-18-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-1—GENERAL

Ratification of Unauthorized Contract Awards

Chapter 8, Title 41, Code of Federal Regulations is amended as set forth below. In Subpart 8-1.4, Procurement Responsibility and Authority, a new § 8-1.405 is added to provide agency policy on ratification of unauthorized contract awards. In addition a minor change was made in § 8-1.403-53 to update a cross reference and editorial changes have been made in § 8-1.403-55 to reflect agency policy of using precise terms denoting gender.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rule making process (§ 1.12, Title 38, Code of Federal Regulations). However, the amendment herein concerns agency procedure and practices. Therefore, the public rulemaking process is deemed unnecessary in this instance.

1. In § 8-1.403-53, paragraph (b) is revised to read as follows:

§ 8-1.403-53 Documents to be submitted for review.

* * * * *

(b) For sharing agreements and scarce medical specialist contracts, the documents referred to in § 8-3.204(e).

* * * * *

2. In § 8-1.403-55, paragraph (a) is revised to read as follows:

§ 8-1.403-55 Results of General Counsel's review.

(a) Upon completion of the review, the General Counsel will advise the appropriate Central Office activity or contracting officers as to whether the proposal was approved as submitted or provide them with the recommended changes. The appropriate Central Office activity will advise the contracting officer as to whether (1) the submission was approved as is, or (2) provide a copy of the changes required. Where changes are required, the contracting officer will take immediate action to amend the solicitation document.

* * * * *

3. Section 8-1.405 is added to read as follows:

§ 8-1.405 Ratification of unauthorized contract awards.

(a) The Government is not bound by agreements or contractual commitments made to prospective contractors by persons to whom procurement authority has not been delegated. Such unauthorized acts may be in violation of the Federal Property and Administrative Services Act, other Federal laws, Chapters 1 and 8, Title 41, Code of Federal Regulations, and good procurement practice; e.g., certain requirements of law and regulation necessary for the proper establishment of a contractual obligation may not be met; i.e., certification of the availability of funds, determinations, and findings, competition of sources, determination of contractor responsibility, certification of current pricing data, price-cost analysis, administrative approvals, negotiations of appropriate contract clauses, etc.

(1) Contracting officers shall not ratify contractual commitments made by other personnel of VA without prior approval. At field stations, the approving authority is the head of the field station concerned. For Central Office contracting officers, the approving authorities are the heads of the concerned departments and staff offices, and the Manager, Administrative Services. This approval authority shall not be redelegated.

(2) Requests received by contracting officers for ratification of commitments made by personnel lacking contracting authority shall be processed as follows:

(i) The individual who made the unauthorized contractual commitment shall furnish the contracting officer all records and documents concerning the commitment and a complete, written statement of facts, including, but not limited to, a statement as to why the procurement office was not utilized, why the proposed contractor was selected and a list of other sources considered, description of work to be performed or products to be furnished, estimated or agreed contract price, citation of appropriation available, and a statement of whether the contractor has commenced performance.

(ii) The contracting officer will review the file and forward it to the approving authority with any comments or information which should be considered in evaluation of the request for ratification. If legal review is desirable, the approving authority will coordinate the request for ratification with the Office of General Counsel or the District Counsel, as appropriate.

(iii) If ratification is authorized, the file will be returned to the contracting officer for issuance of a purchase order or contract, as appropriate.

(b) In the case of otherwise proper contract awards made by contracting officers in excess of the limits of their delegated authority, the need for ratification will be brought to the attention of the head of the procuring activity. That individual will take such action as may be indicated to preclude future instances of such awards.

(72 Stat. 1114, sec. 205(c), 63 Stat. 390; (38 U.S.C. 210, 40 U.S.C. 486(c)))

These regulations are effective September 15, 1975.

Approved: September 15, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-25002 Filed 9-18-75;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 5538]

[Wyoming 47249]

WYOMING

Withdrawal of Lands for the Bates Battlefield Historic Site

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 described public lands and the mineral estate in the lands described below, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, for protection of the historical values in Bates Battlefield:

SIXTH PRINCIPAL MERIDIAN

PUBLIC LANDS

T. 41 N., R. 90 W.,
Sec. 1, lot 1, SE¼NE¼, E½SE¼, SW¼SE¼;
Sec. 12, NE¼.
The area described contains 359.96 acres.

MINERAL ESTATE

T. 41 N., R. 90 W.,
Sec. 1, lots 2, 3, 4, SW¼NE¼, S½NW¼, W½SW¼, NW¼SE¼;
Sec. 12, NW¼, W½SW¼, N½SE¼.

The area described contains 679.34 acres.

The areas described contain a total of 1,039.30 acres in Hot Springs County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the 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 15, 1975.

[FR Doc.75-25020 Filed 9-18-75;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 212—ASSISTANCE FOR UNITED STATES CITIZENS RETURNED FROM FOREIGN COUNTRIES

Time Limitation for Temporary Assistance

Part 212, Chapter II of Title 45 of the Code of Federal Regulations is amended to implement section 2 of Pub. L. 94-44, enacted June 28, 1975. The purpose is to implement that section by providing a 90-day limitation on the period for which temporary assistance may be furnished to eligible United States citizens returning from foreign countries. Such assistance may be extended, upon authorization from the Social and Rehabilitation Service, for 9 additional months if the eligible person is handicapped in attaining self-support or self-care for such reasons as age, disability, or lack of vocational preparation.

Notice and comment have been dispensed with as unnecessary since this rule essentially repeats the amendatory language articulated by Congress in Pub. L. 94-44.

Accordingly, 45 CFR 212.4(d) is amended to read as follows:

§ 212.4 Reception, initial determination, provision of temporary assistance.

* * * * *

(d) Temporary assistance may be furnished only for 90 days from the day of arrival of the eligible person in the United States unless he is handicapped in attaining self-support or self-care for such reasons as age, disability, or lack of vocational preparation. In such cases temporary assistance may be extended upon prior authorization by the Service for nine additional months.

Effective date: This regulation implements a statutory provision which is effective June 28, 1975.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).) (Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance—Maintenance Assistance (State Aid).)

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: August 22, 1975.

JOHN A. SVAHN,
Acting Administrator, Social and Rehabilitation Service.

Approved: September 15, 1975.

DAVID MATHEWS,
Secretary.

[FR Doc.75-25023 Filed 9-18-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

Eufaula National Wildlife Refuge, Alabama

The following special regulations are issued and are effective on September 20, 1975.

§ 32.12 Special regulations; migratory birds; for individual wildlife refuge areas.

ALABAMA

EUFAULA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Molner Tract Unit of Eufaula National Wildlife Refuge is suspended for the 1975 season due to adverse weather conditions which prevented agricultural operations which would have prepared the area for hunting.

KENNETH E. BLACK,
Regional Director, U.S. Fish and Wildlife Service.

[FR Doc.75-24979 Filed 9-18-75;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period September 23, 1975 through April 30, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Delaware, is permitted during the regular State seasons on the South Upland Hunting Area. This open area, comprising 169 acres, is delineated on maps available at refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1976.

WILLIAM C. ASHE,
Acting Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 15, 1975.

[FR Doc.75-25022 Filed 9-18-75;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, New York

The following special regulation is issued and is effective during the period September 26, 1975 through February 29, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds and small game mammals, including foxes, opossums, red squirrels, and woodchucks is permitted during the respective State seasons except on areas designated by signs as closed. This open area comprising 10,383 acres is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations subject to the following special condition:

(1) A seasonal permit is required for the night-time hunting of raccoon. Permits may be obtained by applying in person at the refuge office.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 29, 1976.

WILLIAM C. ASHE,
Acting Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 15, 1975.

[FR Doc.75-25024 Filed 9-18-75;8:45 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vermont

The following special regulation is issued and is effective during the period September 27, 1975 through December 31, 1975.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of upland game on the Missisquoi National Wildlife Refuge, Vermont is permitted only on the areas

delineated on maps available at refuge headquarters, R.D. 2, Swanton, Vermont 05488, and from the Regional Director, Fish and Wildlife Service, U.S. Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game, subject to the following special condition:

(1) Rifles may not be used on that portion of the refuge lying east of the Missisquoi River.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1975.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 15, 1975.

[FR Doc.75-25025 Filed 9-18-75;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Delaware

The following special regulation is issued and is effective during the period September 23, 1975 through February 28, 1976.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Prime Hook National Wildlife Refuge, Delaware, is permitted only on the North Hunting Area. This open upland game hunting area, comprising approximately 2,320 acres, is delineated on maps available at refuge headquarters, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game subject to the following special conditions:

(1) Hunting hours will be from one-half hour before sunrise to one-half hour after sunset.

(2) Hunting on grazing management units will not be allowed until October 16, 1975.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50 Code of Federal Regulations, Part 32, and are effective through February 28, 1976.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 15, 1975.

[FR Doc.75-25023 Filed 9-18-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-693]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Etowah	Rainbow City, city of	Sept. 15, 1975, emergency			
Arizona	Navajo	Show Low, city of	do	June 7, 1974		
Connecticut	New London	North Stonington, town of	do	Sept. 13, 1974		
Indiana	Clark	Unincorporated areas	do			
Do.	Howard	Russiaville, town of	do			
Maryland	Calvert	Chesapeake Beach, town of	do			
Do.	Washington	Hancock, town of	do	Aug. 9, 1974		
Massachusetts	Essex	Boxford, town of	do	Aug. 30, 1974		
Michigan	Ingham	Delhi, charter township of	do	July 26, 1974		
Minnesota	Red Lake	Plummer, city of	do	Aug. 23, 1974		
Nebraska	Lincoln	Brady, village of	do	Dec. 27, 1974		
New Hampshire	Cheshire	Marlborough, town of	do	June 28, 1974		
Do.	Grafton	Sugar Hill, town of	do	Aug. 23, 1974		
New Jersey	Cumberland	Deerfield, township of	do	Feb. 7, 1975		
Do.	Schenectady	Duanesburg, town of	do	Oct. 25, 1974		
New York	Cayuga	Ledyard, town of	do	July 19, 1974		
Do.	Oswego	Scriba, town of	do	do		
Do.	Ulster	Shawangunk, town of	do	June 21, 1974		
Do.	Rensselaer	Rensselaer, city of	do	July 26, 1974		
Do.	Ulster	Wawarsing, town of	do	Sept. 13, 1974		
Ohio	Perry	New Lexington, village of	do	May 17, 1974		
Pennsylvania	Schuylkill	Butler, township of	do	Dec. 6, 1974		
Do.	Centre	Huston, township of	do	Sept. 6, 1974		
Do.	Lycoming	Mifflin, township of	do	Dec. 13, 1974		
Do.	Jefferson	Snyder, township of	do	Sept. 13, 1974		
Do.	Crawford	Spartansburg, borough of	do	Jan. 3, 1975		
Do.	Huntingdon	Todd, township of	do			
Do.	Northampton	Upper Mount Bethel, township of.	do	Nov. 8, 1974		
Do.	Lycoming	Washington, township of	do	July 11, 1975		
Tennessee	Tipton	Brighton, town of	do	Aug. 23, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Jefferson	Brownville, city of	September 16, 1975, Emergency.	Aug. 15, 1975		
Do	Geneva	Malvern, town of	do	Dec. 6, 1974		
Do	Chilton	Maplesville, town of	do	Sept. 13, 1974		
Do	Jefferson	Tarrant City, city of	do	June 28, 1974		
Arkansas	do	Altheimer, city of	do	May 10, 1974		
California	Solano	Dixon, city of	do	Mar. 15, 1974		
Do	Amador	Ione, city of	do	May 24, 1974		
Indiana	Wabash	Roann, town of	do	Dec. 7, 1973		
Kansas	Sumner	Unincorporated areas	do			
Maine	Washington	Beals, town of	do	Aug. 16, 1974		
Do	Kennebec	Benton, town of	do	Jan. 24, 1975		
Do	Penobscot	Chester, town of	do	Mar. 14, 1975		
Do	do	Newburgh, town of	do			
Do	Kennebec	Oakland, town of	do	Jan. 24, 1975		
Do	Penobscot	Stacyville, town of	do			
Massachusetts	Franklin	Leverett, town of	do	June 28, 1974		
Minnesota	Mille Lacs	Foreston, city of	do	Aug. 2, 1974		
Do	Todd	Hewitt, city of	do	Aug. 9, 1974		
Nebraska	Polk	Stromsburg, city of	do	June 7, 1974		
Do	Otoe	Unadilla, village of	do	Aug. 23, 1974		
Do	Saunders	Valparaiso, village of	do	Nov. 8, 1974		
New Hampshire	Coos	Stratford, town of	do	July 26, 1974		
New Jersey	Hunterdon	Bethlehem, township of	do	Nov. 22, 1974		
Do	Camden	Oaklyn, borough of	do	Feb. 22, 1974		
New York	Lewis	Lyons Falls, village of	do	Nov. 1, 1974		
North Dakota	Bowman	Bowman, city of	do	Mar. 29, 1974		
Ohio	Wood	Cygnet, village of	do	May 10, 1974		
Do	Drake	Versailles, village of	do			
Oklahoma	Caddo	Binger, town of	do	June 7, 1974		
Pennsylvania	Centre	Boggs, township of	do	Sept. 13, 1974		
Do	York	Dillsburg, borough of	do			
Do	Clarion	Highland, township of	do	Dec. 6, 1974		
Do	Forest	Howe, township of	do	Dec. 20, 1974		
Tennessee	Lauderdale	Gates, town of	do			
Virginia	Bath	Unincorporated areas	do	Mar. 21, 1975		
Wisconsin	Iowa	Hollandale, village of	do	Sept. 20, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4028; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: September, 8, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-24843 Filed 9-18-75;8:45 am]

[Docket No. FI-692]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Crenshaw	Glenwood, town of.	H 010057A 01 through H 010057A 02	Director, Alabama Development Office, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Commissioner, Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, Town Hall, Glenwood, Ala. 36034.	Sept. 20, 1974.
Do	Geneva	Hartford, city of	H 010086A 01 through H 010086A 02	do	Mayor, 203 W. Main St., Hartford, Ala. 36344.	June 28, 1974.
Do	Houston	Ashford, town of	H 010099 01 through H 010099 06	do	Mayor, P.O. Box 472, Ashford, Ala. 36312.	Oct. 31, 1975.
Do	do	Cowarts, town of	H 010103A 01	do	Mayor, P.O. Box 183, Cowarts, Ala. 36321.	Aug. 16, 1974.
Do	Jefferson	Birmingham, city of.	H 010116A 01 through H 010116A 28	do	Mayor, Department of Public Works, Division of Engineering, 500 City Hall, Birmingham, Ala. 35203.	June 28, 1975.
Do	Pickens	Carrollton, city of.	H 010181A 01	do	Mayor, P.O. Box 244, Carrollton, Ala. 35447.	Aug. 23, 1974.
Do	St. Clair	Ashville, town of	H 010186A 01 through H 010186A 03	do	Mayor, P.O. Drawer 70, Ashville, Ala. 35953.	June 21, 1974.
Do	Walker	Carbon Hill, city of.	H 010204 01	do	Administrator, P.O. Box 420, Carbon Hill, Ala. 35549.	Oct. 31, 1975.
Do	Colbert	Cherokee, city of	H 010208A 01 through H 010208A 02.	do	Mayor, P.O. Drawer D, Cherokee, Ala. 35616.	June 28, 1974.
Florida	Palm Beach	Boynton Beach, city of.	H 120166A 1 through H 120166A 06.	Secretary, Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, the Capitol Tallahassee, Fla. 32304.	Mayor, Box 310, Boynton Beach, Fla. 33435.	Mar. 8, 1974. Oct. 31, 1975.
Do	do	West Palm Beach, city of.	H 120229 01 through H 120229 15.	do	Director of Engineering, 415 5th St., West Palm Beach, Fla. 33401.	Oct. 31, 1975.
Georgia	Clayton	Unincorporated areas.	H 130041 01 through H 130041 14.	Commissioner, Department of Natural Resources, Office of Planning and Research, 270 Washington St., SW., Room 707, Atlanta, Ga. 30334. Commissioner, Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Clayton County Courthouse, McDonough St., Jonesboro, Ga. 30236.	Do.
Do	Lamar	Barnesville, city of.	H 130267A 01 through H 130267A 04	do	Mayor, 109 Forsyth St., Barnesville, Ga. 30204.	June 28, 1974. Oct. 31, 1975.
Illinois	Cook	Elgin, city of	H 170087A 01 through H 170087A 09	Coordinator, Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Director, Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill 62702.	Mayor, 150 Dexter Ct., Elgin, Ill. 60120.	May 3, 1974. Oct. 31, 1975.
Do	do	Richton Park, village of.	H 170149A 01 through H 170149A 02.	do	Mayor, 4045 Sauk Trail, Richton Park, Ill. 60471.	Apr. 12, 1974.
Do	do	Wilmette, village of.	H 170175A 01 through H 170175A 02.	do	Village Manager, 1200 Wilmette Ave., Wilmette, Ill. 60091.	June 21, 1974.
Do	Iroquois	Onarga, village of	H 170295A 01	do	Village President, Village Hall, Onarga, Ill. 60955.	Dec. 27, 1974. Oct. 31, 1975.
Do	Kendall	Oswego, village of	H 170345A 01 through H 170345A 02.	do	President, Board of Trustees, Box 946, Oswego, Ill. 60543.	Nov. 23, 1973. Oct. 31, 1975.
Do	Pulaski	Unincorporated areas.	H 170562 01 through H 170562 18.	do	Chairman, Pulaski County Courthouse, Mound City, Ill. 62963.	Oct. 31, 1975.
Do	St. Clair	O'Fallon, city of	H 170633A 01 through H 170633A 03.	do	Mayor, 200 North Lincoln Ave., O'Fallon, Ill. 62269.	Feb. 22, 1974.
Indiana	Lake	Schererville, town of.	H 180142A 01 through H 180142A 03.	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Commissioner, Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Board President, 1640 Wilson St., Schererville, Ind. 46375.	Nov. 30, 1973. Oct. 31, 1975.
Do	Porter	Portage, city of	H 180202A 01 through H 180202A 08.	do	Mayor, 6070 Central Ave., Portage, Ind. 46368.	July 26, 1974. Oct. 31, 1975.
Do	Whitley	South Whitley, town of.	H 180301A 01 through H 180301A 02.	do	Board President, South Whitley, Ind. 46787.	Dec. 21, 1973.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Kentucky	Meade	Brandenburg, city of.	H 210179A 01 through H 210179A 02	Director, Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Commissioner, Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, P.O. Box 305, Brandenburg, Ky. 40108.	May 17, 1974. Oct. 31, 1975.
Michigan	Baraga	Baraga, village of	H 260551 01	Executive Secretary, Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Commissioner, Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Village President, Village Hall, Baraga, Mich. 49908.	Do.
Do	Saginaw	Thomas, township of.	H 260603 01 through H 260603 11	do	Township Supervisor, 12530 Gratiot Rd., Township of Thomas, Saginaw, Mich. 48603.	Do.
Minnesota	Fillmore	Rushford, city of	H 270130A 01	Director of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Commissioner, Minnesota Division of Insurance, E-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, Rushford, Minn. 55971.	May 24, 1974.
Do	Hennepin	Greenwood, city of.	H 270164A 01	do	City Manager, 339 3d St., Excelsior, Minn. 5533.	May 31, 1974.
Do	Otter Tail	Henning, city of	H 270338A 01 through H 270338A 02.	do	Mayor, Box 136, Henning, Minn. 56551.	May 3, 1974. Oct. 31, 1975.
Do	Ramsey	Mounds View, city of.	H 270379A 01 through H 270379A 02	do	Mayor, City Hall, Mounds View, Minn. 55112.	May 3, 1974. Oct. 31, 1975.
Do	Rock and Pipestone.	Jasper, city of	H 270410A 01	do	Mayor, Jasper, Minn. 56144	Mar. 29, 1974.
Do	Stearns	Sauk Centre, city of.	H 270459A 01 through H 270459A 02	do	Mayor, City Hall, Sauk Centre, Minn. 56378.	Mar. 8, 1974. Oct. 31, 1975.
Do	Rice	Faribault, city of	H 270660A 01 through H 270660A 04	do	City Administrator, 208 1st Ave., NW., Faribault, Minn. 55021.	May 24, 1974. Oct. 31, 1975.
Mississippi	Pearl River	Picayune, city of	H 280130A 02 through H 280130A 04	Director, Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Commissioner, Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, Box 907, Picayune, Miss. 39466.	June 28, 1974. Oct. 31, 1975.
New Jersey	Bergen	Hackensack, city of.	H 340039A 01 through H 340039A 03	Chief, Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. Commissioner, New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	City Manager, City Hall, 65 Central Ave., Hackensack, N.J. 07602.	June 28, 1974. Oct. 31, 1975.
Do	Hudson	North Bergen, township of.	H 340225A 01 through H 340225A 03	do	Mayor, 4233 Kennedy Blvd., North Bergen, N.J. 07047.	June 28, 1974. Oct. 31, 1975.
Do	Sussex	Ogdensburg, borough of.	H 340454A 01	do	Mayor, Box 126, Ogdensburg, N.J. 07439.	May 17, 1974. Oct. 31, 1975.
Do	Hunterdon	Bethlehem, township of.	H 340554A 01 through H 340554A 07.	do	Mayor, Mine Road, Asbury, N.J. 08802.	Nov. 22, 1974. Oct. 31, 1975.
				New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. Superintendent, New York State Insurance Department, Two World Trade Center, New York, N.Y. 10047.		
New York	Onondaga	Geddes, town of	H 360579A 01 through H 360579A 04.		Town Supervisor, Town Hall, Geddes, N.Y.	May 17, 1974. Oct. 31, 1975.
Do	Tioga	Barton, town of	H 360832A 01 through H 360832A 05.	do	Town Supervisor, Box 342, Waverly, N.Y. 14892.	June 21, 1974. Oct. 31, 1975.
North Carolina	Edgecombe	Tarboro, town of	H 370094B 01 through H 370094B 11.	Director, Division of Community Assistance, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. Commissioner, North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Box 220, Tarboro, N.C. 27886.	Feb. 15, 1974. Feb. 28, 1975.
Ohio	Allen	Bluffton, village of.	H 390094A 01	Director, Ohio Department of Natural Resources, Flood Insurance Coordination Bldg., Fountain Sq., Columbus, Ohio 43224. Ohio Department of Insurance, 447 East Broad St., Columbus, Ohio 43215.	Mayor, Box 68, Bluffton, Ohio 45817.	Jan. 28, 1974. Oct. 31, 1975.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Do	Belmont	Brookside, village of.	H 390027A 01	do	Mayor, 6 Frederick St., Brookside, Ohio 43912.	Feb. 8, 1974.
Do	Clermont	Williamsburg, village of.	H 390072A 01	do	Mayor, 237 West Main St., Williamsburg, Ohio 45176.	Mar. 29, 1974.
Do	Fulton	Wauseon, village of.	H 390184A 01 through H 390184A 02	do	Mayor, 230 Clinton St., Wauseon, Ohio 43567.	June 7, 1974.
Do	Richland	Ontario, village of.	H 390478A 01 through H 390478A 04	do	Mayor, Box 113, Ontario, Ohio 44862	Apr. 5, 1974.
Pennsylvania	Lancaster	Millersville, borough of.	H 420559A 01	Secretary, Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Commissioner, Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough Manager, 25 East Charlotte, Millersville, Pa. 17551.	Aug. 2, 1974. Oct. 31, 1975.
Do	Westmoreland	New Stanton, borough of.	H 420892A 01 through H 420892A 04	do	Borough Council President, Box 91, New Stanton, Pa. 15672.	Aug. 2, 1974. Oct. 31, 1975.
Do	Erie	Fairview, borough of.	H 421238A 01 through H 421238A 08	do	Borough Council President, Drawer I, Fairview, Pa. 16415.	July 26, 1974.
Do	Lawrence	Wampum, borough of.	H 421791A 01 through H 421791A 02	do	Borough Council President, Box 162, Wampum, Pa. 16157.	Nov. 8, 1974.
South Carolina	Hampton	Hampton, town of.	H 450100A 01 through H 450100A 02.	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. Commissioner, South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Box 97, Hampton, S.C. 29924.	May 24, 1974. Oct. 31, 1975.
West Virginia	Cabell	Milton, town of	H 540019A 01	Director, Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Commissioner, West Virginia Insurance Commission, 1900 Washington St., Building No. 3, Room 643, Charleston, W. Va. 25305.	Mayor, Box 308, Milton, W. Va. 25541.	May 31, 1974.
Do	Jefferson	Shepherdstown, town of.	H 540060A 01	do	Acting Mayor, Town Hall, Shepherdstown, W. Va. 25443.	Feb. 1, 1974. Oct. 31, 1975.
Do	Lewis	Weston, city of	H 540087A 01	do	Mayor, 118 Main Ave., Weston, W. Va. 26452.	Apr. 5, 1974. Oct. 31, 1975.
Do	Ohio	Wheeling, city of.	H 540152A 01 through H 540152A 11.	do	City Manager, City-Co Bldg., Wheeling, W. Va. 26003.	Dec. 13, 1974. Oct. 31, 1975.
Do	Vernon	Coon Valley, village of.	H 550452A 01	do	Village President, Coon Valley, W. Va. 54623.	Apr. 12, 1974.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4028; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: September 8, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-24844 Filed 9-18-75;8:45 am]

Title 7—Agriculture

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

PART 370—FREEDOM OF INFORMATION

Availability of Records to the Public

Procedures for obtaining Animal and Plant Health Inspection Service records under the Freedom of Information Act (5 U.S.C. 552) are amended in accordance with the regulations of the Secretary of Agriculture issued pursuant to the Act, 7 CFR Part 1, Subpart A (40 FR 7341). The Secretary's regulations, as implemented by the regulations in this part, govern the availability of records of the Animal and Plant Health Inspection Service.

Advance notice of rulemaking is not required by 5 U.S.C. 553, since this amendment deals with agency organization and procedures.

In consideration of the above, Part 370 of Title 7 of the Code of Federal Regulations is revised to read as follows:

Sec.
370.1 Scope and purpose.
370.2 Published materials.
370.3 Index.
370.4 Facilities for inspection and copying.
370.5 Requests for records.
370.6 Appeals.
370.7 Agency response to requests.

AUTHORITY: Freedom of Information Act as amended (5 U.S.C. 552) Part 1, Subtitle A of this title.

§ 370.1 Scope and purpose.

These regulations are issued pursuant to the Freedom of Information Act, as amended (5 U.S.C. 552), and in accordance with the requirements of the Department of Agriculture regulations in Part 1, Subpart A of this title. The availability of records of the Animal and Plant Health Inspection Service (APHIS), and the procedures by which the public may obtain such information, shall be governed by the Department regulations as implemented by the regulations in this part. It is the policy of APHIS to be an open agency and to promptly make available for public inspection any records or information which are required to be released under the Act. Material which is exempt from disclosure will also be promptly made available when the Agency in its discretion determines that release of such material is in the public interest.

§ 370.2 Published materials.

Rules and regulations of APHIS relating to its regulatory responsibilities are continuously published and made available to the public in the FEDERAL REGISTER, and codified in this Chapter III, Title 7, and Chapters I and III, Title 9 of the Code of Federal Regulations. APHIS issues publications explaining animal and plant health programs and the laws and

regulations, including quarantines, under which the programs are conducted. Most of these publications are available free from the Office of Communications, USDA, Washington, D.C. 20250; or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at established rates.

§ 370.3 Index.

Pursuant to the regulations in § 1.4(b) of this title, APHIS will maintain and make available for public inspection and copying a current index providing identifying information regarding the materials required to be published or made available under the Freedom of Information Act (5 U.S.C. 552(a)(2)). Notice is hereby given that publication of this index is unnecessary and impracticable, since the material is voluminous and does not change often enough to justify the expense of publication.

§ 370.4 Facilities for inspection and copying.

Facilities for public inspection and copying of the index and materials required to be made available under § 1.2 of this title will be provided by APHIS, on business days between 8:15 a.m. and 4:45 p.m. Requests for this information should be made to the FOIA Coordinator or his designee at the following address:

Freedom of Information Act Coordinator, Animal and Plant Health Inspection Service, Room 334–E, U.S. Department of Agriculture, Washington, D.C. 20250.

Copies of such material may be obtained in person or by mail. Applicable fees for copies will be charged in accordance with the regulations prescribed by the Director, Office of Plant and Operations, USDA, pursuant to § 2.79 of this title. See § 1.10 and Appendix A in Part 1, Subpart A of this title.

§ 370.5 Requests for records.

(a) Requests for APHIS records or information other than material published or made available under the preceding sections, shall be made in writing in accordance with the Department regulations in § 1.3 of this title and submitted to the APHIS Freedom of Information Act Coordinator at the following address:

Freedom of Information Act Coordinator (FOIA Request), Animal and Plant Health Inspection Service, Room 334–E, U.S. Department of Agriculture, Washington, D.C. 20250

The request shall identify each record with reasonable specificity as prescribed in § 1.3 of this title. Initial requests for records customarily released by APHIS may be made orally, but in certain instances the Coordinator in his discretion may deem it necessary to require a written request.

(b) The FOIA Coordinator or his designee is authorized to receive requests and to exercise the authority under § 1.4(c) of this title to (1) make determinations to grant or deny requests, (2) extend the administrative deadline, (3) make discretionary releases of exempt records, and (4) make determinations regarding charges pursuant to the fee schedule.

(c) In exercising his authority under § 1.4(c) of this title to grant and deny requests, the Coordinator will comply with subsection (b) of the Freedom of Information Act, as amended (5 U.S.C. 552(b)), which requires that any reasonably segregable portion of a document shall be provided to a person requesting such document after deletion of any portions which are exempt under the Act. Therefore, unless the disclosable and non-disclosable portions are so inextricably linked that it is not reasonably possible to separate them, the document will be released with the non-disclosable portions deleted, except that the Coordinator may exercise discretion as limited by § 1.11 of this title, to release the entire document, or to make only a minimum number of deletions, e.g., the names of individuals.

§ 370.6 Appeals.

If the request for information is denied in whole or in part, the requestor may file an appeal, pursuant to § 1.3(e) of this title. The appeal should be filed in writing within 45 days of the date of denial, and should be addressed as follows:

Administrator, Animal and Plant Health Inspection Service (FOIA Appeal), Room 316–E, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 370.7 Agency response to requests.

(a) The response to requests for information and to appeals shall be made in accordance with the Department regulations in § 1.5 of this title and the regulations in this part.

(b) Requests for records and information which have customarily been directed to field stations and agency headquarters may continue to be directed to those locations, notwithstanding the provisions of these regulations. If the information is not available at the location at which the request is made, or the official receiving the request is in doubt as to whether the information should be released, the official shall (1) promptly forward the request to the FOIA Coordinator, or (2) inform the requester of the procedures established in these regulations by which the request may be sent directly to the FOIA Coordinator. The date of receipt of the request by the Coordinator shall be the determining date for purposes of the time limitations under the Freedom of Information Act and the regulations.

Effective date. This revision takes effect on September 19, 1975.

Done at Washington, D.C., this 16th day of September 1975.

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

[FR Doc.75-25044 Filed 9-18-75;8:45 am]

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

[Lemon Reg. 12]

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 21–27, 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 prices for lemons.

§ 910.312 Lemon Regulation 12.

(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 recommedations 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 somewhat easier this week due to the Jewish holiday on Monday. Average f.o.b. price was $8.30 per carton the week ended September 13, 1975, compared to $8.29 per carton the previous week. Track and rolling supplies at 84 cars were down 8 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 16, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 21, 1975, through September 27, 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 18, 1975.

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

[FR Doc.75–25265 Filed 9–18–75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Oats Supp., Amdt. 5]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Deletion of Uniform Grain Storage Agreement Rates

The regulations issued by the Commodity Credit Corporation (CCC), published in the FEDERAL REGISTER at 35 FR 8340, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of oats are further amended as follows:

Section 1421.250(d) is amended to delete all references to computed rates applicable under the Uniform Grain Storage Agreement.

§ 1421.250 **Warehouse receipts.**

* * * * *

(d) *Liens.* Warehouse receipts and the oats represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens only for warehouse handling charges. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the oats when CCC is holder of the warehouse receipt.

* * * * *

Since this amendment is necessary to carry out the oat loan and purchase program more effectively, compliance with the notice of proposed rulemaking and public participation procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without following such procedure.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 Note and 1421))

Effective date: September 19, 1975.

Signed at Washington, D.C. on September 11, 1975.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.75–25046 Filed 9–18–75;8:45 am]

[CCC Grain Price Support Regs., 1975 Crop Rice Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Rice; Changes in Rates

The regulations issued by the Commodity Credit Corporation (CCC) and published on July 21, 1975, at 40 FR 30466 which set forth specific requirements with respect to loans and purchases for the 1975 crop of rice, are hereby amended to change certain value factors and the loan rate for farm-storage rice. The increases reflect the minimum national average loan and purchase rate, which is 65 percent of the parity price as of the beginning of the marketing year, August 1, 1975. It is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this amendment because 1975 crop rice is currently being harvested and it is essential that the rates provided for in this subpart be put into effect with respect to such rice on the earliest possible date.

Paragraphs (a) and (c) of § 1421.328 are hereby revised to increase the loan rate for farm-storage rice and value factors for all classes of whole kernel rice and broken rice. As revised, paragraphs (a) and (c) read as follows:

§ 1421.328 **Loan and purchase rates.**

(a) *Farm-storage loans.* The loan rate for farm-storage rice shall be $8.52 per hundredweight for any class. The settlement rate shall be the applicable basic rate specified in paragraph (c) of this section, adjusted in accordance with the provision of this section and §§ 1421.310 and 1421.23.

* * * * *

(c) *Basic rates.* The basic rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of whole kernels by the applicable value factor for whole kernels (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield and the whole kernels yield (in pounds per hundredweight) by the applicable value factor for broken rice and round the result to the neareset hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

Value factors for whole kernels and broken rice

[Cents per pound]

Rough rice class	Whole kernels	Broken rice
Grains:		
Long	14.41	6.30
Medium	13.16	6.30
Short	13.16	6.30

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714b, c); secs. 101, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1421))

Effective date: September 18, 1975.

Signed at Washington, D.C., on September 11, 1975.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.75–25045 Filed 9–18–75;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 TREASURY

Customs Service

[19 CFR Parts 153, 175]

ANTIDUMPING AND PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, AND WHOLESALERS

Proposed Revision; Extension of Comment Period

SEPTEMBER 12, 1975.

Notice of a proposed revision to Parts 153 and 175 of the Customs Regulations (19 CFR Parts Parts 153 and 175), pertaining to antidumping and petitions by American manufacturers, producers, and wholesalers, was published in the FEDERAL REGISTER on Wednesday, July 23, 1975 (40 FR 36825). Pursuant to that notice, the public was given until September 22, 1975, to submit data, views, or arguments pertaining to the proposed revision.

Requests have been received for an extension of the time for the submission of comments. Therefore, the period for submission of data, views, or arguments relating to the cited revision is extended to October 22, 1975.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-24999 Filed 9-18-75;8:45 am]

Internal Revenue Service

[26 CFR Part 31]

CERTAIN EMPLOYMENT TAXES

Public Hearing on Proposed Requirements for Depositing

Proposed regulations under section 6302 of the Internal Revenue Code of 1954, relating to requirements for depositing certain employment taxes, appear in the FEDERAL REGISTER for June 27, 1975 (40 FR 27240).

A public hearing on the provisions of such proposed regulations will be held on October 22, 1975, beginning at 10 a.m. e.d.s.t. in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW. Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3) persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rulemaking, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by October 14, 1975. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by October 17, 1975. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on October 21, 1975, by telephoning (Washington, D.C.) 202-964-3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.75-25194 Filed 9-18-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 183]

[CGD 75-110]

BOATS AND ASSOCIATED EQUIPMENT

Proposed Category of Single Outboard Motors Rated Greater Than 150 Horsepower

The Coast Guard is considering issuing an amendment to Part 183, of Subchapter S of Title 33, Code of Federal Regulations, to provide an additional category to Table 183.67(a). The new category relates to single outboard motors rated greater than 150 horsepower.

Table 183.67(a), Weights of Outboard Motors and Related Equipment for Various Boat Horsepower Ratings, lists data needed to determine a boat's required quantity of flotation and persons capacity. In the table weights are given for single outboard motors ranging from under 4 horsepower to 150 horsepower. 150 horsepower motors were the largest outboard motors produced at the time the table was promulgated. Greater horsepower capacity outboard motors are now available. As a result, the table must be amended to include these larger motors. It is proposed, therefore, to add to Table 183.67(a) an additional category of single motors in the range of 150.1 to 250 horsepower.

If the proposed amendment is adopted, its effective date will be 6 months after publication of the Final Rule in the FEDERAL REGISTER, and manufacturers will be allowed, at their option, to utilize the data from this new category before the effective date.

There are two minor editorial errors in the present table, therefore, the Coast Guard proposes to amend the table as follows: The first line of Table 183.67 (a) currently reads under 4 in the Boat Horsepower Rating column. This is a typographical error and should read 4.1.

The sixth line of Table 183.67(a) reads 163 in the Motor and Control Weight—Wet column. This is an error in calculation and should read 173.

Any interested person may submit written data, views or arguments concerning this notice to Commandant (G-CMC/82), the U.S. Coast Guard, Washington, D.C. 20590. All communications received before November 5, 1975, will be considered before final action is taken on the proposed regulation. Each person submitting comments should include his name and address, identify this notice (CGD 75-110) and give reasons and supporting data for any recommendations. All comments will be available for public inspection at Coast Guard Headquarters.

The amendment is proposed under the authority of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1454) which was delegated to the Commandant of the Coast Guard on October 8, 1971 in the FEDERAL REGISTER (36 FR 19593) (49 CFR 1.46(o)(1)).

In consideration of the foregoing, the Coast Guard proposes to amend Table 183.67(a) as follows:

TABLE 183.67(a).—*Weights of outboard motor and related equipment for various boat horsepower ratings*

Boat horsepower rating	Motor and control weight		Battery weight		Full portable fuel tank weight [2]	
	Dry	Wet [1]	Dry	Wet [1]	Dry	Wet [1]
Under 4.1	35	20				
4.1 to 5	55	34			25	−1
5.1 to 10	70	55	20	11	50	−1
10.1 to 30	105	86	45	25	50	−1
30.1 to 50	190	138	45	25	100	−3
50.1 to 75	240	173	45	25	100	−3
75.1 to 150	305	218	45	25	100	−3
150.1 to 250	420	300	45	25	100	−3
Transoms designed for twin motors:						
60.0 to 100	380	268	45	25	100	−3
100.1 to 150	480	328	45	25	100	−3
150.1 to 300	610	413	45	25	100	−3

[1] Wet in this case means submerged.
[2] If the boat has a permanent built-in fuel tank, the tank should be full for the test and the "full portable fuel tank weight" excluded.

Dated: September 11, 1975.

D. F. LAUTH,
Chief, Office of Boating Safety.

[FR Doc.75-24985 Filed 9-18-75;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 573]

[Docket No. 74-7; Notice 3]

DEFECT AND NONCOMPLIANCE REPORTS

Proposed Amendments

This notice proposes extensive amendments to 49 CFR Part 573, Defect Reports. A notice of proposed rulemaking proposing to extend the applicability of the present regulation to manufacturers of tires and other motor vehicle equipment was published January 15, 1974, (Docket No. 74-7; Notice 2 (39 FR 1863)). The NHTSA stated in an amendment to the Defect Reports regulations published December 10, 1974 (39 FR 43075), that further notice would be provided due to the recent passage of amendments to the National Traffic and Motor Vehicle Safety Act affecting the statutory basis of the proposed requirements.

Sections 151 to 160, or Part B of the Motor Vehicle and Schoolbus Safety Amendments of 1974 (Pub. L. 93-492, 88 Stat. 1470; October 27, 1974) ("1974 Amendments"), amend the defect notification requirements of the National Traffic and Motor Vehicle Safety Act of 1966 ("the Act"). These amendments require manufacturers of motor vehicle replacement equipment to notify purchasers and to remedy any defects or noncompliances following the manufacturer's or the Administrator's determination that the equipment contains either a defect which relates to motor vehicle safety or a noncompliance with an applicable Federal motor vehicle safety standard. Prior to the enactment of these provisions, manufacturers of motor vehicle equipment were responsible under the Act for notification of defects or noncompliances only following a determination by the National Highway Traffic Safety Administrator that the item of equipment contained a safety related defect or failed to comply (Sec. 113(e), Pub. L. 89563, 15 U.S.C. 1402).

As proposed herein, the regulation would require the filing of defect and noncompliance information reports by manufacturers of both motor vehicles and motor vehicle equipment. "Motor vehicle equipment" would include both "original equipment" and "replacement equipment" as defined in section 159 of the 1974 Amendments. While section 151 of the 1974 Amendments refers only to manufacturers of "replacement equipment," the definitions of "replacement equipment," "original equipment," and the attribution of responsibility for defects and noncompliances are all established by section 159. That section specifically authorizes modification by regulation of the statutory requirements. Consequently, the NHTSA views any requirements proposed by this notice as to the reporting of defects by manufacturers of original equipment to be within the Secretary's rulemaking authority as expressly provided in section 159. Additional regulations under consideration would modify the sections of section 159 insofar as those sections make manufacturers of motor vehicles responsible for all original equipment.

In the case of a defect or noncompliance determined to exist in a motor vehicle by its manufacturer or the Administrator, the proposed regulation would require the vehicle manufacturer to file the defect or noncompliance information report. The proposed regulation recognizes that in some cases a defect or noncompliance may exist in an item of equipment independently of its use in a particular vehicle application. In that situation, the regulation would require the filing of a defect and noncompliance report by both the manufacturer of the equipment and the manufacturer of any vehicle in which it was installed. It is readily apparent that the substantive information provided by each will differ, and in each case the information is of independent importance to the agency. An exception to this dual-reporting requirement would be available when the equipment is used in the manufacture of the vehicles of only one vehicle manufacturer. In such a case, the NHTSA believes a report filed by the vehicle manufacturer alone would be sufficient to describe the defective or noncomplying equipment and to indicate the scope of any recall and remedy campaign.

The proposed regulation would permit compliance with the reporting requirement by the manufacturer of an incomplete vehicle or any subsequent manufacturer of a multi-stage vehicle to be compliance for the other manufacturers.

In the case of a defect or noncompliance determined to exist in replacement equipment, the regulation would permit the necessary reports to be filed by the trademark or brand name owner. This is proposed in response to several comments to the earlier notice that the trademark owner frequently controls much of the equipment's manufacture, and frequently bears responsibility for its specifications. However, the report filed in such circumstances would still be required to identify the fabricating manufacturer. Several comments argued that such information should not be provided. However, the NHTSA finds it has a legitimate need to know the actual manufacturer of a product. That manufacturer could, for example, be manufacturing the same or similar components for other trademark or brand name owners, or in its own name.

In the case of a vehicle or equipment item imported into the United States, the proposed regulation would permit compliance by either the fabricating manufacturer or the importer. Importers are generally sufficiently cognizant of manufacturer activities in this country to file reports.

Finally, in response to comments received, the proposed regulation would permit manufacturers of tires to bear full responsibility for reporting defects and noncompliances, even when the tires are sold as original equipment on the vehicles or more than one vehicle manufacturer. Tire manufacturers are required by NHTSA Tire Identification and Recordkeeping regulations (49 CFR Part 574) to maintain the names and addresses of first purchasers for purposes of implementing recalls, and are fully capable of providing all of the information required by the defect or noncompliance reports.

The proposed regulation would require the filing, not more than 5 working days after the determination that the defect or noncompliance exists, of a defect or noncompliance report for each vehicle and equipment item that has been transported beyond the direct control of the manufacturer. The proposed requirements respond to comments on the proposal of January 15, 1974, which would have required that the report be filed regarding any vehicle or equipment item that had been transported

beyond its place of final manufacture. The comments argued that even after removal from their place of final manufacture, vehicles and components are frequently still within the manufacturer's control. For example, vehicles may be stored on lots separate from the actual place of manufacture prior to their shipment to distributorships or dealerships. Manufacturers insisted that in such circumstances remedy of such vehicles or components is virtually assured, thereby eliminating the need for the filing of reports. The NHTSA has tentatively determined it can permit manufacturers to exclude such defects and noncompliances from the reporting requirements because of the much higher likelihood that remedy will be accomplished. The phrase "direct control of the manufacturer" is thus not intended to be conditioned on legal ownership, but rather on physical location. Vehicles or equipment items in the possession of distributors or dealers, however, whether or not they are wholly owned by the manufacturer, would be considered to have been transported beyond the direct control of the manufacturer.

The proposed regulation tentatively incorporates newly enacted definitions of "original equipment" and "replacement equipment." Manufacturers should be aware that the definition of the latter term, "any motor vehicle equipment (including a tire) other than original equipment", is not its commonly understood meaning, i.e., equipment which replaces original equipment. It in fact includes accessories and other additions to the vehicle, and safety-related devices, articles, and apparel, as well as any equipment which replaces original equipment.

The proposed requirements for the content of defect and noncompliance information reports are essentially those proposed on January 15, 1974, and are similar to the existing requirements. Some changes have been made, however, as a result of the statutory amendments and the comments received.

Section 151 now draws a clear distinction between safety related defects and noncompliances with Federal standards. Consequently, the title and the substantive requirements of the Part now refer separately to defects relating to safety and noncompliances with Federal motor vehicle safety standards.

The information report regarding a noncompliance would be required to contain the test results or other data on the basis of which the manufacturer determined that the noncompliance existed. Moreover, because the 1974 amendments provide for remedy without charge, the manufacturer would be required to describe his program for remedying the defect or noncompliance. The proposed requirements also reflect the statutory requirement (sec. 153(c)(5)) that the manufacturer furnish to the NHTSA by certified mail a copy of the notification sent to owners. While it is not proposed that the entire report be submitted by certified mail, manufacturers may use certified mail for this purpose if they so choose.

Some changes from the earlier proposal have been proposed in the report requirements for describing vehicles other than passenger cars. Several comments indicated that the descriptive criteria for trucks were not appropriate to describe trucks of varying types. The requirements proposed herein are of a more general nature to permit manufacturers to describe accurately all truck types.

The proposed regulation does not include the previously proposed requirement that manufacturers of motor vehicle equipment include in defect and noncompliance reports the names and addresses of distributors and dealers, the quantity of items sold to each, and their date of delivery. The comments were persuasive that much of the information would be proprietary and that little purpose would be served in providing it to the agency routinely. The NHTSA agrees with several comments that the agency has sufficient authority to obtain the information in those circumstances where it finds it necessary. However, the proposal does require the information to be maintained by equipment manufacturers in the same manner as vehicle manufacturers' "owner lists." Equipment manufacturers would therefore be required to maintain the information in form suitable for inspection, but would not have to provide it to the NHTSA unless specifically requested to do so. The proposed requirement meets the agency's need for quick access to the information, preserves its proprietary nature, and respects manufacturers' desires that this information be safeguarded.

The proposed requirements for quarterly reports are also similar to those proposed on January 15, 1974. They refer both to instances of noncompliance and to safety related defects. They reflect the recent amendment to Part 573 regarding the furnishing of vehicle identification numbers of uncorrected vehicles in the third quarterly report (39 FR 43075, December 10, 1974). The proposal does attempt to categorize more clearly the method of reporting the number of vehicles corrected. Several comments pointed out that the categories of information in the January 15 proposal tended to overlap, and were not mutually exclusive. As a consequence, the present proposal would require only a reporting of the number of vehicles or equipment repaired and the number inspected and determined not to need repair. Eliminated as unnecessary is the previously proposed requirement that the number be reported of vehicles needing but not receiving corrective action. It was argued by the comments that manufacturers could not readily determine this information, and that its utility was questionable in light of the other information reported.

The requirements for the maintenance of owner lists would be modified to eliminate the need for manufacturers of motor vehicles to maintain owner lists regarding original equipment tire defects and noncompliances. Special owner list requirements for tire manufacturers are proposed. First-purchaser lists would be required to be maintained by manufacturers of other motor vehicle equipment. Those lists would include the names and addresses of distributors and dealers receiving defective or noncomplying parts, the number of parts shipped to each, and in response to several comments, the date of shipment rather than the date of delivery. The dates essentially are of equal value, but the NHTSA agrees that manufacturers cannot readily determine the date of delivery.

The proposed requirements of January 15, 1974, regarding the reporting of defects considered to be inconsequential are not included in this proposal. Manufacturers would be required to file a defect or noncompliance information report as proposed by this notice for all defects and noncompliances, whether or not they believed the defect or noncompliance to be inconsequential with respect to safety. Section 157 of the 1974 Amendments provides for special procedures for an administrative determination that defects and noncompliances are inconsequentially related to safety. If a manufacturer wished to petition for a finding of inconsequentiality in accordance with section 157, that petition would follow the submission of the defect or noncompliance information report. As part of that petition, the manufacturer could request an exemption from the remainder of the reporting requirements.

The proposal retains the earlier proposed requirement that vehicle and equipment manufacturers submit to the NHTSA copies of notices, bulletins, and other communications (including warranty and policy extension communiques and product improvement bulletins), sent to one or more purchasers, distributors, dealers, or other manufacturers, regarding all defects and noncompliances, whether or not they are safety-related. It is the responsibility of the NHTSA, not the manufacturers, to make a final determination as to whether or not a given defect is safety-related. Therefore, the term "defect", as it is used in this provision, is to be given a broad interpretation so that the NHTSA can better carry out its responsibility to examine manufacturers' judgments regarding the relationship of these defects to safety. This provision was opposed in many comments on the basis that it is outside the agency's statutory authority. However, in the view of the NHTSA, section 158(a)(1) of the 1974 Amendments specifically authorizes the agency to require the submission of this information. The comments further argued that requiring the submission of this information would tend to have a "chilling effect" on manufacturers' communications with distributors and dealers with respect to service and other problems. However, the NHTSA will, as in the past, generally abide by manufacturers' good faith determinations regarding the safety nature of defects. Therefore, the NHTSA has

every reason to expect that responsible manufacturers will continue to advise distributors and dealers of non-safety defects, and to forward copies of those notifications to the agency.

The comments to the proposal of January 15, 1974, were extensive and, for the most part, responsive to the issues raised by the proposal. The prior discussion of this proposal has incorporated their substance insofar as it relates to the specific provisions of the proposal.

A major concern of equipment manufacturers as expressed in the comments was the possibility of manifold increases in recordkeeping requirements, and a resultant large increase in costs, with insufficient increase in safety benefits. Manufacturers indicated that at present most motor vehicle equipment is not dated or otherwise coded, that production lots are commonly mixed, and that with present marketing and recordkeeping practices it would be virtually impossible to trace equipment items to consumers, dealers, or distributors. Several commenters requested that a cost-benefit study be undertaken to assess the value of such recordkeeping costs before they are imposed.

The NHTSA did not intend by this proposed regulation to impose increased recordkeeping burdens on equipment manufacturers. It has been this agency's intention that manufacturers meet the requirements for providing information in whatever ways their present recordkeeping practices permit. It is true that without records capable of precisely identifying involved equipment, a manufacturer may have to recall a greater number of equipment items in a given recall than he would have were his records able to specifically identify the equipment involved. However, given the rather rare instance of defects found to exist in equipment items, these expenses would seemingly be easier to bear than the costs associated with wholesale changes in manufacturer methods of recordkeeping. At the same time, it is hoped that manufacturers will develop more accurate methods of recordkeeping for identifying equipment items and implement them gradually as part of normal business development.

Several comments also requested a more precise definition of defect in order to provide guidance for manufacturers as to when it may be necessary to file defect reports. The NHTSA does not believe a more precise definition of defect would have the benefits urged by these comments. The definition is sufficiently precise to encompass problems which arise in the manufacture and use of motor vehicles and motor vehicle equipment. Manufacturers who are in doubt in a given instance may raise with the agency the question whether a discovered problem will give rise to defect reporting responsibility under the provisions of the Act.

Several comments suggested limitations on the equipment to which the regulation would apply as a means of reducing the cost of compliance. Suggestions would have limited the applicability of the regulation to equipment having a value over a specific dollar amount, or only to equipment to which a motor vehicle safety standard applies. Neither of these suggestions are adopted. It is clear that the potential harm associated with an equipment item is not related to its cost. Given the fact that relatively few items of motor vehicle equipment are subject to motor vehicle safety standards, the second suggestion would also not satisfy the NHTSA's need to be informed of many potential safety related defects.

In light of the above, it is proposed that Part 573 of Title 49, Code of Federal Regulations, Defect Reports, be revised to read as set forth below.

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

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

Comment closing date: November 21, 1975.

Proposed effective date: 30 days from publication of final rule.

(Secs. 108, 112, 119, Pub. L. 89-563, 80 Stat. 718; Secs. 102, 103, 104, Pub. L. 93-492; 88 Stat. 1470; 15 U.S.C. 1397, 1401, 1408, 1411-1420; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on September 16, 1975.

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

PART 573—DEFECT AND NONCOMPLIANCE REPORTS

Sec.
573.1 Scope.
573.2 Purpose.
573.3 Application.
573.4 Definitions.
573.5 Defect and noncompliance information report.
573.6 Quarterly report.
573.7 Owner lists.
573.8 Notices, bulletins, and other communications.
573.9 Address for submitting required reports and other information.

AUTHORITY: Sec. 108, 112, 119, Pub. L. 89-563, 80 Stat. 718; secs. 102, 103, 104, Pub. L. 93-492; 88 Stat. 1470; 15 U.S.C. 1397, 1401, 1408, 1411-1420; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

§ 573.1 Scope.

This part specifies requirements for manufacturers to maintain lists of purchasers and owners of defective and noncomplying motor vehicles and motor vehicle original and replacement equipment, and for reporting to the National Highway Traffic Safety Administration defects in motor vehicles and motor vehicle equipment, for reporting nonconformities to motor vehicle safety standards, for providing quarterly reports on defect and noncompliance notification campaigns, and for providing copies to NHTSA of communications with distributors, dealers, and purchasers regarding defects and noncompliances.

§ 573.2 Purpose.

The purpose of this part is to inform NHTSA of defective and noncomplying motor vehicles and items of motor vehicle equipment, and to obtain information for NHTSA on the adequacy of manufacturers' defect and noncompliance notification campaigns, on corrective action, on owner response, and to compare the defect incidence rate among different groups of vehicles.

§ 573.3 Application.

(a) This part applies to manufacturers of complete motor vehicles, incomplete motor vehicles, and motor vehicle original and replacement equipment, with respect to all vehicles and equipment that have been transported beyond the direct control of the manufacturer.

(b) In the case of a defect or noncompliance determined to exist in a motor vehicle or equipment item imported into the United States, compliance with §§ 573.5 and 573.6 by either the fabricating manufacturer or the importer of the vehicle or equipment item shall be considered compliance by both.

(c) In the case of a defect or noncompliance determined to exist in a vehicle manufactured in two or more stages, compliance with §§ 573.5 and 573.6 by either the manufacturer of the incomplete vehicle or any subsequent manufacturer of the vehicle shall be considered compliance by all manufacturers.

(d) In the case of a defect or noncompliance determined to exist in an item of replacement equipment, compliance with §§ 573.5 and 573.6 by the brand name or trademark owner shall be considered compliance by the manufacturer.

(e) In the case of a defect or noncompliance determined to exist in an item of original equipment used in the vehicles of only one vehicle manufacturer, compliance with §§ 573.5 and 573.6 by either the vehicle or equipment manufacturer shall be considered compliance by both.

(f) In the case of a defect or noncompliance determined to exist in original equipment installed in the vehicles of more than one vehicle manufac-

turer, compliance with §§ 573.5 and 573.6 is required of the equipment manufacturer as to the equipment item, and of each vehicle manufacturer as to the vehicles in which the equipment has been installed.

§ 573.4 Definitions.

For purposes of this part:

"Act" means the National Traffic and Motor Vehicle Safety Act of 1966, as amended, (15 U.S.C. 1391 et seq.).

"Administrator" means the Administrator of the National Highway Traffic Safety Administration.

"First purchaser" means the first purchaser for a purpose other than resale.

"Original equipment" means an item of motor vehicle equipment (including a tire) which was installed in or on a motor vehicle at the time of its delivery to the first purchaser for purposes other than resale.

"Replacement equipment" means any motor vehicle equipment (including a tire) other than original equipment.

§ 573.5 Defect and noncompliance information report.

(a) Each manufacturer shall furnish a report to the NHTSA for each defect in his vehicles or in his items of original or replacement equipment that he or the Administrator determines to be related to motor vehicle safety, and for each noncompliance with a motor vehicle safety standard in such vehicles or items of equipment which either he or the Administrator determines to exist.

(b) Each report shall be submitted not more than 5 working days after a defect in a vehicle or item of equipment has been determined to be safety related, or a noncompliance with a motor vehicle safety standard has been determined to exist. Information required by paragraph (c) of this section that is not available within that period shall be submitted as it becomes available. Each manufacturer submitting new information relative to a previously submitted report shall refer to the notification campaign number when a number has been assigned by the NHTSA.

(c) Each manufacturer shall include in each report the information specified below.

(1) The manufacturer's name: The full corporate or individual name of the fabricating manufacturer and any brand name or trademark owner of the vehicle or item of equipment shall be spelled out, except that such abbreviations as "Co." or "Inc.", and their foreign equivalents, and the first and middle initials of individuals, may be used. In the case of a defect or noncompliance determined to exist in an imported vehicle or item of equipment, the agent designated by the fabricating manufacturer pursuant to section 110(e) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1399(e)) shall be also stated. If the fabricating manufacturer is a corporation that is controlled by another corporation that assumes responsibility for compliance with all requirements of this part the name of the controlling corporation may be used.

(2) Identification of the vehicles or items of motor vehicle equipment potentially containing the defect or noncompliance.

(i) In the case of passenger cars, the identification shall be by the make, line, model year, the inclusive dates (month and year) of manufacture, and any other information necessary to describe the vehicles.

(ii) In the case of vehicles other than passenger cars, the identification shall be by body style or type, inclusive dates (month and year) of manufacture and any other information necessary to describe the vehicles, such as GVWR or class for trucks, displacement (cc) for motorcycles, and number of passengers for buses.

(iii) In the case of items of motor vehicle equipment, the identification shall be by generic name of the component (tires, child seating systems, axles, etc.), part number, size and function if applicable, the inclusive dates (month and year) of manufacture, and any other information necessary to describe the items.

(3) The total number of vehicles or items of equipment potentially containing the defect or noncompliance, and the number of vehicles or items of equipment in each group identified pursuant to paragraph (c)(2) of this section.

(4) The percentage of vehicles or items of equipment specified pursuant to paragraph (c)(2) of this section estimated to actually contain the defect or noncompliance.

(5) A description of the defect or noncompliance, including both a brief summary and a detailed description, with graphic aids as necessary, of the nature and physical location (if applicable) of the defect or noncompliance.

(6) In the case of a defect, a chronology of all principal events that were the basis for the determination that the defect related to motor vehicle safety, including all warranty claims, field service bulletins, and other information, with their dates of receipt.

(7) In the case of a noncompliance, the test results or other data on the basis of which the manufacturer determined the existence of the noncompliance.

(8) A description of the manufacturer's program for remedying the defect or noncompliance.

(9) A representative copy of all notices, bulletins, and other communications that relate directly to the defect or noncompliance and are sent to more than one manufacturer, distributor, dealer, or purchaser. These copies shall be submitted to the NHTSA not later than 5 days after they are initially sent to manufacturers, distributors, dealers, or purchasers. In the case of any notification sent by the manufacturer pursuant to Part 577 of this chapter, the copy of the notification shall be submitted by certified mail.

§ 573.6 Quarterly reports.

(a) Each manufacturer who is conducting a defect or noncompliance notification campaign to manufacturers, distributors, dealers, or purchasers, shall submit to NHTSA a report in accordance with paragraphs (b) and (c) of this section, not more than 25 working days after the close of each calendar quarter. Unless otherwise directed by the NHTSA, the information specified in paragraphs (b)(1) through (b)(6) of this section shall be included in the quarterly report, with respect to each notification campaign, for each of six consecutive quarters beginning with the quarter in which the campaign was initiated (i.e., the date of initial mailing of the defect or noncompliance notification to owners) or corrective action has been completed on all defective or noncomplying vehicles or items of replacement equipment involved in the campaign, whichever occurs first. The information specified in paragraph (b)(7) shall be included only in the third quarterly report furnished pursuant to this section.

(b) Each report shall include the following information identified by and in the order of the subparagraph headings of this paragraph.

(1) The notification campaign number assigned by NHTSA.

(2) The date notification began and the date completed.

(3) The number of vehicles or items of equipment involved in the notification campaign.

(4) The number of vehicles or items of equipment estimated to contain the defect.

(5) The number of vehicles and equipment items receiving corrective action, which shall be the sum of

(i) The number repaired; and

(ii) The number inspected and determined not to need repair.

(6) The number of vehicles or items of equipment determined to be unreachable for inspection due to export, theft, scrapping, failure to receive notification, or other reasons (specify). The number of vehicles or items of equipment in each category shall be specified.

(7) In the case of motor vehicles, the vehicle identification number for each vehicle for which corrective measures have not been completed.

(c) If the manufacturer determines that the original information submitted under paragraphs (b)(3), (b)(4), or (b)(6) of this section is incorrect, revised figures and an explanatory note shall be submitted. If the nature of the defect or noncompliance prevents determination of the information required by paragraph (b)(5) of this section, the manufacturer shall include a brief explanation. Information supplied in response to paragraphs (b)(5) and (b)(6) of this section shall be cumulative totals.

§ 573.7 Purchaser and owner lists.

(a) Each manufacturer of motor vehicles shall maintain, in a form suitable for inspection such as computer information storage devices or card files, a list of the names and addresses of the registered owners, as determined through State motor vehicle registration records or other sources, or the most recent purchasers where the registered owners are

unknown, for all vehicle's involved in a defect or noncompliance notification campaign initiated after the effective date of this part. The list shall include the vehicle identification number for each vehicle and the status of remedy with respect to each vehicle, updated as of the end of each quarterly reporting period specified in § 573.6. Each list shall be retained, beginning with the date on which the defect or noncompliance information report required by § 573.5 is initially submitted to the NHTSA, for 5 years.

(b) Each manufacturer or brand name owner of tires shall maintain, in a form suitable for inspection such as computer information storage devices or card files, a list of the names and addresses of the first purchasers of his tires for all tires involved in a defect or noncompliance notification campaign initiated after the effective date of this part. The list shall include the tire identification number of each tire, and shall show the status of remedy with respect to each tire involved in each notification campaign, updated as of the end of each quarterly reporting period specified in § 573.6. Each list shall be retained, beginning with the date on which the defect information report is initially submitted to the NHTSA, for 3 years.

(c) Each manufacturer of motor vehicle equipment other than tires shall maintain, in a form suitable for inspection, such as computer information storage devices or card files, a list of the names and addresses of each distributor and dealer of such manufacturer, each motor vehicle or motor vehicle equipment manufacturer and most recent purchaser known to the manufacturer to whom a potentially defective or noncomplying item of equipment has been sold, the number of such items sold to each, and the date of shipment, for each item of equipment involved in a defect or noncompliance notification campaign initiated after the effective date of this part. The list shall show as far as is practicable the number of items remedied or returned to the manufacturer and the dates of such remedy or return. Each list shall be retained, beginning with the date on which the defect report required by § 573.5 is initially submitted to the NHTSA, for 5 years.

§ 573.8 Notices, bulletins, and other communications.

Each manufacturer shall furnish to the NHTSA a copy of all notices, bulletins, and other communications (including warranty and policy extension communiques and product improvement bulletins), other than those required to be submitted pursuant to § 573.5(c)(9), sent to more than one manufacturer, distributor, dealer, or purchaser, regarding any defect in his vehicles or items of equipment [(including any failure or malfunction beyond normal deterioration in use, or any failure of performance, or any flaw or unintended deviation from design specifications)], or any noncompliance with a motor vehicle safety standard, whether or not such defect or noncompliance is safety-related. Copies shall be submitted monthly, not more than 5 working days after the end of each month.

§ 573.9 Address for submitting required reports and other information.

All required reports and other information, except as otherwise required by this part, shall be submitted to the Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590.

[FR Doc.75-25014 Filed 9-18-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1014]

PRIVACY ACT

Proposed Policies and Procedures Implementing the Privacy Act of 1974; Correction

In FR Doc. 75-23274, appearing at page 42025 in the issue for Wednesday, September 10, 1975, the following corrections are necessary.

In § 1014.9(b), in the third line of the right-hand column on page 42027, delete the phrase "Unless disclosure is made under the Freedom of Information Act, 5 U.S.C. 552". The sentence should begin "The Secretary shall log the disclosure . . . ."

At page 42028, the paragraph which begins "Interested persons are invited to submit written comments regarding this proposal on or before September 10, 1975," should read ". . . on or before October 10, 1975."

Dated: September 16, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-25006 Filed 9-16-75;3:12 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

[FRL 433-5]

MINIMUM STANDARDS FOR PROCUREMENT UNDER EPA CONSTRUCTION GRANTS

Review Meeting

Notice is hereby given that the Environmental Protection Agency will hold a meeting with representatives of interested organizations including professional associations and State and local governments for the purpose of reviewing a draft of amendments to Part 35 (regulations governing subagreements under grants for construction of treatment works). These amendments had been published as part of a rulemaking proposal on May 9, 1975, (40 FR 20296). The meeting will take place on September 25, 1975, at 9:00 a.m. in Room 3305-3307 of the EPA offices, Waterside Mall, 401 M Street, SW., Washington, D.C. Other affected parties interested in attending this meeting are requested to contact Mrs. Davis of the EPA Grants Administration Division at (202) 755-0860, by 4:00 p.m. Tuesday, September 23, 1975.

Dated: September 17, 1975.

ALVIN L. ALAN,
Assistant Administrator for Planning and Management.

[FR Doc.75-25137 Filed 9-18-75;8:45 am]

[40 CFR Part 52]

[FRL 433-1]

UTAH

Approval and Promulgation of Implementation Plans; Revision

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved, with specific exceptions, a plan for implementation of the national ambient air quality standards (NAAQS) submitted by Utah. Regulations to correct deficiencies in the Utah plan were promulgated on May 14, 1973 (38 FR 12696), November 27, 1973 (38 FR 32656), September 5, 1974 (38 FR 32113). A regulation for the control of sulfur dioxide was proposed on October 18, 1974 (39 FR 37212).

On July 10, 1975, the Governor of Utah submitted revised Utah Air Conservation Regulations as a revision to the State Implementation Plan (SIP). The new regulations were adopted by the Utah Air Conservation Committee on June 26, 1975, following public hearing on January 9, 1975, and became effective on July 9, 1975. The following is a summary of the significant changes to the state's regulations and the Administrator's proposed actions:

1. Section 1.3 Air Quality Degradation has been formalized into a regulation. If the state desires to request delegation of EPA's review authority for prevention of significant deterioration, however, the regulation will need to be revised in accordance with the guidelines published on December 5, 1974 (39 FR 42510).

2. Section 1.4 Periodic Reports of Emissions (Availability of Information)—the state has adopted a public availability regulation in accordance with amended legal authority previously submitted to EPA. The Administrator proposes to approve this regulation.

3. Section 1.5 Variances authorized—the state has formalized its variance procedures into a regulation. Although the regulation is generally approvable, the broad language of section 1.5.c could permit, for economic reasons, operation of a source which is contributing to a violation of primary NAAQS. Consequently, the Administrator proposes to disapprove this section as a revision to the SIP.

4. Section 1.6 Notice of intent to construct required—although generally approvable, this regulation contains language which may be subject to legal challenge. Section 1.6.2 adopts the Federal New Source Performance Standards into the new source review criteria and should

allow EPA to delegate its authority in this area to the state.

5. Section 2.5 Emission of sulfur compounds—this regulation, which applies to the Kennecott copper smelter, constitutes the state's revised control strategy for sulfur dioxide in the Wasatch Front Air Quality Control Region. The Administrator proposes to disapprove this regulation because it: (1) Does not contain an emission rate sufficient to attain the NAAQS for SO_2; (2) is unenforceable since no method of determining compliance is specified; (3) contains a malfunction provision which would effectively prevent enforcement of the monthly sulfur emission limitation; and (4) allows the utilization of a supplementary control system without requiring the application of reasonably available control technology.

Although the state submittal contained all of the Utah Air Conservation Regulations, the Administrator's proposed action pertains only to the changes and additions listed above. Other regulations have either been approved or disapproved by the Administrator previously, or do not require EPA action. However, the public is invited to inspect and comment on all of the submitted revisions, including the state's rescinding of the 80 percent SO_2 control requirement for new sources (§ 3.6), pollution control equipment requirements (§ 1.7), and planned maintenance provisions (§ 2.2.6b).

The Utah SIP revisions and EPA's evaluation report are available for public inspection at the offices of the Environmental Protection Agency listed below:

Environmental Protection Agency, Region VIII, Office of Public Affairs, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.
Environmental Protection Agency, Room 329, 401 M Street SW., Washington, D.C. 20460.
Environmental Protection Agency, Room 4223, Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

Interested persons are encouraged to participate in this rulemaking by submitting written comments, preferably in triplicate, on the Utah submittal and EPA's actions. Such comments will be accepted for consideration on or before October 20, 1975. Comments should be addressed to the Office of Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203. All comments will be available for public inspection during normal business hours at the offices of the Environmental Protection Agency noted above.

(Sec. 110, Clean Air Act (42 U.S.C. 1857c-5))

Dated: September 8, 1975.

JOHN A. GREEN,
Regional Administrator,
Region VIII.

[FR Doc.75-24942 Filed 9-18-75;8:45 am]

POSTAL SERVICE

[39 CFR 42, 43, 44, 45, 47]

INTERNATIONAL SPECIAL MAIL SERVICE

Proposed Increase in Fees

Under the authority of 39 U.S.C. 407 (a) the Postal Service proposes to amend several sections in Subchapter B of Title 39, CFR, to increase the fees for the following special services on international mail: registration, insurance, restricted delivery, special delivery, special handling, and certificates of mailing.

Interested persons who wish to do so may submit written data, views or arguments concerning the proposed revised regulations to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. All comments received on or before October 18, 1975, will be considered by the Postal Service prior to taking action on the proposed amendments. Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking, 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed amendments of Title 39, CFR:

PART 42—REGISTRATION

1. Section 42.3 is revised to read as follows:

§ 42.3 Fees.

(a) Canada:

Limit of indemnity:	Fee
$0.01 to $100.00	$1.90
$100.01 to $200.00	2.10

(b) All other countries:

Limit of indemnity	Fee
$15.76	1.90

See § 72.2 for indemnity provisions.

§ 42.6 [Amended]

2. In paragraph (a) (3) of § 42.6 strike out "50 cents" and insert "60 cents" in lieu thereof.

PART 43—INSURANCE

3. New § 43.3 is added to read as follows:

§ 43.3 Fees.

(a) Canada:

Limit of Indemnity:	Fee
Not over $15.00	$0.35
$15.01 to $50.00	.55
$50.01 to $100.00	.75
$100.01 to $150.00	.95
$150.01 to $200.00	1.15

(b) All other countries:

Limit of indemnity:	Fee
Not over $15.00	$0.60
$50.01 to $100.00	1.00
$100.01 to $150.00	1.20
$150.01 to $200.00	1.40
$200.01 to $300.00	1.60
$300.01 to $400.00	1.80
$400.01 to $500.00	2.00
$500.01 to $600.00	2.20
$600.01 to $700.00	2.40
$700.01 to $800.00	2.60
$800.01 to $900.00	2.80
$900.01 to $1,000.00	3.00
$1,000.01 to $1,100.00	3.20
$1,100.01 to $1,200.00	3.40

PART 44—SPECIAL DELIVERY (EXPRES)

4. Section 44.3(a) is revised to read as follows:

§ 44.3 Payment.

(a) Fees:

Class of mail	Weight: Not more than 2 lbs	Weight: More than 2 lbs but not more than 10 lbs	Weight: More than 10 lbs
Letters, letter packages, post cards, and airmail other articles	$1.30	$1.45	$1.70
Surface other articles	1.70	1.80	2.10

PART 45—SPECIAL HANDLING

5. Section 45.2 is revised to read as follows:

§ 45.2 Fees.

Weight:	Fee
Not more than 2 lbs	$0.50
More than 2 lbs. but not more than 10 lbs	.70
More than 10 lbs	1.00

Special handling fees are in addition to the regular postage rate to the country concerned.

PART 47—CERTIFICATES OF MAILING

6. Section 47.2 is revised to read as follows:

§ 47.2 Fees.

(a) Individually listed pieces:

Original certificate for ordinary postal union or parcel post—10 cents for each piece described.

Each additional copy of original certificate of mailing or copy of original mailing receipt for registered or insured mail—10 cents for each piece described.

(b) Identical pieces:

Identical pieces of postal union mail paid with ordinary stamps, precanceled stamps, or meter stamps:

Up to 1,000 pieces (1 certificate for total number)	$0.50
For each additional 1,000 pieces or fraction	.10
Duplicate copy	.10

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75-24937 Filed 9-18-75;8:45 am]

[39 CFR Part 111]

DOMESTIC SPECIAL MAIL SERVICES, FOR DOMESTIC AND INTERNATIONAL MONEY ORDERS, AND FOR OTHER NONPOSTAL SERVICES

Proposed Increase in Fees

Under the provisions of 39 CFR 111.3 the Postal Service proposes to amend various sections of chapter I of the Postal Service Manual, so as to increase the fees for domestic special mail services, domestic and international money orders, and for other special or non-postal services.

If adopted, the fee increases stated herein will, for special services, raise revenues to a level in excess of attributable costs. However, such revenues will produce a relatively small contribution to institutional costs. For that reason, the proposed fee increases are considered to be a first step toward more compensatory fees. It is anticipated that further increases will be proposed during 1976 when the Postal Service has had the opportunity to assess the effects—on its customers and on postal finances—of the currently proposed increases.

Accordingly, the following sections of the Postal Service Manual would be amended:

1. Section 122.514 would be amended to increase the charge for correcting mailing lists from 5¢ to 10¢ per name or street address corrected. The minimum charge for each list corrected would remain at $1.

2. Section 134.421 would be amended to reflect the increased fee for a permit to use permit imprints.

3. Section 145.11 would be amended to increase the fee for a permit to use permit imprints from $15 to $20.

4. Sections 159.211, 159.212b and 159.212d would be amended to increase the fee for notifying mailers, when requested, of address corrections from 10¢ to 25¢.

5. Sections 159.221b, 159.222, 159.223, 159.23, 159.243a–d, 159.251, 159.255 and 159.73b would, among other things, be amended to increase the fee for giving notice to the sender of undeliverable mail, for giving new address information to the sender, for returning certain undeliverable mail, and for delivery of certain mail opened in the dead mail office, from 10¢ to 25¢.

6. Section 161.21 would be amended to increase the fees for indemnity and handling charges on registered mail, as well as the fees for the additional services of COD collection, restricted delivery, and return receipts.

7. Section 162.21 would be amended to increase the fees for insured mail. The fees for restricting delivery of insured mail, and for return receipts for such mail would also be increased.

8. Section 163.21 would be amended to increase the fees for COD mail; the fee for restricting delivery of COD mail; the fee for notice of non-delivery of COD mail; and the fee for alteration of COD charges or designation of new addressee for such mail.

9. (a) Section 165.12 would be amended to increase from 5 cents to 10 cents the fee for a certificate of mailing for each piece of ordinary mail and from 2 cents to 10 cents the fee for each additional certificate of mailing for each piece of mail described. The section would also be amended to increase the fees charged for certificates of mailing for identical pieces of first-class and third-class mail.

(b) Section 165.22 would be amended to increase the fees for return receipts, and a conforming amendment would be made to section 165.242c.

(c) Section 165.32 would be amended to increase the fee for restricted delivery service from .50 to .60.

10. Section 166.21 would be amended to increase the fees for special delivery service.

11. Section 167.2 would be amended to increase the fees for special handling service.

12. Section 168.3 would be amended to increase the fee for certified mail service, as well as the fees for restricted delivery and return receipts for such mail.

13. Sections 171.122b and 171.211 would be amended to increase the fees for domestic and international money orders.

Interested persons who wish to do so may submit written data, views or arguments concerning the proposed revised regulations to the Director, Office of Mail Classification, Rates & Classification Department, U.S. Postal Service, Washington, D.C. 20260. All comments received on or before October 18, 1975, will be considered by the Postal Service prior to taking action on the proposed amendments.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. Sec. 553 (b), (c)) regarding proposed rule making, 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Postal Service Manual:

PART 122—ADDRESSES

1. In § 122.514a the second sentence is revised to read as follows: "For lists of more than 10 names or addresses, the charge is 10 cents per name or street address, including individual apartments."

PART 134—THIRD CLASS

2. In 134.421 strike out "$15" and insert "$20" in lieu thereof.

PART 145—PERMIT IMPRINTS

3. In 145.11 strike out "$15" and insert "$20" in lieu thereof.

PART 159—UNDELIVERABLE MAIL

4. (a) In 159.211, 159.212b, 159.212d, 159.221b, 159.222 and 159.223 strike out "10¢" and insert "25¢" in lieu thereof.

(b) In 159.23 strike out "ten-cent" and insert "twenty-five cent" in lieu thereof.

(c) In 159.243 a–d, 159.255, and 159.-73b strike out "10 cents" and insert "25 cents" in lieu thereof.

(d) In 159.243 a–c and 159.251 strike out "2 ounces" and insert "4 ounces" in lieu thereof.

PART 161—REGISTERED MAIL

5. Section 161.21 is revised to read as follows:

.21 Fees.

Value	Fees (in addition to postage)	
	For articles not covered by commercial or other insurance	For articles also covered by commercial or other insurance
$0.00 to $100	$1.90	$1.90
$100.01 to $200	2.10	2.10
$200.01 to $400	2.40	2.40
$400.01 to $600	2.70	2.70
$600.01 to $800	3.00	3.00
$800.01 to $1,000	3.30	3.30
$1,000.01 to $2,000	3.60	
$2,000.01 to $3,000	3.90	$3.30 plus handling charge of 25 cents per $1,000 or fraction over first $1,000.
$3,000.01 to $4,000	4.20	
$4,000.01 to $5,000	4.50	
$5,000.01 to $6,000	4.80	
$6,000.01 to $7,000	5.10	
$7,000.01 to $8,000	5.40	
$8,000.01 to $9,000	5.70	
$9,000.01 to $10,000	6.00	
$10,000 to $1,000,000	$6.00 plus handling charge of 25¢ per $1,000 or fraction over first $10,000.	
$1,000,000.01 to $15,000,000	$253.50 plus handling charge of 20¢ per $1,000 or fraction over first $1,000,000.	$253.05 plus handling charge of 20¢ per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space, and value.	

ADDITIONAL SERVICES

	Extra fee (cents)
COD collection charge (maximum amount collectible is $300)	85
Restricted delivery	60
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	35
Showing to whom, when, and address where delivered	45
Requested after mailing:	
Showing to whom and when delivered	45

6. Section 162.21 is revised to read as follows:

PART 162—INSURED MAIL

.21 Fees (in addition to postage).

Liability:	Fee
$0.01 to $15.00	$0.35
$15.01 to $50.00	.55
$50.01 to $100.00	.75
$100.01 to $150.00	.95
$150.01 to $200.00	1.15

Liability for insured mail is limited to $200.

PART 163—COD MAIL

7. Section 163.21 is revised to read as follows:

.21 In addition to postage.

Amount to be collected or insurance coverage desired:	COD fees
$0.01 to $10.00	$0.85
$10.01 to $25.00	1.05
$25.01 to $50.00	1.25
$50.01 to $100.00	1.45
$100.01 to $200.00	1.65
$200.01 to $300.00	1.85
Restricted delivery	.60
Notice of nondelivery	.25
Alteration of COD charges or designation of new addressee	.50

PART 165—CERTIFICATES OF MAILING, RETURN RECEIPTS, AND RESTRICTED DELIVERY

8. Section 165.12 is revised to read as follows:

.12 Fees.

.121 *Individual Pieces*

Original certificate of mailing for individually listed pieces of all classes of ordinary mail—10¢ for each piece of mail described.

Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified, and COD mail—10¢ for each piece of mail described.

.122 *Bulk Pieces*

Identical pieces of first- and third-class mail paid with ordinary stamps, precanceled stamps, or meter stamps are subject to the following fees:

Up to 1,000 pieces (1 certificate for total number)	$0.50
For each additional 1,000 pieces, or fraction	.10
Duplicate copy	.10

9. Section 165.22 is revised to read as follows:

.22 Fees (in addition to postage and other fees).

Requested at time of mailing:	
Showing to whom (signature) and date delivered	$0.25
Showing to whom (signature) and date and address where delivered	.45
Requested after mailing: Showing to whom and date delivered	.45

10. In 165.242c strike out "25¢" and insert "45¢" in lieu thereof.

11. In 165.32 strike out "$0.50" and insert "$0.60" in lieu thereof.

PART 166—SPECIAL DELIVERY

12. Section 166.21 is revised to read as follows:

.21 Special delivery fees.

Class of mail	Weight: Not more than 2 lbs	Weight: More than 2 lbs but not more than 10 lbs	Weight: More than 10 lbs
First-class, airmail, and priority mail	$1.20	$1.45	$1.70
All other classes	1.70	1.80	2.10

PART 167—SPECIAL HANDLING

13. Section 167.2 is revised to read as follows:

§ 167.2 Fees.

Weight:	Fee
Not more than 2 lbs	$0.50
More than 2 lbs. but not more than 10 lbs	.70
More than 10 lbs	1.00

The special handling fee is in addition to regular third- or fourth-class postage and may be prepaid by ordinary postage stamps or by meter stamps.

PART 168—CERTIFIED MAIL

14. Section 168.3 is revised to read as follows:

168.3 Fees.

	Cents
.31 Fee in addition to postage	.50
.32 Restricted Delivery	.60
.33 Return Receipts:	
Requested at time of mailing:	
Showing to whom and date delivered	.25
Showing to whom, date, and address where delivered	.45
Requested after mailing: Showing to whom and date delivered	.45

PART 171—MONEY ORDERS

15. Section 171.122b is revised to read as follows:

.122 Money order fees.

a. * * *

b. Fees for domestic money orders issued at other post offices including those with branches or stations on military installations are as follows:

Amount of money order:	Amount of fee, Domestic
$0.01 to $10.00	$0.45
$10.01 to $50.00	.60
$50.01 to $300.00	.80

16. In 171.211, under the heading labeled "Fee", (a) Strike out "$0.45" and insert "$0.65" in lieu thereof; (b) Strike out ".65" and insert ".90" in lieu thereof; and (c) Strike out ".75" and insert "1.15" in lieu thereof. An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published on adoption of the proposals.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75-24936 Filed 9-18-75;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.

OFFICE OF THE FEDERAL REGISTER

NATIONAL FIRE CODES

Proposed Revision of Standards

• **Purpose: To inform the general public and to invite comments from interested persons, the Office of the Federal Register issues this notice of proposed changes to the fire safety standards developed by the National Fire Protection Association.** •

Standards developed by the technical committees of the National Fire Protection Association (NFPA) have been used by various Federal agencies as the basis for Federal regulations. Often, this has been accomplished through incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. The NFPA standards are known collectively as the National Fire Codes.

Revisions of existing standards and adoption of new standards are reported by the technical committees at the NFPA's Fall Conference in November or at the Annual Meeting in May of each year. The NFPA invites public comment on its technical committee reports.

Action at the NFPA Annual Meeting in May 1976 is being proposed on the following NFPA standards:

1976 Annual Meeting Technical Committee Reports

NFPA No.	Title	Type of action
11	Foam extinguishing systems	O–P
11A	High expansion foam systems	O–C
14	Standpipe and hose systems	O–C
20	Centrifugal fire pumps	O–P
22	Water tanks for private fire protection.	O–P
26	Supervision of water supply valves	O–C
35	Manufacture of organic coatings	O–C
46B	Outdoor storage of logs	O–P
51B	Cutting and welding processes	O–P
56A	Inhalation anesthetics	O–P
76B–T	Safe use of electricity in patient care areas of health care facilities.	T–O
81	Fur storage, fumigation, and cleaning.	O–C
85	Prevention of furnace explosions in fuel-oil and natural gas-fired watertube boiler furnaces with 1 burner.	O–P
85B	Prevention of furnace explosions in natural gas-fired multiple burner boiler-furnaces.	O–P
85D	Prevention of furnace explosions in fuel oil-fired multiple burner boiler furnaces.	O–P
90A	Air conditioning and ventilating systems.	O–P
101	Life safety code	O–C
2M	Model drafts for enabling legislation.	W
206M	Guide on building areas and heights	O–P
214	Water-cooling towers	O–C
256	Methods of fire tests of roof coverings.	O–C
258–T	Standard test method for measuring the smoke generated by solid materials.	T–O
259	Standard test method for potential heat of building materials.	N–O
312	Fire protection of vessels during construction, repair, and layup.	O–C
495	Separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.	O–P
498	Explosives, motor vehicle terminals	O–P
701	Standard methods of fire tests for flame resistant textiles and films.	O–P
901	Uniform coding for fire protection	O–C
1002	Fire apparatus driver/operator professional qualifications.	N–O
1041	Fire service instructors professional qualifications.	N–O
----------	Self-inspection forms for museums and library collections.	N–O

NOTES.—Types of action:
Proposed action on official documents:
O–P Partial amendments.
O–C Complete revision.
O–T Tentative revision.
Proposed action on new documents:
N–T Tentative adoption.
N–O Official adoption.
Proposed action on tentative documents:
T–P Partial amendments.
T–C Complete revision.
T–O Official adoption.
Other proposed action:
R Reconfirmation.
W Withdrawal.

Single copies of the Technical Committee Reports are available at no charge from the National Fire Protection Association, Publications Department, 470 Atlantic Avenue, Boston, Mass. 02210. The Reports will be mailed during the week of October 7, 1975.

Interested persons may participate in these revisions by submitting written data, views, or arguments to the NFPA at its previously stated address. Commenters may use the forms provided for comments in the Technical Committee Reports. Each person submitting a comment should include his name and address, identify the notice, and give reasons for any recommendations. Comments received on or before December 5, 1975, will be considered by the NFPA before final action is taken on the proposals.

Copies of all written comments received and the disposition of those comments by the NFPA committees will be published as the Technical Committee Documentation by March 29, 1976, prior to the Annual Meeting. A copy of the Technical Committee Documentation will be sent automatically to each commenter. Action on the Technical Committee Reports (adoption or rejection) will be taken at the Annual Meeting, May 17–21, 1976, at the Regency House Hotel, Houston, Texas, by NFPA members who are members of record 60 (sixty) days prior to that meeting.

Copies of the Technical Committee Reports and Technical Committee Documentation, when published, will also be available for review at the Office of the Federal Register, 1100 L Street NW., Washington, D.C.

(5 U.S.C. 552(a), 1 CFR Part 51).

Dated: September 16, 1975.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.75-25133 Filed 9-18-75;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[ATF O 1100.47]

DELEGATION ORDER—DISCLOSURE OF TRADE NAME INFORMATION

Delegation of Authority

1. *Purpose.* This order delegates to Regional Directors the authority to disclose the true identity of companies authorized to use trade names.

2. *Discussion.* Treasury Department Order No. 221, effective July 1, 1972 and 26 CFR 301.9000–1 delegated the Director, Bureau of Alcohol, Tobacco and Firearms the authority to disclose ATF records or information upon request or demand, and to redelegate such authority.

3. *Delegation.* a. Pursuant to the authority delegated to the Director, Bureau of Alcohol, Tobacco and Firearms by Treasury Department Order No. 221, effective July 1, 1972 and 26 CFR 301.9000–1, all Regional Directors are delegated the authority to disclose, upon request, the true identity (name and address) of companies authorized to use trade names.

b. This authority may be redelegated, but not below the Chief, Technical Services level.

Dated: September 11, 1975.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.75-25027 Filed 9-18-75;8:45 am]

Customs Service

[T.D. 75-231; Customs Delegation Order No. 50]

DEPUTY COMMISSIONER OF CUSTOMS AND ASSISTANT COMMISSIONERS OF CUSTOMS

Order of the Commissioner of Customs, Delegating Certain Authority

SEPTEMBER 12, 1975.

By virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 FR 7241), as amended, I hereby delegate to each Assistant Commissioner of Customs the authority to prescribe instructions, and amendments thereto, which are published in the Customs Manual for the guidance of officers, agents, and employees of the

Customs Service, and which pertain solely to those Customs Service functions for which he has direct responsibility. For those Customs Manual instructions, and amendments thereto, which pertain to functional areas which are not solely the responsibility of one Assistant Commissioner of Customs, I hereby delegate the authority to prescribe such instructions, and amendments thereto, to the Deputy Commissioner of Customs. These delegations of authority will become effective on September 19, 1975.

VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-25000 Filed 9-18-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

MISSISSIPPI ARMY AMMUNITION PLANT, BAY ST. LOUIS, MISS.

Filing of Draft Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army, on September 1975, filed with the Council on Environmental Quality, a draft environmental impact statement concerning the establishment of the Mississippi Army Ammunition Plant.

Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies from the Project Manager, Munitions Production Base and Modernization, Attn.: Miss. Army Ammo Plant Branch, Dover, N.J. 07801 (phone: (201) 328-2912).

In the Washington area inspection copies may be seen, during normal duty hours, in the Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, D.C. 20310 (phone (202) 694-1163).

BRUCE A. HILDEBRAND,
Deputy for Environmental Affairs, Office of the Assistant Secretary of the Army (Civil Works).

[FR Doc.75-25018 Filed 9-18-75;8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES V. H. S. CROCKER CO., INC., ET AL.

Proposed Consent Judgment and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. Section 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Northern District of California in *United States* v. *H. S. Crocker Co., Inc., et al.*, Civil No. C-74-0560 CBR. The Complaint in this case alleges that nine manufacturers of paper labels conspired among themselves and various other co-conspirators to fix, raise and stabilize the prices and terms and conditions of sale of paper labels in violation of Section 1 of the Sherman Act. The proposed judgment perpetually enjoins each of the defendants from fixing the prices and terms and conditions of sale of paper labels; allocating customers, markets or territories; providing to or requesting from any label manufacturer the prices or terms and conditions of sale of paper labels unless the information in question has been made generally available to users of paper labels; and from participating in any trade association which engages in such activities. The judgment specifically provides that it does not apply to any communications or negotiations made solely for the purpose of a bona fide purchase or sale of paper labels between a defendant and another label manufacturer. For a period of 10 years, each defendant is required to submit an annual report both to the Court and to the Department of Justice describing the steps it has taken to insure compliance with the provisions of the judgment.

Public comment is invited on or before November 18, 1975. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Gerald A. Connell, Chief, General Litigation Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: September 12, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

Anthony E. Desmond, J. E. Waters, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Room 16432, San Francisco, California 94102, Telephone: (415) 556-6300.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

[Civil No. C-74-0560 CBR]

United States of America, Plaintiff, v. H. S. Crocker Co., Inc.; Stecher-Traung-Schmidt Corporation; Diamond International Corporation; International Paper Company; Fort Dearborn Lithograph Co., Inc.; Michigan Lithographing Co.; Piedmont Label Company; H. M. Smyth Co., Inc.; and Litton Business Systems, Inc., Defendants.

STIPULATION

[Filed: September 12, 1975]

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed final judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this and any other proceeding.

For the Plaintiff:

Thomas E. Kauper, Assistant Attorney General; Baddia J. Rashid, Charles F. B. McAleer, Gerald A. Connell, Jill Nickerson, J. E. Waters, Edward P. Henneberry, Attorneys, Department of Justice.

For the Defendants:

McCutchen, Doyle, Brown & Enersen, For Diamond International Corporation, David M. Balabanian.

Dated: September 5, 1975.

Ehrlich, Allison & Rovens, for Stecher-Traung-Schmidt Corporation, Philip S. Ehrlich, Jr.; Steinhart, Goldberg, Feigenbaum & Ladar, for H. S. Crocker Co., Inc., James T. Fousekis; Pillsbury, Madison & Sutro, for International Paper Company, John B. Bates; Wildman, Harrold, Allen & Dixon, for Fort Dearborn Lithograph Co., Inc., Douglas R. Carlson; Warner, Norcross & Judd, for Michigan Lithographing Co., R. Malcolm Cumming; Woods, Rogers, Muse, Walker & Thornton, for Piedmont Label Company, William B. Poff; Oppenheimer, Wolff, Foster, Shepard and Donnelly, for H. M. Smyth Co., Inc., Charles A. Price.

Anthony E. Desmond, J. E. Waters, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Room 16432, San Francisco, California 94102. (Telephone: 415-556-6300.)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

[Civil Action No. C-74-0560 CBR]

United States of America, Plaintiff, v. H. S. Crocker Co., Inc.; Stecher-Traung-Schmidt Corporation; Diamond International Corporation; International Paper Company; Fort Dearborn Lithograph Co.; Michigan Lithographing Co.; Piedmont Label Company; H. M. Smyth Co., Inc.; and Litton Business Systems, Inc., Defendants.

FINAL JUDGEMENT

Plaintiff, United States of America, having filed its complaint herein on March 12, 1974, and the Plaintiff and the Defendants, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party with respect to any issue of fact or law herein:

Now, Therefore, without any testimony being taken herein, and without trial or adjudication of any issue of fact or law herein, and upon the consent of all parties hereto, it is hereby Ordered, adjudged and decreed:

I. This Court has jurisdiction of the subject matter herein and of the parties hereto. The Complaint states a claim upon which relief may be granted against the Defendants under Section 1 of the Act of Congress of July 2, 1890, 15 U.S.C. Section 1, entitled "an Act to protect trade and commerce against unlawful restraints and monopolies," as amended, commonly known as the Sherman Act.

II. As used in this Final Judgment:

(A) "Person" shall mean any individual, corporation, partnership, firm, association or other business or legal entity;

(B) "Paper label" shall mean any label made, in whole or in part, of paper;

(C) "Defendants" and "Defendant" as used herein shall not include any party named as a defendant herein which has not consented to the entry of this Final Judgment.

III. The provisions of this Final Judgment are applicable to all Defendants herein and shall also apply to each of said Defendants' officers, directors, agents, employees, subsidiaries, successors and assigns, and to all other persons in active concert or participation with any of them, who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV. Each Defendant is enjoined and restrained from:

(A) Entering into, directly or indirectly, any contract, agreement, understanding, plan, program, combination or conspiracy with any other manufacturer or seller of paper labels to (1) allocate or divide customers, territories or markets for the sale of any paper label or (2) raise, fix, stabilize or maintain the price, discount, markup or any other term or condition for the sale of any paper label to any third person;

(B) Expressly or implicity furnishing to or requesting from any other manufacturer or seller of any paper label any price, term or condition, or warehousing charge or engraving charge with respect to the sale of any paper label, unless the information in question has been made generally available to users of paper labels;

(C) Belonging to, or participating in, or contributing anything of value to any trade association or other group with knowledge that the activities thereof are contrary to or inconsistent with the provisions of this Final Judgment.

V. Nothing contained in this Final Judgment shall apply to any negotiation or communication between a Defendant and any other Defendant or any other manufacturer or seller of paper labels or any of their agents, brokers, distributors or representatives, whose sole purpose is a proposed or actual bona fide purchase or sale.

VI. Each Defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in the design, printing, sale and distribution of paper labels, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve upon the Plaintiff, its consent to be bound by this Final Judgment.

VII. Each Defendant shall take affirmative steps (including written directives setting forth corporate compliance policies, distribution of this Final Judgment, and meetings to review its terms and the obligations it imposes), to advise each of its officers, directors, managing agents and employees who has responsibility for or authority over the establishment of prices or bids by which said Defendant sells or proposes to sell any paper labels, and all paper label salesmen and saleswomen of its and their obligations under this Final Judgment and of the criminal penalties for violation of Section IV of this Final Judgment. In addition, each Defendant shall, for so long as it remains in the business of selling any paper labels, cause a copy of this Final Judgment to be distributed at least once each year to each of its officers responsible for the conduct of such business and all paper label salesmen and saleswomen.

VIII. For a period of 10 years from the date of entry of this Final Judgment, each Defendant shall file with this Court and with Plaintiff, on the anniversary date of this Final Judgment, a sworn statement by a responsible officer, designated by that Defendant to perform such duties, setting forth all steps it has taken during the preceding year to discharge its obligations under Paragraph VII above. Said report shall be accompanied by copies of all written directives issued by said Defendant during the prior year with respect to compliance with the terms of this Final Judgment. In addition, a responsible officer of Defendants, H. S. Crocker, Stecher-Traung-Schmidt, Diamond International and International Paper, shall appear annually during said period before this Court to give sworn testimony on the manner of compliance with Paragraph VII of this Final Judgment.

IX. (A) For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, Defendants shall permit duly authorized representatives of the Department of Justice, on written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice, subject to any legally recognized privilege:

(1) Access during the business hours of Defendants, who may have counsel present, to those books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Defendants which relate to any matters contained in this Final Judgment;

(2) Subject to the reasonable convenience of Defendants and without restraint or interference from them, to interview individuals who are officers or employees of Defendants, any of whom may have counsel present, regarding any matters contained in this Final Judgment.

(B) For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, upon written request of the Attorney General, or of the Assistant Attorney General in charge of the Antitrust Division, Defendants shall submit such reports in writing, with respect to the matters contained in this Final Judgment as may from time to time be requested.

(C) No information obtained by the means provided in this Section IX of this Final Judgment shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the Plaintiff except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

X. To the extent any Defendant was bound by the decree entered in *United States* v. *Schmidt Lithograph Company, et al.*, Civil No. 2424-BH in the United States District Court for the Central District of California that decree shall be superseded by the terms of this Final Judgment as to paper labels.

XI. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

XII. Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

Anthony E. Desmond, J. E. Waters, Antitrust Division, Department of Justice, 450 Golden Gate Avenue—Room 16432, San Francisco, California 94102. (Telephone: 415-556-6300.)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

[Civil Action No. C-74-0560 CBR]

United States of America, Plaintiff, v. H. S. Crocker Co., Inc.; Stecher-Traung-Schmidt Corporation; Diamond International Corporation; International Paper Company; Fort Dearborn Lithograph Co., Inc.; Michigan Lithographic Co.; Piedmont Label Company; H. M. Smyth Co., Inc.; and Litton Business Systems, Inc., Defendants.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)], the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I. NATURE AND PURPOSE OF THE PROCEEDING

On March 12, 1974, the United States filed a Complaint (amended on December 12, 1974, to substitute Litton Business Systems, Inc. as a defendant in place of its parent company) under Section 4 of the Sherman Act (15 U.S.C. § 4), alleging that since at least 1966 and continuing up to the date of the filing of the Complaint, the defendants, manufacturers of paper labels and various unnamed co-conspirators had engaged in a continuing combination and conspiracy unreasonably restraining competition in the sale of paper labels.

The Complaint requested the Court to rule that the defendants had been engaged in an unlawful conspiracy in violation of Section 1 of the Sherman Act (15 U.S.C. § 1) and to issue an injunction prohibiting its continuation. Simultaneously an indictment was returned charging the same offense against the defendants, and eight of their officers. All five of the individual defendants and all but one of the corporate defendants in the criminal case entered *nolo contendere* pleas and were subsequently sentenced by the Court. The remaining corporate defendant, Litton Business Systems, Inc., was later found guilty of engaging in the same unlawful conspiracy following a full trial by jury and has also been sentenced by the Court.

Entry by the Court of the proposed final judgment will terminate this litigation against all the defendants other than Litton Business Systems, Inc. which is appealing its conviction in the criminal case, and which has not agreed to the entry of the proposed judgment. The Court will retain jurisdiction over the matter for possible further proceedings which might be required to interpret, modify or enforce the judgment, or to punish violations of any of the provisions of the judgment.

II. DESCRIPTION OF PRACTICES INVOLVED IN THE ALLEGED VIOLATION

The paper labels manufactured and sold by the defendants are printed, usually by the lithographic process, in various sizes, shapes, quantities and colors according to detailed specifications of customers. Because labels are custom-designed and manufactured, they are priced individually on a customer-by-customer basis and, as a result, label manufacturers generally do not use or issue a published price list. Customers for labels include canners and processors of food and household products, distillers, breweries and beverage bottlers, and manufacturers of drugs and cosmetics. The label manufacturers named as defendants in the Complaint together account for over 50% of lithographed label sales.

The Complaint alleged a conspiracy that, in substance, consisted of an agreement among the defendant label manufacturers, all of whom were members of the same trade association, to exchange information with one another on their prices to specific accounts, prior to submitting prices or price quotes to those accounts, and not to undercut each other's price levels. In addition, it was alleged that some of the defendants participated in meetings at which they agreed on general price increases for the industry.

Acording to the Complaint, the alleged conspiracy had the effects of maintaining prices of labels at artificial, noncompetitive levels and of restraining competition in the sale of labels.

III. EXPLANATION OF THE PROPOSED CONSENT JUDGMENT

The United States and the defendants, with the exception of defendant Litton Business Systems, Inc., have agreed that a consent judgment, in the form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, provided that plaintiff has not withdrawn its consent. The stipulation provides that there has been no admission by either party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the judgment is conditioned upon a determination by the Court that it is in the public interest.

A. Prohibited conduct

Section IV(A) of the proposed judgment prohibits each of the defendants from entering into any agreements or understandings not to compete, to allocate or divide customers, territories or markets for the sale of paper labels, or to fix or maintain the price or any term or condition for the sale of any paper label to any person. Section IV(B) of the judgment restrains each of the defendants from expressly or implicitly furnishing to or requesting from any other paper label manufacturer any pricing information, unless the information has been made generally available to users of paper labels. Finally, each of the defendants is prohibited by Section IV(C) of the proposed judgment from participating in or belonging to any trade association or other group whose activities are known to be contrary to or inconsistent with the provisions of the proposed judgment.

Section V of the judgment provides that the defendants are not barred from negotiations or communications made for the sole purpose of a proposed or actual bona fide purchase of labels from or sale of labels to another label manufacturer. Such sales are commonplace in the industry and do not constitute price fixing.

B. Scope of the proposed judgment

1. *Persons bound by the decree.*—The proposed judgment expressly provides in Section III that its terms apply to each of the consenting defendants and each of its officers, directors, agents, employees, subsidiaries and assigns and to all other persons who receive actual notice of the terms of the judgment.

In addition, Section VI of the judgment prohibits each defendant from selling or transferring all or a substantial part of any of its assets which are used in the manufacture or sale of labels, unless the acquiring party files with the Court its prior consent to be bound by the provisions of the judgment.

2. *Geographic coverage of the decree.*—The prohibitions of the proposed judgment apply to all acts or transactions within the United States, its territories and possessions.

3. *Duration of the judgment.*—By its terms, the proposed judgment perpetually restrains the prohibited conduct. As explained below, there are other provisions in the judgment that will terminate in a period of years.

4. *Notice and compliance requirements.*—Section VII requires each of the defendants to take affirmative steps to advise its officers, directors, managing agents and salesmen and saleswomen of their obligations under the judgment. The affirmative steps which must be taken specifically include written directives setting forth corporate compliance policy; distribution of the final decree; and meetings to review the terms of the decree and the obligations imposed by the decree. Beyond the ten year period, each defendant, for so long as it engages in the manufacture and sale of labels, must provide a copy of the final judgment to the officer or officers responsible for the conduct of its paper label business as well as all label salesmen and saleswomen. Under Section VIII of the judgment, each defendant is further required for a period of ten years to submit annual reports to both the Court and the Department of Justice, outlining the steps it has taken to discharge its obligations under Section VII of the judgment. Finally, under Section IX of the judgment, the Department will have access, upon reasonable notice, to the records and personnel of each of the defendants in order to determine the defendants' compliance with the provisions of the judgment.

C. Other terms

Section X of the judgment provides that, to the extent that any defendant was bound by the provisions of the decree entered in *United States* v. *Schmidt Lithograph Company, et al.*, Civil No. 2424–BH, on September 14, 1942 in the United States District Court for the Central District of California that decree shall be superseded as to paper labels, by the terms of this Final Judgment. The proposed decree in this case provides more effective relief than the earlier decree since it contains adequate notice and affirmative compliance provisions whereas the prior decree had no such provisions. In addition, the existence of just one decree as to paper labels will allow for more effective and efficient enforcement of the terms of the judgment. The provisions of the prior decree will still remain in effect for products other than paper labels as to any defendant bound by its terms.

D. Effect of the proposed judgment on competition

The relief encompassed in the proposed judgment is aimed at preventing any recurrence of the restraints on competition alleged in the Complaint. The prohibitive terms in Section IV of the judgment are designed to ensure that each of the Defendants will act completely independently in determining the prices, terms and conditions at which it sells or offers to sell paper labels. Compliance with the proposed judgment will ensure competition among the defendants in the sale of paper labels.

IV. REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered as well as costs and reasonable attorneys' fees. Entry of the proposed consent judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), this consent judgment has no prima facie effect in any subsequent private lawsuits which may be brought against these defendants.

V. PROCEDURES AVAILABLE FOR MODIFICATION OF THE PROPOSED JUDGEMENT

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed consent judgment should be modified may submit written comments to Gerald A. Connell, Chief, General Litigation Section, Department of Justice, Antitrust Division, Washington, D.C. 20530 within the 60-day period provided by the Act. These comments and the responses to them will be filed with the Court and published in the FEDERAL REGISTER. All comments will be given due consideration by the Department of Justice which remains free to withdraw its consent to the proposed consent judgment at any time prior to its entry if it should determine that some modification of it is necessary.

VI. ALTERNATIVES TO THE PROPOSED CONSENT JUDGMENT

This case does not involve any unusual or novel issues of fact or law which might make litigation a more desirable alternative than entry of this consent judgment. The only injunctive relief requested in the Complaint which is not included in the terms of the proposed final judgment is a provision requiring each defendant to maintain records of meetings or communications with other label manufacturers. The Department of Justice has now come to the conclusion that such a provision is not necessary nor would it provide effective relief. Meetings or communications between label manufacturers concerning the prices and other terms and conditions of sale of labels are prohibited by Section IV of the judgment (except for those made in connection with bona fide sales of labels between label manufacturers). Those engaging in such meetings or communications could not realistically be expected to record violations of the decree.

Instead, the judgment requires each defendant to adopt affirmative steps to insure compliance with the decree beyond simply providing notice of the decree. In the Department's view, this provision is more realistic and in effect provides relief substantially equivalent to what the Department originally sought. In all other respects, the judgment provides all the relief which was requested in the Complaint and it is the Department's view that disposition of the matter without further litigation is appropriate since the proposed decree provides the form and scope of relief equal to that which the Department might have obtained in a litigated judgment.

VII. OTHER MATERIALS

No materials and documents of the type described in Section (b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)] were considered in formulating this proposed judgment.

Dated: September 5, 1975.

J. E. WATERS,
EDWARD P. HENNEBERRY,
Attorneys, Antitrust Division, Department of Justice.

[FR Doc.75-25026 Filed 9-18-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

PINOLEVILLE RANCHERIA IN CALIFORNIA AND INDIVIDUAL MEMBER THEREOF

Termination of Federal Supervision Over Property; Correction

SEPTEMBER 12, 1975.

On August 18, 1958, "A Plan for the Distribution of the Assets of the Pinoleville Rancheria, According to the Provisions of Pub. L. 85-671," was approved by H. Rex Lee, Acting Commissioner of Indian Affairs, and accepted by the distributees in a referendum held at the Pinoleville Rancheria on May 10, 1960. Notice of the termination of the Federal trust relationship over the Pinoleville Rancheria in Mendocino County, California, in accordance with that Plan was executed February 14, 1966, by Harry R. Anderson, Assistant Secretary of the Interior, and published in the FEDERAL REGISTER of February 18, 1966, on page 2911 (31 FR 2911). While the name of Charlie Wright, Jr., as a dependent member of the immediate family of Charlie Wright, a distributee, did not appear in the list of persons affected by the termination action that was included in the Termination Proclamation, it did appear in the original Plan and such appearance has hampered the said Charlie Wright, Jr., in the exercise of his civil rights.

Notice is hereby given that the name of Charlie Wright, Jr., is hereby stricken from "A Plan for the Distribution of the Assets of the Pinoleville Rancheria, According to the Provisions of Pub. L. 85-671, approved August 18, 1958," nor shall said name appear in any of the official Federal documents relating to the termination of Federal supervision over the affairs and assets of the Pinoleville Rancheria.

MORRIS THOMPSON,
Commissioner of Indian Affairs,

[FR Doc.75-24984 Filed 9-18-75;8:45 am]

Bureau of Land Management

FEDERAL COAL LEASING PROGRAMMATIC

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement relating to resumption of Federal coal leasing utilizing the Energy Minerals Activity Recommendation System (EMARS).

The environmental statement considers the broad impact of potential leasing and subsequent development upon some 85 million acres of identified coal reserves located primarily in the Northern Great Plains and northward along the Continental Divide from New Mexico and Arizona through Montana.

Copies of the statement are available for review at the following locations:

Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.
Arizona State Office, Federal Building, Room 3022, Phoenix, Arizona 85025.
California State Office, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.
Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.
Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, Maryland 20910.
Idaho State Office, Room 398 Federal Building, 550 West Fort Street, P.O. Box 042, Boise, Idaho 83724.
Montana State Office, Federal Building and U.S. Courthouse, 316 N. 26th Street, Billings, Montana 59101.
Nevada State Office, Federal Building, Room 3008, 300 Booth Street, Reno, Nevada 89502.
New Mexico State Office, U.S. Post Office and Federal Building, South Federal Place, P.O. Box 1449, Santa Fe, New Mexico 87501.
Oregon State Office, 729 NE. Oregon Street, P.O. Box 2965, Portland, Oregon 97208.
Utah State Office, Federal Building, 125 South State, P.O. Box 11505, Salt Lake City, Utah 84111.
Wyoming State Office, Joseph O'Mahoney Federal Center, 2120 Capitol Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.
Washington Office, 1800 C Street, NW., Washington, D.C. 20240.
Alaska OCS Office, Box 1159, 121 W. Fireweed Lane, Anchorage, Alaska 99510.
Atlantic OCS Office, 6 World Trade Center, Room 600-D, New York, New York 10048.
Gulf OCS Office, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113.
Pacific OCS Office, 7663 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

A limited number of copies are available at the above address. Copies of the

document are also available for public use at 545 nationwide depository libraries plus the Library of Congress.

Dated: September 15, 1975.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: September 16, 1975.

KENT FRIZZELL,
Acting Secretary of the Interior.

[FR Doc.75-25060 Filed 9-18-75;8:45 am]

[Montana 31925]

MONTANA

Order Providing for Opening of Public Lands

SEPTEMBER 11, 1975.

In an exchange made under the provisions of section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g, the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 12 N., R. 3 W.,
Sec. 34, W½NE¼, N½NW¼;
Sec. 35, N½NE¼, NW¼, E½SW¼, SE¼.

The area described contains 640 acres in Lewis and Clark County, Montana.

The two tracts are located approximately 10 air miles north-northeast of Helena. Topography varies from nearly level to hilly. Soils are poorly developed with the surface susceptible to erosion when development occurs. Vegetation varies from meadows of native grasses and scattered shrubs to noncommercial wooded areas consisting mainly of ponderosa pine.

The tracts are part of a larger block of national resource lands which is managed for multiple resource use.

At 10 a.m., October 22, 1975, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will be open to the public land laws.

Mineral rights on the following lands were returned to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 12 N., R. 3 W.,
Sec. 34, W½NE¼, N½NW¼;
Sec. 35, N½NE¼, NW¼, E½SW¼.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-24978 Filed 9-18-75;8:45 am]

Fish and Wildlife Service

COYOTE DAMAGE CONTROL: CATTLE, SHEEP AND GOATS

Report on Emergency Use of M-44 Devices During July 1975

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program for the month of July. This use is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135-135k), and in accordance with 40 CFR 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to Federal Register Notice of June 20, 1974 (39 FR 22166).

Actual M-44 use for July 1975 is as follows:

M-44 Emergency Use July 1975

State	Number of counties	Number of ranches	Number of cattle, sheep and goats protected	Number of M-44's used
Arizona	3	19	15,082	254
Idaho	1	1	140	4
Montana	16	25	17,166	529
Nevada	1	1	1,600	40
New Mexico	11	29	15,357	830
Oregon	5	28	3,165	215
Texas	27	117	33,009	860
Utah	3	7	3,312	61
Totals	67	226	88,831	2,893

One or more coyotes were taken with this device on 63 of the 226 emergency areas, but losses were not necessarily halted in each case. During this month, 139 coyotes were taken by this device. Other species taken with the device during this period include 8 foxes, 5 feral dogs, 12 skunks, 28 opossums, 3 raccoons, and 2 ravens.

All of the above use of M-44 devices as a supplemental tool to attempt to resolve coyote depredation on cattle, sheep, and goats was conducted by trained Service personnel in accordance with the "Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M-44 Device for the Control of Depredating Canids," as it appears in the FEDERAL REGISTER, volume 39, No. 120, Thursday, June 20, 1974.

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

SEPTEMBER 15, 1975.

[FR Doc.75-25021 Filed 9-18-75;8:45 am]

Office of the Secretary

[INT FES 75-69]

MASTER PLAN FOR LOWER ST. CROIX NATIONAL SCENIC RIVERWAY, MINNESOTA AND WISCONSIN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior, together with the States of Minnesota and Wisconsin, have prepared a final environmental statement for the master plan, Lower St. Croix National Scenic Riverway.

The environmental statement considers the ecological, social and economic effects of the acquisition, preservation, development and management with implementation of the plan or the alternatives by the administering agencies.

Copies of the final environmental statement are available from or for inspection, during normal business hours, at the following locations:

Regional Director, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

Superintendent, St. Croix National Scenic Riverway, P.O. Box 579, St. Croix Falls, Wisconsin 54024.

Commissioner, Department of Natural Resources, 301 Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155.

Secretary, Department of Natural Resources, P.O. Box 450, Madison, Wisconsin 53701.

Dated: August 18, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

LOWER ST. CROIX NATIONAL SCENIC RIVERWAY, MINNESOTA, WISCONSIN

BOUNDARIES, CLASSIFICATION, AND DEVELOPMENT PLAN

Whereas The Wild and Scenic Rivers Act, 82 Stat. 906, as amended, 16 U.S.C. 1271 et seq., provides for institution of a national wild and scenic rivers system; and

Whereas, section 2(b) of said Act requires that a river area to be included in the national wild and scenic river system shall be classified as a wild river area, a scenic river area, or a recreational river area; and

Whereas, section 3(a) of The Wild and Scenic Rivers Act, 82 Stat. 907, 16 U.S.C. 1274(a), was amended by the Lower St. Croix River Act of 1972, 86 Stat. 1174, to include a fifty-two mile segment of the river extending from the dam at Taylors Falls to its confluence with the Mississippi River and to provide for administration of the upper twenty-seven miles of said segment by the Secretary of the Interior and for designation of the lower twenty-five miles upon his approval of the application of the Governors of the States of Minnesota and Wisconsin; and

Whereas, section 3(b) of The Wild and Scenic Rivers Act requires that the agency charged with administration of each component of said system designated by section 3(a) to establish detailed boundaries therefor, determine which of the classes outlined in section 2, subsection (b) of the Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification, and further requires that said boundaries, classification, and development plan shall be published in the FEDERAL REGISTER;

Now, therefore, the boundaries, classification and development plan are hereby published for the Lower St. Croix National Scenic Riverway.

The boundaries of the Lower Saint Croix National Scenic Riverway are particularly described as follows:

LOWER SAINT CROIX NATIONAL SCENIC RIVERWAY

4TH PRINCIPAL MERIDIAN

STATE ADMINISTERED PORTION

The Lower Saint Croix National Scenic Riverway in Washington County, Minnesota, and in Pierce and St. Croix Counties, Wisconsin is hereby described as follows:

T. 26 N., R. 20 W.

Section 3: That portion of Government Lots 1 and 2 lying West of a line that is 660 feet West of and parallel to the east line of said Lots 1 and 2 and all of Government Lots 3 and 4 in Pierce County, Wisconsin.

Section 4: Government Lot 1 in Pierce County, Wisconsin and Government Lots 2, 3, 4 and 5 in Washington County, Minnesota.

Section 9: Government Lots 1, 2 and 3, that portion of Government Lot 4 lying North of the south right-of-way line of the Burlington Northern Railroad in Pierce County, Wisconsin, that portion of Government Lots 5, 6 and 7 lying North of the south right-of-way line of the Burlington Northern Railroad, all of Government Lots 8 and 9 and the W½NW¼ in Washington County, Minnesota.

Section 10: That portion of the NW¼NW¼ lying North and West of the centerline of U.S. Highway 10 in Pierce County, Wisconsin.

T. 27 N., R. 20 W.

Section 1: S½SW¼SW¼ in Pierce County, Wisconsin.

Section 2: Government Lots 1, 2, 3 and 4 in Pierce County, Wisconsin.

Section 11: Government Lots 1 and 2 in Pierce County, Wisconsin, Government Lot 7 except that portion platted as Afton State Park in said Lot 7 and all of Government Lot 8 in Washington County, Minnesota.

Section 12: NE¼NW¼NW¼, W½NW¼-NW¼ and the W½SW¼NW¼ in Pierce County, Wisconsin.

Section 14: Government Lot 3 except that portion platted as Kinnickinnic State Park in said Lot 3, all of Government Lot 4 and the SE¼SE¼ in Pierce County, Wisconsin, Government Lot 5, Government Lot 6 less and excepting therefrom that portion of the West 1320 feet from the north line of said Lot 6 down to the south property line of Thoroughfare, Inc., and all of Government Lots 7 and 8 in Washington County, Minnesota.

Section 15: SE¼SE¼ in Washington County, Minnesota.

Section 22: Government Lots 5, 6, 7 and 8 and the E½NW¼NE¼ in Washington County, Minnesota.

Section 23: That portion of Government Lot 1 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 1, all of Government Lots 2, and 3 and that portion of Government Lot 4 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 4 in Pierce County Wisconsin, that portion of the NW¼NW¼ in Washington County, Minnesota.

Section 26: That portion of Government Lots 1 and 2 lying West of a line that is 660 feet West of and parallel to the east line of said Lots 1 and 2, all of Government Lots 3 and 4 and the W½NW¼SE¼ in Pierce County, Wisconsin.

Section 27: Government Lot 1 in Pierce County, Wisconsin, Government Lots 2, 3, 4 and 5 and the E½NW¼ in Washington County, Minnesota.

Section 33: Government Lots 1 and 2 and the SE¼NE¼ in Washington County, Minnesota.

Section 34: Government Lots 1, 2, 3 and 4, W½SW¼SE¼ in Pierce County, Wisconsin, Government Lots 5 and 6 and the NW¼NW¼ in Washington County, Minnesota.

Section 35: W½NW¼NW¼.

T. 28 N., R. 19 W.

Section 6: Government Lot 1, that portion of Government Lots 2 and 3 lying West of a line that is 1320 feet West of and parallel to the east line of said Lots 2 and 3 and the NW¼NW¼ in St. Croix County, Wisconsin.

Section 7: Government Lot 1, SW¼NW¼ and the NW¼SW¼ in St. Croix County, Wisconsin.

T. 28 N., R. 20 W.

Section 1: Government Lot 1 in St. Croix County, Wisconsin.

Section 2: That portion of Government Lots 1, 2, 3 and 4 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Washington County, Minnesota.

Section 11: That portion of Government Lot 1 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad, that portion of Government Lots 2, 3 and 4 lying East of the following described line: commencing on the north line of said Lot 2, said line being the northern limit line of the Village of Lake St. Croix Beach at the intersection of said line with the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence, East, along said north line, to the centerline of Neal Avenue and the point of beginning; thence, Southerly, along said centerline to the centerline of Lincoln Street; thence, East, along said centerline, to the centerline of Moore avenue; thence, Southerly, along said centerline to the centerline of Aldrich Street of the Village of Lake St. Croix Beach, said centerline, being the south line of said Lot 4 of said Section 11 in Washington County, Minnesota.

Section 12: Government Lots 1 and 2 in St. Croix County, Wisconsin.

Section 13: That portion of Government Lot 1 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 1, that portion of Government Lot 2 lying West of a line that is 1320 feet West of and parallel to the east line of said Lot 2 and all of Government Lots 3 and 4 in St. Croix County, Wisconsin.

Section 14: That portion of Government Lots 1 and 2 lying South and East of the following described line within the Villages of Lake St. Croix Beach and St. Mary's Point; beginning on the north line of said Lot 1, said north line being the centerline of Aldrich Street; thence, Westerly, along said centerline, to the centerline of Dwyer Avenue; thence, southerly, along said centerline, to the centerline of Wallace Street; thence, Westerly, along said centerline to the centerline of Dunlap Avenue; thence, Southerly, along said centerline extended, to the centerline of St. Mary's Drive; thence, Westerly, along said centerline, to the centerline of Itasca Avenue; thence, Southerly, along said centerline, to the south line of said Lot 2; all of Government Lots 3 and 4, that portion of the W½NW¼ lying South and East of a line that is parallel to and 660 feet perpendicular distance Northwest of the centerline of State Highway 95, W½SW¼ and that portion of the NE¼SW¼ lying West of the western boundary of the Village of St. Mary's in Washington County, Minnesota.

Section 15: That portion of the SE¼ from the south line of said Section 15 to the centerline of Point Douglas Road (County Highway 21) lying South and East of a line that is parallel to and 500 feet perpendicular distance Northwest of the centerline of State Highway 95 and that portion of the SE¼ from the centerline of Point Douglas Road (County Highway 21) to the east line of said Section 15 lying South and East of a line that is parallel to and 660 feet perpendicular distance Northwest of the centerline of State Highway 95.

Section 22: E½ in Washington County, Minnesota.

Section 23: Government Lots 1, 2 and 3, E½SE¼ in St. Croix County, Wisconsin, Government Lots 4, 5, 6 and 7 in Washington County, Minnesota.

Section 24: Government Lots 1 and 2, W½NE¼ and the SE¼NW¼ in St. Croix County, Wisconsin.

Section 25: Government Lot 1 and the NW¼SW¼ in St. Croix County, Wisconsin.

Section 26: Government Lots 1, 2 and 3 in St. Croix County, Wisconsin, Government Lots 4, 5, 6 and 7 and the W½SW¼ in Washington County, Minnesota.

Section 27: N½NE¼ in Washington County, Minnesota.

Section 35: That portion lying North of the Afton State Park boundary in Washington County, Minnesota, and Government Lot 5 in St. Croix County, Wisconsin.

Section 36: That portion of Government Lot 1 lying West of a line that is 1320 feet West of and parallel to the east line of said Lot 1, Government Lots 2 and 3 and the N½SW¼SW¼ in St. Croix County, Wisconsin.

T. 29 N., R. 20 W.

Section 1: Government Lot 1, that portion of Government Lot 2 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 2 and all of Government Lots 3 and 4 in St. Croix County, Wisconsin.

Section 2: Government Lot 1 in St. Croix County, Wisconsin, Government Lots 2, 3, 4 and 5 and that portion of Government Lots 6 and 7 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Washington County, Minnesota.

Section 3: That portion of Government Lot 1, NW¼NE¼, S½NE¼ and the NE¼SE¼ lying North and East of the south and west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Washington County, Minnesota.

Section 10: That portion of the E½E½ lying South of the centerline of Central Avenue extended, Village of Bayport in Washington County, Minnesota.

Section 11: Government Lot 1 in St. Croix County, Wisconsin, Government Lot 2, that portion of Government Lot 3 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad, that portion of Government Lot 4 lying South of the centerline of Central Avenue and East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad and all of Government Lots 5 and 6, Village of Bayport in Washington County, Minnesota.

Section 12: Government Lots 1, 2, 3 and 4 and the W½NE¼SW¼ in St. Croix County, Wisconsin.

Section 14: Government Lots 1 and 2 in St. Croix County, Wisconsin, Government Lots 3, 4, 5 and 6 in Washington County, Minnesota.

Section 15: E½E½ in Washington County, Minnesota.

Section 22: NE¼NE¼ in Washington County, Minnesota.

Section 23: All that portion of said Section 23 lying in St. Croix County, Wisconsin, Government Lot 2, that portion of Government Lots 3, 4 and 5 lying East of the centerline of State Highway 95 in Washington County, Minnesota.

Section 24: That portion of Government Lots 1 and 2 and the SW¼NW¼ lying West of the centerline of State Highway 35 in St. Croix County, Wisconsin.

Section 25: That portion of Government Lot 1 lying West of the centerline of State Highway 35, that portion of Government Lot 2 lying West of the centerline of State Highway 35 and South and West of the centerline of Coulee Road, that portion of Government Lots 3 and 4 and the NW¼SE¼ lying South and West of the centerline of Coulee Road in St. Croix County, Wisconsin.

Section 26: That portion of Government Lots 1, 2, 3 and 4 and the NW¼NW¼ lying

East of the centerline of State Highway 95 in Washington County, Minnesota.

Section 35: That portion of Government Lots 1, 2, 3 and 4 and the NE¼NW¼ lying East of the following described line: beginning on the north line of said Section 35 at the point of intersection of said north line with the centerline of State Highway 95; thence, Southerly, along the centerline of said Highway 95, to the centerline of U.S. Highway 12; thence, Easterly, along the centerline of said Highway 12, to the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence, Southerly, along said west right-of-way line, to the south line of said Section 35 in Washington County, Minnesota.

Section 36: Government Lots 1, 2, 3 and 4 in St. Croix County, Wisconsin.

T. 30 N., R. 20 W.

Section 21: Government Lot 1, that portion of Government Lot 2 lying North and East of the south and west right-of-way line of the Burlington Northern Railroad and that portion of Government Lots 3 and 4 lying East of the west right-of-way line of said Burlington Northern Railroad in Washington County, Minnesota.

Section 22: Government Lot 1, that portion of Government Lot 2 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 2, that portion of Government Lot 3 and the NW¼SE¼ lying West and North of the centerline of State Highway 35, that portion of Government Lot 4 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 4, all of Government Lots 5 and 8 and the NE¼NE¼ in St. Croix County, Wisconsin, Government Lots 6, 7 and 9 in Washington County, Minnesota.

Section 27: That portion of Government Lot 1 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Washington County, Minnesota, that portion of Government Lots 2 and 3 lying West of a line that is 660 feet West of the east line of said Lots 2 and 3, that portion of Government Lots 4 and 5 and the SE¼SE¼ lying West of the centerline of State Highway 35 in St. Croix County, Wisconsin.

Section 28: That portion of Government Lots 1, 2, 3 and 4 lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Washington County, Minnesota.

Section 34: That portion of Government Lot 1 lying South and West of the centerline of State Highway 35 in St. Croix County, Wisconsin, that portion of Government Lots 2, 3, 4 and 5 and the SE¼SW¼ lying East of the west right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad in Washington County, Minnesota.

Section 35: That portion of Government Lots 1 and 2 lying South and West of the centerline of State Highway 35, Government Lot 3 less and excepting therefrom the North 660 feet of the East 660 feet, Government Lot 4 less and excepting therefrom the North 660 feet of the East 660 feet in St. Croix County, Wisconsin.

Section 36: SW¼SW¼SW¼ in St. Croix County, Wisconsin.

FEDERALLY ADMINISTERED PORTION

The Lower Saint Croix National Scenic Riverway in Chisago and Washington Counties, Minnesota, and in Polk and St. Croix Counties, Wisconsin is hereby described as as follows:

T. 30 N., R. 19 W.

Section 6: Government Lots 2 and 3.
Section 7: NW¼NW¼NW¼.

T. 30 N., R. 20 W.

Section 1: Government Lots 1, 2, 17 and 18 in St. Croix County, Wisconsin, Government Lots 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, that portion of Government Lot 6 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 6 to the southwest corner of said Lot 6, that portion of the NE¼NW¼ lying East of the centerline of Arcola Trail and that portion of the N½N½SE¼NW¼ lying East of the centerline of Arcola Trail in Washington County, Minnesota.

Section 11: Government Lots 1, 6 and 7 in St. Croix County, Wisconsin, that portion of Government Lot 2 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 2 to the northeast corner of Government Lot 3 of said Section 11, that portion of Government Lot 3 lying South and East of a line extended Soutwesterly from the northeast corner of said Lot 3 to the northeast corner of Government Lot 4 of said Section 11, that portion of Government Lot 4 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 4 to the southwest corner of said Lot 4, and all of Government Lots 5 and 8 in Washington County, Minnesota.

Section 12: That portion of Government Lot 1 lying South and East of a line extended Southwesterly from the southwest corner of Government Lot 6 in Section 1 to the northeast corner of Government Lot 2 in Section 11, all of Government Lots 7, 8, 9 and 10 in Washington County, Minnesota, Government Lot 6, that portion of Government Lots 2, 3, 4, 5, SE¼NE¼, SE¼SW¼ and the NW¼SE¼ lying North and West of the following described line: beginning at a point on the east line, said point being 660 feet South of the northeast corner of said Section 12; thence, Southwesterly, to a point on the south line, said point being 660 feet East of the southwest corner of said Section 12 in St. Croix County, Wisconsin.

Section 13: That portion of the NW¼NW¼NW¼ lying North and West of a line extended Southwesterly from a point on the north line, said point being 660 feet East of the northwest corner to a point on the west line, said point being 660 feet South of the northwest corner of said Section 13.

Section 14: That portion of Government Lot 1 lying Southerly of the following described line: beginning on the north line of said Lot 1 at the southwest corner of Government Lot 4 Section 11; thence, Southwesterly, along the southeasterly line of Lot 2 to the northeasterly right-of-way line of Arcola Court N, of St. Croix Chateaux; thence, Southerly, to the southeast corner of Lot 12; thence, Southwesterly, along the south line of said Lot 12 to the southwesterly line of Lot 12; thence, Northwesterly, along the southwesterly line of Lots 12 and 13 to the west line of said Government Lot 1 and there ending, as per the plat of St. Croix Chateaux, recorded as Document 320753 of the Washington County, Minnesota records, all of Government Lots 7, 8 and 9 in Washington County, Minnesota, that portion of Government Lot 2 lying North and West of a line extended Southwesterly from the southwest corner of Government Lot 3 to the southwest corner of said Lot 2, that portion of Government Lot 3 lying North and West of a line extended Southwesterly from the southwest corner of Government Lot 4 to the southwest corner of said Lot 3, that portion of Government Lot 4 lying North and West of the centerline of a County Road, that portion of Government Lot 5 lying North and West of a line extended Southwesterly from the southwest corner NW¼NW¼NW¼ of Section 13 to the northwest corner NE¼SE¼NE¼ of Section 14 and all of Government Lots 6 and 10 in St. Croix County, Wisconsin.

Section 15: Government Lots 1, 7, 8 and 9 in St. Croix County, Wisconsin, that portion of Government Lot 2 lying South and East of a line extended Southwesterly from the northeast corner of said Lot 2 to the northeast corner of Government Lot 3, all of Government Lot 3, that portion of Government Lots 4 and 5 lying South of a line that is 330 feet South of and parallel to the north line of said Lots 4 and 5 and all of Government Lots 6 and 10 in Washington County, Minnesota.

Section 16: S½N½NE¼SE¼, S½NE¼SE¼ and the SE¼SE¼.

T. 31 N., R. 19 W.

Section 6: Government Lot 1, EXCEPT that part of the S½ S½ lying Southeasterly of the centerline of a County Road, all of Government Lots 2, 3 and 4, W½W½SE¼NE¼, W½W½NE¼SE¼, W½NW¼SE¼SE¼ and that portion of the W½SW¼SE¼SE¼ lying North and West of the centerline of a County Road in St. Croix County, Wisconsin, that portion of Government Lot 5 lying East of the centerline of State Highway 95, all of Government Lot 6 and that portion of Government Lots 7 and 8 and the W½NW¼ lying East of the centerline of State Highway 95 in Washington County, Minnesota.

Section 7: Government Lot 1, that portion of Government Lot 2 and the E½SE¼ lying South and West of a line extended Northwesterly from the southeast corner of said Section 7 to a point on the north line of Government Lot 2, said point being 660 feet West of the northeast corner of said Lot 2, that portion of Government Lot 3 lying West of a line that is 660 feet West of and parallel to the east line of said Lot 3, that portion of the North 660 feet of Government Lot 4 lying West of the centerline of a County Road, that portion of the South 660 feet of Government Lot 4 lying West of a line that is 990 feet West of and parallel to the east line of said Lot 4 in St. Croix County, Wisconsin, that portion of Government Lots 5, 6, 7 and 8 and the SW¼SW¼ lying East of the centerline of State Highway 95 in Washington County, Minnesota.

Section 17: Government Lot 4 in Washington County, Minnesota, NW¼NE¼ and the N½NW¼ in St. Croix County, Wisconsin.

Section 18: Government Lot 1 in St. Croix County, Wisconsin, Government Lots 2, 3 and 4, that portion of the E½W½ lying East of the centerline of State Highway 95, SW¼NE¼, NW¼SE¼ and the S½SE¼ in Washington County, Minnesota.

Section 19: NE¼, that portion of the NW¼, SW¼ and the SE¼ lying East of the centerline of State Highway 95 in Washington County, Minnesota.

Section 20: Government Lots 5, 6, 7 and 8 in Washington County, Minnesota.

Section 29: Government Lots 5, 6, 7 and 8 in Washington County, Minnesota.

Section 30: That portion of the E½ lying East of the centerline of State Highway 95 in Washington County, Minnesota.

Section 31: That portion of the N½NE¼ lying East of the centerline of State Highway 95 and North of the centerline of Arcola Trail.

Section 32: Government Lots 1, 2, 3 and 4, NW¼SE¼NE¼ in St. Croix County, Wisconsin, that portion of Government Lot 5 lying North and East of the centerline of Arcola Trail and that portion of Government Lots 6, 7 and 8 lying East of the centerline of said Arcola Trail in Washington County, Minnesota.

T. 32 N., R. 19 W.

Section 5: That portion of Government Lot 1 lying North and West of the following described line: beginning at the northeast corner of said Lot 1; thence, Southwesterly, to a point, said point being 330 feet North and 660 feet East of the southwest corner of said Lot 1; thence, South, 330 feet to the south line of said Lot 1; all of Government Lots 2 and 3, N½NW¼SW¼NE¼, N½N½SE¼NW¼, all that part of the NW¼NW¼SW¼ lying Westerly of the easterly right-of-way line of the Soo Line Railroad, W½SW¼NW¼SW¼, W½W½SW¼SW¼ in Polk County, Wisconsin, and all of Government Lot 4 in Washington County, Minnesota.

Section 6: Government Lot 1, that portion of Goverment Lots 2 and 3 lying East of line that is 660 feet East of and parallel to the west line of said lots 2 and 3, that portion of Government Lot 4 lying East of the west line of Lots 1 through 7 inclusive and that portion of Lot 8 within said Government Lot 4 of Cedarcliff-on-St. Croix, as per the plat thereof, recorded as Document 242120 of the Washington County, Minnesota records, NW¼NE¼ and the E½NE¼NW¼ in Washington County, Minnesota, Government Lots 5, 6 and 7 and the SE¼SE¼ in Polk County, Wisconsin.

Section 7: Government Lots 1, 2 and 3 in Polk County, Wisconsin, that portion of Government Lots 4 and 5 lying East of a line that is 330 feet East of and parallel to the west line of said Lots 4 and 5, all of Government Lot 6, E½NE¼SW¼, E½W½NE¼SW¼, E½E¼SW¼ and the E½NW¼SE¼SW¼ in Washington County, Minnesota.

Section 8: Government Lot 1, W½W½NW¼NW¼, W½NW¼SW¼NW¼, S½SW¼NW¼, W½SW¼NE¼SW¼, NW¼SW¼ and the W½NW¼SE¼SW¼.

Section 17: Government Lots 1, 2 and 3, W½SW¼SW¼ and the W½E½SW¼SW¼.

Section 18: Government Lot 1 in Polk County, Wisconsin, Government Lots 4 and 5, W½NE¼, E½E½NW¼ and the E½E½SW¼ in Washington County, Minnesota.

Section 19: Government Lots 1, 2, 3 and 4 in Polk County, Wisconsin, Government Lots 5, 6, 7 and 8, and that portion of the E½NW¼ lying East of the west right-of-way line of the Minneapolis St. Paul and Sault Ste. Marie Railroad in Washington County, Minnesota.

Section 20: W½NW¼NW¼, W½E½NW¼NW¼, W½NE¼SW¼NW¼, NW¼SW¼NW¼, S½SW¼NW¼, SW¼SE¼NW¼, W½SW¼ and the W½E½SW¼.

Section 29: Government Lot 1, SW¼NW¼NE¼, W½SW¼NE¼, NW¼, N½SW¼, SE¼SW¼ and the W½W½SE¼.

Section 30: Government Lots 1, 2 and 3 in Polk County, Wisconsin, and Government Lots 4, 5 and 6 in Washington County, Minnesota.

Section 31: That portion of Government Lot 3 lying South and West of the William O'Brien State Park as platted in said Lot 3, that portion of Government Lot 4 and the NE¼SW¼ lying East of the centerline of State Highway 95 in Washington County, Minnesota, SE¼SE¼ (Government Lot 5) in Polk County, Wisconsin.

Section 32: Government Lots 1, 2 and 3, that portion of Government Lot 4 lying North and West of the centerline of a County Road, W½W½NE¼, E½NW¼, that portion of the E½SW¼ lying North and West of the following described line: commencing at the northeast corner E½SW¼; thence, South, along the east line E½SW¼, 875 feet, more or less, to the point of intersection of said east line with the centerline of a County Road, said point being the point of beginning; thence, Southwesterly, to a point on the west line E½SW¼, said point being the intersection of said west line with the centerline of a County Road, that portion of the W½NW¼SE¼ lying North and West of the centerline of a County Road.

T. 33 N., R. 19 W.

Section 2: Government Lots 5, 6, 7 and 10, that portion of Government Lot 8 and the NW¼SW¼ lying South and East of a line extended Southwesterly from the center of said Section 2 to a point on the south line of said NW¼SW¼, said point being midway between the southeast corner and the south 'st corner of said NW¼SW¼ and that portion of Government Lot 9 lying South and East of the north line of Outlot 2 and the centerline of Edward Street as per the plat of "Franconia", all that portion of the NE¼NW¼ that is part of Lot C of Harmony Heights Revised, as per the plat thereof, recorded as Document No. 98056 of the Chisago County, Minnesota records in Chisago County, Minnesota.

Section 3: That portion of the SE¼SE¼ lying South and East of the centerline of Edward Street and that portion bounded by the following described line: beginning on the south line of said SE¼SE¼ at the intersection of the centerline of Cornelian Street; thence, Northeasterly, along said centerline to the centerline of Main Street; thence, Southeasterly, along the centerline of Main Street to the centerline of Edward Street and there ending, as per the plat of "Franconia" in Chisago County, Minnesota.

Section 10: Government Lots 1, 2 and 3, that portion of Government Lot 4 lying East of a line that is 990 feet East of and parallel to the west line of said Lot 4, NW¼NE¼, S½NE¼NW¼, E½SE¼NW¼NW¼, E½-E½SW¼NW¼, SE¼NW¼, E½E½NW¼-SW¼ in Chisago County, Minnesota, Government Lots 5, 6 and 7 in Polk County, Wisconsin.

Section 11: Government Lot 1 in Chisago County, Minnesota, Government Lots 2 and 3, W½W½NW¼NE¼, W½W½SW¼NE¼, SE¼NW¼ and the SW¼ in Polk County, Wisconsin.

Section 14: N½NE¼NW¼ and the W½W½SW¼.

Section 15: Government Lots 1, 2, 3, 4 and 5 and the SE¼NE¼ in Polk County, Wisconsin, that portion of Government Lot 6 lying East of a line that is 990 feet East of and parallel to the west line of said Lot 6, all of Government Lots 7, 8, 9 and 10, E½E½SW¼NW¼, E½E½NW¼SW¼ and the E½E½SW¼SW¼ in Chisago County, Minnesota.

Section 21: NE¼SE¼SE¼ and the S½SE¼SE¼.

Section 22: That portion of Government Lots 1 and 2 lying West of the centerline of State Highway 35, all of Government Lots 3 and 4 in Polk County, Wisconsin, Government Lots 5, 6, 7, 8 and 9, W½NW¼ and the NW¼SW¼ in Chisago County, Minnesota.

Section 27: Government Lots 1 and 4 in Chisago County, Minnesota, Government Lot 2, that portion of Government Lot 3 and the NW¼NE¼ lying Westerly of the centerline of State Highway 35, that portion of the N½SW¼ lying Northerly of the centerline of a County Road and Westerly of the centerline of State Highway 35 in Polk County, Wisconsin.

Section 28: Government Lots 1, 3, 4 and 7, that portion of Government Lot 2 lying South and East of the centerline of County Highway 243, E½NW¼NE¼, that portion of the NW¼ lying South and West of the centerline of County Highway 243 and South and East of the centerline of County Highway 95, N½SW¼ and the SW¼SW¼ in Chisago County, Minnesota, that portion of Government Lots 5 and 6 and the SE¼SE¼ lying North and West of the centerline of a County Road in Polk County, Wisconsin.

Section 31: SE¼SE¼SW¼, S½NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, S½SW¼SE¼ and the SE¼SE¼.

Section 32: Government Lots 1, 2 and 3, S½N½NE¼, S½N½NE¼NE¼, S½N½NW¼NE¼, SW¼NE¼, S½NE¼SE¼NW¼, SE¼NW¼SE¼NW¼, E½SW¼SE¼NW¼, SE¼SE¼NW¼, NE¼SW¼, S½NW¼SW¼, E½NE¼NW¼SW¼, SW¼SW¼ in Chisago County, Minnesota, that portion of Government Lot 4 lying North and West of a line described as follows: beginning at a point on the south line of said Lot 4, said point being 1320 feet West of the southeast corner of said Lot 4; thence, Northeasterly, 2150 feet, more or less, to a point on the east line of said Lot 4, said point being 1700 feet North of the southeast corner of said Lot 4, in Polk County, Wisconsin.

Section 33: Government Lot 1 in Chisago County, Minnesota, that portion of Government Lot 2 lying North and West of a line described as follows: beginning at the northwest corner NE¼SW¼ of said Section 33; thence, West, 99 feet; thence, South 34°20' West, 388.1 feet; thence, South 87°00' West, 170 feet; thence Southwesterly to a point on the west line of said Lot 2, said point being 1700 feet North of the southwest corner of said Section 33, that portion of Government Lots 3 and 4 lying North and West of the centerline of a County Road in Polk County, Wisconsin.

T. 34 N., R. 18 W.

Section 30: That portion of Government Lot 2 lying North and West of the boundary of the Interstate State Park in Polk County, Wisconsin, that portion of Government Lot 5 lying North and East of the Interstate State Park boundary and all of Government Lots 6 and 7 in Chisago County, Minnesota.

T. 34 N., R. 19 W.

Section 35: Government Lots 2 and 3 and that portion of the SW¼SE¼ lying South and East of a line extended Northeasterly from the southwest corner to the northeast corner of said SW¼SE¼ in Chisago County, Minnesota.

Together with all bodies of water, rivers, islands, accretions and relictions within and appurtenant to the St. Croix River from the south line of Sec. 3, T. 26 N., R. 20 W., upstream to its intersection with the north line of Sec. 30, T. 34 N., R. 18 W.

The boundaries are identified in graphic form on maps of the Department of the Interior, National Park Service, titled "Federal Boundary and Acquisition Plan, Lower St. Croix National Scenic Riverway," number 643-20011, March 1975, and "State Boundary and Acquisition Plan, Lower St. Croix National Scenic Riverway," number 643-20008A, March 1975, on file in the Office of the Department of the Interior, National Park Service, at Washington, D.C.

CLASSIFICATION OF NATIONAL SCENIC RIVERWAY

The Lower St. Croix National Scenic Riverway is classified as follows:

Scenic River Area. From the dam at Taylors Falls, Minnesota, downstream to the Chisago-Washington County line, Minnesota, a distance of 10.3 miles.

Recreational River Area. From the Chisago-Washington County line, Minnesota, downstream to its confluence with the Mississippi River, a distance of 41.7 miles.

The classification of the Lower St. Croix National Scenic Riverway are graphically depicted on a map of the Department of the Interior, National Park Service, titled "River Classification Plan," number 643-20001A, March 1975, on file in the Office of the Department of the Interior, National Park Service, Washington, D.C.

GENERAL DEVELOPMENT PLANS

The general development plans of the Department of the Interior, National Park Service, and the States of Minnesota and Wisconsin for the Lower St. Croix National Scenic River are as follows:

PREFACE

The following master plan, as requested by Congress in Public Law 92-560, was prepared by members of the Departments of Natural Resources of the States of Minnesota and Wisconsin, and the National Park Service, with the assistance of the Minnesota-Wisconsin Boundary Area Commission. Due to the complexities of management involved in the Federal and State portions of the riverway, the plan is divided into two distinct sections in which the boundaries are treated separately with respect to the management and development of the segments.

SUMMARY

The major purpose of the master plan is to balance the need for recreational use of the area against the equally important objective of preservation of the natural values of the area. Thus, the overall goal of the plan is "to preserve the existing scenic and recreational resources of the Lower St. Croix River through controlled development."

Congress has found that the Lower St. Croix River and its immediate environment possess outstanding scenic and esthetic, recreational, and geologic values, and that the river and its immediate environment should be protected for the benefit and enjoyment of present and future generations. The 52-mile segment from Taylors Falls-St. Croix Falls to Prescott exhibits the following characteristics:

A highly scenic course, complemented by an island and slough river environment in the upper reaches and a lake-like river environment in the lower reaches.

Water of high quality suitable for many outdoor recreation pursuits, including whole-body contact activities.

A colorful history that follows the development of the upper Midwest from the days of the Indian through the logging era.

An outstanding area of geologic interest, notably the Dalles of the St. Croix.

Close proximity to the Minneapolis/St. Paul urban area, with a population in 1970 of over 1,800,000 people.

This plan identifies several factors that presently or potentially endanger the outstanding natural characteristics of the Lower St. Croix River.

A shoreline that is rapidly being developed for both residential and commercial uses and is under constant pressure for further development from the expanding Twin Cities area.

The possibility of water-quality degradation as the population served by the Lower St. Croix River increases.

The likelihood that recreational use, if not carefully controlled, will destroy the very characteristics that presently make the Lower St. Croix River appealing.

This master plan details the preservation and development of the 52-mile segment of the Lower St. Croix River by local, State, and Federal governments. The National Park Service will administer the 27-mile segment from the dam near Taylors Falls downstream to the northern city limits of Stillwater except the existing State properties.

The States of Minnesota and Wisconsin will administer the 25-mile segment from the northern limits of the city of Stillwater south to the confluence with the Mississippi River at Prescott. Total area within the Federal boundary, not including the main channel of the river, is about 9,225 acres according to General Land Office plat maps. Of this area, 550 acres are in incorporated villages. Land within incorporated villages adequately protected by local zoning ordinances is not proposed for acquisition. There are 2,610 acres in islands and adjacent water surface areas, other than the main channel. All privately owned islands will be acquired in fee.

A Bureau of Outdoor Recreation determination October 23, 1969, excludes the island and water surface areas mentioned above from the maximum allowable acreage as set forth in Section 6 of the Wild and Scenic Rivers Act. This leaves 6,065 acres of which a maximum of 2,700 acres will be acquired in fee with the balance proposed for scenic easement acquisition. This limited acquisition will be utilized in undeveloped and sparsely developed areas to protect the shore, slope, and blufftop lands from incompatible uses. Zoning standards are proposed for the remainder of the lands within the boundary.

The Federal management of the Lower St. Croix River will be in accordance with the administrative policies for recreation areas of the National Park System, and is consistent with the two States' classifications. The present recreational use of most segments of the river is considered near-optimum capacity on summer weekends and holidays. This plan, therefore, visualizes few new developments.

Because farmlands and forests are essential in maintaining the flavor and character of this region, these uses will be encouraged and perpetuated wherever possible.

Camping is included in the development plan in existing State parks and in private ownership. It is suggested that where additional camping areas are needed, they be developed outside the boundary.

Overnight use of the islands will be permitted by houseboats on designated islands for controlled periods of time. Overnight primitive camping on certain islands will be permitted if sanitary facilities can be provided.

The 27-mile Federal segment of the Lower St. Croix River will be administered as a separate district by the Superintendent of the St. Croix National Scenic Riverway, with headquarters in St. Croix Falls, Wisconsin. The 25-mile State segment of the St. Croix Riverway will be administered by the Department of Natural Resources of the respective States.

Private enterprise will be encouraged to provide lodging, food, and other business services to visitors outside the riverway boundary.

The Lower St. Croix Riverway will be by necessity a cooperative agreement undertaken by all levels of government. Local governments will be required by the States to develop zoning controls along the St. Croix that are consistent with the purposes of the Wild and Scenic Rivers Act.

Large State and local parks exist throughout the 52-mile Lower St. Croix Riverway and the administration of these areas will remain unchanged. The waters of the St. Croix River will remain under State and Federal jurisdiction and be applicable to Federal Navigation Laws. Hunting and fishing will also remain basically State and Federal responsibilities.

RECOMMENDATIONS

To protect the scenic and recreation resources of the Lower St. Croix River, this plan recommends that the following actions be implemented by the appropriate State and local governments:

The development and management of the Lower St. Croix should place primary emphasis on maintaining and enhancing the esthetic, scenic, historic, fish and wildlife, and geologic features. All recreational facility development should be consistent with the protection of the river environment.

A comprehensive land use plan should be developed jointly by all units of government bordering on the Lower St. Croix River so that land use and developments back from the river will complement the recommended protective efforts along it. This plan should address the need for protection of scenic qualities along public roads serving the river corridor. High standards for air quality and noise level controls should be adopted and vigorously enforced.

A spoil disposal plan should be developed so that dredge spoil material from the 9-foot channel would be used to supplement existing beach areas or to establish additional recreation sites outside the floodway.

The addition of new marina facilities and boat access areas on the Lower St. Croix should be permitted only after review and approval by the agencies responsible for managing the riverway program. Any existing or planned boat-launching areas upriver from Boomsite, Minnesota, should be converted or limited to carry-in types. Unneeded river accesses throughout the Riverway should be eliminated in cooperation with local or State government.

Proposals for new bridge crossings, renovation of existing structures, or powerline and pipe line crossings should be reviewed and approved in advance by the administering agencies to ensure that scenic and recreational values are protected.

This plan recommends a cooperative waste assimilation study of the river to determine its natural capacity for receiving wastewater discharges without causing conditions that would make the river unsuitable for whole-body-contact recreational activities. Using the findings and conclusions from this study, the appropriate regulatory agencies should establish effluent discharge limits based on the quantities of specific substances allowed into the river, so that not matter what the total effluent volume might be, the net effect on the water quality would remain well within the assimilation capacity standards. Standards should be upgraded as wastewater treatment technological advances are made.

Appropriate agencies should develop a comprehensive, coordinated effluent and in-stream monitoring program to ensure systematic compliance with the non-degradation goals. Applicable State and local regulations concerning septic tanks should be vigorously enforced.

Railroad rights-of-way within the riverway boundaries that may be abandoned in the future should, where feasible, be considered for recreational trail use.

The Northern States Power Dam at Taylors Falls, if abandoned, should be considered for use in stabilizing water flow in the Lower St. Croix.

All communities along the Lower St. Croix that still retain some of the historical flavor should be encouraged in their efforts to maintain their cultural and historical character.

A definitive research study should be undertaken cooperatively between the Secretary of the Interior and the two States to determine the optimal carrying capacity of the Lower St. Croix Riverway. This study will require significant financial support to identify resource constraints, facility capacities, and sociological or socio-esthetic values. Any future access expansion, site development, and water or land zoning would benefit from guidelines determined in this manner.

Water zoning, including "No Wake" and speed zones, should be adopted as a means to prevent degradation of the recreation experience and to enhance water safety. Federal and State agencies should adopt uniform boat toilet and boat safety regulations.

INTRODUCTION

The need for a wild rivers system was recommended by the Outdoor Recreation Resources Review Commission (ORRRC), in January, 1962. In response to this recommendation, a joint Agriculture-Interior Departmental Team was formed in May, 1962; and on October 2, 1968, by Public Law 90-542, the Congress enacted the Wild and Scenic River Act.

During the preliminary inventory and evaluation period for the proposed nationwide system of wild rivers, an in-depth study report on the St. Croix-Namekagon Rivers was prepared by the Lake Central Regional Task Group. One of the more significant recommendations of that study area was:

"The St. Croix River * * * (below Taylors Falls) is a recreation resource of outstanding quality, even though development precludes classifying it as a wild river. Appropriate measures should be taken to assure perpetuation of this portion of the stream as a recreation resource of high quality."

On October 25, 1972, Public Law 92-560 was passed amending the Wild and Scenic River Act by designating a segment of the St. Croix River in Minnesota and Wisconsin as a component of the National Wild and Scenic River System.

The Lower St. Croix River Act of 1972 reads:

"(9) LOWER SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls and its confluence with the Mississippi River: *Provided*, (i) that the upper twenty-seven miles of this river segment shall be administered by the Secretary of the Interior, and (ii) that the lower twenty-five miles shall be designated by the Secretary upon his approval of an application for such designation made by the Governors of the States of Minnesota and Wisconsin."

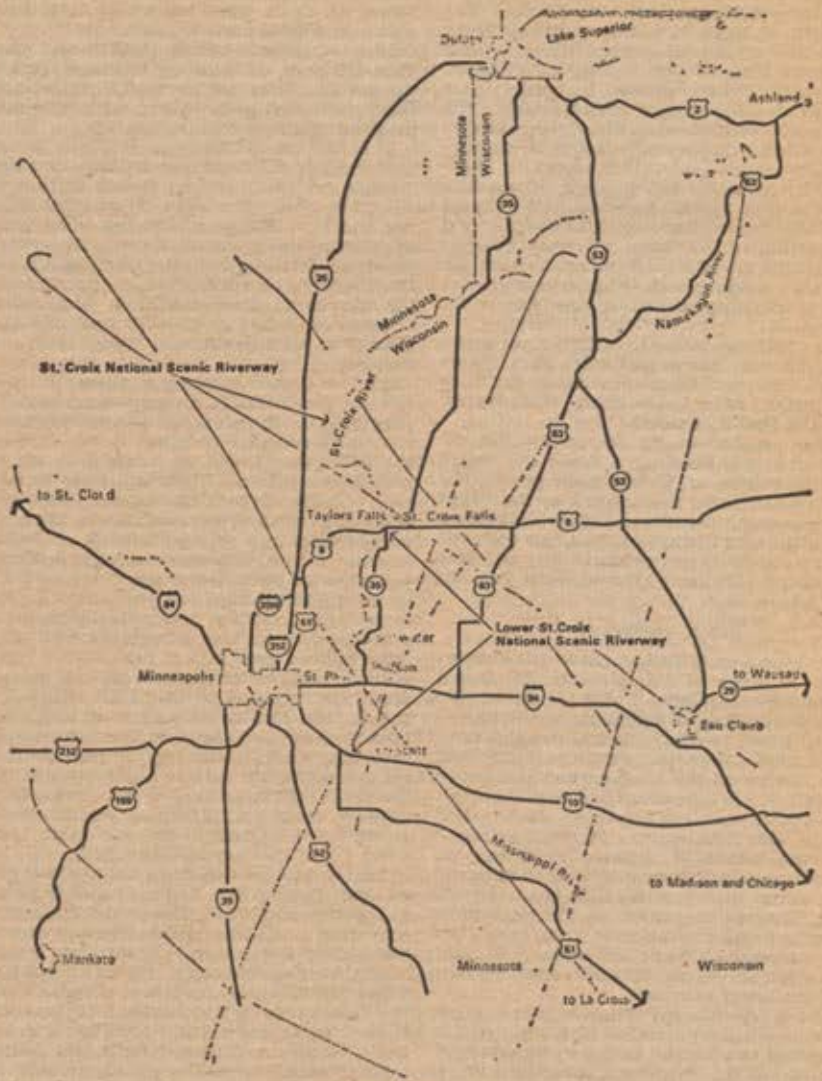
In order to satisfy the requirements of Public Law 90-542 and Public Law 92-560 the States of Minnesota and Wisconsin and the Department of the Interior have jointly prepared this master plan.

THE REGION

The St. Croix River north of Taylors Falls and its tributary, the Namekagon, is one of the original eight rivers of the Wild and Scenic River Act (P. L. 90-542 passed October 2, 1968). It rises from a source about 20 miles from Lake Superior near Solon Springs in northwestern Wisconsin, and flows southwesterly and then southerly a total distance of 164 miles. It separates into the Upper St. Croix and the lower river by a dam at Taylors Falls, and then flows southerly for approximately 52 miles, entering finally into the Mississippi River at Prescott, Wisconsin, approximately 20 miles southeast of Minneapolis/St. Paul. The upper 37 miles of the St. Croix lie entirely in Wisconsin, and the remaining 127 miles form part of the boundary between Minnesota and Wisconsin. The lower river segment falls approximately 18 feet in its total distance. The steepest gradient, about 8 feet per mile, is found in the Taylors Falls area. Within this stretch, the river flows through the narrow rock gorge called the St. Croix Dalles. From just below the Dalles downstream to Lake St. Croix, at River Mile 25, the river has an average gradient of .72 feet per mile. There is no significant change in elevation in the remainder of the study segment.

POPULATION

The five counties bordering the Lower St. Croix have a population of over 185,000. The 1970 census showed approximately 4 million people living within 150 miles of the Lower St. Croix and about 9½ million within 250 miles. By the year 2000 these figures are projected to be over 5½ and 12 million respectively. Approximately 45 percent of the population within 150 miles live in the Minneapolis/St. Paul area. Chicago, Milwaukee, and Omaha are within a day's drive of the Lower St. Croix.



The Region

Lower St. Croix
National Scenic Riverway

United States Department of the Interior / National Park Service

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ECONOMY

Minneapolis/St. Paul dominates the economy of the region. The Lower St. Croix River is literally in the backyard of the Minneapolis/St. Paul metropolitan area, and the population of the Twin Cities is expected to nearly double by the year 2000. An increase in commercial and industrial developments in and around the metropolitan area appears likely, and thus its economic influence on the region will be more heavily felt in the future. Several small communities are located along the Lower St. Croix, and these towns will undoubtedly experience growth as well.

In the nonurban areas, the processing of grains, vegetables, and dairy products makes up an important part of the industrial activity. Farming in the region—outside the Twin Cities—is still a major occupation; approximately 30 percent of the labor force in the nonurban areas is engaged in farming. Dairy products presently comprise the leading source of farm income. Forestry has declined as a major industry, although a viable forestry industry still exists. Mineral production is limited, and includes the processing of industrial sands, sand and gravel, basalt, and crushed limestone. There are commercial sand-and-gravel operations in the St. Croix River Valley.

ACCESS

The Lower St. Croix River Basin is readily accessible to visitors. Interstate Highway 35 provides north-south passage just west of the riverway and connects Minneapolis/St.

Paul to Duluth and Des Moines. Interstate Highway 94—with portions presently under construction—provides for good east-west movement through the Lower St. Croix Valley and connects Minneapolis/St. Paul to Bismarck, Madison, and Milwaukee. The Great River Road, a scenic parkway along both sides of the Mississippi River, crosses the study area in the vicinity of Prescott, Wisconsin. Other major highways pass through the five-county area bordering the river, and a well-developed county road system provides circulation throughout the surrounding countryside. The region is well-served by railroads. The Chicago, Milwaukee, St. Paul, and Pacific Railroad, the Chicago and Northwestern Railway, the Soo Line, and the Burlington Northern all pass near or through the study area. However, none of the railroads provides scheduled passenger service to the communities along the Lower St. Croix River.

Scheduled commercial air flights are available from the Minneapolis/St. Paul International Airport. Smaller aviation facilities are located near Lake Elmo, Osceola, St. Paul, and New Richmond.

Large pleasure-crafts can enter the St. Croix from the Mississippi River and travel as far as Stillwater. This is made possible by the 9-foot channel maintained by the Corps of Engineers. A 3-foot channel is authorized from Stillwater to Taylors Falls, but the controlling depth in this reach is only one foot at extreme low water. The channel has not been maintained.

OTHER RECREATION

Two rivers in Wisconsin have been designated as areas of the National Wild and Scenic River System. The Wolf River, the Upper St. Croix, and its tributary, the Namekagon, have received formal scenic river status. The designated section of the Wolf River lies about 200 miles east of the Lower St. Croix and is considered one of Wisconsin's most scenic and rugged rivers. It is much smaller, less developed, and more intimate than the Lower St. Croix. The Upper St. Croix/Namekagon system also offers different recreational opportunities than the Lower St. Croix. The upper portion of the river flows through heavily timbered land, lacks the high, forested bluffs of the lower river, and is generally much narrower and more shallow than the Lower St. Croix.

Both Minnesota and Wisconsin are active in the protection of riverways. Wisconsin has recognized the unique values of its rivers by establishing the Flambeau River and Black River State Forests and by acquiring land on other rivers for fish-and-game purposes. Rivers in Wisconsin that bear the wild-river designation include the Brule, Wolf, Pine, Popple, and Pike. In Minnesota, the legislature has enacted laws designating 16 rivers as canoeing and boating routes. The legislature recently passed the Minnesota Wild and Scenic River Act, which includes protection powers similar to those in the Federal Act. No rivers were initially included in the State system because Minnesota has not completed the necessary plans nor conducted any public hearings prerequisite to such designation.

The body of water with the greatest recreational potential in the region is the Mississippi River according to the U.S. Fish and Wildlife Service. The waterway, with its numerous sloughs and islands, provides some of the best waterfowl, hunting, sport fishing, and boating in the country. An in-depth study of recreation and environmental resources in the Upper Mississippi River Valley has recently been completed. Various proposals have been advanced to authorize an Upper Mississippi National Recreation Area. To establish such an area would require substantial improvements in Mississippi River water quality.

Minnesota and Wisconsin are richly endowed with lakes. Within 60 miles of the Lower St. Croix there are nearly 1,300 lakes with over 470,000 surface acres.

Most of these lakes are highly developed, with little or no lakeside frontage open to the public. They receive heavy recreational use by seasonal homeowners, especially people residing in the Twin Cities.

The Sherburne National Wildlife Refuge and the Upper Mississippi Wildlife and Fish Refuge are both only an hour's drive from the Twin Cities. The Upper Mississippi Wildlife and Fish Refuge extends some 285 miles southward along the Mississippi River from Wabasha, Minnesota, to Rock Island, Illinois. Both refuges provide excellent opportunities for visitors to observe wildlife and become acquainted with wildlife-management programs, as well as to fish, hunt, boat, and sightsee.

In the *Upper Mississippi River Comprehensive Basin Study* an important regional priority is for the provision of additional day-use water-oriented facilities for the Minneapolis/St. Paul locale. An analysis in the report shows that an additional 1,900 acres of high density recreation lands and 97,700 acres of general outdoor recreation lands are needed to satisfy visitor demands in the immediate future. The water acreage presently available for recreational use is estimated to be adequate through the year 2000. Because more than half the regional population is concentrated in the Minneapolis/St. Paul metropolitan area, one of the greatest recreational needs is for the provision of day-use areas for residents of the Twin Cities. The acquisition and development of additional lake frontage proximate to the metropolitan area may be the best way to provide more opportunities for water-based activities. The Lower St. Croix is part of the Twin Cities day-use zone and provides water-oriented recreational opportunities for many day-users from the metropolitan area.

Three national forests lie within 200 miles of the Lower St. Croix River—Superior, Chippewa, and Chequamegon. Recreational activities in all the national forests include swimming, water skiing, picnicking, nature study, boating, canoeing, big game hunting, waterfowl hunting, camping, horseback riding, hiking, and a multitude of winter activities. Two areas of the National Park System—Voyageurs National Park and Apostle Islands National Lakeshore—lie about 200 and 100 miles, respectively, from the riverway. Both are relatively new and undeveloped areas. The Ice Age National Scientific Reserve located in Wisconsin contains nationally significant land features resulting from continental glaciation. The Reserve contains nine separate areas spreading across the State from Lake Michigan to Interstate Park on the St. Croix. The Reserve is administered by the State and aided by Federal contributions for planning, land acquisition, development, and management. Two of the nine areas are within 100 miles of the riverway.

Both Minnesota and Wisconsin have jurisdiction over many types of land vital to outdoor recreation, including wildlife-management areas, State forests, State parks, and public accesses to lakes and rivers. Over 330,000 acres of State-owned land are within 60 miles of the Lower St. Croix study area.

In a 60-mile radius of the Lower St. Croix, most of the county-controlled public-recreation land acreage is in Wisconsin. The county forests presently maintain only primitive developments for vacationers, and their recreational value lies mainly in their capacity to support such recreational activities as hunting, fishing, sightseeing, nature study, and hiking. The county parks, and the river and lake accesses, are generally developed for more intensive recreational use, such as picnicking and swimming.

Parks and recreation areas provided by cities and villages are limited, but they sustain heavy recreational use. In the vicinity of the Lower St. Croix, the most significant urban recreational developments are those that serve the Minneapolis/St. Paul metropolitan area. These parks and recreation areas are generally intended to provide recreational opportunities for people within a short travelling distance of their homes.

CLIMATE

Climate in the Lower St. Croix River Basin is characterized by warm humid summers and cold, snowy winters. The average daily maximum temperature is 85 degrees in July and 23 degrees in January. The summer recreation season has an even distribution of clear, partly cloudy, and cloudy days.

Precipitation averages approximately 27 inches annually with an average snowfall of 40 inches. Sixty-four percent of the yearly precipitation occurs from May through September.

LAND USE

Farming is the dominant use in the Lower St. Croix River area. As might be expected, the area's agriculture activity is oriented toward the nearby metropolitan markets. Livestock, dairy, cash grain farming, and the growing of specialty crops such as apples, are common. Row crop agriculture with corn and small grains predominates. Virtually all the agricultural land within the riverway boundaries lies behind the bluffs. Recreational use of the Lower St. Croix does not conflict with the farming enterprises in the valley.

At present, forests cover 30 percent of the five counties bordering the Lower St. Croix and 37 percent of the river corridor. At this time, there is limited harvesting of timber or the manufacture of timber products. The primary uses of the land in forests are watershed protection, wildlife habitat, recreation, and environmental enhancement.

A significant portion of the river corridor is occupied by towns and villages. High-rises, townhouses, etc., are presently being proposed. With expanding urban populations, the need for open space is placing heavy demands on the forested areas in the region. This trend towards more and more use of the river corridor for residential purposes poses the greatest single threat to maintaining a pleasant and scenic river environment.

LAND OWNERSHIP

Nearly 16 percent of the 114 miles of river frontage on the Lower St. Croix is owned by the States of Minnesota and Wisconsin. This ownership amounts to over 18 miles of frontage. The State-owned areas included in these figures are the two Interstate Parks, William O'Brien State Park, Afton State Park, the St. Croix Islands Public Fishing and Hunting Grounds, Kinnickinnic State Park, and several smaller tracts owned by the respective States.

Nearly 23 percent of the river frontage is within the boundaries of 15 incorporated river communities. This amounts to approximately 26 miles of river frontage. The major portion of this land is privately owned.

Six quasi-public youth camps control approximately 4 miles of river frontage or over 3 percent of the total frontage.

Nearly 83 percent of the total river frontage (94.2 miles) is in some form of private ownership. Private ownership is fragmented, in most cases, with small riverside lots com-

mon. Several major private holdings exist along the Lower St. Croix.

Island ownership in the river is varied. Many of the islands have not been surveyed and are a part of the public domain. In some instances, patents may have been issued. In other cases, the States may claim title under the Swamplands Act. Presently, 24 islands, including nearly 105 acres, are Federally-owned. These islands are mainly in the area north of Stillwater. Eighteen of the Federally-owned islands are in Minnesota and six are in Wisconsin. An additional 15 islands (45 acres) are in State ownership and 20 islands (60 acres) are in private lands.

ZONING

The present status of State and local zoning along the Lower St. Croix shoreline is relatively complex, for it includes two States, five counties, and many municipal and township government. The zoning measures provided by both States for shoreline protection are generally considered adequate for protection of shorelands. However, considering the unique status of the Lower St. Croix River, more stringent land use controls similar to those in Appendix A are needed to protect shoreland, slope, and blufftop areas.

NON-RECREATIONAL USES OF THE LOWER ST. CROIX

The U.S. Army Corps of Engineers navigation project provides for the maintenance of a channel 9 feet in depth with a minimum width of 300 feet from the mouth of the St. Croix to Stillwater. Periodic dredging of this channel is done near Hudson, Wisconsin, and the Kinnickinnic River. A 3-foot channel above Stillwater to Taylors Falls was completed in 1900, but it has not been maintained, except to remove snags.

The U.S. Coast Guard is authorized to install and maintain navigational marking on the Lower St. Croix.

A 60-foot hydroelectric dam at Taylors Falls is operated by the Northern States Power Company.

Commercial navigation is presently a minor use of the riverway. Commercial traffic amounted to 1,300,000 tons in 1970, primarily coal shipped by barge to the Allen S. King Power Plant at Oak Park Heights, Minnesota.

The source for all water supply in communities along the river is groundwater; however, the St. Croix River is being considered as a source of water supply to meet the future needs of the Minneapolis/St. Paul metropolitan area.

The major industrial water user is the Allen S. King Generating Plant. The only other major industrial concerns along the Lower St. Croix are the Andersen Corporation at Bayport, Minnesota, and the United Refrigerator Company at Hudson, Wisconsin.

The river also serves as an outfall for several industrial waste and sanitary treatment plants.

RESOURCE ANALYSIS

The Lower St. Croix River, from the dam at Taylors Falls in Minnesota, flows in a southerly direction for approximately 52 miles, entering the Mississippi River at Prescott, Wisconsin. This free-flowing river offers scenic, recreational, and geologic values of a distinctive nature to the large population of the Minneapolis/St. Paul area, and the Upper Midwest. This river is long enough to provide a meaningful recreational experience, and a sufficient volume of water during normal years permits full enjoyment of water-related activities. The Lower St. Croix, overall, is a resource of high quality.

THE RIVER

The river exhibits a multitude of characters; in a sense, it is two distinctly different riverscapes. The upper half is relatively shallow, except at the Dalles, and intimate with dozens of islands, sandbars, and sloughs, while the lower half is broader, deeper, and more developed. Bluffs are a distinctive feature along the entire river.

At Taylors Falls, the river flows through a narrow, metamorphic rock gorge, the Dalles, which has been protected by inclusion in the Interstate Parks of Minnesota and Wisconsin. This area is well endowed with stratified and precipitous rock formations, and the walls of the gorge reach heights up to 200 feet above the waterline. The U.S. Highway 8 bridge crosses the river in this area just north of the Interstate Parks between Taylors Falls and St. Croix Falls.

From below the Dalles to the Soo Line Railroad swing bridge, the river flows through a heavily wooded, steep-sided valley with occasional sandstone and limestone bluffs visible. Few cottages or riverside homes can be seen. Islands, sloughs, and backwater areas make the river scene a delight for the river user who wants to explore. In some instances cottage development may exist in a backwater or slough area; however, it cannot be seen from the main channel. Springs and small feeder streams entering the river from both banks create miniature deltas and valleys. As the river traveler passes the community of Osceola, few residences are visible because the village is built high on the bluff and is well screened.

From the Soo Line swing bridge to the high bridge, the natural characteristics of the river change very little; however, man has had an increasing impact, especially on the Minnesota side. Two unincorporated communities exist, Otisville and Copas. Bankside development is relatively heavy in certain areas on the Minnesota side; yet most residences detract little from the user's impression of the overall river environment. William O'Brien State Park has been developed by Minnesota and immediately adjacent to the park boundary to the south are the corporate limits of the pleasant little community of Marine-on-St. Croix.

A few miles further south, the Soo Line Railroad high bridge, a 60-year-old structure over 150 feet above the river, stands as an imposing steel arch bridge unique to the area. Approximately one mile downstream from the high bridge, the river traveler passes towering stone piers that are all that remain of an old railroad bridge. Islands, sloughs, and bluffs still provide a pleasant scene to those on the river.

Moving south from the high bridge, the character of the Lower St. Croix begins to change. The river becomes wider and gradually begins to lose its intimate island and slough environment. From Stillwater, the largest city on the St. Croix River, to the mouth at Prescott, the river is relatively deep and wide, taking on the features of an elongated reservoir-type lake. This is Lake St. Croix, bounded by steep, wooded slopes in close proximity to the water. Excellent sand beaches and spits are occasionally found in this area. Three major constrictions exist in Lake St. Croix below the highway lift bridge at Stillwater—the Hudson "narrows," the delta at the mouth of the Kinnickinnic River, and at Prescott.

Bankside development is prevalent at the many communities that front St. Croix. A major landmark in the Lake St. Croix area is the Allen S. King Generating Plant at Oak Park Heights, Minnesota. Its 783-foot stack can be seen throughout much of the area surrounding the lake. Marinas occur at several points along the lower segment. Many permanent and seasonal homes are located on the bluffs overlooking Lake St. Croix. Afton State Park in Minnesota and Willow River and Kinnickinnic State Parks in Wisconsin are located within this reach.

River depths vary throughout the Lower St. Croix. In the Dalles area, depths are generally about 70 feet but holes go to 100 feet. In the area below the Dalles, alternating depths from 1 to 13 feet occur, depending on the shifting sand bottom. Depths from below the Dalles to Stillwater range primarily from 1 to 3 feet. Between Stillwater and Hudson depths range from 10 to 40 feet. Near Afton and St. Marys Point, depths reach as much as 70 feet. Bottom materials throughout are primarily sand with some gravel.

A necessary consideration in the evaluation of the Lower St. Croix is the amount of water that flows in its course throughout the year. Rate of flow, regulated by the Northern States Power Company dam at Taylors Falls, has averaged about 4,000 cubic feet per second over a 68-year length of record.

The area above Stillwater is the segment where the river's depth becomes a major factor in determining the level of boating use. Canoes and watercraft with shallow drafts are the most suitable for use in this section of the Lower St. Croix where the river's channel is constantly changing with the movement of the sandy bottom material. Two sandbar areas in particular impede motorboat navigation: the Arcola bar just north of the Soo Line high bridge keeps larger motorized watercraft from the upper reaches and sandbars near the mouth of the Apple River also make passage by motorboat difficult. At mean low flows, sandbar recreation is enhanced; however, passage by motorized watercraft is hampered. From Stillwater downstream the depth is usually sufficient for boating throughout the recreation season; however, some difficulties might be encountered if larger watercraft stray from the navigation channel.

Mid-May through mid-September is considered the primary recreation season. Rain and melting snow usually cause high water conditions from March through May. Occassionally, during this period, the river has undergone flooding that has resulted in disruption of the normal commerce of the valley. High water may also occur in the early summer or fall as a result of heavy rains. The river ice that goes out with the spring snowmelt presents hazardous boating conditions until late April. Normally, by the middle of May, the stream velocities have decreased. Depths are then adequate for small recreational crafts in the area above Stillwater, and for the larger crafts in the area below Stillwater.

Agricultural, residential, and industrial sources of pollution are present in the Lower St. Croix. The segment of the river from Taylors Falls to Stillwater has four domestic wastewater sources discharging into the river. These are found at Taylors Falls and Shafer, Minnesota, and at St. Croix Falls and Osceola, Wisconsin. All of these communities, except Shafer, provide secondary waste-treatment facilities. The water quality is excellent in this reach with dissolved oxygen levels normally at saturation level.

That portion of the river from Stillwater to Prescott has three domestic wastewater sources discharging into the river. Stillwater and Bayport, Minnesota, have tertiary waste-treatment facilities; Hudson, Wisconsin, has secondary waste-treatment facilities. Small communities along the lower St. Croix without sewer systems include Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Marys Point, Afton, and Marine-on-St. Croix, all in Minnesota. As the population being served increases, water quality could become a problem if wastewater discharges are not adequately treated.

The Minnesota Pollution Control Agency has adopted new standards and issued orders

requiring advanced waste treatment by Minnesota disposal systems discharging into Lake St. Croix. A regional control system is proposed; a monitoring program has been in effect since 1966. Although flood conditions and recreational boating wastes at times cause problems, the available information indicates that Lake St. Croix also contains water of relatively high quality.

GEOLOGY AND SOILS

The entire St. Croix River Basin was once covered with glacial drift; streams gradually cut through the drift to form the present narrow valleys. The lower part of the valley—below the communities of Taylors Falls, Minnesota, and St. Croix Falls, Wisconsin—was carved by Lake Grantsburg runoff waters, which spread west over the land from the vicinity of Grantsburg, Wisconsin, to east-central Minnesota. As the glacial ice melted, the lake rose until it finally spilled over its banks at a point near Taylors Falls and St. Croix Falls. There the water streamed southward, carving the Lower St. Croix Valley to the Mississippi.

Near Taylors Falls the river has patiently cut and exposed up to ten layers of lava rock mantled by deposits formed during three separate glacial episodes. These sheer rock surfaces and unusual rock potholes are striking geologic features.

The oldest rocks in the area are Precambrian in origin and are composed of metamorphic and volcanic materials. These are overlain in some sections by interbedded sedimentary and extrusive volcanic rocks of the Keweenawan age, and these are covered in places by the Cambrian Dresbach and Franconia sandstones, unconsolidated glacial sands, clays, silts, sedimentary rocks, and gravels.

The St. Croix flows through a deep valley with occasional bluffs of sandstone and limestone for most of the distance between Taylors Falls and Prescott. Many of these bluffs have a thin mantle of silt or sandy loam over rock. However, from south of Bayport to Afton the bluffs recede from the St. Croix. In this area, there are large, nearly level terraces composed of sand and gravel.

There is very little alluvial land along the Lower St. Croix River, but nearly level sand and gravel alluvial fans have formed at the mouth of almost every stream that flows into the river. Most of the soils in these areas have moderate to severe limitations for most recreational use principally because of flooding, slope, or rockiness. The flooding is common early in the spring, before seasonal use, but may occur at other times as a result of heavy rains. Even though the limitations are quite restrictive, development of these areas can be worthwhile because of the very scenic nature of the river and surrounding lands. There is a limited sediment problem, due to erosion of glacial till deposits. This problem has been accelerated as a result of road construction, sand and gravel operations, and agriculture. Extreme erosion has occurred where plantlife has been removed from slopes or near blufflines.

FLORA

The early logging operations left few of the original white pine or red pine stands except in isolated, steeper situations, where a few virgin tracts of these stately conifers still exist. The remaining pine are mainly second growth, principally located on higher ground.

Near the river, several species of deciduous trees densely vegetate thousands of acres. Periodic flooding of the lowlands has resulted in a river bottom ecology favoring hydrophytic species along many parts of the river. Timber stands that are generally composed of mature second growth, dominated by a variety of hardwoods with an intermixing of conifers, attract many to enjoy spectacular autumn colors. Visitors also come to seek out the many wildflowers in the spring.

FAUNA

The river fishery is strongly influenced by the Mississippi River and its fish species. The dam and natural barrier at Taylors Falls prevent fish movements between the Lower and Upper St. Croix. This has tended to limit fish distribution. Game fish most sought after in the Lower St. Croix are the walleye, sauger, northern pike, small and largemouth bass, white bass, black crappie, white crappie, yellow perch, rock bass, bluegill, and other sunfish species.

The mid-continental location and sheltering effect of the St. Croix Valley make it an attractive habitat for a variety of wildlife. Particularly rich in birdlife, many species of waterfowl and marsh shore birds, upland game birds, songbirds, and such unusual birds as the Great Blue Heron and egret, nest or rest in the area. Overlapping ranges and merging of different life zones have made the valley attractive to numerous small mammals, white-tailed deer, reptiles, and amphibians.

HISTORY

Historical evidence indicates that the St. Croix Valley was inhabited as long as 2,000 years ago by the Dakota Indian Nation, later known as the Sioux. During the sixteenth century, another Indian Nation, the Ojibway or Chippewa, moved into the region from the north and east. The entry of the Ojibway into the long-held lands of the Dakota threw the tribes into conflict that lasted for three centuries.

The first known European to travel in the valley was probably Daniel Greysolon, Sieur du Luth (Duluth). In 1680 he traveled from Lake Superior down to the Mississippi and passed along the St. Croix and Brule Rivers. Duluth and other French explorers claimed the whole of the Great Lakes region, and thereby the St. Croix Valley, for France.

Most historians believe that a companion of Duluth, a Sieur de la Croix, was shipwrecked at the confluence of the Mississippi and St. Croix Rivers. Later explorers and adventurers who knew of this story appear to have altered this man's name and popularized it as the name of the river.

The valley was rich in fur-bearing animals, and with the constant search for more pelts for European markets, the area was a natural place for the establishment of trading posts.

The logging industry came to the region in the 1830's and gained prominence as lumbermen began the removal of the white pine. By 1914, however, the lumber industry had also declined. Twentieth century development following the end of lumbering was confined to the period after World War II. At that time, recreational activity became the most important industry in the valley and has been the major impetus for development up to the present time.

PRESENT AND POTENTIAL USES

Camping is concentrated primarily at the facilities provided at the State parks and the few existing private campgrounds that are developed near the river. Further involvement by the private sector could partially offset the demands for camping facilities generated by people from the Twin Cities area. The State-managed campgrounds along the Lower St. Croix totaled over 96,000 camper days in 1969.

Swimming presently takes place at county and municipal beaches, off islands and sandbars, and at Interstate and William O'Brien State Parks. Troy Beach and Point Douglas Beach experience primarily local use during the week, with heavy use by Twin Cities residents on weekends and holidays.

Trail use is presently a minor activity in the river corridor. Hiking trails are provided within William O'Brien and the Interstate Parks.

All opportunities for trail development along the river should be investigated and made part of any future comprehensive recreation plan for the river. The development of a network of trails could provide a valuable opportunity for the urban recreationists to participate in a stimulating outdoor activity.

Fishing is presently a major recreational use of the river. This includes all three types—boat, bank, and ice fishing. Boat fishing is more concentrated at the mouths of the tributaries such as the Apple and Kinnickinnic, near the discharge canal of the King Generating Plant, in the Hudson narrows, and at the confluence of the St. Croix and Mississippi Rivers. Bank fishing is fairly common in the vicinity of Stillwater, the power plant canal, and at William O'Brien State Park. Ice fishing is the least popular of the three types of fishing, but still constitutes an important wintertime activity.

A survey of boating use undertaken by the Minnesota-Wisconsin Boundary Area Commission estimates that approximately 205,000 persons age 6 years and over used the river for recreation by watercraft in the 1970 summer recreation season. Another 36,048 took excursion trips on commercial sightseeing launches in the vicinity of the Dalles of the St. Croix. Furthermore, 81.3 percent of boat trips included recreational activities on shore or islands. This suggests that from the standpoint of the typical watercraft user, recreational enjoyment could be related as much to the quality and availability of shore and island recreation sites as to the quality and availability of the waters. It is felt that this is especially significant in the lower 32 miles where water depths are sufficient to support power boating activities. This area represents about three-fourths of the total water surface of the river. The most attractive shore and island areas become crowded with beached boats of all types on weekends and holidays. Generally, the peak-use periods for waterborne recreation on the river are typical of most day-use recreation areas; that is, from about noon to sundown on weekends and holidays.

On the basis of aerial census counts in 1970, an average of 800 watercraft were in use at one time during peak periods for recreational activity. Of the 800 craft, there was an even split between the number on water, and those beached for shore or island activities. On a typical summer Sunday afternoon, it is estimated that 60 percent of the watercraft in use on the Lower St. Croix originated their trip from a marina moorage or livery; 25 percent originated from launch ramps; 10 percent came in from the Mississippi River; and 5 percent originated from individual private docks along the river. A breakdown of the various types of craft in use shows that runabouts (without skiers) account for nearly half, followed by pontoon or houseboats, medium to large cruisers, canoes, runabouts with skiers, fishing boats, and sailboats.

Crowding is an important factor influencing watercraft users enjoyment of the Lower St. Croix. Conflicts have arisen between user groups such as water skiers and fishermen, and between canoeists and motorboaters.

The average length of a river recreation experience for all watercraft users was 11.1 hours. This includes overnight trips. The vast number of watercraft users are residents of the heavily populated Minneapolis/St. Paul metropolitan area.

As the result of this boater-use survey undertaken by the Minnesota-Wisconsin Boundary Area Commission, several major problems have become apparent. Overuse of the Lower St. Croix by all types of watercraft is a serious threat to the river environment and the quality of the river user's experience (see appendix B).

EXISTING RECREATION FACILITIES

The major developed public use areas along the Lower St. Croix River are William O'Brien State Park, Minnesota Interstate Park, and Wisconsin Interstate Park. Purchase of additional lands with additional river frontage is planned by the State of Wisconsin.

The newly expanded William O'Brien State Park contains approximately 1,330 acres of beautifully wooded rolling countryside and includes a large island. Park facilities provide for such activities as tent and trailer camping, hiking, fishing, picnicking, swimming, horseback riding, and boating and canoeing. In 1972 the park received an estimated 169,566 visitors.

The Minnesota Interstate Park provides facilities for tents and trailers, picnicking, fishing, and boating and canoeing. A large canoe concession rents canoes and features an interpretive boat ride through the Dalles. In 1972, the Minnesota Interstate Park was visited by 401,863 people.

The Wisconsin Interstate Park will be slightly expanded and presently has provision for tents and trailers, picnicking, fishing, boating, swimming, boat launching, hiking, and canoeing. In 1972, the Wisconsin Interstate Park received 268,797 visitor days and 26,716 camper days.

Willow River State Park, on the Willow River approximately 3 miles upstream from its confluence with the St. Croix, is being developed east of Hudson, Wisconsin. This 2,900-acre park offers fishing, camping, swimming, picnicking, hiking, and snowmobiling. In 1972, the Willow River State Park received 147,974 visitor days and 20,056 camper days.

Approximately 7 miles north of the mouth of the St. Croix River, the State of Minnesota has recently designated Afton State Park, which includes 2.5 miles of frontage on Lake St. Croix.

Afton State Park encompasses approximately 1,675 acres. At present, facilities are being developed for primitive camping, picnicking, swimming, fishing, and hiking. However, no boat launching or family campground facilities are planned for the State park.

Although final plans are not complete for the newly designated Kinnickinnic State Park, developments will emphasize day-use facilities for boaters, swimmers, picnickers, and hikers. No boat launch facilities will be provided. The bulk of the park will be left in a natural condition.

The St. Croix Islands Recreation Area is an undeveloped group of five islands managed by the Minnesota Department of Natural Resources. This area lies immediately north of the city of Stillwater, and contains approximately 40 acres of land. Present use is limited to river users for nature study. There is no development planned for the islands.

There are eight highway waysides along the river, most of them on the Minnesota side. The Boomsite Wayside, just north of Stillwater, is the only one with comfort station.

Additional State-owned areas include the St. Croix Islands Wildlife Area managed by the Wisconsin Department of Natural Resources, and two game refuges along the Lower St. Croix, managed by the State of Minnesota.

Washington County maintains a small beach on Point Douglas, near the mouth of the St. Croix, comprised of about 200 feet of frontage that the county expects to expand significantly in the future. Another small county park, St. Croix County's Troy Beach is located about 2 miles south of Hudson, Wisconsin. Troy Beach has about 1,000 feet of river frontage primarily used by local residents on weekdays. However, as much as 85 percent of weekend use is by metropolitan area residents.

Troy Township has two public boat launching ramps across Lake St. Croix from Afton, Minnesota. There are also three other unimproved ramps that receive relatively light local use at the present time. Many municipalities also provide facilities for recreation and charge minimal fees for use by non-local residents.

Six group camps are located on the Lower St. Croix, as well as a private campground development at Camp Croix.

Commercial marinas constitute the primary form of private recreational development that has occurred on the river. Lake St. Croix and the 6-mile stretch of river just above it receive heavy use by recreational boaters.

Canoe livery service is found at Taylors Falls, William O'Brien State Park, and Marine-on-St. Croix. Commercial sightseeing launch trips are available through the Dalles of the St. Croix and at Stillwater. Boat liveries are available at Prescott, Point Douglas, Kinnickinnic Resort, Lakeland, Stillwater, and Marine-on-St. Croix.

Corporate-owned recreational land is found on the Minnesota side of the river. One large area is on Lake St. Croix below Afton State Park, the other is near Lake Elmo. Golfing, skiing, picnicking, and other day-use recreational activities are found in the Lake Elmo area. The area on Lake St. Croix is under development at the present time.

Islands and sandbars provide excellent recreational sites. Most of the prime sandbars on Lake St. Croix are leased or owned outright by private boater organizations, and their use by the general public is limited. Sandbars are sites for camping, picnicking, fishing, and swimming, and on summer weekends they are heavily utilized.

Custodial control of approximately 1,100 acres of land formerly used by the Minnesota State Prison at Bayport was recently transferred from the Department of Corrections to the Department of Natural Resources. Most of this land, located west and south of Bayport, is expected to be transferred before the end of 1973. Preliminary plans indicate that this will be a State resource management area with trails, environmental education areas, forest demonstration plots, wildlife habitats, etc. Snowmobiles will be restricted and other motorized vehicles will be prohibited.

There are five winter sports complexes within a few miles of the Lower St. Croix River specializing in downhill skiing.

THE PLAN: NATIONAL PARK SERVICE

INTRODUCTION

This plan is prepared in response to Section 3 of Public Law 92-560 that was passed by Congress and signed by the President on October 25, 1972. This act amended the original Wild and Scenic River Act to make the Lower St. Croix River, from the dam at St. Croix Falls-Taylors Falls to Prescott at the river's confluence with the Mississippi River, the ninth component of the National System.

There are provisions of this law that are of particular significance to the comprehensive plan. Following is a list of these provisions with their specific effects on the planning effort:

Section 3 asks for the preparation of a joint Federal-State comprehensive plan. Division of the administrative responsibility: the Secretary of the Interior is to administer the northern 27 miles and Minnesota-Wisconsin the southern 25 miles. Additionally, it provides for the continued administration by the respective States of existing State areas in the northern 27 miles.

Section 4 enables the two States to designate for their acquisition any additional lands within the portion of the riverway administered by the Secretary.

Section 6 limits the appropriations for land acquisition and development in the Federal segment to $19,000,000.

Prior to passage of Public Law 92-560 the Bureau of Outdoor Recreation prepared the report "Scenic River Study of the Lower St. Croix" dated July 1972 and revised October 1972 and February 1973. This comprehensive plan refines and revises the Plan Section and River Classification of that study as suggested in Public Law 92-560, as amended by Public Law 93-621, approved January 4, 1975.

RIVER CLASSIFICATION

Scenic Classification Zone

The Bureau of Outdoor Recreation (B.O.R.) in their February 1973 report recommended classification of 12 miles of the Lower St. Croix from the dam near Taylors Falls, downstream to River Mile 40.2 at the Soo Line Railroad swing bridge as "scenic." The scenic segment includes a narrow gorge, the Dalles of the St. Croix, and the Interstate Parks of Minnesota and Wisconsin. This master plan establishes scenic classification of a slightly shorter reach and is now proposed to extend south to the Chisago-Washington county line, a distance of 10.3 miles. This reduction of 1.7 miles was recommended because of the deterioration of the Minnesota bluffline by recent clearing and residential construction in this reach.

The shoreline in this 10.3-mile scenic reach is largely in a natural condition. The only road that parallels the river bank is U.S. Highway 8 that passes through the Minnesota Interstate Park for approximately 1.5 miles. Two road bridges traverse the river: one is U.S. Highway 8 slightly below the dam at Taylors Falls-St. Croix Falls and the other is at Osceloa, which receives only moderate traffic. Osceola, Taylors Falls, and St. Croix Falls are the only incorporated villages in this reach. Further deterioration of the bluff and shoreline by building construction in these villages is not expected. This is because of the limitations in the scenic river legislation concerning local zoning regulations to be adopted that are acceptable to the Secretary of the Interior.

Land Acquisition: Public Law 90-542, the National Wild and Scenic River Act of October 2, 1968, established the Upper St. Croix River as one of the original rivers in the system. It authorized the Secretary of the Interior to acquire interests in lands along 200 miles of the St. Croix and Namekagon Rivers. The National Park Service land acquisition program there includes acquiring approximately 400 feet in fee on both sides of the river. Back from this zone to the riverway boundary the National Park Service is acquiring scenic easements that restrict the degree of development where no public lands exist. Within incorporated villages, zoning that is acceptable to the Secretary is proposed and authorized. It is desirable that the policy of land acquisition already established in the Upper St. Croix be applied to the Lower St. Croix to the maximum extent possible.

Fee Acquisition is necessary to achieve protection of as much of the scenic area (10.3 miles) as possible within the authorized ap-

propriations, therefore the following actions are recommended:

All islands administered by the Bureau of Land Management will be transferred to the National Park Service.

All islands that are not publicly owned will be acquired in fee by the National Park Service.

An approximate 400-foot strip of land on both sides of the river will be purchased in fee from the south boundaries of the Interstate Parks to the Chisago-Washington county line projected across the river in Wisconsin. This is consistent with the objectives of scenic classification and will continue the established land acquisition policies in the Upper St. Croix River. Existing homes and a reasonable amount of surrounding land located within this 400-foot strip will not be acquired in fee, but scenic easements may be acquired.

As depicted on the boundary map, certain lands within established State park and wildlife management areas will be acquired by the States.

Scenic Easement Acquisition of the area behind the 400-foot fee strip of land to the riverway boundaries and from the Interstate Parks south to the Chisago-Washington County line projected across the river in Wisconsin will be implemented. Thus, the basic esthetic character of the valley as viewed from the river will be maintained in the scenic portion of the river. Scenic easements will generally be more restrictive than Suggested Zoning Guidelines found in appendix A. The specific easement provisions will be negotiated with each landowner and will not affect existing uses.

Zoning: In accordance with Section 6(c) of the Act of October 2, 1968, whereby the Secretary may not acquire lands by condemnation within the riverway if such lands are located within an incorporated city, village, or borough that has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of the act.

The standards have the object of (a) prohibiting new commercial or industrial uses other than commercial or industrial uses that are consistent with the act and (b) the protection of the bank and bluff-lands by means of acreage, frontage, and setback requirements on development.

Osceola, St. Croix Falls, and Taylors Falls may submit to the Secretary of the Interior for his approval all zoning ordinances and amendments and a land use plan that demonstrates conformity with the general and specific standards of the regulations for the Lower St. Croix to be promulgated by the Secretary.

Recreational Classification Zone

This zone extends from the Chisago-Washington county line in Minnesota, projected across the river in Wisconsin, downstream to the confluence of the St. Croix River with the Mississippi River. This 41.7-mile segment includes William O'Brien State Park, the St. Croix Islands Wildlife Area, the Boomsite Wayside, St.

Croix Islands Recreation Area, Afton State Park, and Kinnickinnic State Park. It includes the incorporated communities of Marine-on-St. Croix, Stillwater, Oak Park Heights, Bayport, North Hudson, Hudson, Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Marys Point, Afton, and Prescott. In addition to the incorporated communities, numerous seasonal and year-round residences are found clustered within this reach. There are three highway and four railroad crossings located here. Even with this amount of development, the recreational segment retains outstanding natural and recreational values that have qualified this area for inclusion in the National Wild and Scenic River System.

Land Acquisition: The following actions are recommended for both sides of the Federal portion of the river from the Chisago-Washington county line to the northern boundary of the city of Stillwater.

Fee and Scenic Easement Acquisition is necessary to achieve protection of as much of the Federal Recreational Zone (16.7 miles) as possible within the authorized appropriations, therefore the following actions are recommended:

All islands administered by Bureau of Land Management will be transferred to the National Park Service. All islands not publicly owned will be acquired in fee by the National Park Service.

An approximate 400-foot strip of land in undeveloped areas on both sides of the river will be purchased in fee from the Chisago-Washington County line to the northern boundary of the city of Stillwater. Existing homes and a reasonable amount of surrounding lands located within the 400-foot fee strip will not be acquired in fee, but scenic easements will be acquired. In addition, scenic easements will be acquired on other existing developed areas and in the area behind the 400-foot fee strip to the riverway boundaries.

An area for development of approximately 100 acres will be purchased in fee. Located near the high bridge in Minnesota, this site would provide information on the entire 252 miles of the St. Croix and Namekagon Rivers to the visitor coming from metropolitan Minneapolis-St. Paul and south. Additionally, an area in Wisconsin near the high bridge site is recommended for development as a canoe take-out.

As depicted on the boundary map, certain land within established state park and wildlife management areas will be acquired by the States.

Zoning: Marine-on-St. Croix is subject to the provisions of Section 6(c) of the Act of October 2, 1968 (Public Law 90-542) as presented in the Scenic Classification Zone section.

Total Visibility Zone

In addition to the riverway boundary for the national scenic riverway, is another area of influence suggested for controls. It is depicted on a map following this section. A study, sponsored by the St. Croix Valley League of Women Voters and the Minnesota-Wisconsin Boundary Area Commission, was conducted by the University of Minnesota Center for Urban and Regional Affairs. It was entitled *The Determination of Which Land Areas Can be Viewed from the St. Croix River.*

The general purpose of this study was to define the geographic limits of the Lower St. Croix River Valley Corridor, in terms of its visual limits as viewed from the river. The definition of the total scenic corridor will aid local units of government in determining a boundary for development controls that should be imposed on land development, both within and outside the St. Croix National Scenic Riverway boundary.

The "view" analysis used to determine the scenic corridor is a computer-aided method for establishing the "intervisibility" between various points in the landscape. Two points are intervisible if a clear sight line can be drawn between them without intervention by other land forms and vegetation. This method was applied in two ways:

To determine what lands can be seen from a point of interest, an overlook, or a particular building (observer oriented).

To determine from what lands a point is observable (object oriented).

It is therefore possible to use the information to locate activities to take advantage of scenic views, as well as to control development to preserve scenic views.

Data were collected and coded for the computer for 52 miles of river and 106,000 acres of adjacent land. The resultant computerized map determined the total visibility zone. The acreage shown in the total visibility zone far exceeds the 320 acres per mile permitted for controls of land use in the scenic river legislation. This expanded area allows the local zoning authorities to augment the protection of their river corridor with new zoning controls outside the Federal and State riverway boundaries. Zoning within the total visibility zone should at least include height restrictions on all structures that could be viewed from the river, including industrial and high-rise apartments. Controls on the cutting of vegetation would also be desirable.

FEDERAL MANAGEMENT OBJECTIVES

The following statement by the superintendent of the Lower St. Croix National Scenic Riverway reflects park management's needs and goals relative to this master plan.

CONCEPT

Although local efforts are now being made to control land use to protect the Lower St. Croix River Basin; much more has to be accomplished. This area can only partially be protected by the Federal and State governments. The effort to protect the entire basin must be recognized by all levels of government and the private sectors if the St. Croix is to become a model of river conservation for all America.

RESPONSIBILITY

The St. Croix River can only remain one of America's great rivers if a partnership of local, State, and Federal governments evolves making a public and private effort in preservation and conservation.

The National Park Service will coordinate with Minnesota and Wisconsin in the planning and management of the riverway through a Lower St. Croix Management Commission.

The Federal role will be to perpetuate and administer their lands to the fullest extent possible, provide reasonable amounts of recreational opportunities, and provide information to the public. This information will not only include the opportunities that exist in the Lower St. Croix, but also the additional recreational opportunities that exist in the Upper St. Croix and Namekagon Rivers to the north.

Federal acquisition of lands is planned in those areas where preservation of the resource is necessary to perpetuate the scenic qualities that have qualified this area for inclusion in the National Wild and Scenic River System. Fee acquisition of land is also proposed where public use facilities are planned.

Both States, through joint planning, will continue to provide the major recreational opportunities that have been accomplished for visitors to the river in this reach. A major role of the National Park Service will be to inform the public at a central location of the various opportunities that exist in the 52-mile reach, and the 200 miles of river, previously authorized.

Federal responsibility with existing communities will be to assist and advise in the planning of communities, related recreational facilities, and historical interpretation. Plans can be coordinated with the States, involving land use, water quality, and public recreation. Land or land interests unacquired by the Federal Government will be the major responsibility of the local units of

government. This means the preservation and conservation of the riverway by providing orderly development and limiting new recreational access that is presently believed to be at or near capacity. Suggested zoning guidelines have been provided in this plan for the guidance and use by the local units of government (see appendix A).

The private section can continue to provide recreational opportunities within and outside of the riverway boundary. Standards and guidance will be provided whereby planned facilities can be compatible with the valley's natural character.

The States, having assumed the major responsibility for intensive recreational use of this portion of the riverway, are now coordinating future park plans to fit the cooperative riverway concept.

RIVER CORRIDOR

The Federal portion of the St. Croix Scenic Riverway now extends almost 227 miles; this includes the Lower St. Croix to the northern limits of the city of Stillwater. Federal and State ownership will protect most of the upper 227 miles.

The 27-mile riverway from Taylors Falls to Stillwater comprises shoreline, islands, and public use areas of high recreational value. Acquisition of land by the Federal Government is proposed to protect the high scenic values. Additional lands will be acquired to provide informational facilities to all river users at the high bridge in Minnesota. State parks in this reach are adequate to provide necessary access to the riverway and for lateral movement along its shores.

Farmlands and forests are essential in maintaining the flavor and character of this reach and their perpetuation will be encouraged. New residential construction is inevitable and must be controlled by individual local units of government on an orderly basis. The immediate shorelines and bluffines must be preserved.

VISITOR USE

The State parks will be intensive use areas and will support multi-recreational uses of the land and water. The areas suggested for fee and easement are areas in which preservation of the resource is necessary to complement these intensive use areas and will be limited to low intensity recreational uses or open space. These areas will be accessible only by boat and canoe, and activities will be limited to hiking, fishing, and nature interpretation. The riverway will be operated throughout the year, with extended area and visitor services from Memorial Day to Labor Day. It will be primarily for day-use activities with camping permitted at State and concession campgrounds. Most of the river's islands will be designated for low intensity use and will be bought in fee. Some overnight use will be permitted on designated islands off the main channel by houseboats with self-contained sanitary units. Overnight primitive camping will be permitted on certain islands by other users if provisions can be made for appropriate sanitary facilities. Experiments in overnight camping on islands are presently being conducted in the upper portion of the St. Croix River, and their results will determine to a large extent what additional use can be accommodated on the islands in the Lower St. Croix. The privately owned campground near Osceola will be acquired and allowed to operate as a concession or through a special use permit.

The Secretary, in consultation with State officials, may designate "No Hunting" zones and periods when hunting is prohibited for public safety or administrative purposes in the Federal Riverway Zone.

DEVELOPMENT

There will be no major Federal recreation developments along the National Park Service administered portion of the river. In the 27-mile Federal reach of the Lower St. Croix, the major developed public use areas are the Minnesota Interstate Park, the Wisconsin Interstate Park, and the William O'Brien State Park in Minnesota.

Both Interstate Parks were established in 1900 and represent one of the earliest developments in cooperative outdoor recreation in the nation. They were also the first interstate parks established in the United States. These parks contain facilities for picnicking, fishing, canoeing, boating, tent and trailer camping, and group camping. In addition, the Minnesota Park has commercial sightseeing boat trips and canoe rentals. Midway down this portion of the river, the William O'Brien State Park provides identical facilities and will be substantially expanded in the future and will include a canoe camping area adjacent to the river. These parks will provide the major public access for the river user.

Lacking is a canoe take-out area near the lower portion of this reach on both sides of the river. The National Park Service will provide a developed area at the high bridge in Minnesota that will include an orientation-information center, a small picnic area overlooking the river, and a canoe take-out area. In addition, a residence and a utility building will be located on this land, associated with the information center for protection and maintenance functions. On the opposite side of the river, a canoe take-out area for those visitors wishing to leave the river in Wisconsin. An interpretive trail will be developed at Peasley Lake with access only from the riverway. Development of overnight accommodations and related services will be encouraged on privately owned lands outside the boundary.

Wherever historical or archeological resources are identified, development will be adjusted accordingly, in compliance with the Historic Preservation Act and other pertinent legislation.

LAND ACQUISITION

All undeveloped river frontage in the Federal Riverway Zone, with the exception of incorporated areas and State owned lands, will be purchased in fee. Existing houses will be allowed to remain and scenic easements will be acquired on the homesite. Homeowners will be allowed to retain up to 3 acres of land surrounding their residence with a maximum river frontage of 300 feet. Owners may elect to sell their dwelling to the government, and if acquired, may retain a right of use and occupancy for a period of up to 25 years or for the lifetime of the owner. These areas will be monitored to ensure proper maintenance and preservation. Less than fee interest will be acquired on the remaining backup lands behind the fee area to the riverway boundary. Every effort will be made to ensure the privacy, comfort, and legal rights of those persons who have chosen to retain this use.

ADMINISTRATION

This 27-mile segment of the Lower St. Croix will be administered as a separate district by the Superintendent, St. Croix National Scenic Riverway, headquartered in St. Croix Falls, Wisconsin. A visitor contact station will be located at the high bridge development. Existing State parks, fish hatcheries, and wildlife areas will continue to be administered by their respective staffs.

Interpretation will be primarily on-site exhibits at various points along the river such as Peasley Lake, bridge crossings, the high bridge development site, and others. Self-guided nature trails will be developed wherever desirable.

The park staff will cooperate with local and State agencies on matters of mutual concern. These may include but are not limited to: public health and safety, fire control, zoning matters, and land use planning. Maintenance of islands and shorelands owned outright, and monitoring and scenic easements will be accomplished by the park staff.

LAW ENFORCEMENT

The park staff will enforce National Park Service regulations. The enforcement of boating, fishing, and hunting regulations will be a joint Federal and State responsibility. Local ordinance enforcement is the responsibility of local law enforcement officials, but the park staff will assist if they are deputized.

VISITOR SERVICES

Provisions for vehicle access, family camping, and canoe and boat rental will be provided at State parks and at the existing development near the Osceola Bridge. Any new canoe or boat launching areas will be limited to carry-in types. Unneeded river accesses will be eliminated in cooperation with local or State government.

Interpretation

The interpretive program will be aimed at giving the visitor a better understanding and appreciation of the river, its historical role, ecological significance, and particularly how man has interacted with it.

Information

Information on the riverway will be primarily through printed material, signs, and personal contact. Printed material will be distributed at major access points, such as high bridge, State parks, and at information stations in the surrounding areas.

Environmental Education

An active environmental education program will be developed in cooperation with surrounding school systems utilizing the riverway resources.

RESOURCE MANAGEMENT

General

Management of the land and water resources within the riverway will be in conformance with the established administrative policies for recreation areas and the specific provisions of a natural resources management plan. A development plan will determine which portions of the river may be developed for recreational purposes and which areas will remain undeveloped or in their natural condition. Historic and archeological resources will be preserved, treated, and managed in conformance with the Administrative Policies for Historical Areas, which govern historic resources wherever located. A historic resources management plan will be prepared to guide their continuing preservation.

RESEARCH

Research needs will be identified in the Resource Management Plan. Highest priority will be given to sponsoring or encouraging research into riverway ecosystems that will be useful in future management, development, and public use.

ZONING

Assistance will be provided to incorporated governmental units along the riverway in meeting the zoning standards to be established by the Secretary of the Interior.

THE PLAN: MINNESOTA/WISCONSIN

INTRODUCTION

Resource Description

At the northern city limit of Stillwater, dividing line between the Federal and State administration zones on the Lower St. Croix River, the character of the valley changes abruptly. The river widens into an elongated reservoir, Lake St. Croix, losing the intimate island and slough character of the area north of Stillwater. Lake St. Croix gradually widens from approximately one-half mile in the Stillwater-Bayport area to nearly a mile and a half at one point south of Hudson. At Afton, the lake narrows again and remains from a quarter to a half mile wide until its confluence with the Mississippi River at Prescott, 25 miles south of Stillwater.

Topography has had a definite influence on the past settlement pattern of Lake St. Croix. Every incorporated area originated on flat land adjacent to the lake. Only in the larger municipalities of Stillwater and Hudson do the dense urban residential settlement patterns extend up and over the bluffs, 100 to 200 feet above the lake level.

Rocky and wooded bluffs define the valley on both sides of Lake St. Croix. In much of Stillwater, except for the downtown area, sheer rock cliffs rise up approximately 100 feet within a quarter mile of the lake.

In Oak Park Heights and Bayport, wooded bluffs occur behind the densely settled residential neighborhoods and extend as much as a mile from the lake. Just south of Bayport, the 2-mile unincorporated stretch of shoreland adjacent to the lake is characterized by steep slopes and blufftop areas over 100 feet above the water surface. In northern Lakeland, the primary bluff again recedes from the lake and remains behind the developed municipality areas of Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Marys Point, and Afton. Banks rising 50 feet above the water are characteristic of the immediate shoreland areas of Lakeland, Lakeland Shores, and northern Lake St. Croix Beach. In contrast, the rest of Lake St. Croix Beach, St. Marys Point, and the old village of Afton have very low banks and are subject to flooding almost every year.

The shoreland area in the rest of Afton and all of Denmark Township has steep wooded bluffs and is closely paralleled by a single railroad track for the remaining 11 miles to the confluence of the St. Croix and Mississippi Rivers. This stretch of Lake St. Croix shoreland in Minnesota is characterized by scattered blufftop development and a few areas of seasonal home-recreational usage near the shore.

On the Wisconsin side of Lake St. Croix, steep wooded slopes and blufftop areas characterize nearly the entire 25-mile stretch of shoreland, with the exception of the cities of Prescott, Hudson, and North Hudson. Scattered residential development exists on the slopes and blufftops of the unincorporated areas, with the heaviest concentration occurring in Troy Township across from Afton and St. Marys Point.

Overall Goal of the Comprehensive Master Plan

At the present time, there are three major factors endangering the natural character of the Lower St. Croix Valley: increasing development pressure, the possibility of water quality degradation, and increasing recreational use. These factors are already evident in the Lake St. Croix area from Stillwater to Prescott, due to its proximity to the Minneapolis/St. Paul metropolitan area. As stated in the Scenic River Study Report:

"Recreation utilization of the St. Croix River Valley has been judged to be at or near its optimum level. If efforts are not made to curtail and control the expected increase of recreational use on this river, the quality of its significant natural environment will deteriorate. While establishment of the Lower St. Croix River as a component of the National Wild and Scenic River System will undoubtedly encourage increased recreational use, this use will be controlled or regulated by carefully guiding or limiting the extent of further development and by judicious enforcement of the regulations to protect or restore the natural environment" (Scenic River Study of the Lower St. Croix River, October 1971, page 12).

The major purpose of this master plan is to balance the need for recreational use of the area against the equally important objective of preservation of the natural values of the area. Thus, the overall goal of the plan is "to preserve the existing scenic and recreational resources of the Lower St. Croix River through controlled development."

STATE MANAGEMENT OBJECTIVES

The primary objective is to preserve the view from the water surface. The Lake St. Croix Valley or visual corridor is essentially the zone of adjacent land that has a visual impact on the river user and, therefore, should be protected from adverse use and development if the natural and scenic appeal of the riverway is to be preserved. Thus, to achieve the overall goal of the master plan, the riverway boundaries were delineated within which various land use controls will be applied, based primarily upon the view from the water surface.

Zoning

Minimum standards and criteria will be determined for lands within the riverway boundaries with which local zoning ordinances must comply. Due to funding limitations and delays in securing more stringent controls on land use, local zoning will be a very important element in the National Wild and Scenic River Program as it applies to Lake St. Croix. In presently undeveloped or sparsely settled areas, the minimum standards and criteria promulgated within a shoreland "St. Croix River District" will be designed to minimize soil erosion, maintain esthetic integrity of the valley's natural features, and provide a buffer zone between the lake and blufftop areas. In the developed areas of incorporated municipalities, the minimum standards and criteria within a relatively narrower "St. Croix River District" will provide controls on activities that could adversely affect the highly valued resources of Lake St. Croix. "St. Croix River District" and "Riverway Boundary" have identical boundaries. The former term is used only in connection with zoning; the latter in all other references to the area.

Historically, however, zoning has proven to be the weakest tool available for the protection of riverway corridors. At times, zoning laws can be changed by political and economic pressures. A few variances, if incompatible with the National Wild and Scenic River Program, could jeopardize the environmental quality of the entire Lower St. Croix Riverway. In addition, it has been extremely difficult in the courts to justify zoning primarily on the basis of esthetics. Thus, scenic easement land use controls will be utilized in areas where additional protection to supplement local zoning is needed.

Scenic Easements

Another important element of the protection of the Lower St. Croix River in the State zone involves the determination of scenic easement provisions and areas to which they will be applied. A scenic easement, in this case, means an interest in land, less than fee title, which limits the owner's use of the land to protect the natural, scenic, or recreational character of Lake St. Croix. This device would then grant to the States' Departments of Natural Resources, in exchange for compensation to the landowner, the right to prohibit certain types of developments. This type of land use control would normally cost less than fee title and would not remove the land from the tax rolls. The easement would be binding and would "run with the land;" therefore, its provisions would apply to subsequent owners of the property. Unless specifically provided for in the easements, the general public would not be allowed to enter on the land.

Scenic easement control will be utilized, for the most part, in undeveloped and sparsely developed areas to protect the shore, slope, and blufftop lands from incompatible uses. Critical areas along Lake St. Croix are identified in the management plan; scenic easements will be applied to the individual properties in a priority sequence, based on greatest need for protection.

Fee Title

The first priority of this master plan, as embodied in the overall goal and objective listed above, is protection. In the State zone this will be achieved principally through the use of local zoning and scenic easements. Fee title acquisition for protection purposes will be limited to selected parcels of land. Development in the Lake St. Croix Valley to meet the future recreation demands of the public is a secondary objective and thus a lower priority.

Areas are identified within the riverway boundaries requiring fee acquisition for recreational purposes. Two new State parks in the lower 10 miles of Lake St. Croix—Afton and Kinnickinnic—are already being developed with trails, picnic areas, nature areas, camping facilities, and boating facilities. Also, there is a strong feeling on the part of the local people that there are enough access points on Lake St. Croix. Thus, little land acquisition is anticipated outside of already approved projects, with the exception of some small islands whose ownership is in doubt, and a few boater wayside/mini-park sites that will be accessible only from the water.

LAND MANAGEMENT

Due to the degree of development of the lands adjacent to Lake St. Croix from Stillwater to Prescott, the State plan recommends a "recreational" classification for this river segment. This classification is consistent with that of the National Park Service and that recommended in the Bureau of Outdoor Recreation Report of February 1973.

The National Wild and Scenic River Act (P.L. 90-542) states that "recreational" rivers: are "readily accessible by road or railroad," "may have some development along their shoreline," and may have "undergone some impoundment or diversion in the past."

Under Federal guidelines, future construction that would modify the waterway or adjacent lands would not be permitted, except in instances where such developments would not have an adverse effect on the values for which the river was included in the national system. Such construction could result in a decision by the Secretary of the Interior to withdraw the affected river area from the system. The "recreational" classification of Lake St. Croix is also consistent with the master plan's overall goal of "preserving the existing scenic and recreational resources of the Lower St. Croix River through controlled development."

The key to the success of a program to maintain the exceptional qualities and char-

acter of Lake St. Croix is cooperation, since many levels and units of government share the public responsibility to determine its destiny. The recommended policies, as they apply to specific areas and jurisdictions along Lake St. Croix, will rely heavily on existing governmental regulations and future plans, as well as local government input to further detailed planning efforts at the State level. The State role will necessarily be limited primarily to monitoring local actions as they might affect State policy, and by use of scenic easements and limited fee acquisition where local ordinances would be inadequate to preserve the scenic and recreational resources.

Zoning

As outlined in the previous section, the management objectives that are needed to achieve the master plan's overall goal will be implemented in a sequential manner. Since the delineation of boundaries and recommended scenic easement acquisition, use, and control is based primarily upon the view from the water surface, a "Total Visibility Zone," has been established. This zone identifies the lands that can be seen from the water surface. However, due to acreage limitations, State and Federal administration and management is confined to the area within narrower riverway boundaries, also illustrated on the Total Visibility Zone Map. It is strongly recommended that local units of government adopt building height restrictions and controls on the cutting of vegetation in the area from the riverway boundaries to the limits of the Total Visibility Zone.

An essential first step in any river valley preservation program is the existence of sound local zoning ordinances. After this master plan has been adopted and is in effect, the Commissioner of Natural Resources for Minnesota has the power and duties under Minnesota Statutes, 1973, Chapter 246, necessary to do the following:

"* * * The promulgation of rules and regulations in the manner provided in Minnesota Statutes, Chapter 15, which will establish guidelines and specify standards for local zoning ordinances applicable to the area within the boundaries [of the St. Croix River District] * * * The guidelines and standards shall be consistent with the purposes of this act, the Federal Wild and Scenic River Act, and the Federal Lower St. Croix River Act of 1972."

Thus, the local zoning controls that will be adopted by Minnesota local units of government from Taylors Falls to the confluence of the St. Croix and Mississippi Rivers will have the enforcement power of the State law.

Similar responsibilities were given to the Wisconsin Department of Natural Resources under Chapter 197 of the Laws of Wisconsin in 1973. Local zoning ordinances in the St. Croix River zone must equal or exceed State adopted standards. Formulation of such standards is currently underway.

Scenic Easement Acquisition

Both State governments are empowered to acquire lands and interests in lands that are proposed for acquisition by the master plan. The National Park Service has already outlined its proposed acquisition areas in the Federal section of the plan. In the States' zone, the large majority of land rights acquired will be in the form of scenic easements. As mentioned previously, this land use control device would grant to the respective Departments of Natural Resources, for a fee to the owner of the land, the right to limit or prohibit certain types of developments. Existing development patterns make the outright purchase of property extremely expensive. Scenic easement control, besides being capable of meeting the National Wild and Scenic River Program objectives, is advantageous for two other reasons: because of the lower cost, scenic easements can be applied over a much larger area than fee acquisition control, given the same budget constraints; and the land remains in private ownership, not adversely affecting local tax bases.

The scenic easement rights most likely to be negotiated with landowners in the Lake St. Croix Valley are:

Restrictions of the land to specific uses and developments, such as single family residential, agricultural, particular recreational uses, etc.

Limitations on the heights of future structures, on the exterior appearance of buildings, and on intensity of development.

Prohibitions of billboards and advertising signs.

Prohibitions of piles of non-organic trash or other unsightly materials.

Restrictions on the allowable extent of the cutting of trees and other natural vegetation.

Prohibitions of mining, sand and gravel removal, and other excavation or topographic changes.

In most instances, scenic easements will be more restrictive than those in the suggested zoning guidelines (see appendix A). Scenic easements restrict access on the land to enforcement of the easement, unless otherwise specifically provided for by the parties. Thus, a scenic easement would not ordinarily entitle the public to use private land.

It is apparent that scenic easement provisions and payments must necessarily be negotiated on a parcel by parcel basis. It is, therefore, obvious that no exact figures for these easements can be obtained, and the amounts alluded to below are only very rough estimates, and should not be applied to any given parcel of land.

Since the value of a scenic easement is associated with the appraised value of the property on which the easement is applied, cost is obviously higher for a scenic easement controlling development on a piece of prime land in an area that is ripe for development. This situation exists for a majority of the lands that need protection in the Lake St. Croix Valley. From experience on the Upper St. Croix Scenic Riverway, the direct costs of obtaining this easement, on the average, are approximately 10 to 20 percent of the market value of the land affected. At a cost of $100 a front foot for riverfront or bluff-top property (average current market value in unincorporated areas of the Lake St. Croix Valley) costs of scenic easements will be in the neighborhood of $50,000 to $100,000 per mile, depending on the provisions of the easements and the degree of development (number of improved properties per mile).

The State of Minnesota appropriated $275,000 to acquire scenic easements in the Lake St. Croix Valley. It is expected that the Federal Government will supply matching funds from the Land and Water Conservation Fund, resulting in a total of $550,000 to be spent on scenic easements in Minnesota.

In Wisconsin, funds for scenic easements will come from the Outdoor Resources Action Plan (ORAP) and these will also be supplemented by Federal matching funds. The 1975–77 proposed budget includes an allocation for the implementation of the Lower St. Croix master plan.

Due to funding limitations and delays in establishing this type of control on the land, scenic easements will be implemented in a priority sequence. This priority sequence will be determined on the basis of the following criteria:

Lands highly visible from the water surface,

Lands adjacent to, or across the lake from, State-owned parks and preservation areas,

Lands that have high development potential of a nature that would be detrimental to the intent of the National Wild and Scenic River Program, environmentally sensitive lands that would be adversely affected by intensive development.

The priority areas for scenic easement control within the St. Croix Riverway boundaries in the State Zone are illustrated on the Lower St. Croix Management Plan.

In Minnesota, the areas within the Riverway boundary immediately north and south of Afton State Park, each consisting of approximately 1.5 miles of shoreline, are of highest or first priority for scenic easement protection. The northern area is a largely undeveloped scenic area adjacent to the more intensively developed part of Afton municipality. The blufftops in this area are highly visible for at least a mile or two upstream. The southern area, also largely undeveloped, is directly opposite Wisconsin's Kinnickinnic State Park. A large, already heavily used sandbar will be the focus of the park's water-oriented activity in the future. Thus, it is important to preserve the existing natural qualities of this high exposure area in Minnesota as viewed from the Kinnickinnic sandbar. An additional benefit of scenic easement protection for the areas north and south of Afton State Park is the buffer zones it will provide between expanding private residential development in Minnesota, and the public recreational uses planned in the park. It is anticipated that scenic easements will be negotiated first with all owners of undeveloped property in these highest priority areas.

The second priority area in Minnesota is the 2-mile stretch of unincorporated land between Bayport and Lakeland. There are three major reasons why this area merits scenic easement protection: steep slopes with highly visible blufftops; location relative to the major highway route in Minnesota paralleling most of the Lower St. Croix River; and the proximity of a large tract of State-owned land that has been proposed for resource management and low intensity recreational use. Again, it is contemplated that scenic easements will be negotiated first with all owners of undeveloped property.

Based on fair market value, acquisition of scenic easements in these first two priority areas will expend most of the appropriated funds from the Minnesota Legislature (provided that the State funds are matched dollar for dollar by the Federal Government). The remaining funds will be utilized for scenic easements in selected areas of Afton municipality and Denmark Township. These areas will be determined from the same criteria that were utilized in establishing the priority sequence for initial scenic easement acquisition. If further funding is available in the future, more complete scenic easement protection for Afton municipality and Denmark Township could be achieved.

The first priority for scenic easement acquisition in Wisconsin will be the area immediately below and above Kinnickinnic State Park, with an upstream extension sufficient to protect the view opposite Afton State Park. Scenic easements in other areas will be concentrated first in the least developed areas, so that maximum effective preservation of the scenic qualities of the river will be obtained.

It should be noted that the map of scenic easement priority areas does not indicate the acquisition of easements within incorporated areas in either State, except for Afton municipality. This does not mean that there is no interest in protecting the St. Croix as it flows past the cities and villages located on its banks. Rather, it is a recognition of the considerably different situation found in most municipalities: city water and sewer,

existing concentrated development, and higher property values and taxes. Any type of acquisition in these urbanized areas would be prohibitive in cost. Here, municipal zoning regulations that would prohibit building on steep slopes, provide for vegetative screening, limit building heights, etc., will be relied upon to protect the view from the river in these developed areas.

Fee Title Acquisition

Procurement of fee title by the States would be the most effective land use control. State ownership of land would allow for total protection of the riverway. However, considering the present extent of development in the Lake St. Croix Valley, this would be neither financially feasible nor politically desirable. Since the overall goal is protection, not restoration, this can best be achieved, within the financial limitations, by local zoning and scenic easement controls. Fee title acquisition for protection purposes will only be used in undeveloped and sparsely developed areas for those few instances where local zoning would be inadequate to preserve the scenic and recreational resources, and where scenic easements would be inappropriate. Any additional outright purchase of land will be utilized primarily for developments oriented to the boating public.

On the Minnesota and Wisconsin shores, several areas are being considered for boater wayside/mini-park sites. Their general locations are shown on the Lower St. Croix Development Plan. These sites, if purchased by the States, will be used by boaters for beaching and picnicking. Access from the land will not be allowed, and the sites will be maintained frequently during the summer season by State personnel. In addition to these sites, there are several natural and dredge spoil islands near Stillwater and Hudson where ownerships are in doubt. These islands should be in public ownership to perpetuate the present day-use activities that are compatible with the recreational classification of Lake St. Croix.

RELATIONSHIP OF PROPOSED STATE MANAGEMENT/DEVELOPMENT TO EXISTING RECREATIONAL FACILITIES

Water-based recreational use of Lake St. Croix is largely a function of access. As stated in the introduction, the prominence of slope and blufftop topography in the valley has strongly influenced the past settlement pattern, and the location of roads and highways in the valley. Other than at lakefront communities, only minor road segments closely parallel the lake. Numerous private roads lead to lakeside properties, but these provide little or no access of any kind for the public.

There are three types of boat accesses to Lake St. Croix: publicly owned boat ramps, privately owned accesses provided to the public for a fee, and marinas that cater to individuals on a contract basis. Locations of these accesses are illustrated on the Lower St. Croix Development Plan.

From recent boater surveys, it was found that traffic on the Lower St. Croix River reaches the saturation point on most summer weekends. Therefore, no new public access points are proposed in the Lake St. Croix area from Stillwater to Prescott. Also, the addition of new marina facilities and boat access areas will be permitted only after review and approval by the Lower St. Croix Riverway managing agencies.

In order to better distribute boating traffic and to adequately serve the demands of boaters for shoreline activity space, several State-owned boater wayside/mini-park sites are planned (see Management Plan—Fee Title Acquisition section). Boater surveys on the Lower St. Croix show that approximately 80 percent of all boating trips have some kind of shoreline activity associated with them. Because of the lack of such areas in the Lake St. Croix Valley, boater wayside development is needed to complement the heavy boating traffic.

In addition to boating recreation on Lake St. Croix, there are several land-based recreational areas with activities that are intimately tied to the Lake St. Croix Valley resources. Acquisition of lands is underway in two newly designated State parks, Afton in Minnesota and Kinnickinnic in Wisconsin. Facilities are being developed in these parks for camping, picnicking, swimming, fishing, and hiking. However, the bulk of both areas will remain in their natural condition.

Two other State-owned areas in the northern part of the Lake St. Croix Valley are Willow River State Park and approximately 1,100 acres of Stillwater Prison land, control of which has been transferred to the Minnesota Department of Natural Resources (to be utilized for recreation and conservation purposes). Willow River State Park presently offers picnicking, swimming, camping, hiking, and a boat launching site on the Willow River. Lake St. Croix cannot be reached by boat from the park, because of the dam that creates Lake Mallalieu at Hudson. The former prison land in Minnesota, also not accessible to Lake St. Croix, consists of three tracts of land that will comprise a multiple-use resource management area. Preliminary plans propose creating and enhancing wildlife habitat areas; developing an environmental education program; and providing hiking/cross-country skiing trails and picnic areas. Location of these areas is illustrated on the Lower St. Croix Development Plan, along with the State parks discussed above.

Additional existing recreational facilities include numerous local beaches and parks, the Control Data Corporation employee recreation area, quasi-public areas such as the YMCA camp, and several fishing boat liveries. Also, in the future, all land trail possibilities will be looked into by the States as routes that would link together the various recreational facilities. One possible route in Minnesota is the Chicago, Milwaukee, St. Paul, and Pacific Railroad line if it were ever abandoned. The line closely parallels the St. Croix from Stillwater to Point Douglas, running through or adjacent to the Stillwater and Bayport municipal parks, the proposed State Resource Management Area, two proposed park areas in Afton municipality, Afton State Park, Control Data Corporation recreation area, and the county beach at Point Douglas.

To summarize, the zoning and easement controls and the proposed fee acquisition areas for boater wayside/mini-park sites are expected to have no adverse effect on existing recreational facilities. Rather, the protection that will be achieved through the proposed land use controls will ensure the future enjoyment of Lake St. Croix and its surrounding valley for generations to come. Also, the proposed boater wayside sites will redistribute and somewhat alleviate the heavy traffic on the water. Thus, the States' management and development proposals are designed to balance the needs for preservation and recreation in the Lake St. Croix Valley.

ADMINISTRATION

Minnesota and Wisconsin are charged with the administration of that portion of the Lower St. Croix Riverway from River Mile 25 at the northern city limit of Stillwater, to the confluence with the Mississippi River across from Prescott, Wisconsin. Such administration will involve several tasks, many of which are new and will be unfamiliar. Of particular note, the matter of land use control will employ management techniques more familiar to local units of government who will play a dominant administrative role in the protection of the Lower St. Croix River. On the other hand, the financing of scenic easements and provision of recreational facilities, whether in State parks or boater wayside sites, will likely remain too great a burden for municipalities, townships, and counties, and will require assistance from the State and Federal Governments. Many levels of government must share in the administrative responsibilities. The respective roles of the various agencies and the private sector as they would fit into the total administrative system for the lower St. Croix Riverway are described below.

Federal

The Department of the Interior will fulfill its obligations in the preparation and implementation of a master plan with the assistance of the two States. Since the Lower St. Croix River will be managed as a component of the National Wild and Scenic River System, there remains an obligation on its part to fulfill the management objectives even though such direct administration of the lower 25-mile segment is delegated to the two States. The obligation can be expressed in terms of financial assistance to cover the high cost of such protection. Funds from the Land and Water Conservation Fund Contingency Reserve should be made available to defray half the costs of land acquisition and recreation facility development. The principal role of the Federal Government to achieve the management objectives in the State Riverway Zone would lie in financial assistance to the States.

States of Minnesota and Wisconsin

In resource management, the accepted role of the States in the past has been that of acquiring and protecting tracts of land too large for local government and/or providing recreational services for a segment of the public far broader than that for which local government is normally responsible.

For the above reasons, the States will be primarily responsible for: acquisition of lands or scenic easement interests in lands necessary for protection of the scenic and recreational attributes of the riverway; acquisition and development of State parks such as Kinnickinnic, Afton, O'Brien, Willow River, and Interstate acquisition and development of boating wayside/mini-park sites; and regulation of the use and quality of the water and alterations of the river bottom. In addition, the States will be responsible for the preparation and adoption of minimum standards and criteria for shoreland management as authorized by their Lower St. Croix Acts, and for the enforcement of these acts in addition to other State laws applicable to the protection of the riverway.

The States' Departments of Natural Resources will be responsible for the administration of the lands under State control, as well as use of the river, both its surface and streambed. In Minnesota, lands or interests in lands will be acquired by the Department of Administration under the guidance of the Department of Natural Resources. Water and air quality maintenance will be the responsibility of the Minnesota Pollution Control Agency.

In Wisconsin, lands or interests in lands will be acquired by the Department of Natural Resources. Responsibilities for water and air quality management are also a function of the department.

The administration of scenic easements will be the responsibility of the Departments of Natural Resources through joint agreement with the respective counties or other

local governmental units. Because of the similarity in enforcement of locally adopted zoning ordinances with scenic easements, it is mandatory that both types of land use controls be monitored by the local unit of government that reviews building permits, conducts long-range planning, and is familiar with the legal land records. Counties may call upon the States for such legal or technical assistance as may be required to carry out its function in administering such easements.

Within the Minnesota agencies, the Regional Administrator for the Department of Natural Resources should appoint a project manager preferably from the Parks and Recreation staff. Such administration shall be responsible for the project planning, direction of acquisition and development priorities, liaison with the other units of government adjacent to the riverway, and maintenance of such State holdings as are developed as part of the Lower St. Croix Riverway.

On the Wisconsin side, all of the State park units in the Lower St. Croix are supervised from Interstate Park. At least initially, the easement program, and any island acquisitions or boating wayside/mini-park developments, would be directed from that headquarters.

County

The role of the county shall be primarily that of administration of land use controls, together with other county ordinances as applicable to the protection of the riverway. Adoption and enforcement of amended shoreland and flood plain zoning ordinances shall be a most important responsibility. All administration of land use regulations will remain with the county.

Municipal

Municipalities, like the counties, are delegated land use control powers within their boundaries. Such control powers are in the form of zoning as planned, adopted, and enforced by local officials. The States will issue minimum standards and criteria that may necessitate changes in municipal zoning. All administration of land use controls will remain in the municipality.

State-Local Cooperation

As outlined above, the administration and enforcement of zoning and scenic easement provisions will primarily be the responsibility of the local units of government. In the case of a permit application where only zoning controls are in effect within the St. Croix River District, the local building inspector would have to make an on-site determination as to whether or not the permit should be granted. A permit application for a property with scenic easement provisions in force would require a similar on-site inspection by the building inspector. Copies of all easements, with a suitable tract index, would be provided to the local office that issues the permits. Then an individual application for a permit can be checked and issued, modified, or denied on the basis of the on-site inspection and the scenic easement provisions in force.

All permit applications within the St. Croix River District should be forwarded to the Department of Natural Resources project manager for his comments. In addition, the project manager should make himself available to the local building inspectors and zoning administrators for consultation and on-site inspection aid.

As the number of easements increases, the difficulty of checking adherence to their provisions likewise increases. Cooperation of the landowners in the Lower St. Croix Valley will be essential. This is especially applicable to provisions for vegetative control. Unless the majority of landowners themselves support this idea, it probably will not work. Every effort will be made to alert all Department of Natural Resources personnel working in the Lower St. Croix River vicinity, local government officials, and others who might be in a position to observe and report on apparent violations. Because the natural vegetation is such an important element in this protection program, penalties will be levied to assure restoration where vegetative cutting provisions of a zoning ordinance or a scenic easement are violated. In determining the limited number of parcels of land requiring fee acquisition in the State River Zone, Department of Natural Resources personnel will work with the zoning administrations and other local government officials.

LEGISLATIVE NEEDS

Uniform Water Surface Use Regulations: Provisions are needed in the State of Wisconsin similar to those available in Minnesota, Laws of Minnesota, 1973, Chapter 557, to allow the two States to bilaterally adopt such boating regulations as needed in the future. These statutes should allow the States to act after counties seek such assistance, since enforcement and support from the latter units of government will be essential to its success.

Eminent Domain: The power to condemn fee title to certain lands that are required to provide essential public services should be given the Minnesota Department of Natural Resources. Without such authority, the possibility remains that private land holdings may preclude public enjoyment of scenic resources or key boating wayside/mini-park sites.

APPENDIXES

A: Suggested Zoning Guidelines.
B: Suggested Measures for Enhancement of Water-Based Recreational Uses of the Lower St. Croix River.
C: Public Law 92-560 and Public Law 93-621.
D: Team Members.

A: SUGGESTED ZONING GUIDELINES

All codes would have a general policy statement based on the following concept: In order to reduce the effects of over-crowding and poorly planned shoreland development, to prevent pollution of surface and ground waters and soil erosion, to provide sufficient space on lots for sanitary facilities, to minimize flood damage, to maintain property values, and to preserve and maintain the exceptional scenic and natural characteristics of the waters and related lands of the Lower St. Croix River Valley in a manner consistent with the National Wild and Scenic River Act (P.L. 90-542) and the Lower St. Croix River Act of 1972 (P.L. 92-560), and in anticipation of guidelines and standards for local ordinances that shall be promulgated by the Commissioner of Natural Resources pursuant to Laws of Minnesota, 1973, Chapter 246 and by the Wisconsin Department of Natural Resources pursuant to Chapter 197, Laws of 1973, the (local unit of government) hereby adopts the following provisions to be applicable to the St. Croix River District of the (local unit of government) as herein designated, and as a section of the (local unit of government) zoning code.

All codes would include the following definitions:

St. Croix River District is a zoning term that includes all the lands within the riverway boundaries. All uses designated as being within the "St. Croix River District" shall require a special permit. The zoning regulations of this district shall be in addition to, rather than in lieu of, other zoning districts. The purpose of the St. Croix River District shall be to protect and promote the safe, orderly, and coordinated growth and development of the St. Croix River Valley. Specific objectives shall be to protect and enhance the scenic and recreational values to the extent feasible and practicable, and to maintain proper relationships between various land use types.

Floodplain means the areas adjoining a watercourse that have been or hereafter may be covered by the regional (100 year) flood.

Slope Preservation Zone those areas within the St. Croix River District where the slope is 13 percent or greater.

Shoreline Preservation Zone is the area between the normal high water mark and where the slope of the land first becomes 13 percent or greater.

Bluffline is that point for any property at which the slope, proceeding away from the river, becomes less than 13 percent. There may be more than one bluffline, and vegetative controls and building setbacks shall be measured from each such line that exists. Regardless of the number of such lines on any given property, the prohibition against building on slopes 13 percent and greater shall always prevail. Alteration of slope to overcome this limitation shall not be permitted within the project boundary.

Bluffline Preservation Zone are those areas within the St. Croix River District landward of the bluffline(s).

Federal Riverway Zone is the area within the St. Croix River District from Taylors Falls to the northern city limit of Stillwater.

State Riverway Zone is the area within the St. Croix River District from the northern city limit of Stillwater to the confluence of the St. Croix and Mississippi Rivers.

Normal High Water Mark is a mark delineating the highest water level that has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Planned Unit Development Regulations are local zoning regulations that apply to developments consisting of two or more principal structures or uses on a single parcel of land.

Unincorporated Areas include Shafer, Franconia, New Scandia, May, Stillwater, Baytown, West Lakeland, Denmark, St. Croix Falls, Osceola, Farmington, Somerset, St. Joseph, Hudson, Troy, and Clifton Townships.

Incorporated Areas include Taylors Falls, Marine-on-St. Croix, Stillwater, Oak Park Heights, Bayport, Lakeland, Lakeland Shores, Lake St. Croix Beach, St. Marys Point, Afton, St. Croix Falls, Osceola, North Hudson, Hudson, and Prescott.

All codes would have a Slope Preservation Zone within which the following provisions would be applicable:

No construction of buildings.

No alteration of any slope 13 percent or greater.

No cutting or trimming of vegetation except for diseased or hazardous vegetation.

The ordinance would cite as the objective for these provisions the prevention of soil erosion, maintenance of the esthetic integrity of the valley's most prominent land forms, and provisions of a buffer zone between the river and developed areas. In unincorporated areas, the first and last provisions would also be applicable to floodplain areas.

Shoreline Preservation Zone (unincorporated areas) would be subject to the following provisions:

(1) Only single-family detached dwellings and appurtenant structures would be permitted.

(2) Structures (except temporary piers and docks) would be set back at least 200 feet

from the normal high water mark and meet flood protection requirements already in effect in applicable flood plain areas.

(3) A vegetation control zone of at least 200 feet from the normal high water mark would be maintained with no cutting or trimming allowed (other than on diseased or hazardous vegetation) except that selective cuting of vegetation having a trunk size of less than 6 inches in diameter measured 4½ feet from the ground would be allowed to provide for a reasonable view of the river from the property without unduly interrupting the continuity of the vegetation in the area, subject to further restriction by special permit if it is determined that such selective cutting would cause significant soil erosion or significant degradation of the esthetic quality of the land as viewed from the river. Such provisions would be limited to a cutting area no greater than 25 percent of the width of the property on the side nearest the river but would extend through the depth of the zone. A permit would be required from a zoning administrator prior to any cutting.

(4) Minimum lot size will be 2.5 acres.

(5) Minimum lot width on side nearest river will be 200 feet.

(6) Minimum lot width at the building line will be 200 feet.

(7) Maximum building height will be 35 feet.

Shoreline Preservation Zone (incorporated areas) would be subject to provisions 3 and 7 above.

Structures would be set back at least 100 feet from the normal high water mark and meet flood protection requirements already in effect in applicable flood plain areas.

A 30-foot control zone would be maintained under the same provisions for view cutting as are applicable to unincorporated areas, above.

Structures may deviate from the above provisions to the extent and to the like degree of non-conforming structures that have been built and occupied in the incorporated areas.

Bluffline Preservation Zone (unincorporated areas) would be subject to provisions 1, 4, 5, 6, and 7 under Shoreline Preservation Zone (unincorporated areas). In addition:

Structures would be set back at least 200 feet from the normal high water mark and at least 100 feet from the bluffline.

A vegetation control zone of at least 75 feet from the bluffline would be maintained under the same provisions for view zone cutting as are applicable under Shoreline Preservation Zone (unincorporated areas) above.

Bluffline Preservation Zone (incorporated areas) would be subject to the following provisions:

Structures would be set back at least 100 feet from the normal high water mark and at least 40 feet from the bluffline.

A. 30-foot vegetation control zone would be maintained under the same provisions for zone cutting as are applicable under Shoreline Preservation Zone (unincorporated areas) above.

Maximum building height will be 35 feet.

Structures may deviate from the above provisions to the extent and to the like degree of non-conforming structures that have been built and occupied in the incorporated areas.

All codes for unincorporated areas would require natural earth or native summer vegetation tone for exterior colors of structures. Such codes should be recommended for incorporated areas. The colors should be referenced to the Standardized Munsell Color Chart.

All codes would contain a policy statement specifying that in cluster or subdivided areas:

Residential developments should be designed and constructed to be consistent with the local unit of government's Planned Unit Development or Subdivision Regulations.

Shoreline, flood plain, and natural slope areas of 13 percent and greater should be dedicated as open space to the public or to be owned in common by all residents of the subdivision.

Local units of government will be distinguished as incorporated or unincorporated areas as described under the code listing for these areas. Future incorporation will not permit presently unincorporated areas to disregard the standards and criteria for unincorporated areas contained in these interim changes to local zoning codes.

Residential lots of record in the office of the local unit of government's Register of Deeds (or Registrar of Titles) prior to the date of enactment of this Interim Zoning Ordinance that do not meet the requirements under Shoreline Preservation Zone (unincorporated areas) may be allowed as residential building sites provided that such use is permitted in the zoning district, the lot is in separate ownership from abutting lands, and the requirements of this Interim Ordinance are complied with insofar as practicable. Each local unit of government, in adopting this Interim Ordinance, may set a minimum size for substandard lots consistent with the purposes and intent of these standards and criteria. Existing non-conforming and substandard uses would comply with the provisions of county Shoreland Ordinances.

B: SUGGESTED MEASURES FOR ENHANCEMENT OF WATER-BASED RECREATIONAL USES OF THE LOWER ST. CROIX RIVER

In the context of the Lower St. Croix River Water Use Zoning Study, the Minnesota-Wisconsin Boundary Area Commission has diligently sought to act as a study center and discussion forum to develop a consensus among all public authorities and private interests involved in administration and use of the riverway. The recommendations are the product of a systematic, broad-based approach including:

Analysis of data from the commission's St. Croix River Water Use Studies, conducted in the summer recreation season of 1970, 1971, and 1972.

Analysis of the natural characteristics of the river and adjacent land areas to assess the carrying capacity for various types of uses.

Public recommendations and comments presented at well-attended St. Croix River Water Zoning Conferences, sponsored by the commission on August 9, 1972, and April 10, 1973.

Consultation with Federal, State, and local St. Croix River water patrol personnel.

Analysis of water use zoning experiences and programs in other areas.

Review of written comments of public officials and interested private organizations in response to the first preliminary draft of the St. Croix Regional Committee report.

The following Minnesota-Wisconsin Boundary Area Commission recommendations are based on consideration of findings and conclusions as they relate to public safety, environmental protection, multiple-use factors, and the pleasurability of the recreational experiences:

The reach of the St. Croix River from the dam at Taylors Falls to River Mile 30.25 and from the Soo Line high bridge to River Mile 27 (2.5 miles above the upper limit of the Federal 9-foot navigational channel above the Stillwater Bridge) should be designated "Slow-No Wake Zones." From River Mile 30.25 to the Soo Line high bridge (1.5 miles) and the water surface below River Mile 27 should be designated as "Open Zones."

Water skiing should be permitted in accordance with State laws in the open water zones of the St. Croix River above the upper limit of the Federal 9-foot navigation channel except on Saturdays, Sundays, and legal holidays.

Present "Slow-No Wake" zones should be retained at the Hudson, Kinnickinnic, and Prescott narrows and should be more specifically defined and marked with signs; swimming should be prohibited on the main channel side of the islands and the sandbars at the Hudson narrows.

Special "Slow-No Wake" or "Open Water Zones" should be clearly marked with official standardized signs regardless of which jurisdiction they are in.

The water area within 100 feet of any shore (bank or island) should be designated a "shoreline activity zone" subject to slow-no wake operating restrictions, except for launching water skiers by the most direct route to open water and for landing water skiers.

State laws should be amended as appropriate to provide comity and encourage cooperation between Minnesota and Wisconsin officers on boating laws for more efficient law enforcement by officers of both States on any part of the river.

State laws should be amended as appropriate to impose criteria for determining illegal operation of a watercraft while intoxicated, and providing significant penalties.

All interested groups, individuals, and public agencies should develop a coordinated and expanded boater education program to better orient boaters of all ages to basic rules of boating, as well as to safe, courteous operating practices.

Courtesy signs should be placed at strategic locations, such as marinas and other river access points, reminding boaters of ways in which they can protect and enjoy the river. Such information should include a simple map and emphasize the following:

You are responsible for your wake.

Bring your litter back with you.

Avoid excessive noise.

Give right-of-way to swimmers, anchored craft, and slow-moving craft.

These are Federal waters; U.S. Coast Guard "Rules of the Road" apply.

C. PUBLIC LAW 92-560

PUBLIC LAW 92-560, 92ND CONGRESS, S. 1223, OCTOBER 25, 1972

86 Stat. 1174

An Act

To amend the Wild and Scenic Rivers Act by designating a segment of the Saint Croix River, Minnesota and Wisconsin, as a component of the national wild and scenic rivers system.

LOWER SAINT CROIX RIVER ACT OF 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Lower Saint Croix River Act of 1972".

SEC. 2. Section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907; 16 U.S.C. 1274(a)) is amended by adding at the end thereof the following:

"(9) LOWER SAINT CROIX, MINNESOTA AND WISCONSIN.—The segment between the dam near Taylors Falls and its confluence with the Mississippi River: *Provided*, (i) That the upper twenty-seven miles of this river segment shall be administered by the Secretary of the Interior; and (ii) That the lower twenty-five miles shall be designated by the Secretary upon his approval of an application for such designation made by the Gov-

ernors of the States of Minnesota and Wisconsin."

DEVELOPMENT PLAN

SEC. 3. The Secretary of the Interior shall, within one year following the date of enactment of this Act, take, with respect to the Lower Saint Croix River segment, such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act: *Provided*, That (a) the action required by such section shall be undertaken jointly by the Secretary and the appropriate agencies of the affected States; (b) the development plan required by such section shall be construed to be a comprehensive master plan which shall include, but not be limited to, a determination of the lands, waters, and interests therein to be acquired, developed, and administered by the agencies or political subdivisions of the affected States; and (c) such development plan shall provide for State administration of the lower twenty-five miles of the Lower Saint Croix River segment and for continued administration by the States of Minnesota and Wisconsin of such State parks and fish hatcheries as now lie within the twenty-seven-mile segment to be administered by the Secretary of the Interior.

LAND ACQUISITION

SEC. 4. Notwithstanding any provision of the Wild and Scenic Rivers Act which limits acquisition authority within a river segment to be administered by a Federal agency, the States of Minnesota and Wisconsin may acquire within the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior such lands as may be proposed for their acquisition, development, operation, and maintenance pursuant to the development plan required by section 3 of this Act.

NAVIGATION AIDS

SEC. 5. Nothing in this Act shall be deemed to impair or otherwise affect such statutory authority as may be vested in the Secretary of the Department in which the Coast Guard is operating or the Secretary of the Army for the maintenance of navigation aids and navigation improvements.

APPROPRIATIONS

SEC. 6. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $7,275,000 for the acquisition and development of lands and interests therein within the boundaries of the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior.

LIMITATION

(b) No funds otherwise authorized to be appropriated by this section shall be expended by the Secretary of the Interior until he has determined that the States of Minnesota and Wisconsin have initiated such land acquisition and development as may be proposed pursuant to the development plan required by section 3 of this Act, and in no event shall the Secretary of the Interior expend more than $2,550,000 of the funds authorized to be appropriated by this section in the first fiscal year following completion of the development plan required by section 3 of this Act. The balance of funds authorized to be appropriated by this section shall be expended by the Secretary of the Interior at such times as he finds that the States of Minnesota and Wisconsin have made satisfactory progress in their implementation of the development plan required by section 3 of this Act.

Approved October 25, 1972.

LEGISLATIVE HISTORY

House Report No. 92-1579 (Comm. on Interior and Insular Affairs).

Senate Report No. 92-1279 (Comm. on Interior and Insular Affairs).

Congressional Record, Vol. 118 (1972): Oct. 9, considered and passed Senate; Oct. 13, considered and passed House.

Weekly Compilation of Presidential Documents, Vol. 8, No. 44: Oct. 28, Presidential statement.

D: TEAM MEMBERS

Jerome Kuehn, Planning Administrator, Minnesota Department of Natural Resources.

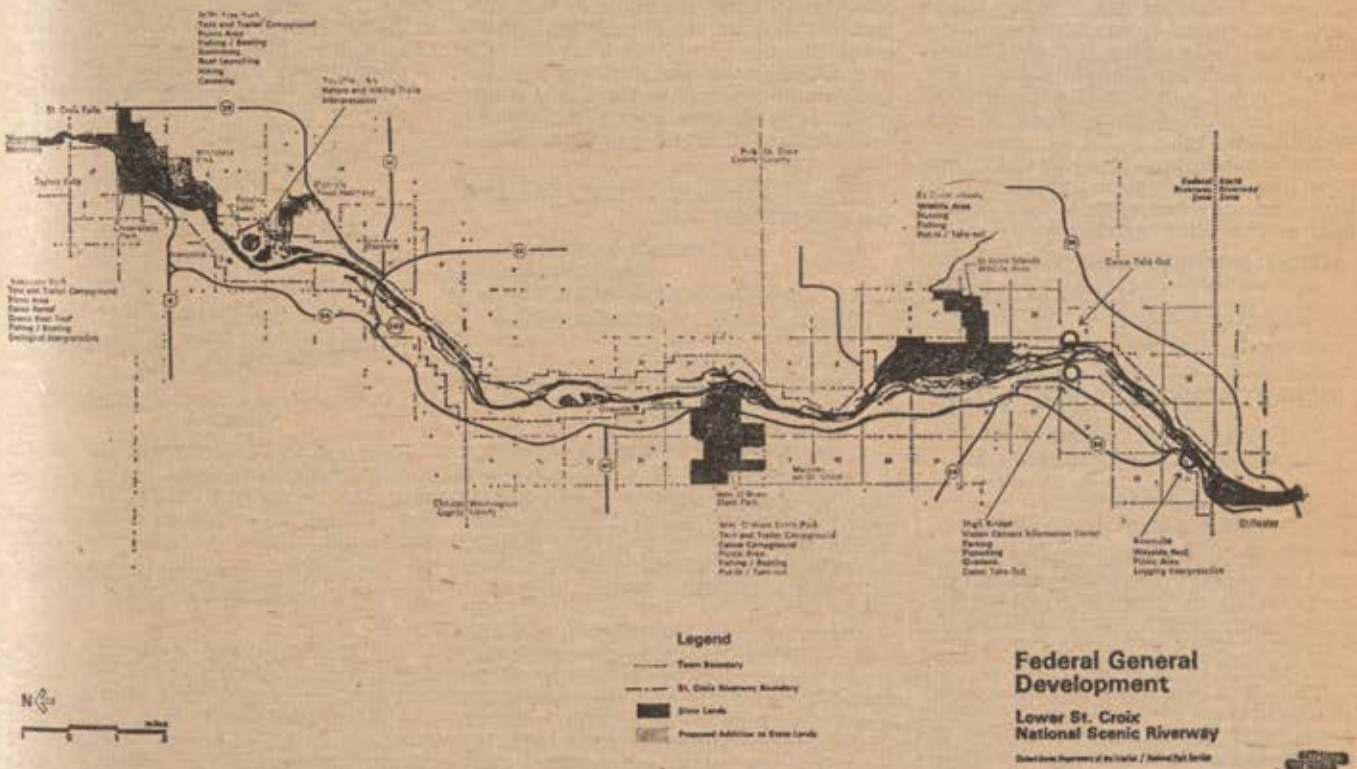
Arthur Doll, Director, Bureau of Planning, Wisconsin Department of Natural Resources.

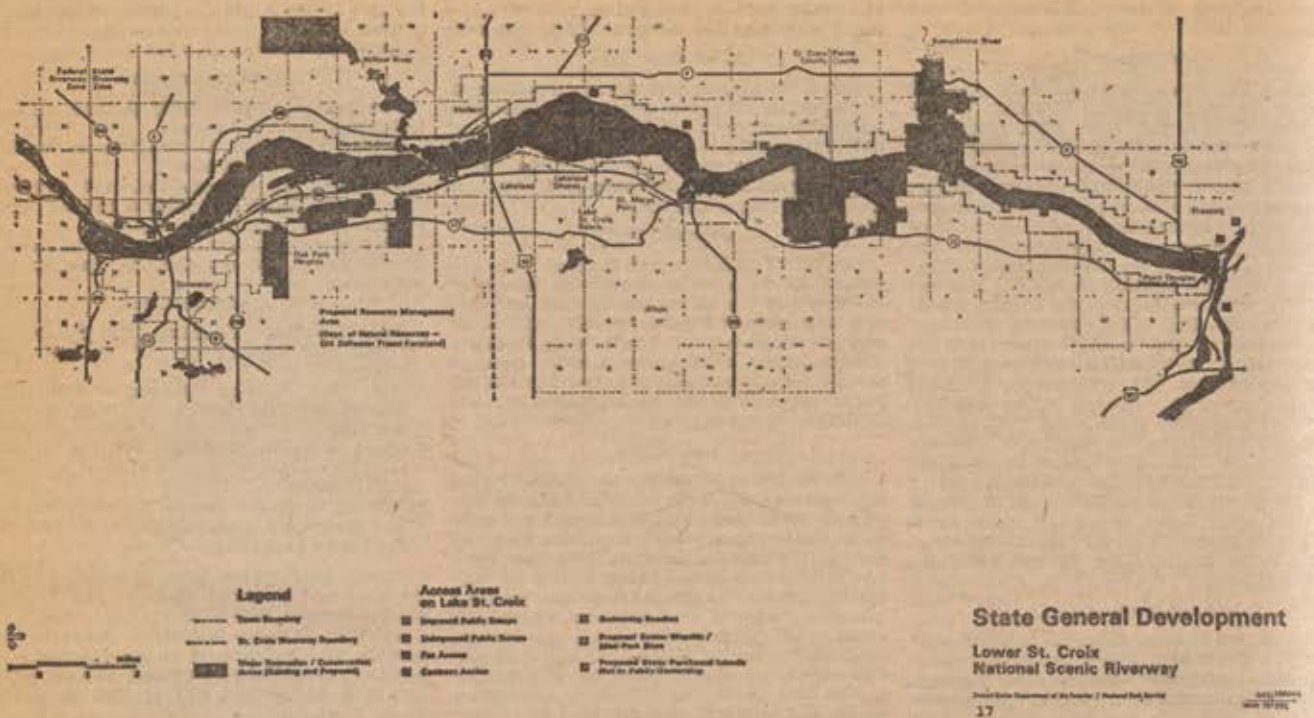
Richard Wittpenn, Principal Planner, Northeast Team, Denver Service Center, National Park Service.

Ex Officio Member: James Harrison, Executive Director, Minnesota-Wisconsin Boundary Area Commission.

Publication services were provided by the graphics and editorial staffs of the Denver Service Center, NPS 816A.

As the Nation's principal conservation agency, the Department of the Interior has basic responsibilities to protect and conserve our land and water, energy and minerals, fish and wildlife, parks and recreation areas, and to ensure the wise use of all these resources. The Department also has major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.





The plans for development are graphically depicted on maps of the Department of the Interior, National Park Service, titled "Federal General Development, Lower St. Croix National Scenic Riverway," number 643–20007B, March 1975, and "State General Development, Lower St. Croix National Scenic Riverway," number 643–20004A, March 1975, on file in the Office of the Department of the Interior, National Park Service, Washington, D.C.

The boundaries, classifications, and development plan here published shall take effect in accordance with section 3(b) of The Wild and Scenic Rivers Act.

Dated: September 10, 1975.

NATHANIEL P. REED,
Assistant Secretary of the Interior.

[FR Doc.75-24983 Filed 9-18-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A249]

OKLAHOMA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Washita County, Oklahoma, as a result of a natural disaster consisting of excessive rainfall, a hailstorm, and a tornado May 2, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David L. Boren that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 6, 1975, for physical losses and May 10, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 12th day of September 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-24973 Filed 9-18-75;8:45 am]

[Notice of Designation Number A253]

OKLAHOMA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Woods County, Oklahoma, as a result of a natural disaster consisting of hailstorms, excessive rainfall, and windstorms June 4, 6, and 8, 1975.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94–68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor David L. Boren that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 20, 1975, for physical losses and May 21, 1976, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 12th day of September 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-24972 Filed 9-18-75;8:45 am]

Forest Service

WEST SLOPE OF THE TETONS PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the West Slope of the Tetons Planning Unit, Targhee National Forest, Idaho. The Forest Service report number is USDA–FS–DES (Adm) R4–76–4.

The environmental statement identifies and evaluates the probable effects of the land use plan for the West Slope of the Tetons Planning Unit on the Targhee National Forest in Southeast Idaho and Western Wyoming. The reasons for preparing this land use plan and the purposes it will serve are: (1) To provide criteria for management of lands consistent with existing laws, regulations,

and policies that apply to National Forest lands within the West Slope of the Tetons Planning Unit; (2) To resolve status of Inventoried Roadless-Undeveloped Areas within the planning unit; (3) To allocate lands within the planning unit to specific resource uses and activities; (4) To document the management objectives, management direction, and management decisions necessary for guiding and coordinating resource uses and activities within the unit.

This draft environmental statement was transmitted to CEQ on September 12, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
Forest Supervisor, Targhee National Forest, 420 North Bridge Street, St. Anthony, Idaho 83445.
Regional Planning Office, USDA, Forest Service, Federal Building, Room 4403, 324-25th Street, Ogden, Utah 84401.
District Forest Ranger, Ashton Ranger District, Ashton, Idaho 83420.
District Forest Ranger, Teton Basin Ranger District, Driggs, Idaho 83422.

A limited number of single copies are available upon request to Forest Supervisor George A. Olson, Targhee National Forest, 420 North Bridge Street, St. Anthony, Idaho 83445.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor George A. Olson, Targhee National Forest, 420 North Bridge Street, St. Anthony, Idaho 83445, in order to be considered in the preparation of the final environmental statement.

Dated: September 12, 1975.

DONALD A. SCHULTZ,
Acting Director,
Regional Planning and Budget.

[FR Doc.75-24977 Filed 9-18-75;8:45 am]

OREGON DUNES NATIONAL RECREATION AREA ADVISORY COUNCIL

Meeting

The Oregon Dunes National Recreation Area Advisory Council will meet on Saturday and Sunday, October 18 and 19, 1975, for a two-day session. The session will start on Saturday, October 18, with a public meeting at the Douglas County Office Building, Courtroom, 680 Fir Avenue, Reedsport, Oregon, from 3:00 to 5:30 p.m. On Sunday October 19, the Council will meet from 1:00 to 4:00 p.m. at the Driftwood Shores Resort in Florence, Oregon.

The public meeting on Saturday, October 18, is being held to give the public an opportunity to express their opinions on three NRA boundary adjustment proposals being considered by the Council. The meeting on Sunday, October 19, will cover future developments as outlined in the proposed Management Plan. Portions of the weekend will also be spent in touring these projected developments.

The meetings will be open to the public. Persons who wish to attend should notify Marne Irwin, 855 Highway Avenue, Reedsport, Oregon 97467. The telephone number is 503-271-3611. Written statements may be filed with the Council before or after the meetings.

The Council has established the following rules for public participation. Any member of the public who wishes to speak must be recognized by the Council Chairman. The Chairman will decide the time when public participation will take place.

ROLF D. ANDERSON,
Area Ranger.

SEPTEMBER 11, 1975.

[FR Doc.75-25017 Filed 9-18-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration.

HAHNEMANN MEDICAL COLLEGE AND HOSPITAL ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR Part 701, 1975). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00532-33-46040. Applicant: Hahnemann Medical College and Hospital, 230 North Broad Street, Philadelphia, Pa. 18102. Article: Electron Microscope, Model HU-12A and Scanning Electron Image Accessory. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used for studies of biopsy and tissue culture materials from various forms of human leukemias and solid tumors; samples of purified and/or concentrated preparations of tissue extracts obtained from biochemical and radiochemical assays of the materials; various types of virus particles associated with or alleged to be associated with human leukemias and solid tumors; cell surface phenomena associated with the morphological changes produced by viral infection and with the release of viral particles from the cell; and various types of molecules including labelling molecules used for immunoelectron microscopy, antigens, enzymes, RNA and DNA. The article will also be used in the course Research in Genetics for educational purposes. Application received by Commissioner of Customs: May 19, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 22, 1975. Article ordered: December 31, 1974.

Docket number: 75-00534-33-46040. Applicant: Rush-Presbyterian-St. Luke's Medical Center, Department of Pathology, 1753 West Congress, Chicago, Illinois 60612. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the study of ultrastructural pathology of normal tissues and of cancers from both humans and experimental animals. This will include (a) studies of ultrastructural properties of cell membranes at various stages of malignant transformation, (b) quantitative analysis of the molecular topography of cell surfaces, (c) examination of changes in cell locomotor mechanisms with malignant transformation and (d) studies on the interactions between tumor cells and surrounding tissues during invasion. Investigations will be carried out to develop new knowledge about cell changes that play a central role in the biological behavior of malignant tumors. Techniques to be used include thin sections, negative stain and freeze-fracture electron microscopy. Transmission scanning techniques will be used to evaluate all of above (Scanning, Transmission Electron Microscopy: S.T.E.M.). Application received by Commissioner of Customs: May 19, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 22, 1975. Article ordered: March 20, 1975.

Comments: No comments have been received in regard to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered. Reasons: Each foreign article has a guaranteed resolution of 3 Angstroms point-to-point and is equipped with a high resolution scanning attachment which provides images in the scanning transmission, secondary electron, and back scattered modes. The most closely comparable domestic instrument available at the time the articles were ordered was the Model EMU-4C electron microscope supplied by Adam David Company. The Model EMU-4C had a specified resolving capability of 5 Angstroms and did not provide a high resolution scanning attachment. The Department of Health, Education, and Welfare (HEW) advises in the respectively cited memoranda, that the better resolution and the scanning

capability of the foreign articles are pertinent to the purposes to which the foregoing applications relate. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, at the time the articles were ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were being manufactured in the United States at the time the articles were ordered.

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc.75-24970 Filed 9-18-75;8:45 am]

NATIONAL INSTITUTES OF HEALTH, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq. 15 CFR Part 701, 1975). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00548-00-46040. Applicant: DHEW, National Institutes of Health, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, N.C. 27709. Article: Goniometer Stage Assembly for Electron Microscope. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is an accessory to be used to modify an existing electron microscope so that energy dispersive X-ray microanalysis may be conducted on sections of liver, kidney, brain, and gonad, for intracellular localization of heavy metals. Tissue sections of animals exposed to mercury, cadmium, lead and arsenic will be examined to localize those metals within lysosomes, nuclei, and mitochondria. The objectives of these studies are to demonstrate the intracellular localization of toxic metals in situ and detect early and subtle changes in cell structure and function. Application received by Commissioner of Customs: May 30, 1975. Advice submitted by the Department of Health, Education, and Welfare on: August 22, 1975.

Docket number: 75-00575-00-46040. Applicant: U.S. Geological Survey, National Center, Stop 959, Reston, Virginia 22092. Article: Heating Holder & Power Control Unit. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the kinetics, microstructural changes and thermal parameters of symmetry transitions and phase transformations in geologic materials (both terrestrial and extraterrestrial origin) and appropriate synthetic analogs. The materials to be studied are natural silicates, oxides, sulphides, and other inorganic compounds and possibly natural materials which occur within inorganic aggregates. Application received by Commissioner of Customs: June 18, 1975. Advice submitted by the National Bureau of Standards on: August 25, 1975.

Comments: No comments have been received with respect to this of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by our scientific consultants in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that they know of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc.75-24969 Filed 9-18-75;8:45 am]

NORTHWESTERN UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (40 FR 12253 et seq, 15 CFR Part 701, 1975).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00538-33-46040. Applicant: Northwestern University, Department of Dermatology, 303 East Chicago Avenue, Chicago, Illinois 60611. Article: Electron Microscope, Model HU-12A. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used for the study of fine structure of human dermis in patients with colloid substance. Much work is also being done on the study of desmosome structure, in particular the study of pemphigus vulgaris, a skin disease that produces large blisters that break easily and leave divided areas that tend to increase in size by progressive peripheral detachment of the epidermis. Future studies will entail all high resolution work in the study of hemaniosarcomas and sarcomas in which the basement membrane is suspected to be distorted in many areas. Specific research projects for which the article will be used include the following:

(1) Study of keratohyalin granules, membrane-coating-granules (Odland bodies), membrane junctions (gap junctions or nexus junctions, tight junctions, desmosomes).

(2) Development of a method for localizing kinases, especially phosphofructokinase.

(3) Development of a method which will lead to the ready identification of herpes simplex particles in smears that will in turn lead to a routine clinical test for this disease.

(4) Study of the cleavage level in epideimolysis bullosa simplex-induced blister.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (August 19, 1974).

Reasons: The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope supplied by the Adam David Company. The Model EMU-4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) The Department of Health, Education, and Welfare advises in its memorandum dated August 22, 1975 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-24967 Filed 9-18-75;8:45 am]

UNIVERSITY OF MIAMI ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 9, 1975.

Amended regulations issued under cited Act, (40 FR 12253 et seq. 15 CFR Part 701, 1975) prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 76-00095-00-07500. Applicant: University of Miami, Rosentiel School of Marine & Atmospheric Science, 4600 Rickenbacker Causeway, Miami, Florida 33149. Article: Temperature Controller, (Model PC-A). Manufacturer: Techneurop, Inc., Canada. Intended use of article: The article is intended to be used to control the temperature of an existing Dynamic Flow Microcalorimeter to study the ionic interactions in sea water by using volumetric and calorimetric measurements on sea water and the sea salts that compose sea water. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76-00094-99-90000. Applicant: Medical University of S.C., 80 Barre Street, Charleston, South Carolina 29401. Article: EMI Scanner System with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to serially study patients with various diseases in order to understand the underlying pathological changes in the brain. Both normal properties of the human brain and disease processes of the brain will be studied. Research programs will include the following:

1. The cerebral changes found in patients with migraine,

2. The effect on cerebral ventricular size of shunting procedures in patients with hydrocephalus, and

3. The cerebral changes found in patients with strokes and the evolution of these changes.

In addition, the article is to be used in the training of medical and paramedical personnel at all levels. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76-00096-33-90000. Applicant: University Hospital-University of California Medical Center San Diego, 225 West Dickinson Street, San Diego, California 92103. Article: EMI Scanner with Magnetic Tape Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for clinical research into brain tumors, brain damage, brain infection, and other intracranial disease in efforts to improve the clinical care of neurological and neurosurgical patients. The article will be used for teaching purposes in the education of medical students, interns and residents with particular instruction of Radiology residents and faculty. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76-00097-33-46500. Applicant: Michigan State University, Department of Zoology, 220 Natural Science Building, East Lansing, MI 48824. Article: Ultramicrotome, LKB 8800A & Cryokit Attachment. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in preparing ultrathin sections to be observed with the electron microscope during studies of the phenomenon of unrestricted cell division in the normal and tumorous ovaries of Drosophila and the human tumors before and after platinum treatment. In addition, the article will be used to train graduate students in the field of electron microscopy to be able to conduct research independently in the course Zol 850: Ultrastructure. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76-00098-33-90000. Applicant: St. Joseph Medical Center, Buena Vista at Alameda St., Burbank, California 91505. Article: EMI Scanner System with Magnetic Tape System, and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in continuing the education of hospital staff doctors, especially neurosurgeons, neurologists, internists and general practitioners. The article will also be used for training in diagnostic and therapeutic radiologic procedures and techniques, office procedure, and departmental administration. In addition, the article will be used in the Center's diversified research program which includes two biochemical studies of blood coagulation and a metabolic study to detect mental deficiency in newborn infants. Other research projects involve a clinical study of the effects of drugs on heart disease and cancer research that includes a study of the relationship between the body's immune resistance and cancer and a biomedical study on the etiology of stomach cancer. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76-00099-33-90000. Applicant: The Carney Hospital, 2100 Dorchester Avenue, Boston, Massachusetts 02124. Article: EMI Scanner with Magnetic Tape System and Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to analyze certain physical properties of normal cerebral tissue and a wide variety of pathological lesions involving the brain and related structures, without the necessity of contact (invasive) media, and without patient hazard or discomfort. Results from scans taken with the article will be used in the training and education of interns and residents in neurological and related disorders, their causes, treatment and cures, and also serve to further the education and understanding of staff physicians. These results will also be used in the specialized training of neurosurgical residents. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76-00100-33-90000. Applicant: Donald N. Sharp Medical Center, 7901 Frost Street, San Diego, California 92123. Article: EMI Scanner System with Diagnostic Display Console. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of the human cranium, its contents, and the middle and upper thirds of the facial bones and contained structures, including orbits and certain paranasal sinuses. The properties to be investigated include changes in radiation absorption coefficiency associated with disease and disease states in experiments which consist principally of the identification and localization of abnormalities of the brain and orbits—as well as the progress of these abnormalities in response to treatment. The educational purposes for which the article is intended to be used include the training of radiology technology students, presentations to the attending medical staffs of hospitals as a part of continuing medical education, and utilization in training of resident physicians. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76-00101-16-78000. Applicant: California Institute of Technology, Pasadena, CA 91125. Article: Fourier Spectrophotometer. Manufacturer: Beckman Instruments, Inc., United Kingdom. Intended use of article: The article is intended to be used in support of a program in infrared and submillimeter astronomy. The functions which this article will perform include:

A. Measurement over the 30 u—2mm spectra range of the transmission and reflection of optical components, including components cooled to liquid helium temperatures.

B. Measurement of wavelength response and sensitivity of astronomical detector systems.

Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76-00102-33-90000. Applicant: Charlotte Memorial Hospital and Medical Center, 1000 Blythe Boulevard, Charlotte, North Carolina 28234. Article: EMI Scanner with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to diagnose, study, and evaluate pathological conditions of the brain in order to plan appropriate medical or surgical treatment. The article will also be used in research on cerebral blood flow. In addition, the article is intended to be used in various medical, educational and research programs for medical students of various rank and residents. The training will be designed to teach operation and the interpretation of the results provided by the article. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76-00103-33-19095. Applicant: The Johns Hopkins University, Charles and 34th Streets, Baltimore, Maryland 20218. Article: Scanning Microdensitometer, M85. Manufacturer: Vickers Instruments, Inc., United Kingdom. Intended use of article: The article is intended to be used for the measurement of adrenocorticotrophic hormone (ACTH) by observing changes in the adrenal gland induced by known and unknown samples of the hormone. In experiments to be conducted plasma concentrations of ACTH are determined during control periods and following certain manipulations. These manipulations include blood loss or infusion of fluid, manipulation of pressures or flows in critical vascular beds including the carotid arteries and atria of the heart, stimulation of peripheral nerves leading from these receptor areas to the central nervous system, and in stimulation of critical areas within the central nervous system including the medulla, midbrain and hypothalamus. Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76-00104-33-46500. Applicant: East Tennessee State University, Johnson City, Tennessee 37601. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological specimens including viruses, microorganisms and mammalian tissues from experimental animals exhibiting normal and pathological conditions. Experiments to be conducted will include:

(1) An attempt to correlate the presence of C-type RNA virus with possible tumor formation in human tissues, and

(2) Investigation of the ultrastructure of the paraventricular (PVN) and supraoptic (SON) nuclei in the hypothalamus of rats with hereditary diabetes insipidus (Brattleboro strain) and comparison of these findings with control animals for differences which may be involved in neurosecretion.

The article will also be used in the courses entitled Electron Microscopy 5060 and Special Problems 5900 to introduce the graduate student to a variety of biological specimen preparation techniques, to operate the electron microscope, and to equip the graduate student with a research tool for advanced investigations.

Application received by Commissioner of Customs: August 26, 1975.

Docket number: 76-00105-33-77030. Applicant: Pennsylvania Hospital, 8th & Spruce Streets, Phila., Pa. 19107. Article: Coherent NMR Pulsed Spectrometer, Model CPS-2 with permanent magnet, PM 20 (or equivalent). Manufacturer: Spin-Lock Electronics Co., Canada. Intended use of article: The article is intended to be used to make various water proton relaxation measurements using pulsed NMR methods in a large variety of living tissues and their models, and to correlate these studies with other parallel investigations in order to find definitive criteria that would distinguish between the alternative theories mentioned above and in furthering the understanding of fundamental mechanisms involved in Damadian's phenomenological observation, now almost universally confirmed. Application received by commissioner of customs: August 26, 1975.

Docket number: 76-00106-33-46500. Applicant: Cornell University Medical College, 525 E. 68th Street, New York, New York 10021. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in conducting experiments on the normal function of adrenergic neurons in mature and developing brains. These studies also include neuronal regeneration following brain lesions of noradrenergic pathways. Application received by Commissioner of Customs: August 26, 1975.

Docket Number: 76-00107-99-25600. Applicant: Washington State University, Pullman, WA 99163. Article: Protective Relay. Manufacturer: Brown Boveri Company, Switzerland. Intended use of article: The article is intended to be used in the electrical power engineering course, Protection of Power Systems, EE511, to familiarize graduate level students with the protective relaying theory, components and application. Application received by Commissioner of Customs: August 26, 1975.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-24968 Filed 9-18-75;8:45 am]

National Oceanic and Atmospheric Administration

SEA GRANT ADVISORY PANEL

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I (Supp. III, 1973), notice is hereby given of the meeting of the Sea Grant Advisory Panel on Wednesday and Thursday, October 22 and 23, 1975. The meeting will commence at 8:15 a.m. on October 22, and 8:30 a.m. on October 23, on both days in the Administration Building, Room 406, Emory University, Atlanta, Georgia. The meeting both days will be open to the public. Approximately 45 seats will be available to the public on a first-come, first-served basis.

The agenda for the meeting will be as follows:

OCTOBER 22, 1975

8:15 a.m.	Opening Remarks from the Host.
8:30 a.m.	Introduction to NACOA Sea Grant Review Committee.
8:35 a.m.	Discussion with NACOA Committee.
10:00 a.m.	Coffee.
10:15 a.m.	Discussion with NACOA Committee continued.
12:00 noon	Lunch.
1:00 p.m.	Budget Discussion and Update on Briefing Memo Subjects.
2:45 p.m.	Coffee.
3:00 p.m.	Discussion with Sea Grant Directors.
5:00 p.m.	Adjourn.

OCTOBER 23, 1975

8:30 a.m. *Institutional Program Discussion*
- University of Southern California
- State University of New York/Cornell University
- Florida State University System
- North Carolina State University System
- University of Washington

Coherent Area Project Discussion
- Humboldt State University
- University of Alaska
- Virginia Institute of Marine Science
- Marine/New Hampshire
- Mississippi/Alabama

Sea Grant College Candidates

The following are eligible on the basis of time to be considered for designation as Sea Grant Colleges:
- University of North Carolina
- University of Southern California
- Massachusetts Institute of Technology
- University of Delaware
- Louisiana State University
- Florida State University

System will be eligible January 1, 1976.

4:30 p.m. Adjourn.

Interested persons may submit written statements relevant to the Panel's areas of interest before or after the

meeting or by mailing such statements to the Executive Secretary at the address below.

Inquiries regarding the Panel or the meeting may be directed to the Executive Secretary, A. G. Alexiou, National Oceanic and Atmospheric Administration (SG), Page Building 1, 2001 Wisconsin Avenue, NW., Washington, D.C. 20007, (Telephone: 202-634-4019).

Dated: September 6, 1975.

R. L. CANNAHAN,
Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

[FR Doc.75-25047 Filed 9-18-75;8:45 am]

Office of the Secretary

TRAVEL ADVISORY BOARD

Meeting

The Travel Advisory Board of the U.S. Department of Commerce will meet on October 21, 1975, at 9:30 a.m., in Room 4830, of the Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments who are appointed by the Secretary of Commerce to serve two year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended. A detailed agenda for the meeting will be published in the Federal Register in advance of the meeting.

A limited number of seats—approximately 14—will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available the presentation of oral statements will be allowed.

Robert Jackson, Director of Information Services, of the United States Travel Service, Room 1519, U.S. Department of Commerce, Washington, D.C. 20230 (telephone 202/967-4987) will respond to public requests for information about the meeting.

DAVID N. PARKER,
Acting Assistant Secretary for Tourism, Department of Commerce.

[FR Doc.75-25250 Filed 9-18-75;11:13 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COUNCILS AND COMMITTEES

Annual Report for 1975

In accordance with the policy of the Department of Health, Education, and Welfare, this is to notify interested persons that a copy of each annual report, covering calendar year 1974, of the advisory councils and committees affiliated with the Office of Education is deposited with the HEW Library, Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201. An additional set is filed with the Committee Management Officer, Office of Education, Room 4156, 400 Maryland Avenue, SW., Washington, D.C. 20202.

As required by Section 13 of the Federal Advisory Committee Act, eight copies of each report were forwarded to the Library of Congress. As required by section 443 of the General Education Provisions Act, two copies of each report were forwarded to the Congress of the United States.

Individual copies of these reports are available to the public upon request directly to the council or committee or to the Committee Management Officer. Following are the names of each council/committee whose report was included:

Advisory Committee on Accreditation and Institutional Eligibility.
National Advisory Council on Adult Education.
National Advisory Council on the Education of Bilingual Children.
National Advisory Council for Career Education.
Community Education Advisory Council.
National Advisory Council on Supplementary Centers and Services.
Advisory Council on Developing Institutions.
National Advisory Council on the Education of Disadvantaged Children.
National Advisory Council on Education Professions Development.
National Advisory Council on Equality of Educational Opportunity.
National Advisory Council on Extension and Continuing Education.
Advisory Council on Financial Aid to Students.
National Advisory Committee on the Handicapped.
National Advisory Council on Indian Education.
National Advisory Council on Vocational Education.

ANN V. BAILEY,
Committee Management Officer, Office of Education.

SEPTEMBER 15, 1975.

[FR Doc.75-25019 Filed 9-18-75;8:45 am]

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT, COLLEGE WORK-STUDY, AND NATIONAL DIRECT STUDENT LOAN PROGRAMS

Closing Dates for Receipt of Applications and Establishment of Eligibility

1. Notice is hereby given that pursuant to the authority contained in sections 413D(b), 446, and 462(b) of the Higher Education Act of 1965 (20 U.S.C. 1070b-3(b), 42 U.S.C. 2756, and 20 U.S.C. 1087bb(b)), applications for fiscal year 1976 funds, for use in fiscal year 1977, will be accepted from institutions of higher education under the Supplemental Educational Opportunity Grant, College Work-Study, and National Direct Student Loan Programs (Part A Subpart 2, Part C and Part E of Title IV of the Higher Education Act of 1965, respectively), and area vocational schools under the College Work-Study Program. In order to be assured of consideration such applications must be received on or before October 17, 1975. If an application is received after October 17, the institution shall furnish an explanation as to the reason for the delay in submission. Submission of an application after October 17 may be regarded as evidence of administrative inadequacy on the part of the institution and the institution may be requested to furnish evidence of the steps it is taking to remedy such inadequacy. Applications shall be submitted to the Regional Office of the Office of Education serving the area in which the institution is located.

2. *Use of Need Analysis Systems.* In preparing the applications to which this Notice pertains, institutions should use the system or systems of need analysis that were approved by the Commissioner for use in determining students' awards under these programs for the 1975-76 academic year. Systems that were approved for such a use include the method of calculating an expected family contribution used in the Basic Educational Opportunity Grant Program (45 CFR 190), the Income Tax System, the systems of need analysis published by the American College Testing Program and the College Scholarship Service, and any other system of need analysis that was specifically approved by the Commissioner because it produced expected family contributions comparable to those produced under the above mentioned systems.

On August 1, 1975 a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (40 F.R. 32540-32544) setting forth proposed amendments to the SEOG, CWS and NDSL regulations concerning the approval of systems of need analysis that institutions of higher education could use in calculating the expected family contributions of dependent students. It was anticipated that the proposed rule would be finalized in time to make newly approved systems of need analysis available to institutions in preparing institutional applications this Fall. Delays in finalizing the proposed rule have, however, precluded that from taking place. The Commissioner believes that all eligible institutions will be treated equitably if each uses a system approved for use in making student awards for the current academic year.

3. Application Forms have been mailed to all institutions currently receiving funds under any of the three programs. Such application forms may also be obtained from the various Regional Offices of the Office of Education.

The addresses of the Regional Offices are as follows:

Office of Education, Region I, John Fitzgerald Kennedy Federal Building, Boston, Massachusetts 02203.
Office of Education, Region II, 26 Federal Plaza, New York, New York 10007.
Office of Education, Region III, P.O. Box 13716 (3535 Market Street), Philadelphia, Pennsylvania 19101.

Office of Education, Region IV, 52 Seventh Street, N.E., Room 507, Atlanta, Georgia 30323.
Office of Education, Region V, 300 South Wacker Drive, Chicago, Illinois 60606.
Office of Education, Region VI, 1114 Commerce Street, Dallas, Texas 75202.
Office of Education, Region VII, 601 East 12th Street, Kansas City, Missouri 64106.
Office of Education, Region VIII, 9017 Federal Office Building, 19th and Stout Streets, Denver, Colorado 80202.
Office of Education, Region IX, 50 Fulton Street, San Francisco, California 94102.
Office of Education, Region X, Arcade Plaza Building, 1321 Second Avenue—M.S. 621, Seattle, Washington 98101.

(20 U.S.C. 1070b-3(b); 42 U.S.C. 2753; 20 U.S.C. 1087bb(b))

a. *Applications sent by mail.* An application sent by mail will be considered to be received on time in the Regional Office of the Office of Education serving the area in which the institution is located if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), 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 in the mail room of the Regional Office of the Office of Education serving the area in which the institution is located. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail room 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 Regional Office of the Office of Education serving the area in which the institution is located. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 4:00 p.m. in the appropriate Regional Office except Saturdays, Sundays, or Federal holidays. Applications will not be accepted in the appropriate Regional Office after 4:00 p.m. on the closing date.

4. Applications will be accepted from institutions of higher education that have not qualified as eligible institutions of higher education under section 435(b) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1085(b), 1141(a)). Such applications will also be processed and reviewed. However, in order for such institutions to receive an allocation of fiscal year 1976 funds, the Accreditation and Institutional Eligibility Staff of the Bureau of Postsecondary Education of the Office of Education must have received by January 30, 1976 all materials and documents necessary to determine whether such an institution is an eligible institution of higher education. Similarly with regard to the College Work-Study Program, applications will be accepted from area vocational schools that have not had their eligibility to participate in the College Work-Study Program established; however, in order for such schools to receive an allocation of fiscal year 1976 funds, the Accreditation and Institutional Eligibility Staff of the Bureau of Postsecondary Education of the Office of Education must have received by January 30, 1976 all materials and documents necessary to determine whether such a school is an eligible area vocational school.

(20 U.S.C. 1070b–1070–3; 42 U.S.C. 2753; 20 U.S.C. 1087aa-ff)

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program)

Dated: September 17, 1975.

DUANE J. MATTHEIS,
(Acting) U.S. Commissioner of Education.

[FR Doc.75-25703 Filed 9-18-75;9:01 am]

Food and Drug Administration

GASTROINTESTINAL DRUGS ADVISORY COMMITTEE

Meeting; Correction

In FR Doc. 75-21862 appearing at page 36408 in the FEDERAL REGISTER of August 20, 1975, the following correction should be made:

In the notice of a meeting of the Gastrointestinal Drugs Advisory Committee for September 29 and 30, the "open committee discussion" paragraph of the notice should have read as follows:

Open committee discussion. Discussion of antidiarrheal and anticholinergic protocols; protocol on use of endoscopic criteria for evaluation of therapy and adverse effects in upper gastrointestinal tract; discussion of NDA 2906 carbenoxolone biogastrone (Biorex Laboratories).

Dated: September 12, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-24963 Filed 9-18-75;8:45 am]

[Docket No. 75G-0269]

QUAD CORP.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786 (21 U.S.C. 321(s), 348, 371 (a))) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 5G0053) has been filed by Quad Corp., 1852 Dale Ave., Highland Park, IL 60035 and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that the use of neutral or acidified electrolytically produced chlorinated solutions up to 200 ppm as a bacteriostat for treatment of beef, pork, and lamb carcasses is generally recognized as safe (GRAS).

Any petition which meets the format requirements outlined in 21 CFR 121.40 is filed by the Food and Drug Administration. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for affirmation.

Interested persons may, on or before November 18, 1975, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: September 12, 1975.

ROBERT ANGELOTTI,
Acting Director, Bureau of Foods.

[FR Doc.75-24964 Filed 9-18-75;8:45 am]

Social and Rehabilitation Service

FEDERAL ALLOTMENT TO STATES FOR SOCIAL SERVICES EXPENDITURES

Promulgation for Period July 1, 1976, to September 30, 1976 and for Fiscal Year 1977

Promulgation is made of the Federal allotment for the period beginning July 1, 1976, and ending September 30, 1976, and for Fiscal Year 1977 for purposes of grants to States under Title XX of the Social Security Act pursuant to Section 2002(a)(2)(A) of the Act which provides that the Federal allotment shall be determined and promulgated in accordance with said section.

For the period beginning July 1, 1976, and ending September 30, 1976, the allotment limits are based on one-fourth of the Fiscal Year 1976 maximum allotments of Federal funds for social services expenditures (FEDERAL REGISTER Vol. 30, No. 151, August 5, 1974) in accordance with legislation proposed by the Office of Management and Budget entitled, "Fiscal Year Transition Act." For Fiscal Year 1977, the allotment limits are based on the Bureau of the Census population statistics contained in its publication, "Current Population Reports" (Series P-25, No. 533, October 1974), which were the most recent satisfactory data available from the Department of Commerce at that time as to the population of each State and of all the States. The amounts are set forth below:

Federal allotment for the period beginning July 1, 1976, and ending Sept. 30, 1976

Total	$625,000,000
Alabama	10,562,500
Alaska	1,000,000
Arizona	6,125,000
Arkansas	6,062,500
California	61,375,000
Colorado	7,250,000
Connecticut	9,187,500
Delaware	1,687,500
District of Columbia	2,250,000
Florida	22,875,000
Georgia	14,250,000
Hawaii	2,500,000
Idaho	2,312,500
Illinois	33,437,500
Indiana	15,812,500
Iowa	8,625,000
Kansas	6,812,500
Kentucky	9,937,500
Louisiana	11,187,500
Maine	3,062,500
Maryland	12,125,000
Massachusetts	17,312,500
Michigan	26,937,500
Minnesota	11,625,000
Mississippi	6,812,500
Missouri	14,187,500
Montana	2,125,000
Nebraska	4,562,500
Nevada	1,625,000
New Hampshire	2,375,000
New Jersey	21,937,500
New Mexico	3,312,500
New York	54,375,000
North Carolina	15,687,500
North Dakota	1,875,000
Ohio	31,937,500
Oklahoma	7,937,500
Oregon	6,625,000
Pennsylvania	35,437,500
Rhode Island	2,875,000
South Carolina	8,125,000
South Dakota	2,062,500
Tennessee	12,312,500
Texas	35,125,000
Utah	3,437,500
Vermont	1,375,000
Virginia	14,312,500
Washington	10,187,500
West Virginia	5,375,000
Wisconsin	13,625,000
Wyoming	1,062,500

Federal allotment for fiscal year 1977

Total	$2,500,000,000
Alabama	42,300,000
Alaska	3,975,000
Arizona	25,450,000
Arkansas	24,375,000
California	24' 250,000
Colorado	29,525,000
Connecticut	36,525,000
Delaware	6,775,000
District of Columbia	8,550,000
Florida	95,675,000
Georgia	57,725,000
Hawaii	10,025,000
Idaho	9,450,000
Illinois	131,650,000
Indiana	63,025,000
Iowa	33,775,000
Kansas	26,850,000
Kentucky	39,700,000
Louisiana	44,525,000
Maine	12,375,000
Maryland	48,425,000
Massachusetts	68,600,000
Michigan	107,575,000
Minnesota	46,325,000
Mississippi	27,475,000
Missouri	56,500,000
Montana	8,700,000
Nebraska	18,250,000
Nevada	6,775,000
New Hampshire	9,550,000
New Jersey	86,700,000
New Mexico	13,275,000
New York	214,200,000
North Carolina	63,425,000
North Dakota	7,525,000
Ohio	126,975,000
Oklahoma	32,050,000
Oregon	26,800,000
Pennsylvania	139,975,000
Rhode Island	11,075,000
South Carolina	32,925,000
South Dakota	8,075,000
Tennessee	48,825,000
Texas	142,500,000
Utah	13,875,000
Vermont	5,550,000
Virginia	58,050,000
Washington	41,100,000
West Virginia	21,175,000
Wisconsin	54,000,000
Wyoming	4,250,000

Dated: September 16, 1975.

JOHN C. YOUNG,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.75-24975 Filed 9-18-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-477-DR; NFD-296]

NEW JERSEY

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of New Jersey, dated July 23, 1975, is hereby amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 23, 1975:

The County of: Gloucester

Dated: September 12, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-24990 Filed 9-18-75;8:45 am]

[FDAA-481-DR; NFD-295]

WEST VIRGINIA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 12, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from heavy rains and flooding beginning about August 31, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of West Virginia.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Norman Steinlauf, HUD Region III, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of West Virginia to have been adversely affected by this declared major disaster:

The Counties of:

Marshall Ohio

Dated: September 12, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-24991 Filed 9-18-75;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-75-437]

PRESCOTT VALLEY

Hearing

In the matter of Prescott Valley, OILSR No. 0-0111-03-20, 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. Prescott Valley, Philip T. Goldstein, Authorized Agent, 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 22, 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 Prescott Valley, located in Yavapai County, Arizona, 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, SW., Washington, D.C., on October 22, 1975, at 10 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 15, 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 11, 1975.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-24992 Filed 9-18-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75-187]

BROWN & WILLIAMSON TOBACCO CORP.

Qualification of as a Citizen of the United States

This is to give notice that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Brown & Williamson Tobacco Corporation of 1600 West Hill Street, Louisville, Kentucky 40201, incorporated under the laws of the State of Delaware, did on August 25, 1975 file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations on September 5, 1975 issued to Brown & Williamson Tobacco Corporation a certificate of compliance on form CG-1262, as provided in 46 CFR 67.23-7.

The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.

Dated: September 15, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-24988 Filed 9-18-75;8:45 am]

[CGD 75-188]

VITA FOOD PRODUCTS, INC.

Qualification as a Citizen of the United States

This is to give notice that pursuant to 46 CFR 67.23-9, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Vita Food Products, Inc., of Hunts Point Food Distribution Center, Bronx, New York 10474, incorporated under the laws of the State of Delaware, did on August 25, 1975 file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of a subsidiary corporation as a citizen of the United States following the form of oath prescribed in form CG-1263.

The oath shows that:

(a) Vita Food Products, Inc., is a subsidiary of Brown & Williamson Tobacco Corporation, which parent corporation has qualified as a citizen of the United States within the meaning of the Act of September 2, 1958;

(b) A majority of the officers and directors of the subsidiary corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(c) Not less than 90 percent of the employees of the subsidiary corporation are residents of the United States;

(d) The subsidiary corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District or possession thereof;

(e) The aggregate book value of the vessels owned by the subsidiary corporation does not exceed 10 percent of the aggregate book value of the assets of said subsidiary corporation; and

(f) The subsidiary corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations on September 5, 1975 issued to Vita Food Products, Inc., a certificate of compliance on form CC-1262, as provided in 46 CFR 67.23-7.

The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status of the subsidiary corporation requiring a report under 46 CFR 67.23-7 or 67.23-9.

Dated: September 15, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-24989 Filed 9-18-75;8:45 am]

Federal Aviation Administration

AIRPORT NOISE POLICY

Public Hearings

The Federal Aviation Administration will hold a series of public hearings on its airport noise policy. These hearings will afford interested persons the opportunity to present views, data, and arguments regarding the subjects and issues stated in a general notice published in the FEDERAL REGISTER on July 9, 1975 (40 FR 28844). In addition to the afternoon sessions of the hearings, evening sessions are provided to accommodate the general public. Additional hearings at other locations will be announced at later dates.

The hearings for the month of October will be conducted at the following times and locations:

Oct. 7, 1975—Cleveland, Ohio: Convening at 1:00 p.m. and 6:00 p.m. in NASA Lewis Research Center, 2100 Brookpark Road, Cleveland, Ohio.

Oct. 8-9, 1975—Chicago, Illinois: Convening on Oct. 8 at 1:00 p.m. and 6:00 p.m. and Oct. 9 at 9:00 a.m. and 1:00 p.m. at Federal Office Building, U.S. District Court, 219 South Dearborn Street, Chicago, Illinois.

Oct. 16, 1975—Atlanta, Georgia: Convening at 2:00 p.m. and 7:30 p.m. at College Park Auditorium, College Park, Georgia.

Oct. 17, 1975—Louisville, Kentucky: Convening at 2:00 p.m. and at 7:30 p.m. at the Holiday Inn, 3317 Fern Valley Road, Louisville, Kentucky.

Oct. 20-21, 1975—Boston, Massachusetts: Convening on Oct. 20 at 1:00 p.m. and 7:00 p.m., and Oct. 21 at 9:30 a.m. in the TSC Auditorium, Transportation Systems Center, 55 Broadway, Kendall Square, Cambridge, Massachusetts.

Oct. 22, 1975—Windsor Locks, Connecticut: Convening at 1:00 p.m. and 7:00 p.m. in the Bradley International Airport, International Wing, Airline Terminal, Gate 31, Windsor Locks, Connecticut.

Oct. 24-25, 1975—Minneapolis, Minnesota: Convening on Oct. 24 at 9:00 a.m. and at 1:00 p.m. and 6:00 p.m. and Oct. 25 at 9:00 a.m. at Rm. 568, Federal Office Building, Fort Snelling, Minnesota.

Oct. 28, 1975—Fargo, North Dakota: Convening at 1:00 p.m. and 6:00 p.m. at the State Room, Holiday Inn, I-29 and 13th Avenue, South, Fargo, North Dakota.

The hearings will be informal in nature and will be conducted by a designated representative of the Administrator.

Since the hearings will not be evidentiary or judicial in nature, there will be no cross-examination or other adjudicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given the opportunity to do so at the conclusion of the presentations in the same order in which initial statements are made.

Interested persons are invited to attend the hearings and to participate by making oral or written statements concerning the respective topics, their substance and issues. Written statements should be submitted in duplicate and will be made a part of the record of proceedings. Persons wishing to make oral statements at the hearings must notify the FAA that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to be heard or to receive additional information should be made as follows:

For the hearings in Chicago, Illinois, and Cleveland, Ohio, write or call:

Public Affairs Officer, Great Lakes Region (AGL-5) Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois, 60018; or Telephone: (312) 694-4500 (ext. 427)

For the hearings in Atlanta, Georgia, and Louisville, Kentucky, write or call:

Public Affairs Officer, Southern Region (ASO-5), P.O. Box 20636, Atlanta, Georgia, 30320; or Telephone: (404) 526-7201

For the hearings in Boston, Massachusetts, and Windsor Locks, Connecticut, write or call:

Public Affairs Officer, Northeast Region (ANE-5), 12 New England Executive Park, Burlington, Mass., 01803; or Telephone: (617) 273-7391

For the hearings in Fargo, North Dakota, write or call:

Public Affairs Officer, Rocky Mountain Region (ARM-5) 10455 East 25th Avenue, Aurora, Colorado, 80010; or Telephone: (303) 837-4992

In addition to materials presented at the hearing, persons not participating in the hearings are invited to submit written comments on the airport noise policy in accordance with the notice published in the FEDERAL REGISTER on July 9, 1975. Such communications should be addressed to:

Federal Aviation Administration: Associate Administrator for Policy Development and Review, 800 Independence Avenue, SW., Washington, D.C. 20591, Attention: Airport Noise Policy Proceedings.

The closing date for submitting written comments is January 1, 1976. All comments will be available for examination both before and after the closing date for comments.

The general notice (40 FR 28844, July 9, 1975) regarding the FAA's airport noise policy identifies a number of possible airport use-restriction options which may be considered for inclusion in an airport noise relief program. In addition, the FAA identified four potential policy options and their implications. Those policy options are as follows:

1. Airport proprietor actions unconstrained by the FAA.

2. Airport proprietor completely constrained by the FAA with a correlated development of a Federal airport noise abatement plan.

3. Airport proprietor to establish a noise abatement plan.

4. Continue the present policy.

The notice presents analysis of the respective options and contains the material that is the subject of these public hearings. While all comments are of interest, the FAA specifically invites statements or comments regarding the policy options in terms of the specific questions stated in the notice.

Before taking final action regarding its airport noise policy, the FAA will consider the statements presented at the hearings and all written comments submitted.

Transcripts of each hearing will be made and anyone may purchase copies from the reporter. A transcript of each hearing will be available for examination in the office of the Associate Administrator for Policy Development and Review, Room 1000W, 800 Independence Avenue, SW., Washington, D.C.

Since the hearings contained in this notice have been previously announced in their respective localities in which they will be held, it is determined that publication of the notice of public hearing in the FEDERAL REGISTER less than 15 days before the first hearing is reasonable under 44 U.S.C. 1508.

Issued in Washington, D.C., on September 16, 1975.

FREDERICK A. MEISTER,
Associate Administrator for Policy Development and Review (Acting).

[FR Doc.75-25008 Filed 9-18-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Consultation Concerning Exports to U.S.

SEPTEMBER 15, 1975.

On August 29, 1975, the United States Government, in furtherance of the objectives of, and under the terms of, the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, requested the Government of Haiti to enter into consultations concerning exports to the United States of man-made fiber textile products in Categories 233 and 238, produced or manufactured in Haiti. A complete description of these categories was published in the FEDERAL REGISTER of February 3, 1975 (40 FR 5010).

Notice is hereby given that under the provisions of Article 3 of the Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of delivery of the aforementioned note, entry and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 233 and 238, produced or manufactured in Haiti and exported to the United States during the twelve-month period beginning on the date of delivery of the note, may be restrained at levels which are yet to be determined.

There is published below market disruption information relating to each of the aforementioned categories. Any party wishing to express a view or provide data or information with respect to these categories is invited to submit such in ten copies to Mr. Alan Polansky, Chairman of the Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 3826, Washington, D.C. 20230. To enable timely consideration, comments should be submitted at the earliest date possible, but no later than October 10, 1975.

Views, data or information submitted under this procedure will be available for public inspection at the Central Reference and Records Inspection Facility, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 7043, Washington, D.C. 20230 and may be obtained upon written request pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (1970), as amended, Pub. L. No. 93-502, (November 21, 1974) and the regulations of the Department of Commerce (15 C.F.R. Part 4 (1974)). Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) (1970) relating to matters which constitute "a foreign affairs function of the United States."

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

ANNEX A

MARKET CONDITIONS IN THE U.S. APPAREL INDUSTRY

The United States apparel industry is in a depressed state.

—The Federal Reserve Board production index for apparel products in May 1975 was down 15 percent from a year earlier.

—Total employment in the apparel industry in July 1975 was 1,227,000, 10 percent below July 1974.

—Unemployment in the apparel industry reached an average of 14.1 percent for the three month period ending July 1975, compared with 8.0 percent for the same period a year earlier.

AUGUST 27, 1975.

HAITI

Market Statement

Category 233, Playsuits, Sunsuits, Washsuits, etc., Woven.

Apparel items in this category include women's, girls' and infants' man-made fiber playsuits, sunsuits, washsuits, creepers, rompers, etc., ornamented and non-ornamented.

The U.S. playsuit, sunsuit, washsuit, etc., industry is one of the most import impacted sectors of the U.S. apparel industry. The import/production ratio for these products is estimated to have increased to 82 percent in the first half of 1975, up from 49 percent in 1974 and 11 percent in 1968.

Imports: Total imports of playsuits, sunsuits, washsuits, etc., into the U.S. market have increased. In the year ending June 1975, these imports amounted to 383 thousand dozen, up 27 percent from 302 thousand dozen in 1974 and 117 thousand dozen in 1968.

Imports of these items from Haiti began in 1972. This level of trade increased significantly during the first half of 1975—from 52 thousand dozen in 1974 to more than 88 thousand dozen in the year ending the first half of 1975. Haiti is the second largest supplier of these playsuits, sunsuits, washsuits, etc., to the U.S. market. All other major suppliers have entered into agreements to control their exports to the U.S. market.

Prices: The CIF value, including import duties, of these imports from Haiti ranged from $8 to $12 per dozen. These prices are substantially below the domestic price for comparable items, and in most cases are also below the value of comparable products being imported from the other major suppliers.

Domestic Production: U.S. production of man-made fiber playsuits, sunsuits, washsuits, etc., has declined during the latter part of 1974 and first half of 1975 to an estimated annual output of 550 thousand dozen for 1975 from 615 thousand dozen in 1974 and 1,088 thousand dozen in 1968.

U.S. production and imports of playsuits, sunsuits, washsuits, etc., woven category 233

[Thousand dozen]

Year	Production	Imports	Ratio
1968	1,088	117	10.8
1969	898	200	22.3
1970	916	333	36.4
1971	683	299	43.8
1972	628	463	73.7
1973	650	412	63.4
1974 preliminary	615	302	49.1
1975 estimated	550	450	81.8

CATEGORY 233:[1] *U.S. general imports from Haiti and major suppliers*

[Dozen]

Period	Unit	Period	Unit
1972	149,289	1974:	
1973	138,191	November	4,515
1974	51,748	December	8,085
Year ending:		1975:	
December 1974	51,748	January	7,852
January 1975	56,224	February	9,638
February 1975	64,431	March	8,338
March 1975	69,331	April	8,866
April 1975	74,507	May	12,572
May 1975	81,007	June	11,068
June 1975	88,306		

[1] Category 233: Playsuits, sunsuits, washsuits etc., not knit.

Major suppliers [1]	Period			
	1972	1973	1974	Year ending June 1975
Haiti [2]	149,289	138,191	51,748	88,306
Philippine Republic	186,261	221,907	228,197	257,215
Hong Kong	43,497	22,316	8,599	12,326
France	221	110	5,275	5,321
All other countries	83,380	29,132	8,696	19,639
Total	462,648	411,656	301,906	382,807

[1] Major suppliers based on year ending June 1975 data.
[2] Haiti is No. 2 supplier.

Market Statement

Category 238, Trousers, Slacks and Shorts, Woven.

Apparel items included in this category are men's and boys' and women's, girls' and infants' man-made fiber woven trousers, slacks and shorts, ornamented and nonornamented. The U.S. woven trouser, slack and short industry is one of the import impacted sectors of the U.S. apparel industry. The import/production ratio for man-made fiber woven trousers, slacks and shorts is estimated to have increased to nearly 15 percent in the first half of 1975 from 11 percent in 1974 and 5 percent in 1967.

Imports: Total imports of woven trousers, slacks and shorts into the U.S. market increased to 1,952 thousand dozen in the year ending June 1975. This was up from 1,853 thousand dozen in 1974 and 819 thousand dozen in 1967.

Imports from Haiti began in commercial volume in 1970 and totaled 2,716 dozen. By the year ending June 1975, these imports, predominately women's, girls' and infants' slacks and shorts, had increased to 229 thousand dozen. Haiti is the third largest supplier of woven trousers, slacks and shorts to the U.S. market. All of the major suppliers, except Haiti have entered into agreements to control their exports to the U.S. market.

Prices: The CIF value, including import duties, of women's, girls' and infants' slacks and shorts imports from Haiti range from $8 to $12 per dozen. These prices are substantially below the domestic prices for comparable items and in most cases are also below the value of comparable products being imported from the Philippine and Taiwan.

Domestic Production: U.S. production of woven trousers, slacks and shorts declined during the latter part of 1974 and the first half of 1975 to an estimated 14 million dozen, on an annual basis, from 17 million dozen in 1974 and 1973.

U.S. production and imports of trousers, slacks and shorts, woven, category 238

[Thousand dozen]

Year	Production	Imports	Ratio
1967	17,254	819	4.7
1968	20,799	1,162	5.6
1969	21,664	1,516	7.0
1970	21,568	1,753	8.1
1971	19,418	1,984	10.2
1972	16,820	1,625	9.7
1973	17,265	1,629	9.4
1974 preliminary	17,485	1,803	10.6
1975 estimated	14,000	2,025	14.5

CATEGORY 238[1]: *U.S. general imports from Haiti and major suppliers*

[Dozen]

Period	Units	Period	Units
1972	57,587	1974:	
1973	126,800	November	25,404
1974	194,772	December	14,388
Year Ending:		1975:	
December 1974	194,772	January	16,623
January 1975	198,532	February	18,953
February 1975	208,750	March	15,845
March 1975	219,297	April	19,953
April 1975	228,874	May	13,047
May 1975	226,341	June	22,327
June 1975	229,144		

[1] Category 238: Trousers, not knit.

Major Suppliers [1]	Period			
	1972	1973	1974	Year ending June 1975
Haiti [2]	57,587	126,800	194,772	229,144
Mexico	256,031	450,702	812,477	895,892
Japan	308,505	306,449	295,375	294,383
China (Taiwan)	501,487	395,576	183,346	158,459
All other countries	411,690	257,000	366,998	404,249
Total	1,625,300	1,626,527	1,852,968	1,952,127

[1] Major suppliers based on year ending June 1975 data.
[2] Haiti is No. 3 supplier.

ANNEX B.—*Haiti comparable import and domestic price data* [1]

[Dollars per dozen]

Category	Description	Unit	Haiti	Taiwan	Republic of Philippines	United States
233	Playsuits, etc., W.G.I, M-MF-woven.	Dozen	8-12		13	22-34
238	Trousers, etc., W,G,I	Dozen	8-12	30	7-23	24-66

[1] Imports are duty-paid, c.i.f. values.

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption; Correction

In FR Doc. 75-22551 appearing at page 37249 in the FEDERAL REGISTER of August 26, 1975, the first paragraph appearing at page 37250 is corrected in the second line of that paragraph by changing the date from August 21, 1975 to July 8, 1975 and by adding the date of July 8, 1975 to the undated letter following, addressed to the Commissioner of Customs.

Dated: September 15, 1975.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

[FR Doc.75-24971 Filed 9-18-75;8:45 am]

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 16, 1975.

On July 3, 1975, there were published in the FEDERAL REGISTER (40 FR 28123 and 28124) letters dated July 1, 1975 and July 2, 1975 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, implementing those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, which establish specific export limitations on certain cotton, wool and man-made fiber textile products produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1974. As set forth in those letters, the levels of restraint are subject to adjustment pursuant to paragraphs 5 and 7 of the agreement which provide, in part, that within the aggregate and applicable group limits, specific levels of restraint may be exceeded by a specified percentage; and a limited amount of yardage in certain categories may be carried forward from the succeeding agreement year.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of September 16, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton, wool and man-made fiber textile products in Categories 9/10, 45/46/47, 48, 49, 50/51, 52, 120, 219, 221, part of 224 (men's and boys' suits), 235, and 238 for the 12-month period which began on October 1, 1974. The amended level of restraint for Category 224 (men's and boys' suits) also includes a portion of the adjustment provided under paragraph 3 of the agreement.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

September 16, 1975.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On July 1, 1975 and July 2, 1975 the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1974 and extending through September 30, 1975 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraphs 5 and 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on September 16, 1975, the levels of restraint established for Categories 9/10, 45/46/47, 48, 49, 50/51, 52, 120, 219, 221, part of 224, 235 and 238 to the following amounts:

Category		Amended 12-month level of restraint[1]
9/10	square yards equivalent	6,626,251
45/46/47	do	3,340,963
48	dozen	21,943
49	do	50,149
50/51	do	189,815
52	do	69,121
120	numbers	352,492
219	dozen	4,186,704
221	do	2,744,660
pt. 224 (only T.S.U.S.A. Nos. 380.-0420 and 380.8143)	do	57,250
235	do	1,459,323
238	do	225,940

[1] The levels of restraint have not been adjusted to reflect any entries made after September 30, 1974.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of June 26, 1975 between the Governments of the United States and the Republic of Korea which provide, in part, that: 1) within the aggregate and applicable group limits, specific levels of restraint within Categories 1-38, part of 63 (shoe uppers), 64, 200-213, and 241-243 may be exceeded by 10 percent; within Categories 39-62, part of 63 (other than shoe uppers), and 214-240, by 7 percent; and within Categories 101-132, by 5 percent; 2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; 3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and 4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-24997 Filed 9-18-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Proposed Addition

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 F.R. 39964).

CLASS 6532

Cap, Operating, Surgical, 6532-00-250-5042.

CLASS 7530

Pad, Writing Paper, Canary Yellow, 7530-00-286-6173 (about 100,000 dozen annually).

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-25012 Filed 9-18-75;8:45 am]

PROCUREMENT LIST 1975

Proposed Deletion

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed deletion of the following commodities from Procurement List 1975, November 12, 1974 (39 F.R. 39964).

CLASS 8465

Suspenders, Field Pack, Cotton, 8465-00-577-4922, 8465-00-577-4923, 8465-00-823-7231.

Comments and views regarding these proposed deletions may be filed with the Committee not later than 30 days after

the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-25011 Filed 9-18-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from September 8 through September 12, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability. (November 3, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: 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

Draft

Buckhorn-Mesa Watershed, Maricopa and Pinal Counties, Ariz., September 10: The watershed protection and flood prevention project consists of the construction of five floodwater retarding dams for the purpose of flood control and increased efficiency of irrigation water use. Construction activity will result in loss of 164 acres of desert riparian and 799 acres of desert upland vegetation. Installation of the structures will require the relocation of four families. (ELR Order No. 51357.)

Deer Creek Watershed, Bolivar and Washington Counties, Miss., September 12: The project consists of 50.1 miles of channel work to reduce problems of erosion, sedimentation, flooding, drainage, and low income in Bolivar and Washington Counties, Mississippi. Forest land wildlife habitat will be lost on 341 acres and approximately 80 acres of wetlands will be subject to drainage as a result of the structural measures. During construction there will be reduced air and water quality. (ELR Order No. 51380.)

Final

Duralde-des Cannes Watershed, Acadia and Evangeline Parishes, La., September 8: The statement concerns a project for watershed protection and flood prevention on 36,440 acres of cropland and pastureland in Acadia and Evangeline Parishes, Louisiana. An estimated 209 miles of channel work and installation of five structures for water control are included. The five weirs will permanently inundate 21 acres of land. Approximately 327 additional acres of land will be committed to new channels, berms, and spoil. Comments made by: EPA, AHP, HEW, COE, DOT, DOI, USCG, EDF, and State agencies. (ELR Order No. 51341.)

FOREST SERVICE

Medicine Bow National Forest, Timber Management Plan, several counties in Wyoming, January 6: The statement refers to the revision of the 1961 Timber Management Plan for the Medicine Bow National Forest. The plan applies to 350,000 acres and recommends harvesting timber from 66,000 to 89,000 acres during the ten-year period from 1975-1985. The annual yield from this harvest will be approximately 97,000 to 120,000 cunits of wood products including 44 to 54 million board feet of saw-timber. About 2,840 acres annually will be harvested by the clearcut silvicultural method, 2,870 by the shelterwood silvicultural method, and 1,520 acres will be treated by intermediate thinings. The major impacts will be those resulting from road construction. Comments made by: USDA, DOI, State agencies, and concerned citizens. (ELR Order No. 51379).

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

NAT'L OCEANIC AND ATMOSPHERIC ADMIN.

Draft

Commercial Fishing, Marine Mammals, September 9: The statement concerns the promulgation of rules and proposed issuance of permits to commercial fishermen allowing the taking of marine mammals in the course of normal commercial fishing operations. The statement indicates that the current, fishery-induced mortality should not result in any rapid, long-term reduction in the affected porpoise stocks. (ELR Order No. 51355.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202-OX 4-4269.

Draft

Blackbird Control, Army Installations (Supplement), Kentucky and Tennessee, September 10: The statement supplements the final EIS filed with CEO 27 January 1975 and concerns the proposed method for controlling large roosts of blackbirds overwintering at Ft. Campbell, Kentucky, and Milan Army Ammunition Plant (AAP). Included is an alternative to the PA-14 method which was suggested by an environmental group and a summary and tabulation of public reaction to the use of PA-14. (ELR Order No. 51359.)

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

Walnut Creek Project, Contra Costa County, Calif., September 9: The Walnut Creek project, now 43% complete, consists of construction of rectangular concrete-lined channels and flood control structures in Walnut Creek and the lower reaches of its principal tributaries. Completed portions of the project have resulted in the elimination of most of the riparian vegetation on the surrounding flood plain and the intensive urbanization in the form of towns, housing developments, shopping centers, roads, and utilities. (Sacramento District.) (ELR Order No. 51352.)

Agana Small Boat Harbor (Supplement), Guam, September 10: Proposed is the construction of a small boat harbor in Agana Bay to meet both recreatioinal and subsistence-type fishing needs for the Agana tributary area. The project will consist of a revetted mole, two breakwaters, a wave absorber, four circulation channels, and navigation channels. Adverse impacts include the loss of about 37 acres of flat reef habitat to harbor use, the overall increase in vehicular traffic within the area, and a possible conflict of use among boaters, surfers, and fishermen. (Honolulu District.) (ELR Order No. 51360.)

Great Bend Local Protection Project, Barton County, Kans., September 8: The Great Bend, Kansas local protection project consists of the construction of 14.6 miles of leveed channel and will require the acquisition of 1,250 acres of right-of-way for levees and channels, 35 acres for ponding areas and 80 acres for flowage easements by the local sponsor, the City of Great Bend, Kansas. Three highway bridges and two railroad bridges will be constructed across Walnut Creek Diversion Channel and one new bridge will be required. The project will result in temporary construction disruption and may adversely affect several archeological sites. (Albuquerque District.) (ELR Order No. 51340.)

Bayou Des Familles Corp. Food Protection, Jefferson County, La., September 9: The project will provide for the completion of dredging operations that will result in the construction of a flood protection levee in the south central portion of Jefferson Parish approximately 5 miles northwest of Crown Point. Construction of this levee will result in a permanent alteration of landform, temporary increases in turbidity, decreases in dissolved oxygen and a decrease in primary productivity. Terrestrial habitat will be destroyed within the construction limits of the levee section, resulting in the displacement and loss of wildlife. (New Orleans District.) (ELR Order No. 51353.)

Rocky River Harbor, O & M, Cuyahoga County, Ohio, September 12: Proposed is the dredging of approximately 30,000 cubic yards of sediment from the authorized navigation channels at Rocky River Harbor once every three years, and maintenance of the existing east pier. Dredged materials unsuitable for open-lake disposal will be placed in diked disposal facilities. Adverse impacts of the project include disturbance of benthic communities within the open-lake disposal areas, resuspension of potentially harmful substances, and increased turbidity levels during maintenance procedures. (Buffalo District.) (ELR Order No. 51377.)

McNary Second Powerhouse (2), Oregon and Washington, September 10: The statement is the revision of a draft EIS filed with CEQ 17 October 17. The proposed action is the construction of a second powerhouse at the existing McNary Lock and Dam project on the Columbia River. The proposal calls for the new powerhouse to hold ten additional generator units. Adverse environmental effects include increases in water fluctuation, hindrance to navigation in the downstream approach channel, increased fish mortality, and construction disruption. (Walla Walla District.) (ELR Order No. 51358.)

Final

Beach Erosion Project, Duval County, Florida, Duval County, Fla., September 11: The project consists of placing 3.3 million cubic yards of sand along 10 miles of Atlantic Ocean shoreline in Duval County. Periodic nourishment will be required to compensate for erosion losses during the fifty year life of the project. Dredging will temporarily degrade water quality, close the beach, and destroy most benthic organisms in the borrow and nourishment areas. (Jacksonville District.) Comments made by: USDA, DOI, EPA, DOC, one State agency. (ELR Order No. 51373.)

Iao Stream, Flood Control, Maui County, Hawaii, September 8: The statement refers to the Iao Stream Flood Control project in Maui. The plan combines about 4,400 Ft. of concrete channelization between the debris basin and near the mouth of the stream, with about 7,300 ft. of stream left in its existing condition, but with a system of levees and floodwalls to protect adjacent lands. Adverse impacts are soil erosion and degradation of visual quality. (Honolulu District.) Comments made by: AHP, DOC, DOI, EPA, DOT, USDA, and State agencies and individuals. (ELR Order No. 51347.)

Lake Shelbyville, Operation and Maintenance, Shelby and Moultrie Counties, Ill., September 10: The statement discusses the continued operation and maintenance of Lake Shelbyville in Shelby and Moultrie Counties. Project purposes include floodcontrol, water supply, navigation, recreation, and fish and wildlife conservation. Adverse impacts include the loss of some aquatic and terrestrial communities due to water level fluctuations, small floods caused by discharges, and the damage of some natural areas by recreational development. (St. Louis District.) (2 volumes.) Comments made by: DOI, USDA, USCG, EPA, AHP, and State and local agencies and citizen groups. (ELR Order No. 51372.)

Blue River Basin Projects, Kansas and Missouri, September 8: The statement refers to the construction, operation, and maintenance of four authorized lakes; Wolf-Coffee, Indian, Tomahawk, and Mill, and the authorized channel modification in the Blue River basin. Adverse impacts consist of inundation of wildlife and stream fish habitat, loss of existing and potential residential lands, temporary noise, air, and water pollution, and the displacement of people from private lands. (Kansas City District.) Comments made by: USDA, HEW, HUD, DOI, DOT, EPA, AHP, and State and local agencies and environmental groups. (ELR Order No. 51342.)

Lake Barkel Disposal, Lyon County, Ky., September 8: The proposed action is the sale of 124 acres of Federally owned land to the Lyon County Port Authority, for use in developing a public port and industrial facilities. The sale would result in restricted land use and the possibility of industrial waste pollution of the Lake. Comments made by: EPA, TVA, DOC, HEW, DOI, DOT, USCG, and one State agency and National Audubon Society. (ELR Order No. 51349.)

Red Lake and Clearwater Rivers Project, several counties in Minnesota, September 10: The statement refers to the proposed continued operation and maintenance of the Red Lake and Clearwater Rivers. Project activities are designed to assure the effective use of the flood control and low-flow augmentation system by implementation of the Red Lake Dam and the Red Lakes reservoirs, and the modified channels along the Red Lake and Clearwater Rivers. Indian life in the area will be adversely affected by the loss of supplemental income due to the loss of trapping and guiding as income sources as well as the loss of food and hunting activity. (St. Paul District.) Comments made by: EPA, USDA, HEW, HUD, DOI, DOT, and State agencies. (ELR Order No. 51367.)

Okatibbee Dam and Lake, Operation and Maintenance, Lauderdale County, Miss., September 8: The statement refers to the continuation of operation and maintenance of an existing multipurpose dam and reservoir located on Okatibbee Creek in Lauderdale County. The project provides flood control, water quality control, water supply, and recreation. The major adverse impact is that operation of the project creates an oxygen sag in Okatibbee Creek downstream from the dam. (Mobile District.) Comments made by: EPA, DOI, DOC, USDA, HUD, and DOT. (ELR Order No. 51346.)

Black Rock Channel and Tonawanda Harbor, Erie and Niagara Counties, N.Y., September 10: The statement concerns the annual dredging of about 100,000 cubic yards of sediments, the operation and maintenance of Black Rock ship Lock, and the maintenance of Rock Channel and walls. Adverse impacts from the project include temporary turbidity at the dredge site, temporary change in water color, disturbance of bottom habitat, some siltation in peripheral areas, and noise pollution during construction. (Buffalo District.) Comments made by: DOI, USCG, DOT, and EPA. (ELR Order No. 51363.)

Sandusky Harbor Maintenance, Erie County, Ohio, September 10: Proposed is the dredging of about 500,000 cubic yards of sediment annually which will be deposited in a designated area of Lake Erie, and the maintenance of existing breakwaters. Adverse impacts include resuspension of toxic chemical constituents during dredging and open lake disposal, the siltation of aquatic habitat, the disturbance of existing fish population, turbidity and change in water color, and generation of noise and dust during repair of the structures. (Buffalo District.) Comments made by: DOI, EPA, USCG, and State and local agencies. (ELR Order No. 51365.)

Fairport Harbor Maintenance, Lake County, Ohio, September 10: The statement concerns the dredging of about 360,000 cubic yards of sediment annually and dumping the material in Lake Erie, and the maintenance of breakwaters and piers. The dredging will result in increased turbidity, disruption of aquatic habitat, open lake dumping, reduction of water quality, and hazard to water craft due to presence of dredge craft in the harbor. (Buffalo District.) Comments made by: EPA, USDA, DOC, DOI, and State and regional agencies. (ELR Order No. 51368.)

Lorain Harbor, Maintenance, Lorain County, Ohio, September 10: The project includes the dredging of about 172,000 cubic yards of sediment annually to be deposited in designated areas of Lake Erie, and the maintenance of existing breakwaters. The resuspension of toxic chemical constituents during dredging and open lake disposal, siltation of aquatic habitat, disturbance of existing fish population, turbidity and change in water color, and the generation of noise and silt during repair of the structures will result from the project. (Buffalo District.) Comments made by: USDA, DOC, DOI, USCG, EPA, and State and local agencies. (ELR Order No. 51370.)

Erie Harbor, Pennsylvania, Maintenance, Erie County, Pa., September 10: The statement concerns the dredging of about 205,000 cubic yards of sediment annually and dumping the material in Lake Erie, and the maintenance of piers at the harbor entrance. Open-lake disposal will release chemical and biological constituents into the waters of the dredge and disposal sites causing a significantly adverse impact on water quality. The project will disrupt about 450 acres of harbor benthic communities. (Buffalo District.) Comments made by: USCG, DOC, DOI, DOT, EPA, and one State agency. (ELR Order No. 51371.)

Trexler Lake, Supplement, Lehigh County, Pa., September 12: The document supplements a final statement on the proposed Trexler Lake Project. The project involves the construction of an earth and rockfill embankment 130 feet high, with a crest length of 820 feet, on Jordan Creek. The lake, which is intended provides water supply, flood control, and recreational uses, would have a surface area of 1,220 acres, and would extend 8.6 miles upstream when filled to the top of the conservation pool. Fifty percent of Lowhill Township will be acquired for the project. (Philadelphia District.) Comments made by: HUD, EPA, DOI, USDA, and local organizations. (ELR Order No. 51381.)

Port Washington Navigation Project, Wisconsin, September 10: Proposed is the dredging of 10,000 cu. yds. annually from the Port Washington Harbor over the next ten years. Disposal of spoil will be in a diked area in the south outer section of Milwaukee Harbor. There will be adverse impact to aquatic biota; polluted sediments will be resuspended; toxic and nutritive substances will be reintroduced into the lake system. (Chicago District.) Comments made by: EPA, DOI, DOC, HUD, USCG, State and regional agencies, and private interests. (ELR Order No. 51362.)

Kewaunee Harbor Maintenance, Wisconsin, September 10: Proposed is the periodic maintenance dredging of the Kewaunee Harbor, and disposal of the spoil in a diked area. The disposal area, located adjacent to the lakeshore, would contain 500,000 cubic yards of sediment which will accrue over the 10-year project life. The project will adversely affect air and water quality, and the aquatic environment of the disposal area. Comments made by: EPA, DOC, USDA, DOI, USCG, and State and local agencies. (ELR Order No. 51366.)

Two Harbors Harbor, Operation and Maintenance, Lake County, Minn., September 10: The statement refers to operation and maintenance activities within Two Harbors Harbor at Lake Superior. Proposed plans call for removal of approximately 6,000 cubic yards of dredge material to complete the project authorized in 1960. Drilling blasting, and removal of broken rock is anticipated to complete the dredging. Maintenance of the breakwater to replace rock torn away by Lake Superior storms is also expected. Adverse environmental impacts include: minor congestion; air and water contamination; noise; increased turbidity; and benthic damage. (St. Paul District.) Comments made by: EPA, DOC, HEW, HUD, DOI, USCG, AHP, and one State agency and US Steel Corp. (ELR Order No. 51361.)

Holland Harbor, Disposal Facilities, Michigan, September 10: The statement refers to the proposed construction of two diked disposal facilities at Holland Harbor, Michigan. The facilities will be used for containment of polluted dredge materials from maintenance of the shipping channel within Lake Macatwa. Adverse impacts are possible odors associated with dredge materials, and disturbances normally associated with construction-operation. Comments made by:

USDA, DOI, EPA, DOC, HEW, and State agencies. (ELR Order No. 51364.)

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Contact: Mr. W. Herbert Pennington, Office of Assistant Administrator, E-201, ERDA, Washington, D.C. 20545, 301-973-4241.

Final

Underground Nuclear Testing Program (Supplement), Nevada, September 12: The statement is a supplement to a final eis prepared to evaluate the underground nuclear test program for tests and preparations for tests of one megaton or less at the Nevada Test Site during Fiscal Year 1976. Impacts of the tests include subsidence craters and underground pockets of intense radioactivity onsite and the initiation of ground motion that may be felt offsite. There also remains the risk of substantial offsite release. Comments made by: EPA, USDA, DOI, STAT, DOT, and States of Nevada and Oregon. At the request of ERDA the Council has reduced the normal 30-day review period to 7 days, commencing 12 September 1975. (ELR Order No. 51374.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20400, 202-755-0940.

Draft

N. Fremont Co. Wastewater Facilities, Fremont County, Idaho, September: Proposed is the awarding of grant funds to Fremont County, Idaho, for the design and construction of sewerage facilities serving the Island Park area. Provision of collection, interceptor, and treatment facilities would have the effect of accelerating recreational demand, with associated secondary effects such as increased noise, traffic, and recreational pressure. (ELR Order No. 51351.)

Falling Creek Wastewater Treatment, Chesterfield County, Va., September 8: Proposed is the expansion of the 6 million gallon per day Falling Creek Wastewater Treatment facility to 12 MGD and upgrading to provide advanced wastewater treatment. The system is designed to gradually eliminate existing septic tanks. Potential long term adverse impacts of the action affecting surface water and groundwater quality, sensitive areas (wetlands, floodplains and aquifer recharge areas), agricultural lands, air quality, biology, and the community's social and economic environment are discussed. Short term construction disruption will result. (ELR Order No. 51339.)

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

Rocky Mt. Project, Georgia, Floyd County, Fla., September 12: Proposed is the issuance of a license to the Georgia Power Company for construction and operation of the proposed Rocky Mountain Pumped Storage Project No. 2725, to be located on Heath Creek. The project would consist of two reservoirs, two auxiliary pools, a tunnel and underground penstocks, a semi-outdoor powerhouse which would also contain 3 reversible 225-MW pump turbine generating units, and 3 miles of 230 kV transmission line. Adverse impacts resulting from the project would be loss of existing recreational and scenic values, stream habitat, agricultural and timber producing lands, and the displacement of 48 people. (ELR Order No. 51383.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street, SW., Washington, D.C. 20410, 202-755-6308.

Final

Wildwood Addition Mortgage Insurance, Decatur, Macon County, Ill., September 8: The statement concerns an application for mortgage insurance on 143.5 acres of agricultural land in the South Shores area of Decatur to be developed into 550 single-family homesites. The $60,000 houses will serve as security for the mortgages. The statement indicates no serious adverse environmental effects. Comments made by: EPA, AHP, USDA, HEW, DOI, DOT, and State and local agencies. (ELR Order No. 51345.)

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).

Final

Pascack Brook Improvement Project, Rockland County, N.Y., September 8: Proposed is a project for flood alleviation including channelization of portions of the Brook, replacement of structures incapable of withstanding a 100-year return period flood, and the acquisition of flood easements along sparsely settled reaches of the Brook. Adverse impacts include the alteration and containment of the natural meandering of a stream and general construction disruption. Comments made by: EPA, and one State and one local agency. (ELR Order No. 51348.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

NATIONAL PARK SERVICE

Final

Rehabilitation of the National Mall, District of Columbia, September 10: The proposed rehabilitation program for the National Mall in Washington, D.C. would include replacement of streets for automobiles with pedestrian walks, replacement of park furniture, and construction of various other pedestrian-centered facilities. Fringe parking and shuttle busses would be provided at RFK Stadium. The project would result in fewer facilities for automobiles on the Mall and temporary construction disruption. Comments made by: USDA, COE, DOI, NCPC 2, and State and metropolitan agencies, D.C. agencies, and elected officials. (ELR Order No. 51356.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street, SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 301, Screven Co., Screven County, Ga., September 8: Proposed is the upgrading to four lanes of the existing 14.3 mile two-lane section of U.S. Highway 301 (Ga. 73) from the northern terminus of the Sylvania Bypass northward to the existing four-lane section of U.S. 301 just south of the Savannah River. The construction of the facility will result in noise and air pollution and will have an adverse effect upon forest land nearby. Due to the present non-availability of replacement housing in Screven County, the relocation of individuals associated wtih three alternate routes will be a major problem. (ELR Order No. 51343.)

U.S. 1133 (University Avenue), Las Cruces, Dona Ana County, N. Mex., September 12: The proposed action is the widening to 6 lanes of a section of Federal Aid Secondary Route 1133 (NM 101) on University Avenue between I-10 and I-25 in Las Cruces, New Mexico. The length of the project is approximately 1.5 miles. The project will result in increased noise impact, an unspecified number of relocations, loss of trees, and air pollution during construction. (ELR Order No. 51376.)

Seventeenth St. Extension, Altoona, Blair County, Pa., September 12: The statement concerns the relocation of Seventeenth Street to provide a 4-lane free access facility approximately one mile in length to serve as an artery into the downtown area from existing U.S. Route 220. The project will displace between 57 and 100 families, depending upon the alternate selected, and will subject another 13 to 33 residences to interior noise levels. (ELR Order No. 51378.)

Beltway 8, U.S. 59 North to Interstate Highway 10 East, Harris County, Tex., September 12: The statement concerns the development of a 17.8 mile increment into a fully controlled access facility as part of Beltway 8, a circumferential route encircling Houston. Included in the statement is a 2 mile segment of I.H. 10 which crosses this portion of Beltway 8. The project will permit the continuance of existing trends in urban development. There will be an increase in noise and air pollution levels, and the roadway will displace the Faith Tabernacle United Pentacostal Church. (ELR Order No. 51375.)

Final

Georgia S.R. 365, Hall and Harbersham Counties, Ga., September 8: The statement refers to the proposed extension of S.R. 365 from the present terminus at Gainesville to a point west and north of Cornelia. The 22-mile extension will be on new location. Erosion and siltation may cause damage to fish spawning waters in the Chattahoochee River and Lake Sidney Lanier. Eighteen families and one business will be displaced. An unspecified amount of land will be acquired to provide a 300 foot right-of-way. Comments made by: USDA, DOT, HUD, DOI, EPA. (ELR Order No. 51344.)

U.S.-31, Michigan, Mason County, Mich., September 12: Proposed is the construction of U.S.-31 from the Oceana-Mason County line north to U.S.-31/U.S.-10, Summit, Pere Marquette and Auber Townships. Total project length is approximately 11 miles. Adverse impacts stemming from the project are loss of wildlife habitat and woodland; displacement of families, residential dwellings and other structures; loss of agricultural land; increased noise and water pollution levels; and erosion and sedimentation. families. Comments made by: DOT, DOI, COE, USDA, EPA, USCG, and State agencies. (ELR Order No. 51382.)

Route 55 Freeway, Gloucester County, N.J., September 8: The statement refers to the proposed construction of a 4 lane, limited access freeway. There are 5 alternate actions being considered, one of which (Line R2) woudl traverse the Glassboro Fish and Wildlife Management Area. Two other routes would affect farm land. Traffic would be diverted from established businesses and communities along Route 47. Comments made by: DOT, DOI, EPA, and USDA. (ELR Order No. 51354.)

U.S. COAST GUARD

Draft

Loran-C, Gulf of Alaska, September 8: The proposed action provides for the establish-

ment of a new Loran-C radio-navigation chain along the U.S. West Coast and in the Gulf of Alaska. Stations will be located in Nevada, California, Washington, Alaska, and Southwestern Canada. There will be minimal adverse impact on local water supplies, sanitation systems, and electric utilities. There will be some visual impact at all stations due to the height of the towers. (ELR Order No. 51350.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-24974 Filed 9-18-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

COMMITTEE OF SENIOR REVIEWERS

Meeting

SEPTEMBER 15, 1975.

The Committee of Senior Reviewers will hold a meeting on October 7-8, 1975, in the Jade Conference Room, Building 125, at the Lawrence Livermore Laboratory, Livermore, California. The subjects scheduled for discussion involve weapons, laser fusion, isotope separation, and other topics concerned with Restricted Data and National Security Information.

This meeting will be closed to the public under the authority of subsection 10 (d) of Pub. L. 92-463 (the Federal Advisory Committee Act).

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the discussions will concern Restricted Data which is exempt from disclosure under 5 U.S.C. 552(b) (1) and (3) and other National Security Information which is exempt from disclosure under 5 U.S.C. 552(b) (1). It is essential to close the meeting to protect such classified information.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.75-25015 Filed 9-18-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 432-7; PF17]

PESTICIDE AND FOOD ADDITIVE

Filing of Petitions

Petitions proposing the establishment of pesticide tolerances in or on certain raw agricultural commodities and the establishment of tolerances relating to food and/or feed additives have been filed with the Environmental Protection Agency (EPA). Notice is given pursuant to the provisions of section 408(d) (1) and 409(b) (5) of the Federal Food, Drug, and Cosmetic Act. The petitions and proposals are:

PP6F1663. American Cyanamid Co., Agricultural Div., P.O. Box 400, Princeton NJ 08540. Proposes amending 40 CFR 180.204 by establishing a tolerance for residues of the insecticide dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorothioate) in or on the raw agricultural commodity strawberries at 2 parts per million (ppm). Proposed analytical method for determining residues is a gas-liquid chromatographic procedure using a selective phosphorous-sensitive detector. PM16

FAP5H5093. Everpure, Inc., Westmont IL 60559. Proposes amending 21 CFR 123.250 by establishing a tolerance for a food additive regulation for safe use of a strong base anion exchange resin in polybromide form as a source of bromine for water disinfection. PM34

PP6F1665. Uniroyal Chemical, 74 Amity Rd., Bethany CT 06525. Proposes amending 180.259 by establishing a tolerance for residues of the insecticide propargite [2-(p-ter-butylphenoxy) cyclohexyl 2-propenyl sulfite] in or on the raw agricultural commodities peanuts at 0.1 ppm and peanut hay and hulls at 10.0 ppm. Proposed analytical method is a gas chromatographic procedure using a specific sulfur detector. PM13

Interested persons are invited to submit written comments on any petitions referred to in 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 St. SW, Washington DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the petition number of the petition to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. 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 12, 1975.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.75-24943 Filed 9-18-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Meeting

SEPTEMBER 16, 1975.

Pursuant to Section 10(a) of Public Law 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, Tuesday, and Wednesday, October 6, 7, 8, 1975. The meeting will commence at 9 a.m. on October 6, at 9 a.m. on October 7, and at 9 a.m. on October 8 at the Madison Hotel, 15th & M Streets, N.W., Washington, D.C. in the Arlington Room.

MONDAY, OCTOBER 6

9-11 a.m.—General discussion.

2:30 p.m.—New certificate forms for $100,000 CD's. Early liquidation of IRA and Keogh CD accounts without penalty. Insurance coverage on pooled accounts. Outlook for agency issues in volume and interest rates.

TUESDAY, OCTOBER 7

CD forms regarding earnings after maturity.

RESPA.

Interpretation of property improvement loans. a. Off site. b. Mobile homes.

Accounting procedures on participation loans.

Elimination of penalty upon death of joint tenancy account holder.

Nationwide lending as related to scheduled items.

Planning for the impact of inflation of the savings and loan industry—Part 6.

Branch and merger processing. a. Location of hearings. b. Amount of capital investment. c. Policy statement.

WEDNESDAY, OCTOBER 8

9-11 a.m.—General discussion.

The meeting will be open to the public on October 6 from 9-5, on October 7 from 9-5, and October 8 from 9-1.

GRADY PERRY, JR.,
Board Member.

[FR Doc.75-24998 Filed 9-18-75;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 75-35]

CITY OF ANCHORAGE AND SEA-LAND SERVICE, INC., ET AL.

Order of Investigation and Hearing

Two agreements involving the preferential use of berth and terminal properties at the City of Anchorage, Alaska have been filed with the Commission for approval under section 15 of the Shipping Act, 1916. Agreement No. T-1685-6 is between the City of Anchorage and Sea-Land Service, Inc. (Sea-Land) and Agreement No. T-3130 is between the City of Anchorage and Totem Ocean Trailer Express, Inc. (Tote).

Agreement No. T-1685-6 modifies the City of Anchorage and Sea-Land's basic agreement, Agreement No. T-1685 as amended, providing for the preferential use of berth space and certain transit areas at the Anchorage City Dock. The main effect of this modification is to shift the berthing area reserved for Sea-Land from Terminal 1 to Terminal 2 and 50 feet of adjacent space at Terminal 3, and increase the number of allowable vessel berthings at the facility from 104 to 156 per year.

Agreement No. T-3130 provides, *inter alia*, for Tote's preferential use of a berthing area at the Petroleum Terminal and sufficient space at Terminal 1 to comprise a total of 840 feet at the Anchorage City Dock. Under the agreement, Tote will have preferential berthing rights at the Dock for 52 vessel calls per year. Tote will also have the right to construct trestles connecting the berthing area to the transit area and obtain the preferential use of the trestles and certain designated transit areas.

Notice of filing of both agreements was published in the FEDERAL REGISTER, and comments representing five distinct positions on the agreements have been re-

ceived by the Commission from a number of parties.

First, Tote, in protesting the Sea-Land agreement (T–1685–6), stated that it believes that the agreement is discriminatory and unfair since it would leave Tote insufficient berthing space at Anchorage for an Alaskan service it wished to start. It should be noted, however, that this protest and request for hearing was filed almost two months before the filing of Tote's agreement (T–3130), which represents a solution to Tote's problems under T–1685–6. Thus, if T–3130 is approved this would effectively moot Tote's protest against the Sea-Land agreement.

Second, Sea-Land protested the Tote agreement (T–3130) on the grounds that (a) port congestion detrimental to commerce and the public interest would allegedly result from the agreement; and (b) the agreement allegedly raises questions of an environmental nature under the National Environmental Policy Act due to port congestion, construction and other factors. Sea-Land also raises the issue as to whether Tote has taken steps to implement Agreement 3130 prior to its approval by the construction of the trestles called for in the agreement.

Third, a group of oil and barge interests (Standard Oil Company of California Western Operations, Inc., Coastal Barge Lines, Inc., Puget Sound Tug and Barge Company, Tesoro-Alaskan Petroleum Corporation, and Shell Oil Company) protested the Tote agreement on the basis that its implementation would restrict access to portions of the Anchorage general cargo and petroleum terminal and result in unacceptable delays and significant additional expense to these users of Anchorage terminal facilities. Standard Oil, Tesoro-Alaskan Petroleum and Coastal Barge also pointed out that approval of the Sea-Land agreement would also have adverse effects on the nonpreferred users of the Anchorage Port facilities.

Fourth, the Governor of Alaska, various local chambers of commerce and trade groups and other interests have filed statements and comments supporting the Tote agreement and the benefits of the increased competition which would result from Tote's entry into the Alaska Trade.

Finally, the City of Anchorage supports conditional approval of both agreements and an expedited hearing before the Commission to resolve the issues raised by both agreements.

At the present time Sea-Land offers the only year-round, regularly scheduled, common carriage water service to Anchorage. Tote would provide a roll-on/roll-off service that would apparently permit the transportation of certain cargoes which presently cannot be transported to Anchorage on a year-round basis.

It is recognized by the City of Anchorage that its present berthing facilities are limited, and that the pending agreements provide for the preferential use of a large portion of the limited facilities. However, the City in support of the agreements states that preferential berthing and use rights are necessary for the operations of both Sea-Land and Tote, and that the preferential use agreements should not result in any significant interruptions to the service provided by other carriers.

The above protests, however, appear to raise legitimate concerns in regard to the effect the agreements will have on the future operations at the Port of Anchorage once the agreements are implemented. In consideration of these complaints, the Commission is of the opinion that the agreements should be made the subject of a public investigation and hearing to determine the effect the preferential use features of the pending agreements will have on other nonpreferred users of the Port of Anchorage, and to determine whether these agreements should be approved, disapproved, or modified, under the standards set by section 15.

As the continued approval of Sea-Land's presently approved preferential use agreement, Agreement T–1685 as amended, would also appear to have a direct bearing on the availability of berth space in the Port of Anchorage the investigation shall also consider whether Agreement T–1685 as amended should be disapproved or modified. The investigation shall also consider whether it would be unjustly discriminatory or unfair to allow Agreement T–1685 as amended to remain in effect in the event Tote, as a result of this proceeding, may not enter into a preferential berthing agreement with the City of Anchorage.

In regard to the environmental issues raised by Sea-Land, a separate environmental assessment of the proposed agreements will be undertaken by the Commission's Office of Environmental Affairs.

Now therefore, it is ordered, That the Commission enter upon an investigation and hearing pursuant to sections 15 and 22 of the Shipping Act, 1916, to determine whether Agreement Nos. T–3130, T–1685 as amended and T–1685–6 are unjustly discriminatory or unfair as between carriers, shippers, exporters or importers, or operate to the detriment of the commerce of the United States, or are contrary to the public interest, or are otherwise in violation of the Shipping Act, 1916, and whether Agreement Nos. T–3130, T–1685 as amended and T–1685–6 should be modified, approved or disapproved;

It is further ordered, That it be determined whether Section 15 has been violated by Tote and/or the City of Anchorage by the construction of facilities provided for in Agreement No. T–3130 prior to the approval of the agreement by the Commission;

It is further ordered, That the City of Anchorage, Alaska, Totem Ocean Trailer Express, Inc., and Sea-Land Service, Inc., be named as Respondents herein;

It is further ordered, That the Standard Oil Company of California Western Operations, Inc., Coastal Barge Lines, Inc., Puget Sound Tug and Barge Company, Tesoro-Alaskan Petroleum Corporation, and Shell Oil Company be named Petitioners herein;

It is further ordered, That this proceeding be expedited and that a public hearing be held in this proceeding to commence on or before March 15, 1976, and that this matter be assigned for such hearing and Initial Decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges;

It is further ordered, That a copy of this Order be forthwith served upon Respondents and Petitioners herein, and upon the Commission's Bureau of Hearing Counsel, and be published in the FEDERAL REGISTER; and that the Respondents, Petitioners, and Hearing Counsel be duly served with notice of time and place of the hearing;

It is further ordered, That any person other than Respondents, Petitioners, and Hearing Counsel, having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

Pursuant to these rules, absent good cause shown, parties must commence discovery procedures on or before October 20, 1975, and any intervenor desiring to utilize the discovery procedures prescribed by Subpart L thereof, must commence doing so not later than 15 days after his petition for leave to intervene has been granted. If the petition for leave to intervene is filed later than October 20, 1975, petitioner will be deemed to have waived his right to utilize such procedures unless good cause is shown for the failure to file the petition within the 30-day period (46 CFR 502.72(b)).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25043 Filed 9-18-75;8:45 am]

PORT AUTHORITY OF NEW YORK AND NEW JERSEY, ET AL.

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 9, 1975. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the

discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Albert B. Dearden, Deputy Chief, Port Authority of New York and New Jersey, One World Trade Center, New York, N.Y. 10048.

Agreement No. T-2877-3 provides for and T-2877-3, between Port Authority of New York and New Jersey (Port) and Refrigerated Express Lines, Pty., Ltd., (REL) modifies the parties' basic agreement providing for the 5-year lease to REL of certain marine terminal facilities and related open areas at Port Newark, New Jersey, to be used as a marine terminal facility.

Agreement No. T-2877-1 provides for the assignment of the lease by REL to Reefer Terminal, Inc., (Reefer) with Port's consent.

Agreement No. T-2877-3 provides for original premises by substituting a new Exhibit A-1 to replace Exhibit A.

Agreement No. T-2811-3 provides for the delay of the commencement and expiration of the lease without changing the length of the term.

Dated: September 12, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25042 Filed 9-18-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-4846, etc.]

E. L. PINKSTON ESTATE OPERATING ACCOUNT, ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 11, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 29, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price Per Mcf	Pressure Base
G-4846 ..... E 8-11-75	E. L. Pinkston Estate Operating Account (successor to Alvin Wilson et al.), 220 First National Bank Bldg., Jacksonville, Tex. 75766.	Tennessee Gas Transmission Co., Cadenhead and Oden Units, Panola County, Tex.	[2] 13.09625	14.65
G-7516 ..... C 8-11-75	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Waskom Field, Caddo Parish, La.	[3] 18.90	15.025
C175-78 ..... C 8-20-75	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	[2] 54.9544	14.65
C175-319 ..... C 8-21-75	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Texas Gas Transmission Corp., Eugene Island Block 237, offshore Louisiana.	[4] 52.3814	15.025
C175-605 ..... C 8-20-75	Cities Service Oil Co.	El Paso Natural Gas Co., acreage in Eddy County, N. Mex.	[5] 55.4348	14.73
C175-676 ..... A 5-13-75 [7]	CIG Exploration, Inc., 5 Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., West Badger Basin Field, Park County, Wyo.	[6] [7] 64.9574	14.65
C176-106 ..... A 8-15-75	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Arkansas Louisiana Gas Co., Kinta Field, Le Flore County, Okla.	[8] 54.006	14.73
C176-107 ..... A 8-18-75	Texaco Inc., P.O. Box 2100, Denver, Colo. 80201.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Delaney Rim Area, Sweetwater County, Wyo.	[8] 51.54	14.65
C176-108 ..... A 8-18-75	Texaco Inc.	do	[8] 51.54	14.65
C176-109 ..... A 8-18-75	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102	Columbia Gas Transmission Corp., Block 544, West Cameron Area, offshore Louisiana.	[8] [10] $1.05	15.025
C176-110 ..... A 8-18-75	Texaco Inc.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Delaney Rim Area, Sweetwater County, Wyo.	[8] 51.54	14.65
C176-111 ..... (G-6319) B 8-18-75	Skelly Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., Big Springs Field, Deuel County, Nebr.	(11)	.....
C176-112 ..... A 8-18-75	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Southern Natural Gas Co., Fletcher Well No. 1,[12] Furlow B Well No. 2, Logansport Field, De Soto Parish, La.	[4] 50.02	15.025
C176-113 ..... (C160-328) F 8-18-75	Amoco Production Co. (successor to The Superior Oil Co.), Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Moorne-Laverne Field, Beaver County, Okla.	(13)	14.65
C176-114 (CS66-19) B 8-18-75	Yucca Petroleum Co., 705 First National Bank Bldg., Amarillo, Tex. 79101.	Panhandle Eastern Pipe Line Co., Stateline Field, Woods County, Okla.	Depleted	.....
C176-115 (G-5140) B 8-18-75	William F. Stevens, 1705 Executive Tower, Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., Acreage in Deuel County, Nebr.	(14)	.....
C176-118 A 8-25-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Cabot Corp., Keystone Field, Winkler County, Tex.	[15] 52.01	14.65
C176-120 A 8-25-75	McCulloch Oil Corp., 10880 Wilshire Blvd., Suite 1500 Los Angeles, Calif. 90024.	United Gas Pipe Line Co., Maggie Patton Unit, Claiborne Parish, La.	[4] 52.02	15.025
C176-121 A 8-26-75	Aztec Oil & Gas Co., 2000 First National Bank Bldg., Dallas, Tex. 75202.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Blocks 249 and 250, South Marsh Island Area, North Addition, offshore Louisiana.	[8] [16] $1.63	15.025
C176-123 A 8-27-75	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	Natural Gas Pipeline Co., of America Forty Niner Ridge Unit Wells No. 1 and No. 2, Sand Dunes West Field, Eddy County, N. Mex.	[8] 61.00	14.65
C176-124 A 8-27-75	Texaco Inc., P.O. Box 2100, Denver Colo. 80201.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	[17] 64.87	14.73

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[1] Subject to downward British thermal unit adjustment.
[2] Subject to deduction for compression by buyer.
[3] Subject to upward and downward British thermal unit adjustment; includes 4.3244¢/M ft³ tax reimbursement.
[4] Subject to upward and downward British thermal unit adjustment.
[5] Subject to upward and downward British thermal unit adjustment; includes 4.4348¢/M ft³ tax reimbursement.
[6] Being renoticed to reflect a recent increase in the State severance tax per amendment filed May 20, 1975.
[7] Includes 11.9989¢/M ft³ upward British thermal unit adjustment and 2.1355¢/M ft³ tax adjustment.
[8] Includes 3.889¢/M ft³ tax reimbursement and 0.823¢/M ft³ downward British thermal unit adjustment.
[9] Subject to downward British thermal unit adjustment; estimated adjustment is 1.32¢/M ft³.
[10] Applicant is willing to accept a certificate in accordance with sec. 2.56a of the Commission's General Policy and Interpretations.
[11] Applicant's interest has been sold to Kansas-Nebraska Natural Gas Co., Inc., the purchaser.
[12] Applicant states that production from its interest in Fletcher Well No. 1 has heretofore been sold to Southern Natural Gas Co. under Cities Service Oil Co. FPC Gas Rate Schedule No. 351.
[13] 21.257 (rate for processed gas at time of assignment, includes 1.443¢/M ft³ upward British thermal unit adjustment and 0.3141¢/M ft³ tax reimbursement); 21.9499 (rate for by-pass gas at time of assignment, includes 2.1255¢/M ft³ upward British thermal unit adjustment and 0.3244¢/M ft³ tax reimbursement); 27.3528 (contract price for processed gas before Sept. 1, 1975); 28.1409 (contract price for by-pass gas before Sept. 1, 1975); 29.433 (contract price for processed gas on and after Sept. 1, 1975); 30.302 (contract price for by-pass gas on and after Sept. 1, 1975).
[14] Wells are no longer producing gas and will be converted to a gas storage field.
[15] Includes 2.06¢/M ft³ upward British thermal unit adjustment, 1.49¢/M ft³ gathering allowance less 6.0¢/M ft³ compression and less 1.0¢/M ft³ for treating.
[16] Includes 10.36¢/M ft³ upward British thermal unit adjustment.

[FR Doc.75-24911 Filed 9-18-75;8:45 am]

[Docket Nos. RI76-25, RI75-72, RI75-70]

SUPERIOR OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

SEPTEMBER 10, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI76-25	The Superior Oil Co	77	17	El Paso Natural Gas Co. (Utah) (Rocky Mountain).	$10,452	8-11-75		4-19-76	[3] 29.8281	[3] 31.0212	RI75-32.
RI75-72	Sun Oil Co	353	20	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	4	8-11-75		8-12-75	[4] [5] 27.65	[4] [5] 27.6597	RI75-72.
RI75-72	do			do		8-11-75		8-12-75	[6] 29.3172	[6] 29.3273	RI75-72.
RI75-72	do	415	13	Southern Union Gathering Co. (New Mexico) (Rocky Mountain).	25	8-11-75		8-12-75	[4] [5] 27.4672	[4] [5] 27.4767	RI75-72.
RI75-72	do			do		8-11-75		8-12-75	[6] 29.317	[6] 29.3273	RI75-72.
RI75-70	do	431	12	El Paso Natural Gas Co. (New Mexico) (Rocky Mountain).	2	8-11-75		8-12-75	[4] 27.4672	[4] 27.4767	RI75-70.
RI75-70	do					8-11-75		8-12-75	29.3172	29.3273	RI75-70.

[1] Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[2] Unless otherwise stated, the rate shown is the total rate, inclusive of any applicable British thermal unit adjustment and tax.
[3] The pressure base is 14.73 lb/in²a.
[4] From wells completed prior to June 1, 1970.
[5] Reflects 0.04 pct increase in conservation tax.
[6] From wells completed on or after June 1, 1970.

The proposed periodic rate increase of The Superior Oil Company exceeds the applicable area ceiling in Opinion No. 658 and is suspended for five months.

The proposed tax increases involved here reflect reimbursement for the recent increase in the New Mexico Conservation tax and exceed the applicable area ceiling in Opinion No. 658. They are suspended for one day in the same rate proceedings involving the underlying rates which are currently being collected subject to refund.

[FR Doc.75-24912 Filed 9-18-75;8:45 am]

[Docket No. CI75-510, etc.]

WESTRANS PETROLEUM, INC. ET AL.

Findings and Order After Statutory Hearing Permitting and Approving Abandonments of Service, Terminating Certificates, Cancelling FPC Gas Rate Schedules, and Accepting Rate Schedule Supplements for Filing

SEPTEMBER 11, 1975.

Each Applicant herein has filed pursuant to section 7(b) of the Natural Gas Act an application for permission and approval to abandon service, all as more fully set forth in the tabulation herein and in the applications in this proceeding.

Some Applicants have on file with the Commission FPC gas rate schedules and others are making sales under small producer certificates. The certificates of Applicants other than small producers authorizing such sales will be terminated and the related rate schedules cancelled.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the applications has been filed.

At a hearing held on August 27, 1975, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record

The Commission finds. (1) Each Applicant herein is making a sale of natural gas in interstate commerce for resale and is therefore a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are made in interstate commerce subject to the jurisdiction of the Commission and the abandonment thereof is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(3) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(4) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates, other than small producer certificates, heretofore issued to Applicants relat-

ing to the abandonments hereinafter permitted and approved should be terminated.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedule supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders. (A) Permission for and approval of the abandonments of service by Applicants, as hereinbefore described and as more fully described in the applications and tabulation herein, are granted.

(B) The certificates issued in the following dockets which are related to the abandonment authorizations granted herein are terminated and the related rate schedules are cancelled:

Abandonment authorization:	Terminated certificate
CI75-537	CI74-347
CI75-596	CI66-500
CI75-675	G-17837

(C) The rate schedule supplements related to the authorizations granted herein are accepted for filing, all as more fully set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule: Description and date of document [1]	No.	Supp.
CI75-510 B 2-21-75	Westrans Petroleum, Inc.	Consolidated Gas Supply Corp., Coopers Creek Field, Kanawha Country, W. Va.	(2)		
CI75-537 B 3-10-75	Petroleum, Inc.	Northern Natural Gas Co., Davis "A-F" No. 1 Well, Seward County, Kans.	Notice of Cancellation [3] Mar. 6, 1975.	94	6
CI75-550 B 3-17-75	Lee E. Minter, et al.	Consolidated Gas Supply Corp., Benezette Township, Elk County, Pa.	(2)		
CI75-579 B 3-28-75	J. R. Perkins and F. L. Parham, d.b.a. Perkins Production Co., et al.	Arkansas Louisiana Gas Co., Weber No. 1 Well, Northwest Okeene Field, Blaine County, Okla.	(2)		
CI75-582 B 3-24-75	Troporo Oil & Gas Co.	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	(2)		
CI75-595 B 4-4-75	Clark Fuel Producing Co. (Operator), et al.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Sullivan City and Nichols Fields, Hidalgo County, Tex.	(2)		
CI75-596 B 4-7-75	Phillips Petroleum Co.	Lone Star Gas Co., North Henderson Field, Rusk County, Tex.	Notice of Cancellation [3] Apr. 3, 1975.	420	9
CI75-675 B 5-13-75	Estate of H. L. Hunt	El Paso Natural Gas Co., Amacker-Tippett Field, Upton County, Tex.	Notice of Cancellation [3] May 9, 1975.	22	11

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] The effective date is the date of this order.
[2] Depleted.
[3] Small producer abandonment; there is no rate schedule on file with the Commission for this sale.
[4] Pressure has declined to the extent that gas will no longer enter buyer's gathering facilities. Buyer has advised that it is economically unfeasible to install the necessary compression facilities.
[5] Uneconomical to connect; buyer requested deletion of acreage due to considerable distance from its line.
[6] Lone Star Gas Co. was granted authorization in Docket No. CP70-313 on Dec. 18, 1972, to rearrange its system resulting in the subject gas being removed from interstate commerce to intrastate commerce. Applicant's filing reflects the change in the classification of its sale to Lone Star.

[FR Doc.75-24913 Filed 9-18-75;8:45 am]

FEDERAL RESERVE SYSTEM

BANK OF NEW YORK COMPANY, INC.

Acquisition of Bank

Bank of New York Company, Inc., New York, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent of the voting shares of Bank of Buffalo, Buffalo, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 1, 1975.

Board of Governors of the Federal Reserve System, September 12, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-24956 Filed 9-18-75;8:45 am]

FIRST BANC GROUP OF OHIO, INC.

Acquisition of Bank

First Banc Group of Ohio, Inc., Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of The Citizens Bank & Trust Company, Wadsworth, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 14, 1975.

Board of Governors of the Federal Reserve System, September 11, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-24957 Filed 9-18-75;8:45 am]

UNITED JERSEY BANKS

Order Approving Acquisition of United Jersey Credit Life Insurance Company

United Jersey Banks, Princeton, New Jersey, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of United Jersey Credit Life Insurance Company ("Company"), Phoenix, Arizona, a company that will engage *de novo* in the activity of underwriting, as reinsurer, of credit life and credit accident and health insurance directly related to extensions of credit by Applicant's lending subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (40 FR 19542 (1975)). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the second largest banking organization in New Jersey, controls 16 banks with aggregate deposits of approximately $1.6 billion, representing about 7.4 percent of the total deposits in commercial banks in the State.[1]

Company will be formed as an Arizona insurance corporation with $175,000 in capital. As Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies directly related to extensions of credit by Applicant's lending subsidiaries. Such insurance will be directly underwritten by an unaffiliated insurance company qualified to do its business in New Jersey and will thereafter be assigned or ceded to Company under a reinsurance agreement. Since this proposal involves a de novo ac-

[1] All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved through July 31, 1975.

quisition, consummation of the transaction would not have any adverse effects on existing or potential competition in any relevant market.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that following consummation of the acquisition, Company will offer reduced premiums for several types of credit insurance policies which it will reinsure. Company will offer decreasing term credit life insurance at a premium rate 2.3 percent below the New Jersey statutory maximum and level term credit life insurance on single payment loans at a premium rate 2.7 percent below the statutory maximum. Furthermore, Applicant proposes to lower by 5.0 percent the rate its subsidiary banks charge for 14-day retroactive credit disability insurance. The Board finds that the reduced cost of such insurance coverage is procompetitive and is in the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York, pursuant to authority delegated hereby.

By order of the Board of Governors,[1] effective September 12, 1975.

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

[FR Doc.75-24958 Filed 9-18-75;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich, and Jackson. Absent and not voting: Chairman Burns and Governor Coldwell.

WOODFIELD INVESTMENT CORP.

Formation of Bank Holding Company

SEPTEMBER 15, 1975.

Woodfield Investment Corporation, Shaumburg, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Woodfield Bank, Shaumburg, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago, Illinois. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 14, 1975.

Board of Governors of the Federal Reserve System, September 15, 1975.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-24959 Filed 9-18-75;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

OPEN MEETING

SEPTEMBER 15, 1975.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, October 20 and 21, 1975. Both sessions will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 14th Street between Constitution and E, NW., Washington, D.C., beginning at 9:00 a.m.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Pub. L. 92-125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

The agenda will include briefings and discussion on the topics of Marine and Atmospheric Pollution Control, Energy from the Sea (non-hydrocarbon-related), and NACOA work in Progress: Details will be published when plans become firm.

The public is welcome and will be admitted to the limit of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussion. Written statements may be submitted at any time.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. Telephone: (202) 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.75-24938 Filed 9-18-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 16, 1975 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Producers' questionnaire: stainless steel; importers' questionnaire: stainless steel, single-time, business firms, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration, organization profile/organization contact forms, AAA 0804, on occasion, NIAAA funded consultants, Human Resources Division, Dick Eisinger, 395-3532.

Office of Education, survey of career education in public schools of the United States 1974-75, OE 435, single-time, local education agencies, Human Resources Division, Joan Turek, 395-3532.

Office of the Secretary, complaint followup study, OS-47-75, single-time, persons who have registered complaints with Government, Reese, B. F., 395-3211.

Office of the Secretary, consumer problem-handling study, OS-46-75, single-time, U.S. households, Reese, B. F., 395-3211.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Elsegis VII, Part A-3, state fall estimates of expenditures and salary data, OE 2350-9, annually, Government agencies, Joan Turek.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-25144 Filed 9-18-75;8:45 am]

ADVISORY COMMITTEE ON GNP DATA IMPROVEMENT

Cancellation of Public Meeting

Notice is hereby given for the cancellation of the meeting of the Advisory Committee on GNP Data Improvement which appeared on page 32182, Volume 40, No. 148 of the FEDERAL REGISTER dated July 31, 1975, and scheduled for September 24, 1975, in Room 10103, New Executive Office Building, at 9:45 a.m.

PHILLIP D. LARSEN,
Acting Assistant to the Director for Administration.

[FR Doc.75-25004 Filed 9-18-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

SEPTEMBER 10, 1975.

The common stock of BBI, Inc., being traded on the American, and the Philadelphia - Baltimore - Washington Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from September 11, 1975 through September 20, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-24946 Filed 9-18-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

SEPTEMBER 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 14, 1975 through September 23, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-24947 Filed 9-18-75;8:45 am]

[Rel. No. 8932]

HAMILTON FUNDS, INC., ET AL.

Filing of Application Pursuant to Section 6(c) of the Act for Exemption From Section 2(a)(19)

SEPTEMBER 11, 1975.

In the Matter of HAMILTON FUNDS, INC., HAMILTON GROWTH FUND, INC., HAMILTON INCOME FUND, INC., 7400 South Alton Court, Denver, Colorado 80201, (812-3835).

Notice is hereby given that Hamilton Funds, Inc., Hamilton Growth Fund, Inc., and Hamilton Income Fund, Inc. (hereafter collectively referred to as "Applicant"), all Daleware corporations registered as open-end, diversified management companies, filed an application on July 3, 1975, and an amendment on September 5, 1975, pursuant to Section 6(c) of the Act for an order of the Commission declaring that Robert M. Kirchner ("Kirchner") shall not be deemed an "interested person", as that term is defined in Section 2(a)(19) of the Act, of Applicants and Applicants' investment adviser, Hamilton Management Corporation ("HMC"), solely by reason of his status as a director and nominal employee of Kirchner, Moore & Company (hereinafter, "Kirchner, Moore"), a registered broker-dealer under the Securities Exchange Act of 1934. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

All of the outstanding voting securities of HMC are owned by the International Telephone and Telegraph Corporation ("ITT"). On March 10, 1975, ITT entered into a preliminary agreement with Oppenheimer Management Corporation (hereafter "Oppenheimer") providing for the sale by ITT to Oppenheimer of all the outstanding capital stock of HMC. Although ITT denies that the transaction includes any element of profit, ITT and Applicants, nevertheless, state that the transaction could be viewed by some as including an element of profit.

Section 15(f) of the Act permits an affiliated person of an investment adviser to a registered investment company to receive any amount in connection with a sale of the securities of, or any other interest in, such investment adviser provided that for a period of three years thereafter, at least 75% of the board of directors of such investment company are not interested persons of either the predecessor or successor investment adviser.

Applicants intend, therefore, to restructure their Boards of Directors in accordance with the requirements of Section 15(f) of the Act. In this connection, they seek an order that Kirchner shall not be deemed to be an interested person of HMC either under its present ownership by ITT or after the sale to Oppenheimer.

Section 2(a)(19) of the Act provides that the term "interested person" of an investment company, or an investment adviser thereof includes any person who is an "affiliated person" of any broker or dealer registered under the Securities Exchange Act of 1934.

Section 2(a)(3) of the Act defines the term "affiliated person" of another person to include any officer, director or employee of such other person.

As a director and employee of Kirchner, Moore, Kirchner is thus an affiliated person of a broker-dealer registered under the Exchange Act, and therefore an interested person of HMC and of the Applicants.

Howard T. Cohn, presently Chairman of the Boards of Directors of the Applicant Funds and an ITT Vice President, has indicated that, upon consummation of the sale, he intends to resign as a Director. Applicants' Boards of Directors will then consist of six "non-interested" directors and three "interested" directors (counting Mr. Kirchner) for a total of nine directors. If the Commission enters an order holding Mr. Kirchner not to be an "interested person" within the meaning of Section 2(a)(19) of the Act, the Boards will then consist of two directors who are "interested persons" of HMC, and seven who are not. This will satisfy the 25%/75% ratio set forth in Section 15(f) of the Act and will allow Kirchner to remain a director of Applicants.

Kirchner, one of the founders of Kirchner, Moore, determined to retire from the business and, accordingly, in February, 1975, sold all of his stock in the firm. Applicants indicate that other than rendering services in connection with an occasional financial project, Kirchner is no longer active in the firm's business or affairs, and that he has no other connections with Kirchner, Moore. Applicants state that the essence of Kirchner's relationship to Kirchner, Moore as an employee is that he makes himself available for consultation with other members of the firm in connection with various matters, including the underwriting of debt issues of municipalities. Kirchner, who works no set hours, and comes and goes as he wishes, spends approximately 25% of his working hours on the affairs of Kirchner, Moore. For his services, he receives a salary, together with office space and secretarial services which he utilizes in connection with his other business pursuits. Applicants repre-

sent that Kirchner's activities on behalf of Kirchner, Moore are nominal and for all practical purposes he has retired. The only reason for his continued status as an "employee" is to secure the benefits of the firm's pension and profit sharing plans and the office space and secretarial services which are provided him in recognition of his former position as founder of the firm. Applicants believe that the affiliation of Kirchner with Kirchner Moore as a director and employee has not and will not impair his independence in acting on behalf of Applicants.

Applicants represent that Kirchner, Moore is engaged solely in a municipal securities business and that neither Applicants nor HMC have had any prior business dealings with Kirchner, Moore. Applicants own no municipal securities and represent that they will not invest in municipal securities in the future if the purchase or sale of such bonds would involve, directly or indirectly, Kirchner, Moore.

Applicants have agreed that if the Commission issues an order that Kirchner shall not be deemed an interested person of HMC, such order may be conditioned upon HMC not having any direct or indirect future business dealings with Kirchner, Moore so long as Kirchner has any connection with that firm.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation under the Act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than 5:30 p.m. on September 29, 1975, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following September 29, 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 notice of further developments 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] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-24948 Filed 9-18-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

SEPTEMBER 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 14, 1975 through September 23, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-24949 Filed 9-18-75;8:45 am]

SYSTEMATIC TAX, INC.

[File No. 500-1]

Suspension of Trading

SEPTEMBER 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Systematic Tax, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 13, 1975 through September 22, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-24950 Filed 9-18-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

SEPTEMBER 12, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987, and all other securities of Westgate California Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 14, 1975 through September 23, 1975.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-24951 Filed 9-18-75;8:45 am]

[File Nos. 20-1924A5, etc.; Rel. No. 33-5616]

MINERAL EXPLORATION CO.

Temporary Suspension Order and Opportunity for Hearing

In the matter of the following offering sheet(s) filed by Mineral Exploration Company:

(File No. 20-1924A5) on February 25, 1974 and refiled December 23, 1974 covering non-producing working interests in the Mineral Exploration Company—Lester Lee #1.

(File 20-1924A6) on February 25, 1974 covering non-producing working interests in the Mineral Exploration Company—Herring #1, Section 36.

(File No. 20-1924A7) on December 23, 1974 covering non-producing working interests in the Mineral Exploration Company—Hoelscher-Serratt #1.

(File No. 20-1924A8) on February 18, 1975 covering non-producing working interests in the Mineral Exploration Company—Gage #1.

(File No. 20-1924A9) on March 17, 1975 covering non-producing working interests in the Mineral Exploration Company—Woods #1.

(File No. 20-1924A10) on April 7, 1975 covering non-producing working interests in the Mineral Exploration Company—Stubblefield #1.

(File No. 20-1924A11) on May 6, 1975 covering non-producing working interests in the Mineral Exploration Company—Lester Lee #2.

(File No. 20-1924A12) on May 12, 1975 covering non-producing working interests in the Mineral Exploration Company—Brierton Lease, Well #1.

(File No. 20-1924A13) on May 16, 1975 covering non-producing working interests in the Mineral Exploration Company—Gage Lease, Well #2.

(File No. 20-1924A14) on June 11, 1975 covering non-producing working interests in the Mineral Exploration Company—Gill Lease, Well #1.

(File No. 20-1924A15) on July 1, 1975 covering non-producing working interests in the Mineral Exploration Company—Gage Lease, Well #3.

(File No. 20-1924A16) on July 17, 1975 covering non-producing working interests in the Mineral Exploration Company—Griggs #1.

Mineral Exploration Company having filed the above offering sheets with the Securities and Exchange Commission pursuant to Regulation B of the General Rules and Regulations under the Securities Act of 1933, as amended, for the purpose of obtaining an exemption

from registration with respect to a proposed public offering of securities as specified in said offering sheet; and

The Commission having reason to believe, after filing of the offering sheets that:

1. No exemption is available for this offering under Regulation B according to Rule 306(a)(2) because Ransom Horne, Jr., president of Mineral Exploration Company was permanently enjoined on November 12, 1974, by the Supreme Court of the State of New York, in and for the County of New York, from offering or selling securities in violation of Article 23–A of the General Business Law of the State of New York.

2. No exemption is available for this offering under Regulation B because the offering sheet used failed to comply with Rules 330(a) and 330(b) of Regulation B by failure to disclose that on November 12, 1974, Ransom Horne, Jr. had been permanently enjoined by the Supreme Court of the State of New York, in and for the County of New York, from offering or selling securities in violation of Article 23–A of the General Business Law of the State of New York.

It is ordered, Pursuant to Rule 334(a) of the general rules and regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the exemption available pursuant to Regulation B under section 3(b) of said Act with respect to said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon with respect to the objections hereinbefore enumerated.

It is ordered, Pursuant to Rule 334(a) son, on whose behalf said offering sheet was filed, be, and hereby is, given notice that each such person is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from such a person within thirty days after the date of this order the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within thirty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

Notice is directed to Rule 336(b) which provides that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 16, 1975.

[FR Doc.75-24955 Filed 9-18-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

SEPTEMBER 15, 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 16, 1975 through September 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-24993 Filed 9-18-75;8:45 am]

[812-3847]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL INCOME INVESTORS, INC.

Filing of Application

SEPTEMBER 15, 1975.

Notice is hereby given that Massachusetts Mutual Life Insurance Company (the "Insurance Company"), and MassMutual Income Investors, Inc. (the "Fund"), 1295 State Street, Springfield, Massachusetts 01111, a diversified, closed-end management investment company registered under the Investment Company Act of 1940 ("Act") (hereinafter collectively referred to as "Applicants"), have filed an application on August 7, 1975 pursuant to section 17(d) of the Act and Rule 17d–1 thereunder for an order of the Commission permitting Applicants to participate jointly in a direct placement purchase of new issues of 10⅝ percent Notes for terms of 18 years and 23 years (in the aggregate referred to as the "Notes" with the 18-year notes referred to as the "1993 Notes" and the 23-year notes referred to as the "1998 Notes") of Sohio/BP Trans Alaska Pipeline Finance Inc. ("Finance"), or, in the event the Insurance Company purchases the Notes before the issuance of such order, for an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the sale by the Insurance Company of $3,000,000 principal amount of the Notes to the Fund. 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.

Applicants expect that the total amount of the Notes to be issued will be between $1,500,000,000 and $2,000,000,000 in principal amount and the Insurance Company has been offered $40,000,000 of such principal amount. The Insurance Company understands that Finance is willing to sell a portion of the Notes to the Fund and, as the adviser for the Fund, the Insurance Company believes that the Notes would be an attractive investment for the Fund. Applicants would like to invest concurrently in these securities. If the Fund is permitted to purchase the Notes, the Insurance Company intends to acquire $37,000,000 in principal amount of the Notes, composed of $15,000,000 of the 1993 Notes and $22,000,000 of the 1998 Notes, and the Fund would acquire $3,000,000 in principal amount of the Notes, composed of $1,500,000 each of the 1993 Notes and the 1998 Notes. The purchase by the fund of $3,000,000 in principal amount of the Notes has been approved by the unanimous written consent of the six members of the Executive Committee of the Board of Directors of the Fund, and such Executive Committee includes all the "non-interested" directors on the Board of the Fund.

Section 2(a)(3) of the Act includes within the definition of the term "affiliated person" of an investment company, the investment adviser to the investment company. Therefore, as the investment adviser to the Fund, the Insurance Company is an affiliated person of the Fund.

Rule 17d–1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company * * * acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which such registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered * * * prior to such adoption or modification." It also provides that in passing upon such application the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement, or profit sharing plan on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants. Accordingly, Applicants have applied for an order of the Commission pursuant to section 17(d) of the Act and Rule 17d–1 thereunder permitting the acquisition by the Insurance Company of $37,000,000 in principal amount of the Notes and the acquisition by the Fund of $3,000,000 in principal amount of the Notes.

The Insurance Company asserts that an unequal division of the $40,000,000 principal amount of the Notes to be acquired as between the Fund and the Insurance Company is appropriate in view of the investment policies of the Fund which restrict the Fund's ability to invest in securities other than high grade interest-bearing debt securities or cash equivalents. The Fund is permitted to invest no more than 25 percent of its total assets, at present approximately $31,000,000, in securities other than

those noted above and, furthermore, is permitted to invest no more than 10 percent of its total assets, at present approximately $12,500,000, in restricted securities of the type represented by the Notes. For example, an investment by the Fund in one-half the principal amount of the Notes offered to the Insurance Company, i.e., $20,000,000, would represent 65 percent of the amount which the Fund can invest in securities other than high grade interest-bearing debt securities, and would exceed by $7,500,000 the amount permitted to be invested in restricted securities. In addition, the Fund may not (with certain exceptions not applicable to the proposed purchase of the Notes) invest more than 5 percent of the value of its total assets in the securities of any one issuer. Thus, the maximum investment the Fund could make in the Notes at this time would be approximately $6,250,000. The Insurance Company deems it inadvisable for the Fund to invest such percentages in one debt security in view of the legal restrictions on marketability of the Notes and the investment policies of the Fund. Applicants submit that to make available to the Fund the opportunity to invest $3,000,000 in principal amount of the Notes is in the best interest of shareholders of the Fund.

In the event the requested order is not issued before the issuance of the Notes, the Insurance Company proposes to acquire the entire $40,000,000 principal amount of the Notes, subject to the obligation to transfer $3,000,000 of such amount to the Fund at cost plus accrued interest should an order of the Commission permitting such transaction issue within three months of such acquisition. Applicants seek an exemption pursuant to section 17(b) of the Act permitting the sale by the Insurance Company to the Fund of $3,000,000 principal amount of the Notes in the event the requested order pursuant to section 17(d) of the Act and Rule 17d–1 thereunder is not granted before the acquisition of the Notes by the Insurance Company. If no order of exemption is received, the $40,000,000 principal amount of the Notes will be retained for investment by the Insurance Company.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants state that the terms of the proposed transfer of the $3,000,000 in principal amount of the Notes from the Insurance Company to the Fund are reasonable and fair and free from overreaching. The consideration to be paid by the Fund for the Notes would equal the price paid by the Insurance Company for the Notes plus accrued interest. Applicants submit that the proposed transaction is consistent with the policy of the Fund as recited in its registration statement and that the proposed transaction is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than October 7, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants 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 October 7, 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 notice of further developments 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.75-24994 Filed 9-18-75;8:45 am]

[70-5734]

NORTHEAST UTILITIES, ET AL.

Proposed Financing of Nuclear Fuel Cores and Related Transactions

Notice is hereby given that Northeast Utilities ("Northeast"), P.O. Box 270, Hartford, Connecticut 06101, a registered holding company; The Connecticut Light and Power Company ("CL&P"), The Hartford Electric Light Company ("HELCO"), and Western Massachusetts Electric Company ("WMECO"), public-utility subsidiary companies of Northeast; and Northeast Nuclear Energy Company ("NNEC"), a subsidiary company of Northeast formerly known as The Millstone Point Company, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9, 10, 12, and 13 thereof and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

CL&P, HELCO, and WMECO are the owners as tenants-in-common ("Owners") of the nuclear generating units known as Millstone Unit Nos. 1 and 2 located at the Millstone Nuclear Power Station, with 53 percent, 28 percent, and 19 percent ownership interests, respectively. Millstone Unit No. 1 with a capacity of approximately 660,000 kilowatts was placed in operation late 1970. It is expected that Millstone Unit No. 2 with a capacity of approximately 830,000 kilowatts will be placed in service late 1975. NNEC is acting as the agent of the Owners with respect to the construction and operation of these units pursuant to an Operating Agreement. It receives no fee for this service, and all costs are paid by the Owners.

NNEC owns the fuel for the Unit Nos. 1 and 2 reactors. It has issued its own securities to pay for the fuel. Its use is governed by a Fuel Supply Contract with CL&P, HELCO, and WMECO described below.

NNEC proposes to issue and sell to The Aetna Life Insurance Company ("Aetna") and to The Travelers Insurance Company ("Travelers"), an aggregate of $20,000,000 principal amount of its 11¼ percent Secured Notes, Series B, due December 1, 1982 ("Series B Secured Notes"). The terms of sale were negotiated directly with Aetna and Travelers by the applicants-declarants, and no finder's fee or other fee, commission, or expenses will be paid to any third person (other than the expenses of their associate company, Northeast Utilities Service Company) for negotiating the transaction. It is anticipated that Aetna and Travelers will each purchase $10,000,000 principal amount of the Series B Secured Notes. The price to be paid to NNEC, exclusive of accrued interest, will be 100% of the principal amount thereof.

The Series B Secured Notes will be issued under a Second Supplemental Indenture dated as of October 1, 1975. The terms will include a provision that no Series B Secured Note shall be redeemed at the applicable general redemption price prior to December 1, 1980, if such redemption is for the purpose of or in anticipation of refunding such Series B Secured Note, directly or indirectly, with funds borrowed by NNEC at an effective interest cost to NNEC of less than 11¼ percent. The Series B Secured Notes will not provide for a sinking fund.

In addition to the security provided by the Indenture and the Fuel Supply Contract, it is proposed that Northeast will enter into an agreement with Aetna and Travelers guaranteeing NNEC's payment of the principal and interest on said notes and will provide satisfactory assurance that the Owners will not take any action to rescind the Fuel Supply Contract during the term of the Series B Secured Notes.

The net proceeds from the sale of the Series B Secured Notes will be used by NNEC to meet in part NNEC's obligation (currently estimated to be approximately $26,900,000 on October 15, 1975, the proposed date of sale of said notes) to pay the costs related to the nuclear fuel for Millstone Unit No. 2. This fuel has now been delivered to NNEC and will be used as the basis for the issuance of the Series B Secured Notes pursuant to the Indenture. NNEC must make the payment for the fuel on or before October 28, 1975. The balance of the repayment will be made from a capital contribution from Northeast of $3,000,000 previously authorized by the Commission (HCAR No. 18884), additional bank borrowings of $1,000,000 herein further discussed, and internal cash.

Prior to the proposed issuance and sale of the Series B Secured Notes, NNEC proposes to amend the Indenture to expand the types of nuclear fuel financing which are permitted thereunder. Such amendments are designed to permit NNEC to finance nuclear fuel required to be provided by one or more of the Northeast Utilities operating companies where such operating companies have only a minority ownership interest in the particular nuclear unit in which the fuel is to be used. The Indenture is presently structured so that NNEC may finance nuclear fuel only where the Northeast Utilities companies own at least a 51 percent interest. The Indenture amendments would permit NNEC to finance the purchase of nuclear fuel for a unit to the extent of the particular minority interest. It is stated that, since the trend in the New England electric utility industry is for several utilities to own as joint owners varying-sized interests in nuclear units throughout New England, including minority interests, and since the Northeast Utilities companies have and will continue to have an obligation to finance their ownership interest in the nuclear fuel for said units, it is considered desirable to amend the Indenture to permit such financing thereunder. The proposed amendments also include various minor technical changes in the Indenture. Travelers, the sole holder of the outstanding Series A Secured Notes, has indicated its consent to the proposed amendments.

NNEC, as part of its general financing program, also proposes to issue and sell up to $22,500,000 of notes to banks outstanding at any one time. Although no formal commitments for NNEC's bank borrowings have been made, NNEC expects that a portion of such borrowings will be effected from the following banks in the following maximum amounts.

	Maximum amount
The Connecticut Bank and Trust Company Hartford, Connecticut	$10,000,000
Hartford National Bank and Trust Company Hartford, Connecticut	7,000,000
The Colonial Bank and Trust Company Waterbury, Connecticut	3,000,000
Connecticut National Bank, Bridgeport, Connecticut	2,500,000
	22,500,000

Any bank borrowings to be effected from additional banks or in larger maximum amounts will be subject to filing post-effective amendments and further orders of the Commission.

The proposed bank notes will each be dated the date of issue, will have a maximum maturity date of nine months with right of renewal, will bear interest at the prime rate in effect from time to time at the lending bank (adjusted as of the date of any change in such rate), will be subject to prepayment at any time at NNEC's option without premium, and will be subordinated to any secured notes issued by NNEC. Compensating balances of 10 percent of the credit line plus 10 percent of the average borrowings are required by the above banks. The effective interest rate for the borrowings would be 9.4 percent based on a 7.5 percent prime rate. No minimum interest rate is specified by any bank. Although NNEC's permanent financing program contemplates that the bank notes will be issued, renewed, repaid, and/or re-issued from time to time through December 31, 1978, to meet the proposed financing program and will at no time exceed $25,000,000, at this time NNEC is requesting Commission authorization to issue the bank notes in the amounts specified above for the period through March 31, 1977.

NNEC's Fuel Supply Contract with CL&P, HELCO, and WMECO obligates NNEC to provide the fuel for the operation of Unit Nos. 1 and 2, including replacement fuel, and to arrange for, and pay all expenses with respect to, the reprocessing and recovery of spent fuel. Under the contract, the Owners are obligated to reimburse NNEC for its expenses with respect to the fuel as follows:

> With respect to each month commencing as of the date hereof each Owner shall pay [NNEC] an amount equal to its Ownership Percentage of the sum of (a) all expenses of [NNEC] for the month with respect to the nuclear core elements and (b) to the extent not so included in (a), an amount equal to one-twelfth of 8.5 percent per annum of [NNEC's] total capitalization, including short-term borrowings, as at the end of the preceding month.

It is stated that, in recognition of the interest rate to be payable on the Series B Secured Notes and in view of their experience under the Fuel Supply Contract to date, NNEC and the Owners propose to amend said contract, effective on and after the issue of the Series B Secured Notes, in two respects as follows: (i) interest and other costs of NNEC's short-term borrowings shall constitute "expenses" under clause (a) of said paragraph and such borrowings shall specifically be excluded from NNEC's capitalization under clause (b); and (ii) the rate per annum specified in clause (b) shall be 11.7 percent rather than 8.5 percent, in order to permit NNEC to secure a rate of return on its common equity of approximately 14 percent, the minimum return on common equity deemed sufficient by the companies. Notwithstanding the foregoing, it is stated that, in view of the need to have the application-declaration be granted and become effective as promptly as possible, applicants-declarants agree that the Commission may initially permit an increase in such rate overall only to 10 percent per annum, and that a further increase in such rate to 11.7 percent per annum shall be effective only upon the further order of the Commission. Applicants-declarants have requested that at an agreeable date the Commission order a hearing be held on the proposed increase in such rate to 11.7 percent.

The fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment. It is stated that the approval of the Connecticut Public Utilities Commission will be required for the issue by NNEC of its Series B Secured Notes and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Rule 24 notification regarding the nuclear fuel financing is to be filed quarterly.

Notice is further given that any interested person may, not later than October 8, 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 address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as 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 or 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.75-24995 Filed 9-18-75;8:45 am]

[Rel. No. 34-11653; File No. SR-1]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Consent to Deferral of Commission Action on Certain Rule Changes and Extension of Time for Public Comment

On March 21, 1975, the National Association of Securities Dealers, Inc. (the "NASD") filed with the Commission proposed Article XVIII of the By-Laws of the NASD, and Schedule G thereunder (the "NASD Rule Changes"), governing: (i) the reporting of transactions in eligible securities in the consolidated transaction reporting system (the "consolidated system") contemplated by Rule 17a-15 under the Securities Exchange Act of 1934, as amended by the Securities Acts Amendments of 1975 (the "Act"); (ii) charges to cover the costs of compliance with such reporting requirements; and (iii) anti-manipulative rules relating to over-the-counter trading in such securities.

The provisions of Schedule G were amended by the NASD and refiled with the Commission on June 4, 1975. The NASD Rule Changes were deemed by the Commission to have been filed under new Section 19(b) of the Act. In view of the need to implement the NASD Rule Changes immediately to permit the scheduled commencement of the consolidated system on June 16, 1975, the Commission ordered the NASD Rule Changes into effect summarily pursuant to Section 19(b)(3)(B) of the Act on June 11, 1975. Notice of that action was provided by Securities Exchange Act Release No. 11461 (June 11, 1975), published in the FEDERAL REGISTER on June 18, 1975 (40 FR 25730). That release also solicited public comment on the NASD Rule Changes.[1] On July 21, 1975, the Commission received the NASD's consent to an extension of the time within which the Commission was required, under Section 19(b)(2) of the Act, either to approve the NASD Rule Changes or to institute proceedings to determine whether they should be disapproved, to September 15, 1975. In view of the complexity and the significance of the NASD Rule Changes, the Commission determined to extend the time for the submission of comments by interested persons on the NASD Rule Changes until August 22, 1975. Notice of that action was provided by Securities Exchange Act Release No. 11546 (July 23, 1975) published in the FEDERAL REGISTER on July 30, 1975 (40 FR 32000).

The Commission has received a request for an extension of the time within which to comment upon the NASD Rule Changes. On September 10, 1975, the Commission received the NASD's consent to an extension of time within which the Commission is required, under Section 19(b)(2) of the Act, either to approve the NASD Rule Changes or to institute proceedings to determine whether they should be disapproved, to November 15, 1975. The Commission acknowledges the consent of the NASD to extension of the deadline until November 15, 1975. In addition, in view of the complexity and significance of the NASD Rule Changes, the Commission has determined to extend the time for the submission of comments by interested persons on the NASD Rule Changes until October 1, 1975.[2]

As indicated in the Commission's prior extension of time for public comment on the NASD Rule Changes,[3] the Commission is especially interested in receiving comments on the competitive effects and other consequences of the NASD Rule Changes relating to: (i) the appropriateness of the reporting charges to be imposed on the NASD members under Section 4 of Schedule G of the NASD Rule Changes, which have the effect of compelling Designated Reporting Members, as defined in Schedule G, to bear a major portion of the costs associated with reporting compliance and (ii) the appropriateness of the provisions of Sections 1(a)(2) and 1(b)(2) of Schedule G dealing with the reporting of principal transactions effected over-the-counter, particularly those of block size, in connection with which a commission, commission equivalent, or differential has been charged in light of the fact that similar principal transactions effected on national securities exchanges are reported exclusive of any commissions or similar charges imposed.[4] In this regard, the Commission invites suggestions as to alternative methods of fairly allocating the costs of reporting under the NASD Rule Changes among members of the NASD and the appropriateness of requiring these costs to be borne by the NASD itself.

The Commission emphasizes that, until the Commission takes further action with respect to the NASD Rule Changes, the NASD Rule Changes remain in full effect as a consequence of the Commission's summary action on June 11, 1975, referred to above.[5]

All interested persons are invited to submit their comments on the NASD Rule Changes, in writing, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before October 1, 1975. All such comments should refer to File No. SR-1 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

SEPTEMBER 15, 1975.

[FR Doc.75-24996 Filed 9-18-75;8:45 am]

[1] The deadline for submission of written comments pursuant to Securities Exchange Act Release No. 11461 (June 11, 1975) was June 30, 1975; the time for such comment was extended until July 18, 1975, in Securities Exchange Act Release No. 11508 (June 30, 1975).

[2] The Commission recognizes, however, the urgency of resolving the regulatory issues presented by the NASD Rule Changes, and will endeavor to take appropriate action as soon as possible.

[3] Securities Exchange Act Release No. 11546 (July 23, 1975).

[4] *Id.*

[5] Securities Exchange Act Release No. 11461 (June 11, 1975).

VETERANS ADMINISTRATION

CAREER DEVELOPMENT COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Career Development Committee, authorized by 38 U.S.C. 4101, will be held in the Administrator's Conference Room, 10th Floor, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC on October 10, 1975, at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration system. The Committee advises the Director, Medical Research Service on selection and appointment of Research Associates, Clinical Investigators, Medical Investigators, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mrs. Darlene R. Whorley, Executive Secretary of the Committee, VA Central Office, Washington, DC (202-389-2317) prior to October 6, 1975.

The meeting will be closed from 9 a.m. to 5 p.m. on October 10th for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which information would constitute an unwarranted invasion of personal privacy, within the scope of exemption (6) to the Freedom of Information Act (5 U.S.C. 552(b)(6)). Closure of the portion of the meeting is permitted by section 10(d) of the Pub. L. 92-463.

Minutes of the meeting and rosters of the committee members may be obtained from Mrs. Darlene R. Whorley, Chief, Career Development Unit, Medical Research Service, Veterans Administration, Washington, DC (Phone 202-389-2317).

Dated: September 15, 1975.

[SEAL] R. L. ROUDEBUSH, *Administrator.*

[FR Doc.75-25001 Filed 9-18-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

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 Develop-

ment Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C., this 15th day of September 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending Sept. 12, 1975

Name of applicant	Location of enterprise	Principal product or activity
Vermont Food Corp. (tenant to Swanton Industrial Park).	Swanton, Vt.	Manufacturing and packaging of bread-sticks.
Lucille Farm Products (tenant to Swanton Industrial Park).	do	Manufacture of Italian style cheese.
Innergin (tenant to Swanton Industrial Park)	do	Manufacture of data processing forms and labels.
Ferreteria Los Hermanos, Inc.	Naranjito, P.R.	Retail hardware.
Derrick Heights Realty Co.	Oil City, Pa.	Skilled nursing care.
Luttrell Mining Co., Inc.	Luttrell, Tenn.	High calcium limestone products.
Catawba Valley Machinery Co., Inc.	Hickory, N.C.	Purchase and sale of new and used textile machinery.
Met-Tech Corp.	Hancock County, Ind.	Investment cast turbocharger wheels.
Johnson Lumber Division of Whitewater, Inc.	Hermansville, Mich.	Sawmill-lumber-general purpose.
Dennison Timber Production	Alvin, Wis.	Logging pulpwood and logs.
LHS Development Co.	Emmet County, Mich.	Construction and operation of a hotel.
Texas Industrial Ceramics and Carbides, Inc.	Alvin, Tex.	Manufacture of ceramic stationary and rotary elements.
Midwest Foods Corp.	Clark and Garden City, S.D.	Frozen french fried potatoes.

[FR Doc.75-25010 Filed 9-18-75;8:45 am]

[TA-W-141]

BROWN SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 12, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Brown Shoe Company, Owensville, Missouri (TA-W-141). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Brown Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 29, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 12th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25030 Filed 9-18-75;8:45 am]

Office of the Secretary

[TA-W-86]

DAVIDSON RUBBER CO., DOVER AND FARMINGTON, NEW HAMPSHIRE

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-86; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 15, 1975 in response to a worker petition received on July 11, 1975 which was filed by workers producing interior and exterior automotive soft trim at the Dover, New Hampshire and Farmington, New Hampshire plants of the Davidson Rubber Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30765) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Davidson Rubber, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the workers at the Dover and Farmington plants became totally or partially separated in the fourth quarter of 1974. Employment declined 46.5 percent at Dover and 28.5 percent at Farmington from the fourth quarter of 1974 to the first quarter of 1975.

Sales or production, or both, have decreased absolutely. Sales and production at the Dover plant declined 17.8 percent and 21 percent respectively from 1973 to 1974. Sales and production declined 12 percent and 24 respectively in the first half of 1975 compared to the first half of 1974.

Sales at the Farmington plant increased 1.5 percent from 1973 to 1974. Sales and production increased 8 percent and 5 percent respectively in the first half of 1975 compared to the first half of 1974.

Increased imports contributed importantly. Based on a survey which covered approximately 40 percent of the domestic market, imports of articles like or directly competitive with those produced at Davidson Rubber Company decreased from 73.2 million dollars in 1973 to 58.5 million dollars in 1974. The ratios of imports to domestic consumption and production decreased from 19.9 percent and 23.1 percent, respectively in 1970 to 10.2 percent and 10.8 percent in 1974. The evidence developed in the Department's investigation indicates that the separation of workers at the Dover and Farmington, New Hampshire plants was not caused by an increase of competitive imports.

In the first quarter of 1975, when separations reached a peak, Davidson reduced competitive company imports by transferring production from their Canadian operation to the Dover and Farmington plants. Company imports decreased 50 percent in the first quarter of 1975 compared to the fourth quarter of 1974. In the fourth quarter of 1974, imports from Port Hope were 31 percent below imports for the same quarter in the previous year.

Major customers surveyed stated that they had not substituted either imported or domestically produced goods for those that had been previously purchased from Davidson. Any reductions in purchases from Davidson Rubber were the result of decreased demand for automobiles related to the economic conditions in the United States.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with exterior and interior automotive soft trim produced at the Dover and Farmington, New Hampshire plants of the Davidson Rubber Company did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C. this 12th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc.75-25036 Filed 9-18-75;8:45 am]

[TA-W-138]

G.T.E. SYLVANIA

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 10, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of Incandescent Lamp Plant of G.T.E. Sylvania, Salem, Massachusetts (TA-W-138). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with incandescent light bulbs produced by G.T.E. Sylvania or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 29, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 10th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25031 Filed 9-18-75;8:45 am]

[TA-W-84]

HAMILTON SHOE CO., ST. LOUIS, MISSOURI

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-84; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 15, 1975 in response to a worker petition received on July 14, 1975 which was filed on behalf of workers producing women's footwear at Hamilton Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30766) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hamilton Shoe Company, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. Average annual employment of production worker at Hamilton Shoe increased four percent from 1972 to 1974. A significant number or proportion of the workers became totally or partially separated in the fourth quarter of 1974 and first quarter of 1975. Employment in the first half of 1975 was 44 percent below the level in the first half of 1974.

Sales or production, or both, have decreased absolutely. Sales declined less

than one percent in quantity from 1972 to 1974 and increased nearly 20 percent in value during this period. Sales declined 31 percent in quantity in the first half of 1975 compared to the first half of 1974.

Increased imports contributed importantly. Imports of women's nonrubber footwear increased from 197 million pairs in 1972 to 216 million pairs in 1973, and then declined to 189 million pairs in 1974. Imports increased their relative share of the domestic market from 47 percent in 1972 to 52 percent in 1974.

Hamilton Shoe Company produces traditionally designed footwear with uppers of leather. These shoes are primarily pump or oxford type with a closed toe and closed back. Several customers who reduced purchases from Hamilton in late 1974 and early 1975 did so only as a result of decreased demand due to a general economic slowdown. Neither company officials nor the customers feel that imports are competitive with the type of footwear produced by Hamilton, and most of the customers expect to increase purchases from Hamilton in the near future.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with footwear for women produced by Hamilton Shoe Company did not contribute importantly to the total or partial separation of workers of that firm.

Signed at Washington, D.C., this 12th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation, Bureau of International Labor Affairs.

[FR Doc.75-25037 Filed 9-18-75;8:45 am]

[TA-W-82]

INTERNATIONAL SHOE CO., JACKSON, MISSOURI

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-82; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 14, 1975 in response to a worker petition received on July 11, 1975 which was filed by the Boot and Shoe Workers Union on behalf of workers formerly producing footwear for women at the Jackson, Missouri plant of the International Shoe Company, a subsidiary of Interco, Incorporated, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30767) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Shoe, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the workers at the Jackson plant became totally or partially separated in the fourth quarter of 1974. Employment and average weekly hours of production workers declined 20.4 percent and 32.6 percent respectively in the first half of 1975 compared with the first half of 1974.

Sales or production, or both, have decreased absolutely. Production at the Jackson plant declined 7.4 percent from 1973 to 1974 and 56.1 percent in the first half of 1975 compared with the first half of 1974.

Increased imports contributed importantly. Imports of women's shoes like or directly competitive with those produced at the Jackson plant totaled 167 million pairs in 1970 and 189 million pairs in 1974. The ratio of imports to domestic consumption and production increased from 47.4 percent and 90.2 percent respectively in 1972, to 52.4 percent and 110.1 percent respectively in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to the production of footwear for women at the Jackson plant was caused by the increase of competitive imports. Customers reduced or discontinued purchases of women's footwear from International Shoe in favor of lower-priced imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with footwear for women produced at the Jackson, Missouri plant of the International Shoe Company contributed importantly to the total or partial separation of workers of that plant. Section 223(b)(2) of the Trade Act of 1974 provides that a certification of eligibility to apply for adjustment assistance may not apply to any worker last separated from the firm or subdivision more than six months before April 3, 1975, the effective date of the new program. In accordance with the provisions of the Act I make the following certification:

All hourly, piecework, and salaried workers employed at the Jackson, Missouri plant of the International Shoe Company who became totally or partially separated from employment on or after October 3, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 12th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff, Bureau of International Labor Affairs.

[FR Doc.75-25034 Filed 9-18-75;8:45 am]

[TA-W-139]

LATROBE STEEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 11, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the the workers and former workers of Latrobe Steel Company, Latrobe, Pennsylvania (TA-W-139). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel for forgings, castings, billets, vacuum melted special alloys, high carbon and high chrome die steels produced by Latrobe Steel Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 29, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International

Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 12th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25032 Filed 9-18-75;8:45 am]

[TA-W-92]

M. B. ASSOCIATES, BROOKLYN, NEW YORK

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-92; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 23, 1975 in response to a worker petition received on July 21, 1975 which was filed by employees of the Brooklyn, New York plant of M. B. Associates on behalf of workers producing chaff and fiber glass at the Brooklyn plant.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 32391) on August 1, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of M. B. Associates, the U.S. Air Force, the U.S. Navy and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number of proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the workers at the Brooklyn plant became totally or partially separated in 1974.

Sales or production, or both, have decreased absolutely. Production at the Brooklyn plant declined substantially in 1974.

Increased imports contributed importantly. There were no imports of articles like or directly competitive with those produced at the Brooklyn plant.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of chaff and fiber glass at the Brooklyn plant was caused by the consolidation of M. B. Associates' manufacturing operations in its North Carolina plant.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the chaff and fiber glass produced by the Brooklyn, New York plant of M. B. Associates did not contribute importantly to the total or partial separation of the workers of that plant.

Signed at Washington, D.C., this 12th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation, Bureau of International Labor Affairs.

[FR Doc.75-25033 Filed 9-18-75;8:45 am]

[TA-W-83]

ROCKMORE CO., ST. LOUIS, MISSOURI

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-83; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 15, 1975 in response to a worker petition received on July 14, 1975 which was filed by the Boot and Shoe Workers Union, AFL-CIO on behalf of workers formerly producing shoe bows, stripping and ornamentation at the St. Louis, Missouri plant of the Rockmore Company.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 30767) on July 22, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Rockmore Company, its customers, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the workers at the St. Louis plant became totally or partially separated in the first quarter of 1975. Employment declined 66 percent from December, 1974 to March, 1975.

Sales or production, or both, have decreased absolutely. Sales at the St. Louis plant declined 68.8 percent in the first half of 1975 compared to the first half of 1974.

Increased imports contributed importantly. Data on imports of shoe ornaments like or directly competitive with those produced at the St. Louis plant are not separately identified nor are these components included in one basket category in the Tariff Schedules of the United States. The short delivery time and customer specifications for shoe ornaments do not make importation feasible.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in the production of shoe bows, stripping and ornamentation was caused by the decline in the domestic production of women's shoes and changing styles of women's shoes.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shoe bows, stripping and ornamentation produced at Rockmore's St. Louis plant did not contribute importantly to the total or partial separation of the workers at the plant.

Signed at Washington, D.C. this 12th day of September 1975.

JAMES F. TAYLOR,
Director, Planning and Evaluation, Bureau of International Labor Affairs.

[FR Doc.75-25039 Filed 9-18-75;8:45 am]

[TA-W-140]

WAGNER ELECTRIC CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 12, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Union of Electrical, Radio and Machine Workers on behalf of the workers and former workers of Wagner Electric Corporation, St. Louis, Missouri (TA-W-140). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electrical motors, transformers, automotive brakes produced by Wagner Electric Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, on or before September 29, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 12th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25033 Filed 9-18-75;8:45 am]

WAUPUN, WISCONSIN PLANT OF WEYENBERG SHOE MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-50; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on June 10, 1975 in response to a worker petition received on June 6, 1975 which was filed by the Boot and Shoe Workers Union on behalf of workers formerly producing men's footwear at the Waupun, Wisconsin plant of Weyenberg Shoe Manufacturing Company, Milwaukee, Wisconsin.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 25648) on June 17, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Weyenberg Shoe Manufacturing Company, its customers, SCOA Industries, Inc., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, American Footwear Industries Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have increased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Significant total or partial separations. A significant number or proportion of the workers at the Waupun plant became totally or partially separated in the first quarter of 1975 when employment declined 35 percent. All production and salaried employees at the plant were separated by the end of the second week of February 1975.

Sales or production, or both, have decreased absolutely. Production at the Waupun plant declined 26 percent in the fourth quarter of 1974 and ceased in January 1975.

Increased imports contributed importantly. Imports of men's leather footwear like or directly competitve with footwear produced at the Waupun plant increased nearly 92 percent while domestic production decreased nearly 13 percent from 1970 to 1974. In 1974 the import/consumption and import/production ratios were 54.2 percent and 118.3 percent respectively.

Weyenberg imports men's footwear from its foreign plants. The Weyenberg imports to Waupun production ratio had increased from 101.5 percent in the third quarter of 1974 to 189.1 percent in the fourth quarter of 1974, prior to the closure of the Waupun plant in the second week in January 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases in imports like or directly competitive with men's leather footwear produced at the Waupun, Wisconsin plant of Weyenberg Shoe Manufacturing Company contributed importantly to the total or partial separation of a significant number or proportion of the workers at such firm. In accordance with Section 223 of the Trade Act of 1974, I make the following certification:

All workers, hourly, piecework and salaried, of Weyenberg Shoe Manufacturing Company's Waupun, Wisconsin plant (formerly of SCOA Industries, Inc.) who became totally or partially separated from employment related to the production of men's footwear on or after November 16, 1974 are eligible to apply for adjustment assistance under Title II, Chapter of the Trade Act of 1974.

Signed at Washington, D.C., this 6th day of August 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary.

[FR Doc.75-25035 Filed 9-18-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER-NOTICES

SEPTEMBER 16, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 29, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-No. E70), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment): (1) from points in Bergen County, N.J., to points in Ohio, Delaware, Maryland, Virginia, and the District of Columbia, those in Maine on and north of a line beginning at the Maine-New Hampshire State line and extending along the York-Oxford County line to the York-Cumberland County line, thence along the York-Cumberland County line to the Atlantic Ocean, those in New Hampshire north and east of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 18 to junction New Hampshire Highway 10, thence along New Hampshire Highway 10 to junction U.S. Highway 302, thence along U.S. Highway 302 to junction New Hampshire Highway 153, thence along New Hampshire Highway 153 to junction unnumbered highway at East Madison, thence along unnumbered highway to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line, those in Vermont on, north, and east of a line beginning at the United States-Canada International Boundary line and extending along U.S. Highway 5 to junction Vermont Highway 5A, thence along Vermont Highway 5A to junction unnumbered highway at Lyndonville, thence along unnumbered highway to junction U.S. Highway 2, thence along U.S. Highway 2 to the Vermont-New Hampshire State line, those in Pennsylvania on, south, and west of a line beginning at the Pennsylvania-New York State line and extending along unnumbered highway to junction Pennsylvania Highway 49, thence along Pennsylvania Highway 49 to junction Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Tioga-Potter County line, thence along the Tioga-Potter County line to the Tioga-Lycoming County line, thence along the Tioga-Lycoming County line to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway near Front Run, thence along unnumbered highway to junction Pennsylvania Highway 973, thence along Pennsylvania Highway 973 to junction Pennsylvania Highway 87, thence along Pennsylvania Highway 87 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 225, thence along Pennsylvania Highway 225 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 283, thence along Interstate Highway 283 to junction Interstate Highway 76, thence along Interstate Highway 76 to the Pennsylvania-New Jersey State line, and those in New York on and west of a line beginning at Lake Ontario and extending along unnumbered highway to junction New York Highway 18, thence along New York Highway 18 to junction unnumbered highway near Greece, thence along unnumbered highway to junction U.S. Highway 104, thence along U.S Highway 104 to junction Rochester Bay By-Pass, thence along Rochester Bay By-Pass to junction New York Highway 383, thence along New York Highway 383 to junction New York Highway 251, thence along New York Highway 251 to the Genesee River, to New York Highway 63 thence along New York Highway 63 to the Livingston-Steuben County line, thence along the Livingston-Steuben County line to the New York-Pennsylvania State line; and (2) from Northvale, Rockleigh, Norwood, Closter, Cresskill, Demarest, Englewood, Cliffs, and Tenafly (Bergen County), N.J., to points in Maine. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E71), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment): (1) from points in Essex County, N.J., to points in Maine, Ohio, Delaware, Maryland, Virginia, those in New Hampshire on, north, and east of New Hampshire Highway 13, those in Vermont on, north, and east of a line beginning at the Vermont-New York State line and extending along Vermont Highway F5 to junction U.S. Highway 7, thence along U.S. Highway 7 to junction Vermont Highway 17, thence along Vermont Highway 17 to junction Vermont Highway 12A, thence along Vermont Highway 12A to junction Vermont Highway 66, thence along Vermont Highway 66 to junction unnumbered highway at East Randolph, thence along unnumbered highway to junction Vermont Highway 110, thence along Vermont Highway 110 to junction Interstate Highway 89, thence along Interstate Highway 89 to junction Vermont Highway 14, thence along Vermont Highway 14 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction unnumbered highway at Quechee, thence along unnumbered highway to junction Vermont Highway 12, thence along Vermont Highway 12 to junction unnumbered highway at Hartland, thence along unnumbered highway to junction Vermont Highway 44, thence along Vermont Highway 44 to junction Vermont Highway 131, thence along Vermont Highway 131 to junction Vermont Highway 11, thence along Vermont Highway 11 to the Vermont-New Hampshire State line, those in Massachusetts on, north, and east of a line beginning at the Massachusetts-New Hampshire State line and extending along Massachusetts Highway 123A to junction Massachusetts Highway 119, thence along Massachusetts Highway 119 to junction U.S. Highway 2,

Thence along U.S. Highway 2 to junction Massachusetts Highway 128, thence along Massachusetts Highway 128 to junction Massachusetts Highway 24, thence along Massachusetts Highway 24 to junction Massachusetts Highway 27, thence along Massachusetts Highway 27 to junction Massachusetts Highway 28, thence along Massachusetts Highway 28 to junction Massachusetts Highway 18, thence along Massachusetts Highway 18 to Buzzard's Bay, those in Pennsylvania on, west, and south of a line beginning at the Pennsylvania-New York State line and extending along unnumbered highway to junction Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to junction unnumbered highway at Fassett, thence along unnumbered highway to junction unnumbered highway, thence along unnumbered highway to junction Pennsylvania Highway 549, thence along Pennsylvania Highway 549 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 15, thence along U.S.

Highway 15 to junction Pennsylvania Highway 654, thence along Pennsylvania Highway 654 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction Pennsylvania Highway 880, thence along Pennsylvania Highway 880 to junction unnumbered highway at Carroll, thence along unnumbered highway to the Union-Clinton County line, thence along the Union-Clinton County line to the Union-Centre County line, thence along the Union-Centre County line to the Union-Mifflin County line, thence along the Union-Mifflin County line to the Snyder-Mifflin County line, thence along the Snyder-Mifflin County line to the Mifflin-Juniata County line, thence along the Mifflin-Juniata County line to U.S. Highway 2, thence along U.S. Highway 22 to junction Pennsylvania Highway 75, thence along Pennsylvania Highway 75 to junction Pennsylvania Highway 74, thence along Pennsylvania Highway 74 to junction Pennsylvania Highway 944, thence along Pennsylvania Highway 944 to junction Pennsylvania Highway 997, thence along Pennsylvania Highway 997 to junction Pennsylvania Highway 641, thence along Pennsylvania Highway 641 to junction unnumbered highway at Plainfield, thence along unnumbered highway to junction Pennsylvania Highway 174, thence along Pennsylvania Highway 174 to junction Pennsylvania Highway 94, thence along Pennsylvania Highway 94 to junction unnumbered highway near York Springs, thence along unnumbered highway to junction Pennsylvania Highway 74, thence along Pennsylvania Highway 74 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 82,

Thence along Pennsylvania Highway 82 to junction Pennsylvania Highway 162, thence along Pennsylvania Highway 162 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 322, thence along U.S. Highway 322 to the Delaware River, and those in New York on, west, and north of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 328 to junction New York Highway 352, thence along New York Highway 352 to junction New York Highway 27, thence along New York Highway 17 to junction New York Highway 414, thence along New York Highway 414 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 90, thence along New York Highway 90 to junction New York Highway 31, thence along New York Highway 31 to junction New York Highway 13, thence along New York Highway 13 to junction unnumbered highway near Bernhards Bay, thence along unnumbered highway to junction New York Highway 13, thence along New York Highway 13 to the Oneida-Oswego County line, thence along the Oneida-Oswego County line to the Oneida-Lewis County line, thence along the Oneida-Lewis County line to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 26A, thence along New York Highway 26A to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 431, thence along New York Highway 431 to junction New York Highway 86, thence along New York Highway 86 to junction New York Highway 9N, thence along New York Highway 9N to Lake Champlain; (2) from Millburn, Maplewood, Irvington, Orange, East Orange, Newark, and South Orange (Essex County), N.J., to points in New Hampshire; and (3) from Millburn, Maplewood, Livingston, Newark, Irvington, West Orange, Orange, East Orange, and South Orange (Essex County), N.J., to points in Vermont. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminium Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E72), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from points in Passaic County, N.J., to points in Ohio, Delaware, Virginia, those in Maine on and north of a line beginning at the Maine-New Hampshire State line and extending along Maine Highway 110 to junction Maine Highway 11, thence along Maine Highway 11 to junction Maine Highway 117, thence along Maine Highway 117 to junction Maine Highway 112, thence along Maine Highway 112 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction unnumbered highway near Saco, thence along unnumbered highway to the Atlantic Ocean, those in New Hampshire, on, north, and east of a line beginning at the Vermont-New Hampshire State line and extending along New Hampshire Highway 18 to junction Interstate Highway 93, thence along Interstate Highway 93 to junction New Hampshire Highway 3B, thence along New Hampshire Highway 3B to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to junction New Hampshire Highway 113, thence along New Hampshire Highway 113 to junction New Hampshire Highway 109, thence along New Hampshire Highway 109 to junction New Hampshire Highway 171, thence along New Hampshire Highway 171 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction New Hampshire Highway 16.

Thence along New Hampshire Highway 16 to junction unnumbered highway near North Wakefield, thence along unnumbered highway to junction New Hampshire Highway 153, thence along New Hampshire Highway 153 to the New Hampshire-Maine State line, those in Vermont on, north, and east of a line beginning at the United States-Canada International Boundary line and extending along Vermont Highway 114 to junction Vermont Highway 105, thence along Vermont Highway 105 to the Vermont-New Hampshire State line, those in Maryland on and west of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 219 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction unnumbered highway near Grantsville, thence along unnumbered highway to the Maryland-West Virginia State line, those in Maryland on, south, and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 222 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 152, thence along Maryland Highway 152 to junction Maryland Highway 165, thence along Maryland Highway 165 to junction Maryland Highway 146, thence along Maryland Highway 145 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction Maryland Highway 125, thence along Maryland Highway 125 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Maryland Highway 27, thence along Maryland Highway 27 to the Howard-Montgomery County line, thence along the Howard-Montgomery County line to the Frederick-Montgomery County line, thence along the Frederick-Montgomery County line to the Maryland-Virginia State line, those in Pennsylvania on, south, and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 62 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to junction Pennsylvania Highway 949, thence along Pennsylvania Highway 949 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 968, thence along Pennsylvania Highway 968 to junction Pennsylvania Highway 839, thence along Pennsylvania Highway 839 to junction unnumbered highway near Daytona.

Thence along unnumbered highway to junction Pennsylvania Highway 85, thence along Pennsylvania Highway 85 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 217, thence along Pennsylvania Highway 217 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Pennsylvania Highway 711, thence along Pennsylvania Highway 711 to junction Pennsylvania Highway 31, thence along Pennsylvania Highway 31 to junction Pennsylvania Highway 381, thence along Pennsylvania Highway 381 to junction unnumbered highway at Champaign, thence along unnumbered highway to junction Pennsylvania Highway 653, thence along Pennsylvania Highway 653

to junction unnumbered highway at Rockwood, thence along unnumbered highway to junction unnumbered highway near Meyersdale, thence along unnumbered highway to junction Pennsylvania Highway 160, thence along Pennsylvania Highway 160 to the Pennsylvania-Maryland State line, those in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along the Chautaqua-Cattaraugus County line to junction unnumbered highway, thence along unnumbered highway to junction New York Highway 83, thence along New York Highway 83 to junction unnumbered highway near Balcom, thence along unnumbered highway to junction New York Highway 428, thence along New York Highway 428 to Lake Erie, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub E73), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Building materials (except those of unusual value, household goods, as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), (1) from points in Union County, N.J., to points in Maine, New Hampshire, Vermont, Rhode Island, Ohio, Maryland, Delaware, Virginia, those in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 183, to junction Connecticut Highway 8, to junction U.S. Highway 44, to junction Connecticut Highway 2, to junction Connecticut Highway 66, to junction Connecticut Highway 196, to junction Connecticut Highway 149, to the Connecticut River, to the Long Island Sound, those in Massachusetts on, north and west of a line beginning at the New York-Massachusetts State line and extending along Interstate Highway 90 to junction Massachusetts Highway 8, to the Massachusetts-Connecticut State line, those in Pennsylvania on, west and south of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to junction Pennsylvania Highway 87, to junction U.S. Highway 220, to junction Pennsylvania Highway 654, to junction Pennsylvania Highway 44, to junction Pennsylvania 880, to junction Pennsylvania Highway 192, to junction Pennsylvania Highway 445, to junction Pennsylvania Highway 45, to junction Pennsylvania Highway 235, to junction Pennsylvania Highway 35, to junction unnumbered highway near Mifflin, to junction Pennsylvania Highway 75 near Port Royal, to junction Pennsylvania Highway 74, to junction Pennsylvania Highway 850, to junction Pennsylvania Highway 233, to junction Pennsylvania Highway 641, to junction Pennsylvania Highway 74, to junction U.S. Highway 30, to junction U.S. Highway 222, to Pennsylvania Highway 472, to junction U.S. Highway 1, to junction Pennsylvania Highway 41, to the Pennsylvania-Delaware State line, those in New York on, north, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 34 to junction New York Highway 96, to junction unnumbered highway at Cander, to junction New York Highway 38 near Harford, to junction New York Highway 221, to junction New York Highway 26, to junction New York Highway 23, to junction New York Highway 30, to junction New York Highway 81, to the Green-Albany County line, to Interstate Highway 87, to junction Interstate Highway 90, to the New York-Massachusetts State line; and from points in Union County, N.J. (except Summit), to points in Massachusetts, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse and plant-site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 8973 (Sub-No. E74), filed May 16, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th St., N. Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), from points in Somerset County, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Ohio, those in Connecticut on, north, and east of a line beginning at the Connecticut-Massachusetts State line and extending along Connecticut Highway 272 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction Connecticut Highway 99, thence along Connecticut Highway 99 to junction Connecticut Highway 66, thence along Connecticut Highway 66 to junction Connecticut Highway 16, thence along Connecticut Highway 16 to junction Connecticut Highway 151, thence along Connecticut Highway 151 to the Connecticut River near Middle Haddam, to the Long Island Sound, those in New York on and west of a line beginning at the New York-Pennsylvania State line and extending along unnumbered highway to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 39, thence along New York Highway 39 to junction New York Highway 33, thence along New York Highway 33 to junction New York Highway 237, thence along New York Highway 237 to Lake Ontario, those in New York bounded on the west by Lake Ontario, on the north by the United States-Canada International Boundary line, and on the south by a line beginning at Lake Ontario and extending along New York Highway 3 to junction New York Highway 12, thence along New York Highway 12 to junction unnumbered highway near Boonville, thence along unnumbered highway to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New York Highway 22, thence along New York Highway 22 to the New York-Vermont State line, those in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to junction Pennsylvania Highway 666, thence along Pennsylvania Highway 666 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 38, thence along Pennsylvania Highway 38 to junction Pennsylvania Highway 268, thence along Pennsylvania Highway 268 to junction unnumbered highway at Chicora, thence along unnumbered highway to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 48, thence along Pennsylvania Highway 48 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction Pennsylvania Highway 857, thence along Pennsylvania Highway 857 to the Pennsylvania-New York State line, and those in Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Virginia Highway 227, thence along Virginia Highway 227 to the Rappahannock River. The purpose of this filing is to eliminate the gateway of the warehouse and plant site facilities of Alcan Aluminum Corporation at Woodbridge, N.J.

No. MC 29079 (Sub E33), filed January 23, 1975. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 S. Union St., Kokomo, Ind. 46901. Applicant's representative: Edward K. Wheeler, Southern Bldg., 15th and H St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general commodities*, except those of unusual value, Classes A and B explosives, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, from points in Newaygo, Barry, Cass, Van Buren, Ionia, Kent, Montcalm, Ottawa, Allegan, Kalamazoo, Mushegon, Oceana, Berrien, and St. Joseph Counties, to those points

in Hamilton County, Ohio, on and west of U.S. Highway 25, and Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of Tifton County, Indiana.

No. MC 41635 (Sub-No. E1), (correction), filed June 3, 1974, published in the FEDERAL REGISTER August 20, 1975. Applicant: DEALERS TRANSPORT CO., P.O. Box 21126, Standiford Station, Louisville, Ky. 40221. Applicant's representative: Richard D. Gleaves, 602 Stahlman Bldg., Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, bodies, cabs*, and *chassis* in secondary movements, in truckaway service; (12) from St. Louis, Mo., to Dearborn and Detroit, Mich., points in Georgia, North Carolina, Ohio, West Virginia, Virginia, points in Kentucky north of Interstate Highway 64 and east of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 31W to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 163, thence along Kentucky Highway 163 to the Kentucky-Tennessee State line, points in Tennessee east of a line beginning at the Tennessee-Kentucky State line and extending along Tennessee Highway 51 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Louisville, Ky. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 41635 (Sub-No. E5) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 12, 1975. Applicant: DEALERS TRANSPORT CO., P.O. Box 21126, Standford Station, Louisville, Ky. 40221. Applicant's representative: Richard D. Gleaves, 602 Stahlman Bldg., Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, bodies, cabs*, and *chassis* in secondary movements, in truckaway service; (5) from points in Louisiana to points in Kentucky west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 27 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Ohio River. The purpose of this filing is to eliminate the gateways of Memphis, Tenn., and points in Kentucky west of U.S. Highway 51. The purpose of this partial correction is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 60014 (Sub-No. E128), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Pennsylvania, on the one hand, and, on the other, points in New Hampshire and those in Rhode Island on and north of a line beginning at the Connecticut-Rhode Island and extending along Rhode Island Highway 138 to junction Rhode Island Highway 108, thence along Rhode Island Highway 108 to the Rhode Island Sound, and between those points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 49 to junction Pennsylvania Highway 349, thence along Pennsylvania Highway 349 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction Pennsylvania Highway 949, thence along Pennsylvania Highway 949 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 839, thence along Pennsylvania Highway 839 to junction Pennsylvania Highway 85, thence along Pennsylvania Highway 85 to junction Pennsylvania Highway 954, thence along Pennsylvania Highway 954 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to junction Pennsylvania Highway 160, thence along Pennsylvania Highway 160 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, those points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 32 to junction Connecticut Higwhay 2, thence along Connecticut Highway 2 to the Connecticut-Rhode Island State line (New York and points in Massachusetts within 35 miles of Boston) *.

(2) *Malt beverages*, from Jeannette and Pittsburgh, Pa., to those points in Ohio on and west of a line beginning at the Ohio-Michigan State line and extending along Interstate Highway 75 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Ohio Highway 281, thence along Ohio Highway 281 to junction Ohio Highway 199, thence along Ohio Highway 199 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Ohio Highway 224, thence along Ohio Highway 224 to junction Ohio Highway 100, thence along Ohio Highway 100 to junction Ohio Highway 19, thence along Ohio Highway 19 to junction Ohio Highway 97, thence along Ohio Highway 97 to junction Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Ohio Highway 205, thence along Ohio Highway 205 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 643, thence along Ohio Highway 643 to junction Ohio Highway 651, thence along Ohio Highway 651 to junction Ohio Highway 93, thence along Ohio Highway 93 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 285, thence along Ohio Highway 285 to junction Ohio Highway 313, thence along Ohio Highway 313 to junction Ohio Highway 574, thence along Ohio Highway 574 to junction Ohio Highway 566, thence along Ohio Highway 566 to junction Ohio Highway 147, thence along Ohio Highway 147 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Ohio Highway 260, thence along Ohio Highway 260 to junction Ohio Highway 145, thence along Ohio Highway 145 to junction Ohio Highway 821, thence along Ohio Highway 821 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line, and those in West Virginia on and west of a line beginning at the Ohio River and extending along West Virginia Highway 31 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction West Virginia Highway 47, thence along West Virginia Highway 47 to junction West Virginia Highway 5A, thence along West Virginia Highway 5A to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 12, thence along West Virginia Highway 12 to the West Virginia-Virginia State line (Cambridge, Ohio) *; and

(3) *Petroleum products*, in containers, from Bradford, Pa., to those points in Ohio south and west of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 81 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Ohio Highway 205, thence along Ohio Highway 205 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 206, thence along Ohio Highway 206 to junction Ohio Highway 715, thence along Ohio Highway 715 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 258, thence along Ohio Highway 258 to junction Ohio Highway 342, thence along Ohio Highway 342 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S.

Highway 40, thence along U.S. Highway 40 to junction Ohio Highway 26, thence along Ohio Highway 26 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 7, thence along Ohio Highway 7 to the Ohio-West Virginia State line and extending along West Virginia Highway 2/18A, thence along West Virginia Highway 2/18A to junction West Virginia Highway 18, thence along West Virginia Highway 18 to junction West Virginia Highway 74, thence along West Virginia Highway 74 to junction West Virginia Highway 47, thence along West Virginia Highway 47 to junction West Virginia Highway 5A, thence along West Virginia Highway 5A to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction U.S. Highway 33/119, thence along U.S. Highway 33/119 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction West Virginia Highway 12, thence along West Virginia Highway 12 to the West Virginia-Virginia State line (Cambridge, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 60014 (Sub-No. E129), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in New Jersey, on the one hand, and, on the other, those points in New Hampshire on and east of a line beginning at the Vermont-New Hampshire State line and extending along New Hampshire Highway 12/103, thence along New Hampshire Highway 12/103 to junction New Hampshire Highway 11/103, thence along New Hampshire Highway 11/103 to junction New Hampshire Highway 31, thence along New Hampshire Highway 31 to junction New Hampshire Highway 12, thence along New Hampshire Highway 12 to the New Hampshire-Massachusetts State line, and those in Rhode Island on and north of Interstate Highway 6, and between those points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along New Jersey Highway 33 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean, on the one hand, and on the other, those points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 12 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Connecticut-Rhode Island State line. The purpose of this filing is to eliminate the gateway of New York and points in Massachusetts within 35 miles thereof.

No. MC 60014 (Sub-No. E130), filed June 4, 1974. Applicant: AERO TRUCKING, P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Maryland and the District of Columbia, on the one hand, and, on the other, points in New Hampshire, those in Massachusetts within 35 miles of Boston, those in Rhode Island on and north of a line beginning at the Connecticut-Rhode Island State line and extending along Rhode Island Highway 165 to junction Rhode Island Highway 102, thence along Rhode Island Highway 102 to junction U.S. Highway 1A, thence along U.S. Highway 1A to the Atlantic Ocean, and those in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 32 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to the Connecticut-Rhode Island State line. The purpose of this filing is to eliminate the gateways of New York and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-No. E131), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Delaware, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and those in Connecticut north and east of a line beginning at the Massachusetts-Connecticut State line and extending along Connecticut Highway 12 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Connecticut-Rhode Island State line. The purpose of this filing is to eliminate the gateways of New York and Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-No. E132), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment; (1) between those points in New York on and south of Interstate Highway 287, on the one hand, and, on the other, those points in Rhode Island on and east of a line beginning at the Massachusetts-Rhode Island State line and extending along Rhode Island Highway 146 to junction Rhode Island Highway 117, thence along Rhode Island Highway 117 to the Atlantic Ocean; (2) between those points in New York on and west of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 30A, thence along New York Highway 30A to junction New York Highway 29, thence along New York Highway 29 to junction New York Highway 22, thence along New York Highway 22 to the New York-Vermont State line, on the one hand, and, on the other, those points in Connecticut on and east of a line beginning at the Connecticut-Massachusetts State line and extending along Connecticut Highway 12 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 1A, thence along Connecticut Highway 1A to the Atlantic Ocean.

(3) Between those points in New York on and north of a line beginning at the St. Lawrence River and extending along New York Highway 58 to junction New York Highway 184, thence along New York Highway 184 to junction New York Highway 68, thence along New York Highway 68 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 374, thence along New York Highway 374 to the United States-Canada International Boundary line, on the one hand, and, on the other, those points in Connecticut on and east of Interstate Highway 91; (4) between those points in New York on and north of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 167 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 2, thence along New York Highway 2 to the New York-Massachusetts State line, on the one hand, and, on the other, points in Rhode Island; (5) between those points in New York on and south of a line beginning at Lake Ontario and extending along New York Highway 13 to junction New York Highway 69, thence along New York Highway 69 to junction New York Highway 365, thence along New York Highway 365 to junction New York Highway 49, thence along New York Highway 49 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 7, thence along New York Highway 7 to junction New York 2, thence along New York Highway 2 to the New York-Massachusetts State line, on the one hand, and, on the other, those points in New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along New Hampshire Highway 12 to junction New Hampshire Highway 119, thence along New Hampshire Highway 119 to junction

U.S. Highway 202, thence along U.S. Highway 202 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction New Hampshire Highway 16, thence along New Hampshire Highway 16 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to junction New Hampshire Highway 153, thence along New Hampshire Highway 153 to junction New Hampshire Highway 113, thence along New Hampshire Highway 113 to the New Hampshire-Maine State line; and

(6) Between those points in New York on and north of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 9W, thence along U.S. Highway 9W to junction New York Highway 199, thence along New York Highway 199 to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, on the one hand, and, on the other, those points in Connecticut north and east of a line beginning at the Connecticut-Massachusetts State line and extending along Connecticut Highway 12 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Connecticut-Rhode Island State line. The purpose of this filing is to eliminate the gateways of points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-No. E136), filed June 3, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between those points in Ohio on and west of a line beginning at Lake Erie and extending along Ohio Highway 91 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Ohio Highway 38, thence along Ohio Highway 88 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Rhode Island, those in Massachusetts within 35 miles of Boston, Mass., those in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line and extending along U.S. Highway 5 to junction Interstate Highway 91, thence along Interstate Highway 91 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Ohio Highway 85, thence along Ohio Highway 85 to the Block Island Sound, those in New Hampshire on and east of a line beginning at the Vermont-New Hampshire State line and extending along U.S. Highway 302 to junction New Hampshire Highway 112, thence along New Hampshire Highway 112 to junction New Hampshire Highway 118, thence along New Hampshire Highway 118 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction New Hampshire Highway 3A/25, thence along New Hampshire Highway 3A/25 to junction New Hampshire Highway 3A, thence along New Hampshire Highway 3A to junction New Hampshire Highway 104, thence along New Hampshire Highway 104 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to junction New Hampshire Highway 10, thence along New Hampshire Highway 10 to junction New Hampshire Highway 123A, thence along New Hampshire Highway 123A to junction New Hampshire Highway 123, thence along New Hampshire Highway 123 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateways of Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio, Pennsylvania, New York, and points in Massachusetts within 35 miles of Boston.

No. MC 60014 (Sub-No. E140), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, for petroleum products, from points in Ohio south and west of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 81 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction Ohio Highway 205, thence along Ohio Highway 205 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 206, thence along Ohio Highway 206 to junction Ohio Highway 715, thence along Ohio Highway 175 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 258, thence along Ohio Highway 258 to junction Ohio Highway 342, thence along Ohio Highway 342 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio Highway 26, thence along Ohio Highway 26 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 7, thence along Ohio Highway 7 to the Ohio-West Virginia State line, and those points in West Virginia on and west of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 2/18A to junction West Virginia Highway 18, thence along West Virginia Highway 18 to junction West Virginia Highway 74, thence along West Virginia Highway 74 to junction West Virginia Highway 47, thence along West Virginia Highway 47 to junction West Virginia Highway 5A, thence along West Virginia Highway 5A to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction U.S. Highway 33/119, thence along U.S. Highway 33/119 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction West Virginia Highway 12, thence along West Virginia Highway 12 to the West Virginia-Virginia State line to Bradford, Pa. The purpose of this filing is to eliminate the gateway of Cambridge, Ohio.

No. MC 61231 (Sub E1) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER July 15, 1975. Applicant: ACE LINES, INC., 4143 E. 43d St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, feeds, forest products* (including lumber and fence posts), *Livestock* (including horses), and unprocessed farm products (except commodities in bulk, and commodities requiring special equipment), (1) between points in Minnesota, North Dakota, Iowa, Illinois, on the one hand, and, on the other, points in Indiana in the Chicago, Ill., commercial zone, points in St. Louis County, Mo., points in Missouri in the St. Louis, Mo.-East St. Louis, Ill., commercial zone; Omaha, Nebra., and points within ten miles of Omaha, Nebraska. (2) between points in Indiana in the Chicago, Ill., commercial zone and points in St. Louis County, Mo., and points in Missouri in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, on the one hand, and, on the other, Omaha, Nebr., and points within ten miles of Omaha, Nebr.; (3) between points in Indiana in the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in St. Louis County, Mo., and points in Missouri in the St. Louis, Mo.-East St. Louis, Ill. commercial zone. The purpose of this filing is to eliminate the gateways of Chicago and East St. Louis, Ill., and Council Bluffs, Iowa.

No. MC 67200 (Sub E18), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture* (except when transported as a separate and distinct service in connection with so called "household movings") from points in Rhode Island to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Boston, Massachusetts.

No. MC 67200 (Sub E26), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representa-

tive: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture* (other than new furniture included within the discription of household goods and defined by the Commission) from East Arlington, Vermont, to points in New York south of a line extending northeasterly from the New York-New Jersey State line, along U.S. Highway 202 to the Hudson River, thence along the Hudson River to the Westchester-Putnam County line, and thence easterly along the Westchester County-Putnam County line to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateway of Milford, Connecticut.

No. MC 67200 (Sub E28), filed June 4, 1974. Applicant: THE FURNITURE TRANSPORT COMPANY, INC., P.O. Box 392, Furniture Row, Milford, Connecticut 06460. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* (other than new furniture included within the description of household goods as defined by the Commission) from those points in that part of New York within 100 miles of Columbus Circle, New York, N.Y., to those points in that part of New Jersey on and south of a line beginning at New Jersey Highway 440 at the toll bridge at Arthur Kill, and extending along New Jersey Highway 440 to the junction of New Jersey Highway 27, thence along New Jersey Highway 27 to the junction of New Jersey Highway 518, thence along New Jersey Highway 518 to the Delaware River. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 83539 (Sub E92), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. 16th St., P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Idaho to points in Illinois south of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of points in Montana west of a line running north and south through Dupuyer and Butte, and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E95), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. 16th St., P.O. Box 1945, Austin, Texas 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Idaho to those points in New Mexico east of Interstate Highway 25. The purpose of this filing is to eliminate the gateways of points in Montana west of a line running north and south through Dupuyer and Butte, and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E96), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Idaho to points in Texas (except points in and west of the counties of Dallam, Hartley, Oldham, Deaf Smith, Swisher, Hall, Lubbock, Lynn, Dawson, Martin, Midland, Upton, Pecos, and Terrell). The purpose of this filing is to eliminate the gateways of points in Montana west of a line running north and south through Dupuyer and Butte and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E111), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) from points in California (except points in and south of the Counties of Mendocino, Tehama, and Plumas) to points in Minnesota (except points in and north of the Counties of Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, and Pine). (2) From points in California (except points in and north of the Counties of Humboldt, Trinity, Shasta, and Lassen) to points in Minnesota. The purpose of this filing is to eliminate the gateways of points in Utah and the facilities of the CF & I Steel Corp., at Pueblo, Colorado.

No. MC 83539 (Sub E112), filed June 3, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Texas 75222. Applicant's representative: Robert N. Maxwell, 500 W. Sixteenth St., P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Washington to points in Texas, except those points in and west of the Counties of Dallam, Hartley, Oldham, Deaf Smith, Castro, Lamb, Hockley, Terry, Dawson, Martin, Midland, Upton, Pecos, and Terrell. The purpose of this filing is to eliminate the gateways of points in Montana west of a line extending north and south through Dupuyer and Butte and the facilities of CF & I Steel Corp., at Pueblo, Colorado.

No. MC 93003 (Sub E33), filed May 30, 1974. Applicant: CARROLL TRUCKING CO., 3203 U.S. Route 60 East, Huntington, West Virginia 25703. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated iron and steel pipe, including fittings* therefor, between points in that part of Ohio on, east, and south of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 23 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line on the one hand, and, on the other, points in that part of Tennessee on, east, and north of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 27 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Tennessee-North Carolina State line. Restriction: The operations authorized above are restricted to the transportation of *Commodities* which, because of size or weight, require the use of special equipment, and *Related Contractor's Materials and Supplies*, when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special equipment.

No. MC 93003 (Sub E34), filed May 30, 1974. Applicant: CARROLL TRUCKING CO., 3203 U.S. Route 60 East, Huntington, W. Va. 25703. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated iron and steel pipe*, including *fittings*, therefor, between points in that part of West Virginia on, north, and west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 64 to Charleston, thence along Interstate Highway 79 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in that part of Tennessee bounded by a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 27, to U.S. Highway 70, to U.S. Highway 25E, to the Kentucky-Tennessee State line. Restriction: The operations authorized above are restricted to the transportation of *Commodities* which, because of size or weight, require the use of special equipment, and *Related Contractor's Materials and Supplies*, when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special equipment. The purpose of

this filing is to eliminate the gateway of Ashland, Kentucky.

No. MC 102616 (Sub E392), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, (A) from points in Virginia on, south, and east of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 23 to junction U.S. Highway 421, to junction U.S. Highway 19 to the Virginia-West Virginia State line, to points in Illinois on and north of U.S. Highway 36, points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to junction U.S. Highway 36 to the Indiana-Illinois State line, and points in Kansas. (B) From points in Virginia on and east of a line beginning at the Maryland-Virginia State line and extending along Interstate Highway 81 to junction U.S. Highway 220 to the Virginia-North Carolina State line and extending along U.S. Highway 27 to junction U.S. Highway 68, to junction Kentucky Highway 163 to the Kentucky-Tennessee State line. (C) From points in Virginia on, south, and east of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 23 to junction U.S. Highway 421, to junction U.S. Highway 19, to the Virginia-West Virginia State line at Bluefield, Virginia, and on, south, and west of Interstate Highway 64 and U.S. Highway 250, to points in Ohio on, south, and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 22 to Ohio Highway 73, to junction Ohio Highway 122 to the Ohio-Indiana State line. (D) From points in Virginia on and north of U.S. Highway 50 to points in Tennessee west of U.S. Highway 27. (E) From points in Virginia to points in Kanawha County, W. Va. (F) From points in Virginia on and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 258 to junction U.S. Highway 460, to Virginia Highway 311 to the Virginia-West Virginia State line, to points in Brooke, Hancock, Marion, Marshall, Pleasants, and Wetzel Counties, W. Va. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va.

No. MC 102616 (Sub E393), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 E. Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, (A) from points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 311 to junction U.S. Highway 220 to the Virginia-North Carolina State line, and on and south of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 259 to junction Virginia Highway 260, to junction U.S. Highway 211, to junction U.S. Highway 522, to junction Virginia Highway 3 to the Chesapeake Bay, to points in Missouri. (B) From points in Virginia on and east of U.S. Highway 21 and on and south of a line beginning at the Chesapeake Bay and extending along to junction U.S. Highway 17 to junction Virginia Highway 3, to U.S. Highway 360 to junction U.S. Highway 29, to junction U.S. Highway 33 to the Virginia-West Virginia State line, to points in Iowa. The purpose of this filing is to eliminate the gateways of South Charleston or Institute, W. Va., and Marshall, Illinois, or points within 5 miles thereof.

No. MC 102616 (Sub E394), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: liquid chemicals, in bulk, in tank vehicles (A) from points in Virginia to points in Nebraska, and points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming on and east of U.S. Highway 85. (B) From points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 11 to junction U.S. Highway 250, to junction U.S. Highway 15, to the Virginia-North Carolina State line, to points in Arkansas. (C) From points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 11 to junction U.S. Highway 17, to junction U.S. Highway 360, to the Chesapeake Bay, to points in Louisiana on and west of a line beginning at the Gulf of Mexico and extending along Louisiana Highway 27 to junction U.S. Highway 165, to the Louisiana-Arkansas State line. (D) From points in Virginia on and east of U.S. Highway 21 to points in Oklahoma. (E) From points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 311 to junction U.S. Highway 220 to the Virginia-North Carolina State line, to points in Texas (except Harris County). The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va., and Marshall, Ill., or points within 5 miles.

No. MC 102616 (Sub E410), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: liquid chemicals, in bulk, in tank vehicles, (A) from points in Kanawha County, W. Va., to points in Delaware, Iowa, New Jersey, New York, points in Illinois on and north of a line beginning at Lake Michigan and extending along Illinois Highway 120 to junction Illinois Highway 31, to junction U.S. Highway 20, to junction Illinois Highway 72, to junction Illinois Highway 38, to junction Illinois Highway 2 to the Illinois-Iowa State line, points in Maryland on and east of U.S. Highway 220, points in Michigan on and north of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 94 to junction Michigan Highway 43 to Lake Michigan, points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 250 to junction Ohio Highway 21, to junction Ohio Highway 18, to junction U.S. Highway 250, to Lake Erie, and points in Missouri on, north, and west of a line beginning at the Missouri-Illinois State line and extending along Missouri Highway 21A to junction Missouri Highway 21, to junction Missouri Highway 8, to junction Interstate Highway 44, to junction U.S. Highway 63 to the Missouri-Arkansas State line.

(B) From points in Kanawha County, W. Va., on and east of U.S. Highway 21 to points in Missouri on, north, and west of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 61 to junction Missouri Highway 34, to junction U.S. Highway 60, to junction Missouri Highway 17 to the Missouri-Arkansas State line. (C) From points in Pleasants County, W. Va., to points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 17 to junction U.S. Highway 66, to the Illinois-Missouri State line, points in Indiana on and west of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 31 to junction Indiana Highway 2, to junction Interstate Highway 80 to the Indiana-Illinois State line, points in Maryland on and east of Interstate Highway 81, points in Michigan on and north of U.S. Highway 12, points in Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along Ohio Highway 7 to junction Ohio Highway 45, to junction Ohio Highway 14A and 14 to Lake Erie and points in Delaware, Iowa, Missouri, New Jersey, New York, and Pennsylvania. (D) From points in Hancock County, W. Va., to points in Delaware, Illinois, Iowa, Missouri, points in Indiana on, south, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 35 to junction Indiana Highway 15, to junction Indiana Highway 18, to junction U.S. Highway 35 to Lake Michigan, points in Maryland east of the Chesapeake Bay and on and south of U.S. Highway 50, points in Michigan on and north of U.S. Highway 10, points in New Jersey on and south of a line beginning at the New Jersey-Pennsylvania State line and extending along New Jersey Highway 57 to junction U.S. Highway 46, to junction U.S. Highway 202 to the New Jersey-New York State line, points in New York on and east of a line beginning at the New York-New Jersey State line and extending along U.S. Highway 209 to junction U.S. Highway 9W, to junction New York Highway 5, to junction U.S. Highway 30

to the United States-Canada International Boundary line, and points in Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 to junction U.S. Highway 35 to the Ohio-Indiana State line.

(E) From points in Brooke County, W. Va., to points in Delaware, Illinois, Iowa, Michigan, Missouri, points in Indiana on and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 35 to junction Indiana Highway 15, to junction Indiana Highway 18, to junction U.S. Highway 35, to Lake Michigan, points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to junction U.S. Highway 1 to the Maryland-District of Columbia line, points in New Jersey on and south of a line beginning at the New Jersey-Pennsylvania State line and extending along New Jersey Highway 57 to junction U.S. Highway 46, to junction U.S. Highway 202 to the New Jersey-New York State line, points in New York on and east of a line beginning at the New York-New Jersey State line and extending along U.S. Highway 209 to junction U.S. Highway 9W, to junction New York Highway 5, to junction U.S. Highway 30, to the United States-Canada International Boundary line, points in Ohio on and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 50 to junction U.S. Highway 35 to the Ohio-Indiana State line, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 100 to the Delaware-Pennsylvania State line. (F) From points in Marshall County, W. Va., to points in Delaware, Illinois, Indiana, Iowa, Michigan, Missouri, New Jersey, New York, and points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Interstate Highway 71 to the Kentucky-Ohio State line, and points in Pennsylvania (except Greene, Allegheny, Beaver, Butler, Cambria, Fayette, and McKean Counties). (G) From points in Monongalia County, W. Va., to points in Illinois, Indiana, Iowa, Michigan, Missouri, points in New York on and north of a line beginning at Lake Erie and extending along U.S. Alternate Highway 20 to junction New York Highway 5, to junction New York Highway 5S, to junction New York Highway 7 to the New York-Vermont State line, and points in Ohio on and north and west of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 22, to junction U.S. Highway 23 to the Ohio-Kentucky State line.

(H) From points in Marion County, W. Va., to points in Illinois, Indiana, Iowa, Michigan, Missouri, points in New York on and north of a line beginning at Lake Erie and extending along U.S. Highway Alternate 20 to junction U.S. Highway 20, to the New York-Massachusetts State line, and points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 22 to the Ohio-Kentucky State line. (I) From points in Wetzel County, W. Va., to points in Delaware, Illinois, Indiana, Iowa, points in Maryland east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to junction U.S. Highway 1 to the Maryland-District of Columbia line, points in Michigan, Missouri, New Jersey, New York, and points in Ohio on and north of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction Interstate Highway 71 to the Ohio-Kentucky State line. (J) From points in Hampshire County, W. Va., to points in Illinois, Indiana, Iowa, Michigan, Missouri, and points in Ohio on, west, and south of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 250 to junction Interstate Highway 77 to Lake Erie, and points on and north of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 22, to junction U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va., and Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub E416), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid chemicals*, in bulk, in tank vehicles, from Charleston, W. Va., to points in California, Idaho, Nevada, Oregon, Washington, and points in North Dakota west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Midland, Michigan.

No. MC 102616 (Sub E417), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, in bulk, in tank vehicles, from points in West Virginia on and north of U.S. Highway 33 and on and east of U.S. Highway 119, to points in Illinois on and north of U.S. Highway 24. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pennsylvania, and Toledo, Ohio.

No. MC 102616 (Sub-No. E425), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: petroleum products, as defined by the Commission, in bulk, in tank vehicles, (A) from points in West Virginia on and north of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 7 to junction West Virginia Highway 69 to the West Virginia-Pennsylvania State line, to points in Maryland on and east of U.S. Highway 1, and the District of Columbia, (B) from points in West Virginia on and north of U.S. Highway 33 and on and west of U.S. Highway 119, to points in Delaware and points in New Jersey on, east and north of New Jersey Highway 47. (C) from points in West Virginia on West Virginia Highway 2 from Parkersburg to New Martinsville, and points on and north of West Virginia Highways 7 and 69 to points in New Jersey. (D) from points in West Virginia on and north of a line beginning at the West Virginia-Ohio State line and extending along U.S. Highway 250 to junction unnumbered highway near Rocklick to the West Virginia-Pennsylvania State line, to points in Virginia on and east of U.S. Highway 101 and on and south of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pennsylvania.

No. MC 106603 (Sub-No. E9) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER July 1, 1975. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Martin Leavitt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building contractors' materials*, restricted to building and roofing materials, in truck loads, from those points in Ohio on and south of a line beginning at the Ohio-Kentucky State line and extending along Ohio Highway 73 to junction Ohio Highway 725, thence along Ohio Highway 725 to the Ohio-Indiana State line to those points in the Lower Peninsula of Michigan bounded by a line beginning at the Michigan-Indiana State line and extending along Interstate Highway 94 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to Lake Michigan, and those in Michigan on and east of a line beginning at Saginaw Bay and extending along U.S. Highway 10 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 32, thence along Michigan Highway 32 to Lake Huron. The purpose of this filing is to eliminate the gateway of Lockland, Ohio. The purpose of this correction is to correct the territorial description.

No. MC 107002 (Sub E20), filed May 20, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, in bulk, in tank vehicles, from points in Shelby County, Tenn., to points in Florida (points in Mississippi north of

U.S. Highway 80 and Mobile, Ala., and points within 10 miles thereof) *, North Carolina, South Carolina (points in Mississippi north of U.S. Highway 80 (except Crupp and Rogerslacy, Miss.), and Tuscaloosa, Ala.) *, Louisiana (points in Mississippi north of U.S. Highway 80, and Vicksburg, Miss.) * and those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending along Texas Highway to junction Texas Highway 7, to junction U.S. Highway 79, to junction Texas Highway 95, to junction Texas Highway 29, to junction Interstate Highway 10, to the Texas-New Mexico State line (points in Mississippi north of U.S. Highway 80, and Natchez, Miss.) *, restricted to the transportation of petroleum products, as defined by the Commission, to points in Louisiana. The purpose of this filing is to eliminate the gateway as indicated by asterisks above.

No. MC 107002 (Sub E22), filed May 27, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Tuscaloosa, Ala., to points in Arkansas (Union County, Miss. and Memphis, Tenn., Washington County, Miss., or Crupp and Rogerslacy, Miss.) *, Oklahoma (Washington County, Miss.) *, and those in Illinois on and south of a line beginning at the Illinois-Missouri State line and extending along Illinois Highway 150 to junction Illinois Highway 154, to junction U.S. Highway 51, to junction U.S. Highway 460, to the Illinois-Indiana State line (Union County, Miss., and the plantsite of the Southland Company at Memphis, Tenn., or Union County, Miss., and Memphis, Tenn.) *, restricted against the transportation of asphalt and liquefied petroleum gas to points in Arkansas and Oklahoma, and *petroleum products* from Tuscaloosa, Ala., to points in Louisiana (Pike County, Miss., Vicksburg, Miss., or Lumberton, Miss.) * and Texas (Natchez, Miss.) *, restricted against the transportation of liquefied petroleum gas to points in Louisiana within 150 miles of Henderson, Tex. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107002 (Sub E332), filed August 15, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jacgson, Mississippi 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Tuscaloosa, Ala., to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Mississippi within the Memphis, Tennessee, commercial zone.

No. MC 107002 (Sub E333), filed August 15, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and kerosene*, in bulk, in tank vehicles, from Birmingham, Ala., to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Mississippi within the Memphis, Tennessee, commercial zone.

No. MC 107002 (Sub E334), filed July 31, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from those points in Mississippi on, west and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 78 to junction Mississippi Highway 7, thence along Mississippi Highway 7 to the Mississippi-Tennessee State line, to points in Missouri, and from those points in Mississippi north and east of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 78 to junction Mississippi Highway 7, thence along Mississippi Highway 7 to the Mississippi-Tennessee State line, to those points in Missouri on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 67 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of points in Mississippi within the Memphis, Tennessee, commercial zone.

No. MC 107002 (Sub E335), filed July 31, 1975. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Mississippi 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Mobile, Ala., to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Mississippi on and south of U.S. Highway 80, and points in Mississippi within the Memphis, Tennessee, commercial zone.

No. MC 107107 (Sub E41), filed April 22, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Florida 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *candy and confectionery and related advertising and promotional materials*, from those points in Florida on, east, and south of a line beginning at the Florida-Georgia State line and extending along U.S. Highway 17 to junction Florida Highway 44, to junction Florida Highway 19, to junction Florida Highway 50, to the Gulf of Mexico, to points in Georgia (Zephyrhills or Jacksonville, Florida) *, South Carolina, and Tennessee (except Memphis) Jacksonville, Fla.) * The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107107 (Sub-No. E43), filed April 25, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW. 42d Ave., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *frozen foods*, (1) from those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 84 to junction Interstate Highway 65, to the Baldwin-Escambia County line, to the Baldwin-Monroe County line, to the Baldwin-Clarke County line, to the Baldwin-Washington County line, to the Mobile-Washington County line, to the Alabama-Mississippi State line; (2) from those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 84, to junction U.S. Highway 31, to junction Alabama Highway 21, to the Alabama-Florida State line to those points in Louisiana east of U.S. Highway 167; (3) from those points in Alabama on and south of Alabama Highway 10, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (4) from those points in Georgia on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction Georgia Highway 32, to junction Georgia Highway 99, to the Atlantic Ocean, and those in Glynn County, Ga., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Louisiana, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Wisconsin, and the District of Columbia, and;

(5) From those points in Georgia on and south of U.S. Highway 84, to points in Virginia (except Norfolk and Richmond, Va.) and Kentucky; and, *meats, meat products, and meat by-products*, as defined by the Commission, from those points in Alabama on and south of Alabama Highway 10, to points in Maryland, and from those points in Georgia on and south of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 82 to junction Georgia

Highway 32, to junction Georgia Highway 99, to junction U.S. Highway 84, to the Atlantic Ocean, and those in Glynn County, Ga., to points in Maryland; and, *fresh meats*, as defined by the Commission, (1) from those points in Georgia on and south of a line beginning at the Atlantic Ocean and extending along Georgia Highway 38 to junction Georgia Highway 32, to junction U.S. Highway 82, to the Georgia-Alabama State line, to points in Arkansas, Colorado, Iowa, Kansas, Maine, Michigan, Minnesota, Nebraska, New Hampshire, Oklahoma, Texas, Vermont, and Wisconsin; (2) from those points in Georgia on and south of U.S. Highway 84, to points in Kentucky; (3) from those points in Alabama on and south of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 84 to junction Interstate Highway 65, to the Baldwin-Escambia County line, to the Baldwin-Monroe County line, to the Baldwin-Clarke County line, to the Baldwin-Washington County line, to the Mobile-Washington County line, to the Alabama-Mississippi State line, to points in Arkansas and Kentucky; and (4) from those points in Alabama on and south of Alabama Highway 10, to points in Colorado, Iowa, Kansas, Maine, Michigan, Minnesota, Nebraska, New Hampshire, Oklahoma, Texas, Vermont, and Wisconsin. The purpose of this filing is to eliminate the gateway of Florida.

No. MC 109637 (Sub-E32), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, from Pascagoula, Mississippi, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, West Virginia (except points in, on and north of U.S. Highway 60, points in Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties), and points in Missouri on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 60 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Calvert City, Kentucky.

No. MC 109637 (Sub-E34), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles (except benzol, Toluol and xylol), from Troy, Indiana to points in Alabama, Arkansas, Florida, Kansas, Louisiana, Minnesota, Mississippi, Nebraska, Oklahoma and points in Tennessee west of Tennessee Highway 13. The purpose of this filing is to eliminate the gateway of Calvert City, Kentucky.

No. MC 109637 (Sub-E56), filed May 29, 1974. Applicant: SOUTHERN TANK LINES, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Whiskey*, in bulk, in tank vehicles, from points in Kentucky on and east of a line beginning at Muldrough, Kentucky and extending along U.S. Highway 31W to junction Kentucky State 61, thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line; points in Indiana on and east of U.S. Highway 31; points in Massachusetts, Maryland, Ohio, Pennsylvania, Michigan, and New York, to Vicksburg, Mississippi. The purpose of this filing is to eliminate the gateway of Bardstown, Kentucky and Evansville, Indiana.

No. MC 110988 (Sub-No. E7), filed August 7, 1975. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil St., Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium phosphate*, dry, in bulk, in tank vehicles, from Neenah, Manasha, Appleton, Kimberly, and Portage, Wis., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Joliet, Ill.

No. MC 113459 (Sub-No. E36), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, and *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* when moving in connection therewith, restricted to commodities which are transported on trailers, from points in Ohio on and west of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to the Ohio-Michigan State line, to points in Missouri on, west, and south of a line beginning at the Arkansas-Missouri State line extending along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 115331 (Sub-No. E35), filed June 3, 1974. Applicant: TRUCK TRANSPORT, INC., 230 Saint Clair Ave., East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers; (1) from those points in Wisconsin east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 90 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line (El Paso, Ill.)*; (2) from points in Wisconsin (except those on and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 127, thence along Wisconsin Highway 127 to Lake Superior, and those on and west of Wisconsin Highway 15, and those on and east of a line beginning at the Wisconsin-Illinois State line and extending along Wisconsin Highway 15 to junction Wisconsin Highway 67, thence along Wisconsin Highway 67 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan), to those points in Illinois on and south of Illinois Highway 23 and Interstate Highway 74 (El Paso, Ill.)*.

(3) From points in Wisconsin to those points in Illinois on and south of a line beginning at Collinsville and extending along Interstate Highway 55 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 40, thence along U.S. Highway 40 to the points of beginning (El Paso, Ill.)*; (4) from those points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 90 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction Wisconsin Highway 55, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line to those points in Iowa on and south of Iowa Highway 2 (El Paso, Ill.)*; (5) from those points in Wisconsin on and west of U.S. Highway 51 to those points in Indiana on and south of Interstate Highway 70 (El Paso, Ill.)*; (6) from those points in Wisconsin north and east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 90 to junction Interstate Highway 94, thence along Interstate Highway 94 to Lake Michigan, to those points in Pennsylvania south and east of Interstate Highway 81 (El Paso,

Ill.)*; (7) from those points in Wisconsin north and east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 90 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Lake Michigan to those points in Pennsylvania south and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (El Paso, Ill.)*; (8) from points in Wisconsin to those points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line (El Paso, Ill.)*.

(9) From those points in Wisconsin on and east of U.S. Highway 51 to points in Missouri (El Paso, Ill.)*; (10) from points in Wisconsin to points in Kentucky (El Paso, Ill.)*; (11) from those points in Wisconsin on and east of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 51 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 55, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line (El Paso, Ill.)*; (12) from those points in Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 61 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Wisconsin-Michigan State line to points in Ohio (El Paso, Ill.)*; (13) from points in Wisconsin to points in Arkansas (except those on and north of a line beginning at the Arkansas-Oklahoma State line and extending along Arkansas Highway 96 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to junction Arkansas Highway 16, thence along Arkansas Highway 16 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to the Arkansas-Missouri State line (El Paso, Ill.)*; (14) from those points in Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 40 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction Wisconsin Highway 36, thence along Wisconsin Highway 36 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction Wisconsin Highway 55, thence along Wisconsin Highway 55 to the Wisconsin-Michigan State line to those points in Kansas on, south, and east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 54 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line (El Paso, Ill.)*.

(15) From those points in Wisconsin east of a line beginning at the Wisconsin-Iowa State line and extending along Wisconsin Highway 27 to junction Wisconsin Highway 171, thence along Wisconsin Highway 171 to junction Wisconsin Highway 131, thence along Wisconsin Highway 131 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction Wisconsin Highway 173, thence along Wisconsin Highway 173 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to Lake Superior, to those points in Oklahoma on and east of Oklahoma Highway 34 and on and south of U.S. Highway 60 (El Paso and East St. Louis, Ill.)*; and (16) from those points in Wisconsin on and west of U.S. Highway 61 to points in Tennessee (El Paso and Oglesby, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 118831 (Sub-No. E18), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER August 11, 1975. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, fertilizer, and fertilizer materials, and anhydrous ammonia, and except caustic soda from Acme, N.C.), in bulk; (1) between those points in North Carolina on, south, and east of a line beginning at the Atlantic Ocean and extending along North Carolina Highway 24 to junction North Carolina Highway 41, thence along North Carolina Highway 41 to junction unnumbered highway near Harrells, thence along unnumbered highway to junction North Carolina Highway 210, thence along North Carolina Highway 210 to junction North Carolina Highway 53, thence along North Carolina Highway 53 to junction unnumbered highway near Kelley, thence along unnumbered highway to junction North Carolina Highway 211, thence along North Carolina Highway 211 to junction U.S. Highway 701, thence along U.S. Highway 701 to junction unnumbered highway, thence along unnumbered highway to junction U.S. Highway 74, thence along U.S. Highway 74 to junction North Carolina Highway 130, thence along North Carolina Highway 130 to junction Interstate Highway 95, thence along Interstate Highway 95 to the North Carolina-South Carolina State line, on the one hand, and, on the other, those points in North Carolina, * * *; (2) between points in New Hanover and Brunswick Counties, N.C., on the one hand, and, on the other, those points in North Carolina, * * *; (3) between Charlotte, N.C., on the one hand, and, on the other, those points in North Carolina, * * *; and (4) between Greensboro and High Point, N.C., on the one hand, and, on the other, those points in North Carolina, * * * The purpose of this filing is to eliminate the gateway of points in South Carolina. The purpose of this partial correction is to correct the territorial descriptions above. The remainder of this letter-notice remains as previously published.

No. MC 118831 (Sub-No. E25), (Correction), filed June 5, 1975, published in the FEDERAL REGISTER July 28, 1975. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate*, molten, in bulk, from Gibbstown, N.J., to those points in Tennessee bounded by a line beginning at the Mississippi-Tennessee State line and extending along the Mississippi-Tennessee State line to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 100, thence along Tennessee Highway 100 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction unnumbered highway at Whiteville, thence along unnumbered highway to junction U.S. Highway 51, thence along U.S. Highway 51 to the Tennessee-Mississippi State line. The purpose of this filing is to eliminate the gateway of the plant site of E. I. Dupont de Nemours and Company at Graingers, N.C. The purpose of this correction is to correct the commodity.

No. MC 119641 (Sub-E5), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and parts* from Rock Island, Moline, East Moline, Silvis, Carbon Cliff, and Milan, Illinois, to points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 270, to junction U.S. Highway 70 to Little Rock, thence along U.S. Highway 67 to the Missouri-Arkansas State line, points in Indiana on and south of a line beginning on the Indiana-Illinois State line and extending along U.S. Highway 36, to the Indiana-Ohio State line, points in Kentucky, Mississippi, and points in Ohio on and south of a line beginning on the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Ohio Highway 151, thence along Ohio Highway 151 to the Ohio-West Virginia State

line, and points in Tennessee. The purpose of this filing is to eliminate the gateway of Davenport, Iowa and Shelbyville, Illinois.

No. MC 119777 (Sub-No. E3), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and limestone*, in bulk, in dump vehicles, (1) (a) from points in that part of Ballard, Caldwell, Carlisle, Crittenden, Livingston, Lyon, McCracken, Union, Henderson, Webster, Hopkins, Christian, Trigg, Marshall, Graves, Hickman, and Fulton Counties, Ky., on, west and north of a line beginning at the Indiana-Kentucky State line on U.S. Highway 41, thence along U.S. Highway 41 to Hopkinsville, Ky., thence along Kentucky Highway 80 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Kentucky-Tennessee State line, to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line on U.S. Highway 41A, thence along U.S. Highway 41A to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Tennessee State line; and (b) from points in that part of Butler, Edmonson, Grayson, Logan, McLean, Muhlenberg, Ohio, Todd, Henderson, Webster, Hopkins, and Christian Counties, Ky., on, east and north of a line beginning at the Indiana-Kentucky State line on U.S. Highway 41, thence along U.S. Highway 41 to Hopkinsville, Ky., thence along Kentucky Highway 80 to the Logan-Warren County Line, to points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line on U.S. Highway 641, thence along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to junction Tennessee Highway 18A, thence along Tennessee Highway 18A to junction Tennessee Highway 57, thence along Tennessee Highway 57 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateway of Christian or Hopkins, Ky.

No. MC 119777 (Sub-No. E4), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrochrome silicon, ferro-silicon, silico-manganese, ferro-manganese, silicon metal and scrap iron*, in bulk, in dump vehicles, (A) from points in Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Edmonson, Fulton, Graves, Grayson, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union and Webster Counties, Ky., to Louisiana and Texas; (B) (1) from points in Ballard, Carlisle, Crittenden, Livingston, McCracken, Union and Webster Counties, Ky., and points in Henderson County, Ky., on and west of a line beginning at the Kentucky-Indiana State line on U.S. Highway 41, thence along U.S. Highway 41 to junction Pennyrile Parkway, thence along Pennyrile Parkway to the Henderson-Webster County line, and points in Hopkins County, Ky., on and west of the Pennyrile Parkway and on and north of the Western Kentucky Parkway, and points in Caldwell County, Ky., on and north of the Western Kentucky Parkway, and points in Lyon County, Ky., on and north of U.S. Highway 62, and points in Marshall County, Ky., on and north of a line beginning at the Livingston-Marshall County line on U.S. Highway 641, thence along U.S. Highway 641 to junction Kentucky Highway 58, thence along Kentucky Highway 58 to the Marshall-Graves County line, and points in Graves County, Ky., on and north of Kentucky Highway 80, to points in Alabama on and south of a line beginning at Phenix City, Ala., thence along U.S. Highway 280 to Birmingham, Ala., thence along U.S. Highway 11 to the Alabama-Mississippi State line.

(2) From points in Butler, Caldwell, Crittenden, Edmonson, Grayson, Henderson, Hopkins, Livingston, Lyon, McLean, Muhlenberg, Ohio, and Union Counties, Ky., and points in Christian, McCracken, Marshall, Logan, Trigg, and Todd Counties, Ky., on and north of a line beginning at the Illinois-Kentucky State line on U.S. Highway 45, thence along U.S. Highway 45 to Paducah, Ky., thence along U.S. Highway 68 to the Logan-Simpson County line, to points in Arkansas; (3) from points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Todd, Trigg, Union, and Webster Counties, Ky., and points in Butler and Ohio Counties, Ky., on and west of U.S. Highway 231, to points in Connecticut; (4) from points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, Todd, Trigg, and Union Counties, Ky., and points in Henderson, Webster, Hopkins, Muhlenberg, and Logan Counties, Ky., on and west of a line beginning at the Indiana-Kentucky State line on U.S. Highway 41, thence along U.S. Highway 41 to junction of the Pennyrile Parkway, thence along the Pennyrile Parkway to junction of the Western Kentucky Parkway, thence along the Western Kentucky Parkway to junction U.S. Highway 431, thence along U.S. Highway 431 to the Kentucky-Tennessee State line, to points in Delaware; (5) from points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, and Webster Counties, Ky., to points in Florida; (6) from points in Ballard, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, and McCracken Counties, Ky., to points in Georgia;

(7) From points in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Ky., and points in Crittenden and Caldwell Counties, Ky., on and west of Kentucky Highway 91, and points in Christian County, Ky., on and west of a line beginning at the Caldwell-Christian County line on Kentucky Highway 91, thence along Kentucky Highway 91 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line, to points in Illinois on and north of a line beginning at the Indiana-Illinois State line on Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Illinois-Iowa State line; (8) from points in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Marshall and McCracken Counties, Ky., to points in Indiana; (9) from points in Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Edmondson, Fulton, Graves, Grayson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, Muhlenberg, Ohio, Todd, and Trigg Counties, Ky., and points in Union, Webster, and McLean Counties, Ky., on, east and south of a line beginning at the Kentucky-Illinois State line, thence along Kentucky Highway 56 to junction Kentucky Highway 370, thence along Kentucky Highway 370 to junction Kentucky Highway 138, thence along Kentucky Highway 138 to junction Kentucky Highway 81, thence along Kentucky Highway 81 to the McLean-Daviess County line, to points in Iowa on, north and west of a line beginning at the Iowa-Missouri State line on U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 9, thence along Iowa Highway 9 to a terminus at Lansing, Iowa;

(10) From points in Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Edmonson, Fulton, Graves, Grayson, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd Trigg, Union and Webster Counties, Ky., to points in Kansas on, west and south of a line beginning at the Kansas-Oklahoma State line on U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway

81, thence along U.S. Highway 81 to junction Kansas Highway 18, thence along Kansas Highway 18 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Nebraska State line; (11) from points in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Marshall, and McCracken Counties, Ky., to points in Kentucky on, north and east of a line beginning at the Tennessee-Kentucky State line on U.S. Highway 127, thence along U.S. Highway 127 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Indiana State line; (12) from points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Trigg, Union and Webster Counties, Ky., to points in Maryland; (13) from points in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Ky., and points in Crittenden, Caldwell, and Christian Counties, Ky., on and southwest of a line beginning at the Illinois-Kentucky State line on Kentucky Highway 91, thence along Kentucky Highway 91 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Kentucky-Tennessee State line, to points in Michigan,

(14) From points in Ballard, Butler, Caldwell, Carlisle, Christian, Crittenden, Edmonson, Fulton, Graves, Grayson, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky., to points in Mississippi on, south and west of a line beginning at the Louisiana-Mississippi State line on U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction U.S. Highway 49, thence along U.S. Highway 49 to the terminus at Gulfport, Miss.; (15) from Paducah, Ky., and points in Butler, Caldwell, Christian, Crittenden, Edmonson, Grayson, Henderson, Hopkins, Livingston, Logan, Lyon, McLean, Muhlenberg, Ohio, Todd, Trigg, Union and Webster Counties, Ky., to points in Missouri on and south of a line beginning at the Missouri-Arkansas State line on U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 14, thence along Missouri Highway 14 to junction U.S. Highway 65, thence along U.S. Highway 65 to Springfield, Mo., thence along U.S. Highway 66 to the Missouri-Kansas State line; (16) from points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Todd, Trigg, Union and Webster Counties, Ky., and points in Logan, Muhlenberg, and McLean Counties, Ky., on and west of a line beginning at the Kentucky-Tennessee State line on U.S. Highway 431, thence along U.S. Highway 431 to the McLean-Daviess County line, to points in New Jersey; (17) from points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Ky., and points in Union, Webster, Hopkins, and Christian Counties, Ky., on, south and west of a line beginning at the Kentucky-Illinois State line, thence along Kentucky Highway 56 to junction U.S. Highway 41A, thence along U.S. Highway 41A to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 41A, thence along U.S. Highway 41A to the Kentucky-Tennessee State line, to points in New York;

(18) From points in Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Ky., and points in Christian, Caldwell and Crittenden Counties, Ky., on, south and west of a line beginning at the Kentucky-Tennessee State line on U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 91, thence along Kentucky Highway 91 to its terminus at the Ohio River, to points in Ohio on, north and east of a line beginning at Toledo, Ohio, thence along Interstate Highway 75 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 45, thence along Ohio Highway 45 to junction Ohio Highway 39, thence along Ohio Highway 39 to a terminus at East Liverpool, Ohio; (19) from points in Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Edmonson, Fulton, Graves, Grayson, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky., to points in Oklahoma on, west and south of a line beginning at the Kansas-Oklahoma State line on U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Oklahoma Highway 18, thence along Oklahoma Highway 18 to junction Oklahoma Highway 20, thence along Oklahoma Highway 20 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line;

(20) From points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Ky., and points in Union, Webster, Hopkins and Christian Counties, Ky., on and west of a line beginning at the Kentucky-Tennessee State line on U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 130, thence along Kentucky Highway 130 to a terminus at Uniontown, Ky., to points in Pennsylvania; (21-1) from points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, Trigg, Union and Webster Counties, Ky., to Columbia S.C.; (21-2) From points in Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, Trigg, Union and Webster Counties, Ky., to Charleston, S.C.; (21-3) from points in Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Edmonson, Fulton, Graves, Grayson, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, Ohio, Todd, Trigg, Union and Webster Counties, Ky., to Greenville, S.C.;

(22) From points in Union, Crittenden and Livingston Counties, Ky., and points in Henderson, Webster, Hopkins, Caldwell, Lyon, Marshall, McCracken Counties, Ky., on, west and north of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 41 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 41A, thence along U.S. Highway 41A to junction Kentucky Highway 120, thence along Kentucky Highway 120 to junction Kentucky Highway 293, thence along Kentucky Highway 293 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Illinois-Kentucky State line, to points in Tennessee on and west of a line beginning at Paris extending along Tennessee Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Arkansas State line, and on and south of a line beginning at the Tennessee-Alabama State line extending along Tennessee Highway 13 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to Paris, (except Memphis and Woodstock, Tenn.); (23) from points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Ky., and points in Christian, Hopkins, Union and Webster Counties, Ky., on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway Alternate 41 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 130, thence along Kentucky Highway 130 to Uniontown, to points in Virginia on and west of a line beginning at the Maryland-Virginia State line extending along U.S. Highway 11 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Interstate Highway 64, thence

along Interstate Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to Virginia Beach, Va.;

(24) From points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Fulton, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken and Trigg Counties, Ky., to points in West Virginia; (25) from points in Ballard, Caldwell, Calloway, Carlisle, Christian, Fulton, Graves, Hickman, Livingston, Logan, Lyon, Marshall, McCracken, Todd and Trigg Counties, Ky., to points in Wisconsin. Transportation to points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania and West Virginia is restricted to the transportation of the named commodities for remelting purposes only. The purpose of this filing is to eliminate the gateway of Calvert City, Ky., Marshall Co., Ky., the plant site of Pittsburgh Metalurgical Company at Calvert City, Ky.

No. MC 119777 (Sub-No. E16), filed April 23, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel sheets, plates, channels, angles, crop ends, mine roof washers pallets*, and *couplings*, the transportation of which because of size or weight require special handling (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum); (1) from points in Indiana on and northwest of a line beginning at Vincennes, Ind., thence along U.S. Highway 41 to junction Indiana Highway 67, thence along Indiana Highway 67 to Indianapolis, Ind., thence along Indiana Highway 37 to the Indiana-Ohio State line to points in Alabama on and southwest of a line beginning at the Alabama-Mississippi State line extending along Alabama Highway 14 to junction U.S. Highway 31, thence along U.S. Highway 31 to Montgomery, Ala., thence along U.S. Highway 231 to Dothan, Ala., thence along U.S. Highway 84 to the Alabama-Georgia State line; (2) from points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 37 to junction Interstate Highway 69, thence along Interstate Highway 69 to Indianapolis, Ind., thence along Indiana Highway 67 to Vincennes, Ind., to points in Florida.

(3) From points in Indiana on and west of a line beginning at Vincennes, Ind., thence along Indiana Highway 441 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 2, thence along Indiana Highway 2 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana Highway 39, thence along Indiana Highway 39 to the Indiana-Michigan State line to points in Georgia on and south of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 278 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Interstate Highway 85, thence along Interstate Highway 85 to the Georgia-South Carolina State line; (4) from Vincennes, Ind., and points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction Indiana Highway 7, thence along Indiana Highway 7 to its terminus at Madison, Ind., to points in Louisiana; (5) from Vincennes, Ind., and points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Ohio State line to points in Mississippi; (6) from points in Indiana on and west of a line beginning at Gary, Ind., thence along Indiana Highway 53 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 41, thence along U.S. Highway 41 to Vincennes, Ind., to points in North Carolina on and south of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 21 to junction U.S. Highway 74, thence along U.S. Highway 74 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction North Carolina Highway 24, thence along North Carolina Highway 24 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 70, thence along U.S. Highway 70 to New Bern, N.C.

(7) From points in Indiana on and west of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 52 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 63, thence along Indiana Highway 63 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 441, thence along Indiana Highway 441 to its terminus at Vincennes, Ind., to points in South Carolina on, south, and east of a line beginning at the Georgia-South Carolina State line extending along U.S. Highway 29 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction South Carolina Highway 9, thence along South Carolina Highway 9 to junction U.S. Highway 601, thence along U.S. Highway 601 to the North Carolina-South Carolina State line; (8) from points in Indiana on and north of U.S. Highway 40 to Grand Junction, Tenn., and points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 641 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line; (9) from Covington, and Newport, Ky., to points in Alabama on and south of a line beginning at Mobile, Ala., thence along U.S. Highway 90 to the Alabama-Mississippi State line; (10) from Covington, Newport, and Ashland, Ky., to points in Louisiana on and west of a line beginning at the Louisiana-Mississippi State line; (11) from Newport, Covington, and Ashland, Ky., to points in Mississippi on and west of a line beginning at the Arkansas-Mississippi State line extending along U.S. Highway 49 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Mississippi-Louisiana State line; and (12) from Covington, Ky., to points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 45E, thence along U.S. Highway 45E to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateway of Flora, Ill.

No. MC 119777 (Sub-No. E35), filed April 9, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers* and *fluid coolers* which because of size or weight require the use of special equipment (except such as are incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in the connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repair, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum); (1) from Indiana to South Carolina; (2) from Ohio (except Columbus), to Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; (3) from Pennsylvania to Arkansas, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; (4) from West Virginia to Arkansas, Kansas, Mis-

souri, New Mexico, Oklahoma, and Texas.

(5) From points in Illinois on and north of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 104, thence along Illinois Highway 104 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 128, thence along Illinois Highway 128 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 15, thence along Illinois Highway 15 to the Illinois-Indiana State line to points in Alabama on and southeast of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 278 to junction Interstate Highway 59, thence along Interstate Highway 59 to Birmingham, Ala., thence along U.S. Highway 31 to junction Alabama Highway 119, thence along Alabama Highway 119 to junction Alabama Highway 25, thence along Alabama Highway 25 to junction Alabama Highway 139, thence along Alabama Highway 139 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Alabama Highway 41, thence along Alabama Highway 41 to junction Alabama Highway 89, thence along Alabama Highway 89 to junction Alabama Highway 28, thence along Alabama Highway 28 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction Alabama Highway 47, thence along Alabama Highway 47 to junction Alabama Highway 83, thence along Alabama Highway 83 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 41, thence along Alabama Highway 41 to the Alabama-Florida State line.

(6) From points in Illinois on and east of a line beginning at Chicago, Ill., thence along U.S. Highway 41 to junction Illinois Highway 120, thence along Illinois Highway 120 to the terminus at Waukegan, Ill., to points in Arkansas on, south, and west of a line beginning at the Arkansas-Oklahoma State line extending along Arkansas Highway 8 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line; (7) from points in Illinois on, north, and east of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 140 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 15, thence along Illinois Highway 15 to its terminus at Mount Carmel, Ill., to points in Georgia; (8) from points in Illinois on and north of a line beginning at the Illinois-Kentucky State line extending along Illinois Highway 13 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 146, thence along Illinois Highway 146 to the terminus at Ware, Ill., to points in Georgia on and east of a line beginning at Savannah, Ga., thence along U.S. Highway 17 to the terminus of Brunswick, Ga.; (9) from points in Illinois on, north, and east of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line to points in Louisiana on and south of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 84 to junction Louisiana Highway 28, thence along Louisiana Highway 28 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to the Louisiana-Texas State line.

(10) From points in Illinois on and east of a line beginning at Chicago, Ill., extending along Interstate Highway 94 to junction Illinois Highway 43, thence along Illinois Highway 43 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Illinois-Wisconsin State line to points in Mississippi; (11) from points in Illinois on, east, and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 50 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 17, thence along Illinois Highway 17 to its terminus to Gulfport, Miss.; (12) from points in Illinois on, north, and east of a line beginning at the Wisconsin-Illinois State line extending along Illinois Highway 26, thence along Illinois Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 64, thence along Illinois Highway 64 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Illinois Highway 53, thence along Illinois Highway 53 to junction Illinois Highway 102, thence along Illinois Highway 102 to junction Illinois Highway 52, thence along Illinois Highway 52 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line to points in Mississippi on, south, and east of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Mississippi Highway 16, thence along Mississippi Highway 16 to junction Mississippi Highway 25, thence along Mississippi Highway 25 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to the Mississippi-Alabama State line.

(13) From points in Illinois on, north, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 150 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Interstate Highway 294, thence along Interstate Highway 294 to junction Illinois Highway 50, thence along Illinois Highway 50 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Illinois Highway 43, thence along Illinois Highway 43 to junction Illinois Highway 120, thence along Illinois Highway 120 to the terminus of Waukegan, Ill., to points in New Mexico on, south, and west of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 62 to junction New Mexico Highway 529, thence along New Mexico Highway 529 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction New Mexico Highway 32, thence along New Mexico Highway 32 to junction New Mexico Highway 53, thence along New Mexico Highway 53 to junction Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line.

(14) From points in Illinois on and north of a line beginning at Chester, Ill., thence along Illinois Highway 150 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 152, thence along Illinois Highway 152 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Illinois Highway 14, thence along Illinois Highway 14 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along

Illinois Highway 1 to junction Illinois Highway 141, thence along Illinois Highway 141 to the Illinois-Indiana State line to North Carolina; (15) from points in Illinois on, north, and east of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 47 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 53, thence along Illinois Highway 53 to U.S. Highway 52, thence along U.S. Highway 52 to junction Illinois Highway 17 thence along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line to points in Oklahoma on, east, and south of a line beginning at the Arkansas-Oklahoma State line extending along Oklahoma Highway 3 to junction Oklahoma Highway 87, thence along Oklahoma Highway 87 to the Arkansas-Oklahoma State line.

(16) From points in Illinois on and north of a line beginning at the Illinois-Missouri State line extending along Illinois Highway 150 to junction Illinois Highway 3, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 37, thence along Illinois Highway 37 to junction Illinois Highway 14, thence along Illinois Highway 14 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Illinois-Indiana State line to points in South Carolina; (17) from points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line extending along U.S. Highway 45 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line to points in Texas on and south of a line beginning at the Texas-Louisiana State line extending along U.S. Highway 80 to junction Texas Highway 18, thence along Texas Highway 18 to the Texas-New Mexico State line; (18) from points in Illinois on and east of a line beginning at the Illinois-Wisconsin State line extending along Illinois Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 49, thence along Illinois Highway 49 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line to points in Texas on and south of a line beginning at the Louisiana-Texas State line extending along Texas Highway 87 to junction Texas Highway 73, thence along Texas Highway 73 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 90, thence along U.S. Highway 90 to a terminus at Del Rio, Tex.

(19) From points in Indiana on, north, and east of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 154 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 162, thence along Indiana Highway 162 to junction Indiana Highway 64, thence along Indiana Highway 64 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Indiana-Kentucky State line to points in Alabama on, south, and east of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 72 to the Alabama-Tennessee State line; (20) from Kokomo, Ind., and points in Indiana on and east of a line beginning at the Michigan-Indiana State line extending along U.S. Highway 31 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31W, thence along U.S. Highway 31W to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Indiana Highway 135, thence along Indiana Highway 135 to its terminus at or near Mauckport, Ind., to points in Arkansas on, south, and east of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 62 to junction Arkansas Highway 45, thence along Arkansas Highway 45 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 45, thence along Arkansas Highway 45 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 5, thence along Arkansas Highway 5 to the Arkansas-Missouri State line.

(21) From points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 64 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Indiana-Kentucky State line to points in Georgia; (22) from points in Indiana on, south, and east of a line beginning at the Indiana-Michigan State line extending along U.S. Highway 27 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 66, thence along Indiana Highway 66 to Cannelton, Ind., to points in Kansas on, south, and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 83 to junction Kansas Highway 23, thence along Kansas Highway 23 to junction Kansas Highway 123, thence along Kansas Highway 123 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 183, thence along U.S. Highway 183 to Phillipsburg, Kans., thence along U.S. Highway 183 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma State line; (23) from points in Indiana on, north, and east of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 150 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 66, thence along Indiana Highway 66 to Dexter, Ind., to points in Louisiana on, south, and west of a line beginning at the Arkansas-Louisiana State line extending along U.S. Highway 167 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Louisiana-Mississippi State line.

(24) From points in Indiana on, north, and east of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 114 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 64, thence along Indiana Highway 64 to junction Indiana Highway 135, thence along Indiana Highway 135 to its terminus at Mauckport, Ind., to points in Mississippi; (25) from points in Indiana on and east of a line beginning at the Indiana-Michigan State line extending along Indiana Highway 9 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction

U.S. Highway 31A, thence along U.S. Highway 31A to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 135, thence along Indiana Highway 135 to the Indiana-Kentucky State line to points in Missouri on and south of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 66 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction Missouri Highway 51, thence along Missouri Highway 51 to the Illinois-Missouri State line; (26) from points in Indiana on and east of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 41 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Indiana-Illinois State line to points in New Mexico on, south, and west of a line beginning at the New Mexico-Colorado State line extending along U.S. Highway 285 to junction U.S. Highway 60, thence along U.S. Highway 60 to the New Mexico-Texas State line.

(27) From points in Indiana to points in North Carolina on and south of a line beginning at the North Carolina-Tennessee State line extending along U.S. Highway 421 to junction North Carolina Highway 115, thence along North Carolina Highway 115 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to its terminus at Moores Corner, N.C.; (28) from points in Indiana on and east of a line beginning at the Indiana-Michigan State line extending along Indiana Highway 19 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to and including Kokomo, Ind., at junction Indiana Highway 22, thence along Indiana Highway 22 to junction Indiana Highway 9, thence along Indiana Highway 9 to and including Anderson, Ind., thence along Indiana Highway 9 to junction Indiana Highway 44, thence along Indiana Highway 44 to junction Indiana Highway 135, thence along Indiana Highway 135 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 64, thence along Indiana Highway 64 to junction Indiana Highway 135, thence along Indiana Highway 135 to the Indiana-Kentucky State line to points in Oklahoma; (29) from points in Indiana on and east of a line beginning at Michigan City, Ind., thence along U.S. Highway 421 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction Indiana Highway 37, thence along Indiana Highway 37 to a terminus at Tell City, Ind., to points in Texas.

(30) From points in Indiana on, east, and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 52 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 54, thence along Indiana Highway 54 to junction Indiana Highway 59, thence along Indiana Highway 59 to junction Indiana Highway 58, thence along Indiana Highway 58 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Indiana Highway 145, thence along Indiana Highway 145 to junction Indiana Highway 37, thence along Indiana Highway 37 to a terminus at Tell City, Ind., to points in Texas on and south of a line beginning at the Texas-New Mexico State line extending along Texas Highway 125 to junction Texas Highway 116, thence along Texas Highway 116 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Louisiana-Texas State line; (31) from points in Kentucky on and north of a line beginning at Ashland, Ky., thence along U.S. Highway 60 to junction Interstate Highway 64, thence along Interstate Highway 64 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction of U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31W, thence along U.S. Highway 31W to Mauldraugh, Ky., to points in Alabama on, south, and west of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 80 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line.

(32) From points in Kentucky on and northeast of a line extending at Louisville, Ky., thence along U.S. Highway 31W to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Kentucky-Virginia State line to points in Arkansas; (33) from points in Kentucky on and north of a line beginning at Owensboro, Ky., thence along Kentucky Highway 54 to junction Kentucky Highway 261, thence along Kentucky Highway 261 to junction Kentucky Highway 105, thence along Kentucky Highway 105 to junction Kentucky Highway 259, thence along Kentucky Highway 259 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Kentucky Highway 36, thence along Kentucky Highway 36 to junction Interstate Highway 75, thence along Interstate Highway 75 to the terminus at Covington, Ky., to points in Georgia on and south of a line beginning at Augusta, Ga., thence along U.S. Highway 23 to junction Georgia Highway 56, thence along Georgia Highway 56 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction Georgia Highway 257, thence along Georgia Highway 257 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Georgia Highway 62, thence along Georgia Highway 62 to junction Georgia Highway 91, thence along Georgia Highway 91 to junction Georgia Highway 253, thence along Georgia Highway 243 to its terminus.

(34) From points in Kentucky on and east of a line beginning at the Kentucky-Tennessee State line extending along Kentucky Highway 163 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 35W, thence along U.S. Highway 35W to junction Kentucky Highway 88, thence along Kentucky Highway 88 to junction Kentucky Highway 226, thence along Kentucky Highway 226 to junction Kentucky Highway 259, thence along Kentucky Highway 259 to junction U.S. Highway 60, thence along U.S. Highway 60 to Cloverport, Ky., to points in Kansas; (35) from points in Kentucky on, north, and east of a line beginning at Jenkins, Ky., thence along U.S. Highway 119 to junction Kentucky Highway 317, thence along Kentucky Highway 317 to junction Kentucky Highway 7, thence along Kentucky Highway 7 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31W, thence along U.S. Highway 31W to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 79, thence along Kentucky Highway 79 to Bradenburg, Ky., to points in Louisiana; (36) from points in Kentucky on, north, and east of a line beginning at the Indiana-Kentucky State line extending along U.S. Highway 150 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 150, thence along U.S. Highway 150

to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 114, thence along Kentucky Highway 114 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line to points in Mississippi.

(37) From points in Kentucky on and northeast of a line beginning at Louisville, Ky., thence along U.S. Highway 150 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line to points in Missouri; (38) from points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line extending along U.S. Highway 41 to junction Kentucky Highway 136, thence along Kentucky Highway 136 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Tennessee State line to points in New Mexico; (39) from points in Kentucky on, north, and west of a line beginning at the Kentucky-Illinois State line extending along U.S. Highway 62 to junction Kentucky Highway 55, thence along Kentucky Highway 55 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Kentucky Highway 8, thence along Kentucky Highway 8 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Ohio State line to points in North Carolina on, south, and east of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 21 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 501, thence along U.S. Highway 501 to the North Carolina-Virginia State line; (40) from points in Kentucky on, north, and east of a line beginning at Cloverport, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Tennessee State line to points in Oklahoma.

(41) From points in Kentucky on and north of a line beginning at Paducah, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction U.S. Highway 41A, thence along U.S. Highway 41A to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction Pennyrile Parkway, thence along Pennyrile Parkway to junction Western Kentucky Parkway, thence along Western Kentucky Parkway to junction Interstate Highway 65, thence along Interstate Highway 65 to Louisville, Ky., thence along Interstate Highway 71 to junction Kentucky Highway 8, thence along Kentucky Highway 8 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Kentucky-Ohio State line to points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 29 to junction U.S. Highway 276, thence along U.S. Highway 276 to junction Interstate Highway 26, thence along Interstate Highway 26 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 171, thence along South Carolina Highway 171 to its terminus at Folly Beach, S.C.; (42) from Somerset, Ky., and points in Kentucky on, north, and east of a line beginning at Hawesville, Ky., thence along U.S. Highway 60 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction Kentucky Highway 49, thence along Kentucky Highway 49 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction Kentucky Highway 27, thence along Kentucky Highway 27 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line to points in Texas.

(43) From points in Ohio (except Columbus) on and northwest of a line beginning at Cincinnati, Ohio, thence along Interstate Highway 71 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 422, thence along U.S. Highway 422 to the Ohio-Pennsylvania State line to points in Georgia on, south, and west of a line beginning at the Georgia-North Carolina State line extending along U.S. Highway 441 to junction U.S. Highway 341, thence along U.S. Highway 341 to its terminus at Brunswick, Ga.; (44) from points in Ohio (except Columbus), to points in Kansas on, south, and west of a line beginning at the Kansas-Nebraska State line extending along Kansas Highway 14 to junction Kansas Highway 148, thence along Kansas Highway 148 to junction Kansas Highway 28, thence along Kansas Highway 28 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to the terminus at the Kansas-Missouri State line; (45) from points in Ohio (except Columbus) on, south, and east of a line beginning at the Indiana-Ohio State line extending along Ohio Highway 129 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 51, thence along Ohio Highway 51 to Toledo, Ohio, to points in Missouri on and south of a line beginning at the Kansas-Missouri State line extending along Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Missouri State line; (46) from Springfield, Ohio, and points in Ohio bounded on the west by Indiana, bounded on the north by Michigan, bounded on the south by Interstate Highway 70, and bounded on the east by a line beginning at Toledo, Ohio, thence along Interstate Highway 75 to Findlay, Ohio, thence along U.S. Highway 68 to junction Interstate Highway 70, thence along Interstate Highway 70 to points in North Carolina on and west of U.S. Highway 25.

(47) From points in Ohio on and west of a line beginning at the Ohio-Michigan State line extending along Interstate Highway 75 to Findlay, Ohio, thence along U.S. Highway 68 to junction U.S. Highway 42, thence along U.S. Highway 42 to the Ohio-Kentucky State line to points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line extending along U.S. Highway 221 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 52, thence along U.S. Highway 52 to its terminus at Charleston, S.C.; (48) from points in Pennsylvania to points in Alabama on and west of a line beginning at the Alabama-Mississippi State line extending along U.S. Highway 231 to junction Alabama Highway 79, thence along Alabama Highway 79 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Alabama Highway 219, thence along Alabama Highway 219 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Alabama Highway 41, thence along Alabama Highway 41 to junction Alabama Highway 10, thence along Alabama Highway 10 to junction Alabama Highway 47, thence along Alabama Highway 47 to junction Alabama Highway 83, thence along Alabama Highway 83 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 41, thence along Alabama Highway 41 to the Alabama-Florida State line.

(49) From points in Pennsylvania on and northwest of a line beginning at the West Virginia-Pennsylvania State line extending along Pennsylvania Highway

18 to junction Pennsylvania Highway 21, thence along Pennsylvania Highway 21 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Pennsylvania Highway 31, thence along Pennsylvania Highway 31 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 26, thence along Pennsylvania Highway 26 to junction Pennsylvania Highway 64, thence along Pennsylvania Highway 64 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line to points in Georgia on and west of a line beginning at the Florida-Georgia State line extending along U.S. Highway 27 to junction U.S. Highway 27A, thence along U.S. Highway 27A to junction Georgia Highway 85, thence along Georgia Highway 85 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Tennessee State line; (50) from points in Pennsylvania to points in Missouri on, south, and west of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 65 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Missouri Highway 149, thence along Missouri Highway 149 to junction Missouri Highway 6, thence along Missouri Highway 6 to its terminus at West Quincy, Mo.

(51) From points in Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 22 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line to Postell, N.C.; (52) from points in Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line extending along U.S. Highway 62 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line to Longcreek, S.C.; (53) from Bristol, Tenn., to points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 61 to junction Arkansas Highway 18, thence along Arkansas Highway 18 to junction Arkansas Highway 39, thence along Arkansas Highway 39 to junction Arkansas Highway 14, thence along Arkansas Highway 14 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 81, thence along Arkansas Highway 81 to the Arkansas-Louisiana State line; (54) from points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 31E to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Alabama-Tennessee State line to points in Kansas on, north, and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 83 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line; (55) from Cumberland Gap, Tenn., to Greenville, Miss.

(57) From Chattanooga, Tenn., and points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 53 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 136, thence along Tennessee Highway 136 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Tennessee Highway 111, thence along Tennessee Highway 111 to junction Tennessee Highway 8, thence along Tennessee Highway 8 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line to points in Missouri on and north of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 50 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line; (58) from points in Tennessee on, north, and west of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41 to the Tennessee-Georgia State line to points in New Mexico on, north, and west of a line beginning at the New Mexico-Texas State line; (51) from Clarksville, Tenn., to points in New Mexico on and west of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 85 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction New Mexico Highway 20, thence along New Mexico Highway 20 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 85, thence along U.S. Highway 85 to the New Mexico-Colorado State line.

(60) From points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction Tennessee Highway 54, thence along Tennessee Highway 54 to junction U.S. Highway 51, thence along U.S. Highway 51 to Memphis, Tenn., to points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line extending along North Carolina Highway 86 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 158A, thence along U.S. Highway 158A to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 117, thence along U.S. Highway 117 to junction U.S. Highway 70, thence along U.S. Highway 70 to the terminus at Morehead City, N.C.; (61) from points in Tennessee on and northeast of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 25E to the Tennessee-North Carolina State line to points in Oklahoma on, north, and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Arkansas State line; (62) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 41A to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Tennessee-Alabama State line to Boise City, Okla.; (63) from Dyersburg, Tenn., to Little River, S.C.

(64) From points in Tennessee on, north, and east of a line beginning at the Tennessee-Kentucky State line extending along U.S. Highway 127 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Tennessee Highway 62, thence along Tennessee Highway 62 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Tennessee-North Carolina State line to points in Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 277 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Texas Highway 9, thence along Texas Highway 9 to junction Interstate Highway 37, thence along Interstate Highway 37 to its terminus at Corpus Christi, Tex.; (65) from points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along U.S.

Highway 41A to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 97, thence along Tennessee Highway 97 to the Tennessee-Alabama State line; (66) from Smyrna, Tenn., to the point of El Paso, Tex., and points in Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 54 to the Texas-New Mexico State line; (67) from points in West Virginia on, north, and west of a line beginning at the Kentucky-West Virginia State line extending along U.S. Highway 119 to junction West Virginia Highway SP 65, thence along West Virginia Highway SP 65 to junction West Virginia Highway 65, thence along West Virginia Highway 65 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Maryland-West Virginia State line to points in Alabama on and west of a line beginning at the Alabama-Tennessee State line extending along U.S. Highway 231 to junction Alabama Highway 69, thence along Alabama Highway 69 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Alabama Highway 55, thence along Alabama Highway 55 to the Alabama-Florida State line.

(68) From Brooke, Hancock, and Ohio Counties, W. Va., to points in Georgia on and west of a line beginning at the Georgia-North Carolina State line extending along U.S. Highway 129 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Florida-Georgia State line; (69) from points in West Virginia on and north of a line beginning at the Virginia-West Virginia State line extending along West Virginia Highway 83 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 3, thence along West Virginia Highway 3 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line to points in Louisiana; (70) from points in West Virgina on and north of a line beginning at Williamson, W. Va., extending along U.S. Highway 52 to junction West Virginia Highway 80, thence along West Virginia Highway 80 to junction West Virginia Highway 10, thence along West Virginia Highway 10 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line to points in Mississippi; and (71) from Hancock, Brooke, and Ohio Counties in West Virginia to Postell, N.C. The purpose of this filing is to eliminate the gateway of the plant site of the Marley Company, Louisville, Ky.

No. MC 119777 (Sub-No. E86), filed April 23, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which, because of size or weight, requires the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor, or consignee, or both (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum): (1) from Cleveland, Ohio, to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 9, thence along Illinois Highway 9 to junction Illinois Highway 41, thence along Illinois Highway 41 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line.

(2) From Canton, Ohio, to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 119 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 17, thence along Illinois Highway 17 to its terminus at New Boston, Ill.; (3) from Youngstown, Ohio, to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 9 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 17, thence along Illinois Highway 17 to the terminus at New Boston, Ill.; (4) from Warren, Ohio, to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 9 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Illinois Highway 17, thence along Illinois Highway 17 to its terminus at New Boston, Ill.; (5) from Cleveland, Ohio, to points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 136 to Indianapolis, Ind., thence along U.S. Highway 40 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 44, thence along Indiana Highway 44 to the Ohio-Indiana State line; (6) from Canton, Ohio, to points in Indiana on and south of a line beginning at the Indiana-Illinois State line extending along Indiana Highway 28 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 44, thence along Indiana Highway 44 to the Ohio-Indiana State line.

(7) From Youngstown, Ohio, to points in Indiana on and north of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 26 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-Indiana State line; (8) from Warren, Ohio, to points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 26 to Lafayette, Ind., thence along U.S. Highway 52 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Ohio State line; (9) from points in Allegheny, Beaver, Mercer, Venango, Washington, and Westmoreland Counties in Pennsylvania to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to Danville, Ill., thence along U.S. Highway 150 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line; (10) from Rochester (Beaver County), Pa., to points in Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction U.S. Highway 150 (six miles north of Farmer City, Ill.), thence along U.S. Highway 150 to the Illinois-Iowa State line; (11) from Glenshaw, (Allegheny County), Pa., and points in portions of Allegheny, Washington, and Westmoreland Counties, Pa., on, south, and east of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 22 to Pittsburgh, Pa., thence along Pennsylvania Highway 28 to the Westmoreland-Armstrong County line to points in Illinois on, west, and south of a line beginning

at the Illinois-Wisconsin State line extending along U.S. Highway 51 to junction Illinois Highway 18, thence along Illinois Highway 18 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line.

(12) From points in those portions of Washington and Westmoreland Counties, Pa., on and south of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 40 to junction Pennsylvania Highway 136, thence along Pennsylvania Highway 136 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Westmoreland-Somerset County line to points in Illinois on, west, and south of a line beginning at the Illinois-Indiana State line extending along Illinois Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 66, thence along U.S. Highway 66 to the terminus of Chicago, Ill.; (13) from points in Allegheny, Beaver, Mercer, Venango, Washington, and Westmoreland Counties, Pa., to points in Indiana on, west, and south of a line beginning at the Indiana-Ohio State line extending along Interstate Highway 70 to junction Interstate Highway 465, thence along Interstate Highway 465 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Illinois-Indiana State line.

(14) From Glenshaw (Allegheny County), Pa., and points in Allegheny, Washington, and Westmoreland Counties, Pa., on, south, and east of a line beginning at the Pennsylvania-West Virginia State line extending along Interstate Highway 70 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to the Allegheny-Armstrong County line to points in Indiana on, south, and west of a line beginning at the Illinois-Indiana State line extending along Indiana Highway 114 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 43, thence along Indiana Highway 43 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Ohio State line, and

(B) *Iron and steel sheets, plates, channels, angles, crop ends, mine roof washers, pipe and tubing* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, the transportation of which, because of size or weight, requires the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor, or consignee, or both (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repair, servicing, dismantling and maintenance of pipelines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum); from Cleveland, Canton, Youngstown, and Warren, Ohio, Allegheny, Beaver, Mercer, Venango, Washington, and Westmoreland Counties, Pa., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateways of: (A) Kentucky, and (B) Kentucky and Flora, Ill.

No. MC 119777 (Sub-No. E117), filed May 15, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel*, and *iron and steel articles*, the transportation of which, because of size or weight, requires the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor, or consignee, or both (except machinery, materials, supplies, and equipment incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, and incidental to, or used in connection with (a) the discovery, development, production, and preservation of natural gas and petroleum, (b) the construction, operation, repairs, servicing, dismantling, and maintenance of pipe lines and facilities for the storage of natural gas, gasoline, and petroleum, and (c) the dismantling and maintenance of plants and facilities for refining, recycling, processing, repressuring, and blending gasoline, natural gas, and petroleum), between the points of Holly Springs and Oxford, Miss., on the one hand, and, on the other, points in Kentucky on and north of a line beginning at Owensboro, Ky., thence along Kentucky Highway 54 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 84, thence along Kentucky Highway 84 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 40, thence along Kentucky Highway 40 to the Kentucky-West Virginia State line; and

(2) *Iron* and *steel*, and *iron and steel articles*, the transportation of which, because of size or weight, requires the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor or consignee, or both (except prefabricated buildings, and oil field commodities, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 299), between Oxford and Holly Springs, Miss., on the one hand, and, on the other, points in Pennsylvania and West Virginia and Ohio (except Columbus). The purpose of this filing is to eliminate the gateways of: (1) Illinois or Indiana, and (2) Illinois or Indiana, and that part of Kentucky on and west of a line beginning at Louisville, Ky., and extending along U.S. Highway 31E to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 470, thence along Kentucky Highway 470 to junction U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line.

No. MC 119777 (Sub E125), filed May 15, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Kentucky 42431. Applicant's representative: Jean Holmes (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V to the report in the Description In Motor Carrier Certificates, 61 M.C.C. 209, the transportation of which, because of size or weight, requires the use of special equipment, restricted so that the loading and/or unloading which necessitates the special equipment is performed by the consignor, or consignee, or both, from Boyd County, Kentucky, to points in Alabama, Arkansas, Georgia, Iowa, Louisiana, Mississippi, Missouri, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of the Kentucky Electric Steel Company at or near Coalton, Boyd Co., Kentucky.

No. MC 119789 (Sub E3), filed July 2, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Texas 75222. Applicant's repre-

sentative: James K. Newbold, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *recreational equipment and sporting goods* from Old Forge, Pa., to points in Arizona, California, (except those in Del Norte, Siskayou, Modoc, and Lassen Counties), and Nevada, (except those in Washoe, Humboldt, Elko, Pershing, Lander, Eureka, White Pine, and Churchill Counties). The purpose of this filing is to eliminate the gateway of Bossier City, La.

By the Commission.

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

[FR Doc.75-25048 Filed 9-18-75;8:45 am]

[Notice No. 859]

ASSIGNMENT OF HEARINGS

SEPTEMBER 16, 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 99610 Sub-19, Ross Neely Express, Inc., now assigned October 14, 1975, at Atlanta, Ga., in Room 556, Federal Office Building, is canceled and reassigned for October 14, 1975, at the Riviera Hyatt House, 1630 Peachtree St., NW., Atlanta, Ga.

MC 71459 Sub-No. 43, O.N.C. Freight Systems, now being assigned continued hearing November 4, 1975, (4 days) at Phoenix, Arizona, in a hearing room to be designated later.

MC 109326 Sub-112, C & D Transportation Co., Inc., now assigned October 1, 1975 at New Orleans, Louisiana, canceled and the application is dismissed.

MC 78643 Sub-61, Hart Motor Express, Inc., now being assigned November 4, 1975, (4 days), at Bismarck, North Dakota, in a hearing room to be later designated.

MC 107012 Sub-217, North American Van Lines, Inc., now assigned October 22, 1975 at Atlanta, Georgia, is canceled and the application is dismissed.

MC 130286, Northern Transportation Services, Inc., now being assigned November 19, 1975, (3 days), at Montpelier, Vermont, in a hearing room to be later designated.

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

[FR Doc.75-25052 Filed 9-18-75;8:45 am]

[Notice No. 860]

ASSIGNMENT OF HEARINGS

SEPTEMBER 16, 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.

Corrections

MC 139193 Sub-21, Roberts & Oake, Inc., now assigned November 3, 1975 at Kansas City, MO, will be held in Room 609, 911 Walnut St., instead of St. Louis, MO, Courtroom 3, 1114 Market St.

MC 115331 Sub 391, Truck Transport Incorporated, A Corporation, now assigned November 4, 1975 at Kansas City, MO, will be held in Room 609, 911 Walnut St., instead of St. Louis, MO, Courtroom 3, 1114 Market St.

No. 36139, The Board of Trade of Kansas City, Missouri, Inc. vs. Burlington Northern, Inc., Et Al., now assigned November 5, 1975 at Kansas City, MO, will be held in Room 609, 911 Walnut St., instead of St. Louis, MO, Courtroom 3, 1114 Market St.

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

[FR Doc.75-25051 Filed 9-18-75;8:45 am]

CENTRAL RAILROAD CO. OF NEW JERSEY ET AL.

Exemption From Mandatory Car Service Rules

SEPTEMBER 16, 1975.

Exemption under provision of Rule 19 of the Mandatory Car Service Rules ordered in ex parte No. 241, *Sixth Revised Exemption No. 99.*

To all U.S. Railroads:

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS" and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2, and 3)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

The Central Railroad Company of New Jersey,[1] Robert D. Timpany, Trustee, Reporting Marks: CNJ.

Florida East Coast Railway Company, Reporting Marks: FEC.

The Kansas City Southern Railway Company, Reporting Marks: KCS.

Louisiana & Arkansas Railway Company, Reporting Marks: LA.

Maine Central Railroad Company, Reporting Marks: MEC.

Penn Central Transportation Company, (Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees), Reporting Marks: PC-PRR-NYC.

Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.

Union Pacific Railroad Company, Reporting Marks: UP.

Effective September 12, 1975.

Expires September 30, 1975.

Issued at Washington, D.C., September 5, 1975.

INTERSTATE COMMERCE COMMISSION,

[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.75-25055 Filed 9-18-75;8:45 am]

CENTRAL RAILROAD CO. OF NEW JERSEY

Exemption From Mandatory Car Service Rules

SEPTEMBER 16, 1975.

Exemption under provision of Rule 19 of the Mandatory Car Service Rules ordered in ex parte No. 241, *Seventh Revised Exemption No. 99.*

To all U.S. Railroads:

It appearing, That the U.S. railroads own numerous plain gondolas less than 61 ft.; that under present conditions, there are substantial surpluses of these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GA", "GB", "GD", "GH", "GS" and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks assigned to United States Railroads, shall be ex-

[1] Addition.

empt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exceptions 1, 2 and 3.)

Exception 1: This exemption does not supersede United States customs regulations applicable to cars owned by Canadian or Mexican railroads.

Exception 2: This exemption shall not apply to cars subject to service orders issued by the Interstate Commerce Commission or to Directives issued by the Car Service Division of the Association of American Railroads, restricting the use of designated cars.

Exception 3: This exemption shall not apply to plain gondola cars owned by the railroads named below:

The Central Railroad Company of New Jersey,[1] Robert D. Timpany, Trustee, Reporting Marks: CNJ.
Florida East Coast Railway Company, Reporting Marks: FEC.
The Kansas City Southern Railway Company, Reporting Marks: KCS.
Louisiana & Arkansas Railway Company, Reporting Marks: LA.
Maine Central Railroad Company, Reporting Marks: MEC.
*Missouri-Kansas-Texas Railroad Company, Reporting Marks: BKTY-MKT-MKTT.
Penn Central Transportation Company, (Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees), Reporting Marks: PC-PRR-NYC.
Richmond, Fredericksburg and Potomac Railroad Company, Reporting Marks: RFP.
Union Pacific Railroad Company, Reporting Marks: UP.

Effective September 16, 1975.

Expires September 30, 1975.

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

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-25056 Filed 9-18-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 16, 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 on or before October 6, 1975.

FSA No. 43045—*Buff-Colored Cement from Ward Spur, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-549), for interested rail carriers. Rates on buff-colored masonry cement or buff-colored portland cement, in carloads, as described in the application, from Ward Spur, Texas, to points in Indiana, Michigan and Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 39 to Southwestern Freight Bureau, Agent, tariff 325-B, I.C.C. No. 5156. Rates are published to become effective on October 15, 1975.

FSA No. 43046—*Beet or Cane Sugar to Northfield, Illinois.* Filed by Western Trunk Line Committee, Agent (No. A-2716), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in Montana, trans-continental and western trunkline territories, to Northfield, Illinois.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplement 174 to Western Trunk Line Committee, Agent, tariff 159-0, I.C.C. No. A-4481, and 3 other schedules named in the application. Rates are published to become effective on October 15, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25050 Filed 9-18-75;8:45 am]

LEHIGH VALLEY RAILROAD CO.

Exemption From Mandatory Car Service Rules

SEPTEMBER 16, 1975.

Exemption under provision of rule 19 of the mandatory car service rules ordered in ex parte No. 241, exemption No. 102.

It appearing, That there is an emergency movement of military impedimenta from Kendaia, New York, to Earle, New Jersey; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee), the railroads designated by the Car Service Division are authorized to move to, and the Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee), is authorized to accept, assemble, and load, not to exceed one hundred-twenty (120) empty cars, with military impedimenta from Kendaia, New York, to Earle, New Jersey, regardless of the provisions of Car Service Rules 1 and 2.

Effective: September 10, 1975.

Expires: September 30, 1975.

Issued at Washington, D.C., September 10, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-25057 Filed 9-18-75;8:45 am]

[Notice No. 80]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 16, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 9, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76073. By order of September 15, 1975, the Motor Carrier Board approved the transfer to Hershel Boone, doing business as Delta Milk Co., 101 Boyd, Clarksdale, Miss. 38614, of Certificate No. MC-134669 issued by the Commission June 3, 1971, to Delta Milk Company, Inc., authorizing the transportation of dairy products and fruit juices between Memphis, Tenn., on the one hand, and, on the other, points in De Sota, Tunica, Coahoma, and Bolivar Counties, Miss.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25053 Filed 9-18-75;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 105]

SEPTEMBER 16, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in con-

[1] Addition.

nection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16831 (Sub-No. 21TA), filed September 8, 1975. Applicant: MID SEVEN TRANSPORTATION COMPANY, 2323 Delaware St., Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Monies, Iowa. 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Nucor Steel Division of Nucor Corporation, at or near Norfolk, Nebr., to points in Illinois, Indiana, Missouri, Wisconsin and points in Iowa on and east of U.S. Highway 169, for 180 days. Supporting shipper: Nucor Steel Division of Nucor Corporation, P.O. Box 59, Norfolk, Nebr. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 17051 (Sub-No. 16TA), filed September 9, 1975. Applicant: BARNET'S EXPRESS INC., 758 Lidgerwood Ave., Elizabeth, N.J. 07202. Applicant's representative: S. M. Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, (garments on hangers), *equipment, materials and supplies* used or useful in the manufacture and sale of wearing apparel (except in bulk), between Newark, Perth Amboy and Trenton, N.J.; Johnstown, N.Y.; on the one hand, and, on the other, Decatur and Cleveland, Tenn., and Lawrenceville, Ga., for 180 days. Supporting shipper: Cooper Sportswear Mdg., Co., Inc., 720 Frelinghuysen Ave., Newark, N.J. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 18535 (Sub-No. 62TA), filed September 5, 1975. Applicant: HICKLIN MOTOR LINE, INC., P.O. Box 377, St. Matthews, S.C. 29135. Applicant's representative: Lawrence M. Gressette, Jr., P.O. Box 346, St. Matthews, S.C. 29135. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, in bulk, in dump vehicles, between points in Chatham County, Ga., and points in South Carolina, for 180 days. Supporting shipper: Flintkoe Company, P.O. Box 1526, Savannah, Ga. 31402. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 30844 (Sub-No. 550TA), filed September 8, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Loose books and such materials and supplies* as are used by schools and libraries when transported in vehicles equipped with mechanical heating units, from (1) Amherst, Ashburnham, Boston, Burlington, Cambridge, Clinton, Lawrence, Lee, Lexington, Newton, Reading, Springfield, Waltham, Wellsley Hills, Mass., to Jersey City, N.J.; Commerce and Atlanta, Ga.; Clarksville, Tex.; Momence, Ill.; Nashville, Tenn.; Little Rock, Ark.; Allentown, Pa.; Cedar Falls, Iowa; Reno, Nev.; and (2) from Jersey City, N.J.; Philadelphia, and Scranton, Pa.; Binghamton, Buffalo and Syracuse, N.Y.; Westminster, Md., to Commerce, Ga.; Atlanta, Clarksville, Tex.; Momence, Ill.; Nashville, Tenn.; Little Rock, Ark.; Allentown, Pa.; Cedar Falls, Iowa; Reno, Nev., restricted to shipments originating at or destined to warehouses and facilities utilized by Baker origins and destinations, for 180 days. Supporting Shipper: Baker & Tylor Companies, Division, W. R. Grace Company, 1515 Broadway, New York, N.Y. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 33919 (Sub-No. 12TA), filed September 5, 1975. Applicant: FAIRCHILD GENERAL FREIGHT, INC., P.O. Box 1649, Yakima, Wash. 98907. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from ports of entry, between the United States and Canada Boundary line, near Oroville, Wash., to Anaheim, Calif., for 180 days. Supporting shipper: Consumers Glass Company Limited, Lavington, British Columbia, Canada. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 103498 (Sub-No. 46TA), filed September 8, 1975. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Box C, DeQueen, Ark. 71832. Applicant's representative: Bruce J. Kinnee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automotive parts and accessories* in containers and (2) *Empty containers*, between Laredo, Tex., on the one hand, and, on the other, Houston, Tex., restricted to traffic having a prior or subsequent movement in Foreign Commerce, for 180 days. Supporting shipper: Central de Servicios de Carga de Nuevo Laredo, S. A. de C. V., Av., Cesar Lopaz de Lara No. 2840, Nuevo Laredo, Tamps, Mex. Send protests to: Willam H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 106278 (Sub-No. 42TA), filed September 8, 1975. Applicant: E. B. LAW AND SON, INC., P.O. Box 1381, Las Cruces, N. Mex. 88001. Applicant's representative: William J. Lippman, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc concentrates*, in bulk, from ASARCO Mill, N. Mex. (near Deming, N. Mex.), to El Paso, Tex., for 180 days. Supporting shipper: American Smelting and Refining Company, 405 Montgomery St., San. Francisco, Calif. 94104. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Bldg., 517 Gold Ave., S.W., Albuquerque, N. Mex. 87101.

No. MC 107295 (Sub-No. 773TA), filed September 8, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, netting, wire, fence stretchers, gates and posts* (except commodities which because of size or weight require the use of special equipment), from the plantsite and storage facilities of Sentry Fence Division of Texas Steel & Wire Corporation, at or near Houston, Tex., to La Habra, Calif., for 180 days. Supporting shipper: Michael R. Burke, Sales Manager, Sentry Fence Division of Texas Steel and Wire Corporation, 2002 Brittmore, Houston, Tex. 70043. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107295 (Sub-No. 774TA), filed September 8, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, or in sections*, (2) *building sections and building panels*, (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above, and (4) *metal prefabricated structural components and panels and accessories* used in the installation and completion thereof, from Houston, Tex., to points in Arizona, Alabama, Florida, Georgia, Kansas, Louisiana, Missouri, Minnesota, Mississippi, Nebraska, North Dakota, South Dakota, Oklahoma, and Wyoming, for 180 days. Supporting shipper: Homer L. Ballard, Manager Scheduling & Shipping, A & S Building Systems, P.O. Box 4009.

10555 Fisher Road, Houston, Tex. 77040. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 108703 (Sub-No. 29TA), filed September 8, 1975. Applicant: LEE & EASTES TANK LINES, INC., 2418 Airport Way South, Seattle, Wash. 98134. Applicant's representative: Jack R. Davis, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide*, in bulk, in tank vehicles, from Seattle and points in Benton County, Wash., to points in Oregon, Idaho and Montana, for 180 days. Supporting shipper: Liquid Air Inc., 3200 NW. Yeon Ave., Portland, Oreg. 97210. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., 915 Second Ave., Seattle, Wash. 98174.

No. MC 111729 (Sub-No. 572TA), filed September 8, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory samples and specimens*, between Albuquerque, N. Mex., and Santa Fe, N. Mex., restricted to the transportation of traffic having an immediately prior or subsequent movement by air, for 90 days. Supporting shipper: Controls for Environmental Pollution, Inc., 1925 Rosina, Santa Fe, N. Mex. 87501. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112801 (Sub-No. 177TA), filed September 4, 1975. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Anthony T. Thomas, 6017 Cermak Road, Cicero, Ill. 60650. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, salad oils, cooking oils, animal fats, and refined vegetable oils*, in bulk, in tank vehicles, from the plantsite and storage facilities of PVO International, Inc., at St. Louis, Mo., to points in Georgia, Florida, and North Carolina, for 180 days. Supporting shipper: PVO International, Inc., Joseph R. Masterson, Trans. & Distribution Mgr., 3400 N. Wharf, St. Louis, Mo. 63147. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 114274 (Sub-No. 34TA), filed September 4, 1975. Applicant: VITALIS TRUCK LINES, INC., 137 NE. 48th St. Place, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 180 North La Salle St., Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle caps*, from the facilities of Crown Cork and Seal Company, Inc., at Faribault, Minn., to the facilities of Mid-Continent Industries, Inc., at Des Moines and Cedar Rapids, Iowa, and Omaha, Nebr.; and *metal containers and ends*, from the facilities of Crown Cork and Seal Company at Faribault, Minn., and St. Louis, Mo., to the facilities of Mid-Continent Industries, Inc., at Des Moines, Iowa, for 180 days. Supporting shipper: Mid-Continent Industries, Inc., 1679 NE. 51st Ave., P.O. Box BJ, Des Moines, Iowa 50304. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 117119 (Sub-No. 547TA), filed September 2, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall coverings and equipment and supplies* used in distribution and manufacturing and installation thereof, from Hazelton (Hazel Township), Pa., to points in Arizona, California, and Oregon, for 180 days. Supporting shipper: American Cyanamid Company, Wayne, N.J. 07470. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118142 (Sub-No. 98TA), filed August 29, 1975. Applicant: M. BRUENGER & CO., INC., 6250 N. Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin; 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquets* (except in bulk), (1) from Jacksonville, Tex., to points in the United States (except Alaska and Hawaii), and return to Jacksonville, Tex.; and (2) from Paris, Ark., to points in the United States (except Alaska and Hawaii), and return to Paris, Ark., for 180 days. Supporting shipper: Forest Products Charcoal, 484 North Hollywood, Memphis, Tenn. 38111. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 118202 (Sub-No. 51TA), filed September 4, 1975. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing supplies and accessories*, from the plantsite and warehouse facilities of Powers-Fiat Corporation at or near Monroe, Ohio, to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Michigan, North Carolina, South Carolina, and Virginia), restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Powers-Fiat Corporation, at Monroe, Ohio, for 180 days. Supporting shipper: Powers-Fiat Corporation, One Michael Court, Plainview, N.Y. 11083. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 119880 (Sub-No. 72TA), filed September 3, 1975. Applicant: DRUM TRANSPORT, INC., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Peoria, Ill., and Delavan, Ill., to points on the United States-Canadian Border in the States of Montana, Idaho, and Washington, for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., D. J. Anderson, General Traffic Manager, Foot of Edmund St., Peoria, Ill. 61601. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 123778 (Sub-No. 29TA), filed September 8, 1975. Applicant: JALT CORP., doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, N.J. 07095. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Washington, D.C., to Philadelphia, International Airport, Philadelphia, Pa., and Newark International Airport, Newark, N.J., and LaGuardia Airport and J. F. Kennedy International Airport, New York, N.Y., from Newark Airport, Newark, N.J., LaGuardia Airport and J. F. Kennedy International Airport, New York, N.Y., to points in Connecticut, New Jersey, that part of Pennsylvania on and east of U.S. Highway 15, that part of New York, on, east, and south of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 26 to junction New York Highway 17, near Vestal, N.Y., thence along New York Highway 17 to Binghamton, N.Y., thence along New York Highway 7 to Oneonta, N.Y., thence along New York Highway 28 to Kingston, N.Y., thence along the Hudson River to the Dutchess-Columbia County line, thence along the Dutchess-Columbia County line to the New York-Connecticut State line, and to Wilmington, Del., Baltimore, Md., and Washington, D.C.; from Baltimore-Washington International Airport in Maryland to Washington, D.C.; from Old Saybrook Conn., to New York, N.Y., Springfield, Mass., and Hartford, Conn.; *Empty Containers*, from Newark Airport, Newark, N.J., to Washington, D.C., under a continuing contract or contracts with McGraw-Hill Publications Company, for

180 days. Supporting shipper: McGraw-Hill Publications Company, Director of Distribution, Jack J. Murphy, 1221 Avenue of the Americas, New York, N.Y. 10020. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 124964 (Sub-No. 22TA), filed September 8, 1975. Applicant: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, Fla. 32726. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Juices, drinks, and concentrates*, not frozen, *and equipment, materials, and supplies* used in the manufacture and sale of juices, drinks, and concentrates (except in bulk), and (2) *Fruit salads*, in mixed loads with the commodities described in (1) above, between the facilities of Doric Foods Corporation, at Anaheim, Calif., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted to the transportation of shipments originating at or destined to the facilities of Doric Foods Corporation, at Anaheim, Calif. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts with Doric Foods Corporation of Mount Dora, Fla., for 180 days. Supporting shipper: Doric Foods Corporation, P.O. Box 986, Mount Dora, Fla. 32757. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 125956 (Sub-No. 9TA), filed September 8, 1975. Applicant: JOHNSON BROTHERS TRUCKING COMPANY, 501 East Spring St., Herndon, Va. 22070. Applicant's representative: James Anton, 1133 Munsey Bldg., 1329 E St., NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Top soil*, from points in Montgomery County, Md., to points in Washington, D.C., and Virginia, under a continuing contract or contracts with S & T Landscaping Company, for 180 days. Supporting shipper: S & T Landscaping Company, Ashburn, Va. Send protests to: Interstate Commerce Commission, 12th St. & Constitution Ave., NW., Room B-317, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 126276 (Sub-No. 137 TA), filed September 3, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 N. La Salle St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper* products, plastic products, and products produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from Louisville, Ky., to points in Alabama, Georgia, Florida, Iowa, Massachusetts, Maryland, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Texas and Virginia, under a continuing contract or contracts with Continental Can Company, Inc., for 180 days. Supporting shipper: Continental Can Company, Daniel J. Dorney, Manager of Distribution, 555 Continental Plaza, Three Rivers, Mich. 49093. Send protests to: Patricia A. Rosco, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128279 (Sub-No. 27 TA), filed September 9, 1975. Applicant: ARROW FREIGHTWAYS, INC., P.O. Box 25125, Albuquerque, N. Mex. 87125. Applicant's representative: Olif Q. Boyd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, materials and supplies* used in the installation and distribution thereof, from Albuquerque, N. Mex., to points in Utah, for 180 days. Supporting shipper: Republic Housing Corporation, American Plant, P.O. Box 6345, Station B, Albuquerque, N. Mex. 87101. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, 1106 Federal Office Bldg., 517 Gold Ave., SW., Albuquerque, N. Mex. 87101.

No. MC 128375 (Sub-No. 136 TA), filed September 9, 1975. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, devices, products, related items, parts thereof, and commodities* used by and dealt in by manufacturers thereof, moving in either carriers or shippers trailers (except in bulk and commodities which because of size or weight require the use of special equipment), between the facilities of General Electric Co., located at or near Salisbury, N.C., Hickory, N.C., and East Flat Rock, N.C., on the one hand, and, on the other, points in the United States on and west of the Mississippi River, the eastern boundaries of Wisconsin and Louisiana and the Upper Peninsula of Michigan, under a continuing contract with the General Electric Co., for 180 days. Supporting shipper: General Electric Company, 100 Woodlawn Ave., Pittsfield, Mass. 01201. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Bldg., and U.S. Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 128592 (Sub-No. 6 TA), filed September 3, 1975. Applicant: K.L.M. DISTRIBUTING, INC., 2102 Old Brandon Rd., P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wiring devices and electrical and lighting equipment* (except commodities which by reason of size or weight require the use of special equipment), from Parkersburg, W. Va., to Sparks, Nev., under a continuing contract or contracts with Union Insulating Co., Inc., for 180 days. Supporting shipper: Union Insulating Co., Inc., P.O. Box "B", Parkersburg, W. Va. 26101. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 134408 (Sub-No. 5 TA), filed September 5, 1975. Applicant: SARCHFIELD TRANSFER, LTD., Box 84, Simonds Road, Hartland, New Brunswick, Canada. Applicant's representative: Peter L. Murray, 30 Exchange St., Portland, Maine 04111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from ports of entry on the United States-Canadian boundary line at or near Houlton, Calais, Vanceboro and Madawaska, Maine, to points in Tennessee, Alabama, Kentucky, Indiana, Michigan, Illinois, Wisconsin and Missouri, for 180 days. Supporting shippers: (1) H. S. Gill & Sons, Ltd., 69 City View Ave., Fredericton, New Brunswick, Canada; (2) Great Northern Fence Company, 1 Holland Ave., Floral Park, N.Y. 11001; (3) Berion, Inc., Notre-Dame du Lac, Temiscouata, Quebec, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl St., Poarland, Maine 04111.

No. MC 136211 (Sub-No. 32TA), filed September 5, 1975. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: T. M. Brown, 223 Cuidad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furnishings*, (1) between the facilities of Alpert's Warehouse Showroom of Albany, Inc., located at or near Colonie, N.Y., on the one hand, and, on the other, points in Vermont, Massachusetts, and that part of Connecticut on, west, and north of a line beginning at the Massachusetts-Connecticut State line and Interstate Highway 91, thence along Interstate Highway 91 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Connecticut-New York State line; and (2) between the facilities of Alpert's of Ohio, Inc., located at or near North Randall, Ohio, on the one hand, and, on the other,

points in New York and that part of Pennsylvania on and west of U.S. Highway 15, under a continuing contract or contracts with Alpert's of Ohio, Inc., and Alpert's Warehouse Showroom of Albany, Inc., for 180 days. Supporting shippers: Alpert's of Ohio, Inc., 100 Highland Ave., Seekonk, Mass. 02771. Alpert's Warehouse Showroom of Albany, Inc., 100 Highland Ave., Seekonk, Mass. 02771. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 136213 (Sub-No. 5TA), filed September 9, 1975. Applicant: MIDCO DISTRIBUTING, INC., P.O. Box 910, Middlebury, Ind. 46540. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk) and (2) *deicing compounds* (except commodities in bulk), between points in the United States (except Alaska, Connecticut, Florida, Hawaii, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), under continuing contract or contracts with Little Crow Milling Company, Inc., at Warsaw, Ind. Restriction: The services authorized herein are restricted to the transportation of traffic originating at or destined to the facilities of Little Crow Milling Company, Inc., at Warsaw, Ind. for 180 days. Supporting shipper: Little Crow Milling Company, Inc., Warsaw, Ind. 46580. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 136399 (Sub-No. 3 TA), filed September 9, 1975. Applicant: MARK III TRUCKING, INC., 335 18th Street, Dunbar, W. Va. 25064. Applicant's representative: Jackie H. Browning (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Appliances and retail merchandise*, from Dunbar Storage Warehouse, Dunbar, W. Va., and Grand Central Mall, near Parkersburg, W. Va., to points in Monroe, Morgan, Noble, Washington, Athens, and Meigs Counties, Ohio, and *rejected merchandise*, from points in Monroe, Morgan, Noble, Washington, Athens, Meigs Counties, Ohio, to Grand Central Mall, near Parkersburg, W. Va., and Dunbar Storage Co., Dunbar, W. Va., under a continuing contract with Kelly & Cohen, Division of SCOA Industries, Inc., for 180 days. Supporting shipper: Kelly & Cohen, Division of SCOA Industries, Inc., 3220 West Liberty Ave., Pittsburgh, Pa. 15216. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 136661 (Sub-No. 2TA), filed September 5, 1975. Applicant: Robert J. Grall, P.O. Box 313, Manitowoc, Wis. 54220. Applicant's representative: Richard C. Alexander, 710 North Plankinton, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum siding*, and (2) *accessories* for the commodities in (1) above, from Ocnomowoc, Wis., to points in Colorado, under a continuing contract or contracts with Mirro Aluminum Company, for 180 days. Supporting shipper: Mirro Aluminum Company, Manitowoc, Wis. 54220. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807 Milwaukee, Wis. 53203.

No. MC 136786 (Sub-No. 83TA), filed September 8, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Ave., NW., New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 3033 Excelsior Blvd., Suite 205, Minneapolis, Minn. 55416. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cordage products*, from Kingman, Kans., to points in the United States (except Connecticut, Iowa, Illinois, Nebraska, New Jersey and New York), for 180 days. Supporting shipper: Exxon Chemical Company U.S.A., P.O. Box 9, Tracy, Minn. 56175. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 138308 (Sub-No. 8 TA), filed September 3, 1975. Applicant: K.L.M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities of Scott Paper Company, at Mobile, Ala., to points in Los Angeles County, Calif., for 180 days. Supporting shipper: Scott Paper Company, Scott Plaza 1, Philadelphia, Pa. 19113. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 138658 (Sub-No. 2 TA), filed September 8, 1975. Applicant: CROSS TRANSPORTATION, INC., 100 Factory St., Lewis, Kans. 67552. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydraulic cylinders and component parts thereof*, between the plantsite and/or storage facilities of Cross Manufacturing, Inc., at/or near Greensburg, Kans., on the one hand, and, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Provo and Nephi, Utah, on the other; (2) *raw castings*, between Camden, Tenn.; Bentonville, Ark.; and Dewey, Okla., on the one hand, and, the plantsite and/or storage facilities of Cross Manufacturing, Inc., at or near Lewis, Hays, Pratt, Pinsley and Greensburg, Kans., and Lamar, Colo., on the other;

(3) *Steel tubes, bars and plates, and raw castings*, between points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, Utah, and Texas, on the one hand, and the plantsite and/or storage facilities of Cross Manufacturing, Inc., at or near Greensburg, Kans., on the other; (4) *hydraulic cylinders, fittings, adapters, valves, pumps and motors; hydraulic coupling equipment and component parts of hydraulic cylinders, fittings, adapters, valves, pumps and motors; steel tubes, bars and plates and raw castings*, between the plantsite and/or storage facilities of Cross Manufacturing, Inc., at or near Greensburg, Kans., on the one hand, and, the plantsite and/or storage facilities of Cross Manufacturing, Inc., at or near Lamar, Colo., on the other, all under a continuing contract with Cross Manufacturing, Inc., of Lewis, Kans.; (5) *hydraulic cylinders, fittings, adapters, valves, pumps and motors and hydraulic coupling equipment*, between the plantsite and/or storage facilities of Cross Hydraulics, Inc., at or near Bay Springs, Miss., on the one hand, and points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Provo and Nephi, Utah, on the other; (6) *steel tubes, bars and plates and raw castings*, between points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, Utah, and Texas, on the one hand, and, the plantsite and/or storage facilities of Cross Hydraulics, Inc., at or near Bay Springs, Miss., on the other; (7) *raw castings*, between Camden, Tenn.; Bentonville, Ark., and Dewey, Okla., on the one hand, and, the plantsite and/or storage facilities of Cross Hydraulics, Inc., at or near Bay Springs, Miss., on the other, all under a continuing contract with Cross Hydraulics, Inc., of Bay Springs, Miss., for 180 days. Supporting shippers: Cross Manufacturing, Inc., 100 Factory St., Lewis, Kans. 67552. Cross Hydraulics, Inc., 100 Factory St., Lewis, Kans. 67552. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Com-

mission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 138831 (Sub-No. 1 TA), (Correction) filed August 20, 1975, published in the FEDERAL REGISTER issue of September 2, 1975, and republished as corrected this issue. Applicant: JOHNNY JOHNS, doing business as J & J HAULING, 3 Midland Ave., Elmwood Park, N.J. 07407. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bicycles, materials, equipment, and supplies* used in the manufacture, use and sale thereof (except commodities in bulk), (1) from Champlain, N.Y., to Bensonville, Ill.; Secaucus, N.J., Westwood, Mass., and Enid, Okla., and (2) from Enid, Oklahoma, to Bensonville, Ill., Secaucus, N.J., and Westwood, Mass., under a continuing contract with Raleigh Industries of America, Incorporated, for 180 days. Supporting shipper: Raleigh Industries of America, Incorporated, 1170 Commonwealth Ave., Boston, Mass. 02134. Send protest to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102. The purpose of this correction is to show the correct territorial description.

No. MC 140615 (Sub-No. 5TA), filed September 4, 1975. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1064, Wisconsin Rapids, Wis. 54494. Applicant's representative: Dennis C. Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unedible food products*, in vehicles equipped with mechanical refrigeration equipment, from Hainesport, N.J., to Davenport, Iowa, for 180 days. Supporting shipper: Black Diamond/Emco Div., Brook Bond Foods, Inc., P.O. Box 274, Hainesport, N.J. 08036. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140743 (Sub-No. 4TA), filed September 4, 1975. Applicant: GROSKI BULK TRANSPORT, INC., 21635 E. Nine Mile Road, St. Clair Shores, Mich. 48080. Applicant's representative: William B. Elmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, including alcoholic spirits and wines*, in bulk, in tank vehicles, from ports of entry on the International Boundary, between the United States and Canada, located in North Dakota and Minnesota, to points in Indiana, for 180 days. Supporting shipper: Joseph E. Seagram & Son, Inc., James V. Fazzolari, Rate & Export Supervisor, 800 3rd Ave., New York, N.Y. 10022. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, 1110 Broderick Tower, 10 Witherell Ave., Detroit, Mich. 48226.

No. MC 141232 (Sub-No. 1TA), filed September 5, 1975. Applicant: STATEWIDE TRUCKING CO., 1801 W. Oxford, P.O. Box 1116, Englewood, Colo. 80110. Applicant's representative: Robert G. Shepherd, Jr., Suite 2314, Prudential Plaza, 1050 17th St., Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, fence materials, and supplies*, between points in the Denver, Colo., commercial zone, on the one hand, and, on the other, points in Kansas (west of U.S. Highway 281), in Nebraska (west of U.S. Highway 281), in the Counties of Goshen, and Laramie in the State of Wyoming and in the town of Laramie, Wyo., and a 5 mile radius thereof, for 180 days. Supporting shippers: Hartmuller Lumber Company, 1741 S. Wadsworth Blvd., Denver, Colo. Denver Reserve Supply Company, 555 W. 48th Ave., Denver, Colo. Gittings Lumber Co., Inc., 4501 Wynkoop St., P.O. Box 16363, Denver, Colo. Richardson Lumber Company, 601 W. 48th Ave., Denver, Colo. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 141287 (Sub-No. 1 TA), filed September 3, 1975. Applicant: JEROME DULAS, doing business as DULAS EXCAVATING AND TRUCKING, P.O. Box 151, Wells, Minn. 56097. Applicant's representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone aggregate*, from the quarries of Martin Marietta Corporation, at or near Fertile, Iowa to Wells, Minn., for 180 days. Supporting shipper: Wells Concrete Products Company, Wells, Minn. 56097. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 141291 TA, filed September 4, 1975. Applicant: T & B LEASING, INC., P.O. Drawer 590, LaFauette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 246, 1242 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals, including wood chips, sawdust, wood shavings, bark, wood particles and sawmill waste*, from Talladega, Ala., to points in Georgia and Tennessee, for 180 days. Supporting shipper: Georgia-Pacific Corp., P.O. Box 520, Crossett, Ark. 71635. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 141292 TA, filed September 2, 1975. Applicant: MICHAEL J. LIPARI, doing business as LIPARI TRUCKING CO., 314 Glen Ridge Ave., Temple Terrace, Fla. 33617. Applicant's representative: John C. Vogt, Jr., 523 E. Madison St., Tampa, Fla. 33602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Recycled wastepaper and related waste materials*, from points in Florida, to points in Georgia, North Carolina, South Carolina, Alabama, Mississippi, and Tennessee, under a continuing contract or contracts with Durgin Paper Co., for 180 days. Supporting shipper: Durbin Paper Co., 6210 North 53d St., Tampa, Fla. 33610. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Monterey Bldg., Suite 101, 8410 NW. 53d Terrace, Miami, Fla. 31166.

No. MC 141293 TA, filed September 4, 1975. Applicant: J. R. R. W. TRANSPORT, INC., Iowa City, Iowa 52240. Applicant's representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refined corn products*, in packages and containers, and powdered milk, when moving in the same vehicle and at the same time as refined corn products; (1) from Decatur, Ill., to Iowa City, Iowa, and (2) from Iowa City, Iowa to points in Arkansas, Illinois, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, under a continuing contract or contracts with J. M. Swank Co., Inc., for 180 days. Supporting shipper: J. M. Swank Co., Inc., 615 Highway 6 By Pass, Iowa City, Iowa 52240. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 141295 TA, filed September 3, 1975. Applicant: EMIL A. JOHNSON, doing business as CHIEF TRUCKING CO., 1767 South Redwood St., Escondido, Calif. 92025. Applicant's representative: William J. Monheim, 15942 Whittier Blvd., P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from points in Gillespie County, Tex., to Escondido and Riverside, Calif., and to the National Quarries plantsite near San Marcos, Calif., and the Bruner Pacific Marble & Granite, Inc., plantsite near Cucamonga, Calif., under a continuing contract or contracts with National Quarries, for 180 days. Supporting shipper: Robert N. Johnson and Emil A. Johnson, doing business as National Quarries, P.O. Box 487, Escondido, Calif. 92025. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141297 TA, filed September 5, 1975. Applicant: UNITED INDUSTRIES, INC., 487 Parish St., Houston, Miss. 38851. Applicant's representative: W. DeWayne Griffin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from Maben, Miss., to Miami, Fla.; Boston, Mass.; Detroit, Mich.; Minneapolis, Minn.; San Francisco, Calif.; San Antonio, Tex.; Fort Worth, Tex.; Okla-

homa City, Okla.; and Kansas City, Kans., under a continuing contract or contracts with Maben Manufacturing, Inc., and Shannon Chair Company, for 180 days. Supporting shippers: Maben Manufacturing, Inc., 375 Oswalt Drive, Maben, Miss. 39750; Shannon Chair Company, 1st Ave., North, Houston, Miss. 38851. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

APPLICATIONS OF PASSENGERS

No. MC 141294 TA, filed September 3, 1975. Applicant: GETTYSBURG TOURS, INC., 302 York St., Gettysburg, Pa. 17325. Applicant's representative: James D. Campbell, Jr., Six North Third St., P.O. Box 840, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in the Borough of Gettysburg and the Townships of Highland, Liberty Freedom, Mount Joy, Mount Pleasant, Hamiltonban, Cumberland, Franklin and Straban, all in Adams County, Pa., and extending to points in the Town of Emmitsburg and Voting District No. 5, Frederick County, Md., for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Bldg., P.O. Box 869, Harrisburg, Pa. 17108.

By the Commission.

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

[FR Doc.75-25054 Filed 9-18-75;8:45 am]

No. MC 141296 TA, filed September 2, 1975. Applicant: GARRETT COUNTY COMMISSION ON AGING, INC., doing business as THE GARRETT BUS SYSTEM, 202 East Alder St., Oakland, Md. 21550. Applicant's representative: Fred G. Mullich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in charter operation, utilizing three nineteen-passenger coach vehicles, from points in Garrett County, Md., to points in Pennsylvania, New Jersey, Delaware, Virginia, West Virginia, the District of Columbia, New York (except points north of Interstate No. 90 from the Massachusetts border to its intersection with Interstate No. 81 at Syracuse); Ohio (except points west of Interstate No. 75); Kentucky (except points west of Interstate No. 75); Tennessee (except points west of Interstates No. 75 and No. 26); North Carolina (except points southwest of Interstate No. 26), for 180 days. Supporting shippers: Garrett County Child Development Project, McLaughlin Bldg., Oakland, Md. 21550. Garrett County, Maryland Comunity Action Comm., P.O. Box 149, Oakland, Md. 21550. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

By the Commission.

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

[FR Doc.75-25054 Filed 9-18-75;8:45 am]

[Notice No. 81]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 19, 1975.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-76091. By application filed September 12, 1975, KODIAK TRANSFER, INC., doing business as KODIAK TRANSFER COMPANY, P.O. Box 347, Kodiak, AK 99615, seeks temporary authority to lease the operating rights of DANIEL ENSSLIN, doing business as KODIAK TRANSFER COMPANY, 1330 Buchanan, Marysville, CA 95901, under section 210a(b). The transfer to KODIAK TRANSFER, INC., doing business as KODIAK TRANSFER COMPANY, of the operating rights of DANIEL ENSSLIN, doing business as KODIAK TRANSFER COMPANY, is presently pending.

By the Commission.

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

[FR Doc.75-25049 Filed 9-18-75;8:45 am]

federal register

FRIDAY, SEPTEMBER 19, 1975

PART II:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

LOW INCOME HOUSING

Indian Housing

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 805]

[Docket No. R-75-353]

INDIAN HOUSING

Proposed Rulemaking

Notice is hereby given that the Department of Housing and Urban Development ("HUD") proposes to amend 24 CFR, Chapter VIII by adding a new Part 805, Indian Housing. The regulations will be applicable to housing developed or operated by an Indian Housing Authority ("IHA") with assistance from HUD under the U.S. Housing Act of 1937 ("Act").

The new HUD Indian housing regulations are the result of a complete review of the HUD Indian housing programs, including extensive consultations with Indian housing associations and IHAs, and with other concerned Indian people. Recommendations for revisions in the HUD programs have been made to HUD during many recent Indian housing conferences, and at other meetings between Indian representatives and the Department. A prior draft was sent for review to all IHAs. Extensive changes have been made in response to the many written and oral comments, suggestions, and recommendations received by HUD.

Indian representatives have often expressed the need for better coordination between HUD and the other federal agencies providing assistance for Indian housing, and for revision of outdated interdepartmental agreements between HUD, the Department of the Interior (Bureau of Indian Affairs) and the Department of Health, Education, and Welfare (Indian Health Service). This need has been recognized by these federal agencies. Accordingly, the final drafting of these proposed regulations as well as of a proposed new interdepartmental agreement, was accomplished by an interdepartmental working group consisting of representatives of HUD, the BIA and the IHS, and the proposed new agreement is included in these proposed regulations (Subpart B—Appendix I). This proposed interdepartmental agreement provides among other things a specific mechanism for coordination of assistance from the federal agencies, by requiring that at the beginning of project development, representatives of the IHA must meet with representatives of HUD, BIA, IHS and other involved agencies to agree upon a plan for coordination, and to establish a schedule of actions to be taken during the total project development period, which schedule can be departed from only by a justification in writing.

The Act provides a set-aside of $15 million of contract authority as of July 1, 1974, and an additional $15 million as of July 1, 1975, for Indian housing other than housing under the Section 8 housing assistance payments program. These proposed regulations cover only non-section 8 housing developed by an IHA under the rental or homeownership opportunity programs, including housing under the set-asides. Any Indian housing provided under Section 8 will be in addition to assistance provided under the Indian set-asides.

The following is a brief summary of significant features of the proposed Indian Housing regulations:

1. The proposed regulations are applicable to projects of IHAs (see definition in § 805.101(a)(1)), including IHAs formed under a tribe's governmental powers independent of state law and IHAs formed under state legislation (see §§ 805.101(a)(1), 805.105). Although a form of Tribal Ordinance is prescribed for the establishment of a housing authority by a tribe (§ 805.106 and Subpart A—Appendix I), the regulations do not prescribe procedures for the formation of housing authorities under state law, since such procedures must be in accordance with the law of the particular state.

2. The proposed regulations do not state all of the HUD requirements and regulations applicable to the development or operation of IHA projects (§ 805.101(b)). The regulations provide a comprehensive statement only of the special policies and procedures for Indian housing. Requirements applicable to non-Indian PHAs generally are also applicable to IHAs unless otherwise provided in this Part, or unless IHAs are excluded under the terms of the applicable issuance or regulations.

3. Title VI of the Civil Rights Act of 1964 (non-discrimination in federally assisted programs), and Title VIII of the Civil Rights Act of 1968 (non-discrimination in housing), and HUD requirements under Title VI and Title VIII, do not apply to IHAs established under a tribe's powers of self-government (§ 805.104(b)). Instead, these IHAs are subject to the Indian Civil Rights Act (Title II of the Civil Rights Act of 1968), which prohibits denial of due process or equal protection to persons within the jurisdiction of a tribe (§ 805.104(a)). This constraint applies to all IHA actions, including selection of tenants or homebuyers (§ 805.104(c)), IHA grievance procedures (§ 805.302), and termination of a Mutual Help homebuyer's agreement (§ 805.421(b)).

4. In accordance with Section 7(b) of the Indian Self-Determination and Education Assistance Act, the proposed regulations provide (§ 805.104(e)) that an IHA must give employment preference to Indians in direct IHA employment, and that each contractor or subcontractor must also give employment preference to Indians. In addition, an IHA must give preference in the award of contracts to Indian enterprises, and IHA contractors must give Indian preference in the award of subcontracts.

5. Under § 805.203(c) an IHA may ask for HUD approval to negotiate a construction contract for the purpose of providing preferences and opportunities for training and employment for Indians, or other economic benefits for Indians. The proposed contractor must submit a statement showing the interest of each Indian principal, and the extent of subcontracting to Indian and non-Indian subcontractors.

6. Section 805.203(f) provides that the force account method may be used only in exceptional cases with the approval of the HUD Assistant Secretary for Housing Production and Mortgage Credit.

7. Many IHAs have asked for faster processing of applications, and for steps to minimize delays in project completion. Section 805.205(b)(1) provides that HUD must notify an IHA of its action on an application as promptly as possible after receiving the application. Also, as noted above, the interdepartmental agreement establishes a new mechanism for establishing and adhering to project schedules.

8. Sections 805.206 (a) and (b) provide that IHA applications for new projects will not be approved unless HUD determines, after considering the IHA's past performance, that the IHA is capable of administering the development and operation of the proposed project in compliance with all HUD requirements.

9. Comments from HUD field offices and from IHAs have indicated the need for better construction inspection, and for clarification of the procedures and responsibilities for inspection. Sections 805.217 and 805.414 expressly confirm that the IHA is responsible for construction inspection, and provide for better inspection during the construction period, and for periodic inspections during the first year after acceptance.

10. Section 805.215 provides that, except for unusual situations requiring special HUD approval, an Annual Contributions Contract for a rental project shall not be approved unless the aggregate rental payments from the tenants are expected to meet operating expenses. Rental payments for such projects are subject to the minimum and maximum rental provisions set forth in section 3(1) of the Act.

11. Mutual Help projects are not subject to the minimum or maximum rental provisions of section 3(1) of the Act, because section 203 of Title II of the Housing and Community Development Act of 1974 provides that:

> The rental or income contribution provisions of the United States Housing Act of 1937 . . . shall not preclude the use of special schedules of required payments . . . for participants in mutual help housing projects . . .

Section 805.406(b) provides that a family may be selected for a Mutual Help project even if the Administration Charge plus utilities, or the Administration Charge alone, would exceed 25 percent of family income, if the family can be reasonably expected to pay the Administration Charge and meet its other obligations under a Mutual Help and Occupancy Agreement, in the light of the family's past history, or the family's ability to supplement its income by providing food, fuel or other necessities.

Accordingly, an Annual Contributions Contract for a Mutual Help project can be approved if there is a sufficient market of low income families factually able to meet the Administration Charge and perform the other obligations of a home-

buyer family. This requirement may be modified in unusual cases requiring HUD approval.

12. Individual equity credit for the amount of a payment in excess of the Administration Charge is an important feature of the old Mutual Help program, and is continued in the revised program (§§ 805.413(b), 805.413(f), 805.418).

13. Under section 6(c)(4)(B) of the Act an Annual Contributions Contract must include provisions obligating the housing authority to comply with procedures prescribed by HUD to assure the prompt payment and collection of rents and the prompt processing of evictions in the case of nonpayment of rent. Failure of IHAs to proceed vigorously to collect delinquent rents and homebuyer payments, or to evict tenants who fail to remedy serious delinquencies, has been a serious problem of the Indian housing program. The following provisions of the regulations are designed to carry out the statutory directive to remedy this situation:

(a) Section 805.206(a) provides that HUD will not approve an application for a new project unless it is determined that the IHA has a satisfactory procedure for assuring prompt payment of amounts due, and for eviction of nonpaying families.

(b) The form of Tribal Ordinance for formation of tribal housing authorities (Subpart A—Appendix I) has been modified to confirm the power of the IHA to terminate a lease or homeownership agreement for violation of a tenant's obligations, and to bring actions for eviction (§ 805.106(e)(2)(v)). The provisions for cooperation by the tribal government have also been modified to provide that the powers of the tribal government and the tribal courts or courts of Indian offenses shall be vigorously used to enforce eviction for nonpayment or other contract violations (§ 805.106(e)(2)(vii)).

(c) Section 805.303 of the regulations provides that IHA must adopt, and use best efforts to obtain compliance with, a policy to assure prompt payment and collection of rents and required homebuyer payments, and the prompt processing of evictions for nonpayment.

14. Some comments have recommended the elimination of maximum income limits for admission to IHA projects, and have noted that home financing is generally unavailable on Indian trust lands regardless of income. This cannot be done because the Act (section 3) requires the establishment of admission income limits to be fixed by the public housing agency and approved by HUD, and provides that admission must be limited to families of low income who cannot afford to pay enough to cause private enterprise to build an adequate supply of decent, safe and sanitary dwellings for their use. The proposed regulations provide that an IHA may establish income limits up to the maximum permitted by the Act, and that HUD shall approve the IHA's proposed schedule of maximum admission income limits unless the determination of these limits was arbitrary and capricious (§ 805.301(a)). The unavailability of private financing for housing on restricted land may be considered in making the determination whether private enterprise will build an adequate supply of decent, safe and sanitary housing.

15. Each family admitted to a Mutual Help project must agree to make a contribution to be used in the development of the project (§ 805.408). The proposed regulations give maximum flexibility in the form of contribution, allowing contributions in the form of work, land, materials, equipment, or cash.

16. Each homebuyer is required to make a minimum contribution (§ 805.408(b)). If the homebuyer contributes land valued at $2,500 or more, no other contribution is required (but the credit for land may not be more than $2,500). If the homebuyer does not contribute land, he must make a contribution of work, cash, materials or equipment of at least $1,500. If the homebuyer contributes both land and some other form of Mutual Help contribution, the part of the land credit that exceeds $1,000 will reduce, dollar for dollar, the amount of the other form of contribution the homebuyer must furnish.

17. All maintenance of a Mutual Help home, and provision of utilities, are the responsibility of the homebuyer (§§ 805.415, 805.416(c), 805.418(d)). Where a homebuyer fails to provide his required maintenance, the IHA may perform the maintenance in accordance with a plan agreed to by the homebuyer and the IHA, using the homebuyer's equity or Mutual Help credits (§§ 805.415(a)(3)(i), 805.418(d)).

18. Under the old Mutual Help program, a homebuyer could buy his home only by paying the outstanding balance of development debt attributable to the home. The computation of the amortization or debt attributable to the home is complex, and there has been considerable uncertainty and lack of uniformity as to the proper way of performing these operations. A homebuyer could not be informed in advance of the exact sum necessary to buy his home at any future time. Under § 805.419 of the proposed regulations, a homebuyer may buy his home by paying the balance on a 25-year amortization schedule showing predetermined monthly reductions in the initial price of the home. This initial price is determined by a simple formula which allocates to the home its reasonable share of the total project cost. The 25-year period approximates the period during which HUD is obligated to pay annual contributions, but the purchase price schedule is not required to conform to the actual rate at which the project debt is paid off. A homebuyer gets equity credit for the monthly amortization shown on his schedule, and for his Mutual Help contribution, and any required or voluntary equity payments (§§ 805.418(e), 805.419(b)(3), 805.419(d)).

19. Section 805.420 provides for IHA financing of the purchase by a homebuyer of his home by way of a purchase money mortgage for the unamortized balance of the purchase price. At the present time a homebuyer pays the purchase price of his home by application of any available credits in certain accounts, and by payment of cash for any balance. Private financing is generally unavailable on Indian trust lands. Before enactment of the Housing and Community Development Act of 1974, the annual contributions commitment had to be terminated upon conveyance of title to the homebuyer. Section 5(h) of the U.S. Housing Act, as amended in 1974, provides new statutory authority allowing HUD to continue the annual contributions commitment for debt service after conveyance of a home. Under the IHA mortgage plan a homebuyer would be making monthly payments in an amount sufficient to cover principal and interest on the mortgage debt. If, however, his income should drop so that he is unable to make the full payment, he would pay in accordance with his financial ability, and the annual contribution would be available to supply the deficiency.

20. Section 805.425 states the procedures for conversion of existing projects to the new Mutual Help program. Conversion may be accomplished only with the consent of the IHA, and all the participants in a project. The result of this requirement is that projects will consist wholly either of homebuyers under the old form of Mutual Help and Occupancy Agreement, or wholly of families under the new form of agreement. Under this policy, hold-out families can prevent a conversion desired by a great majority of the families. This is a very troublesome area on which recommendations would be welcomed. HUD recognizes that it is technically possible to continue the hold-out families under the old agreements, but this would involve accounting and legal difficulties which HUD believes cannot be met by the personnel and funds available.

21. Certain advantages of the new Mutual Help program have been discussed above, in particular the new method for determining purchase price, and the new IHA purchase money financing. The following differences between the old and new Mutual Help programs should also be noted:

(1) *Required Equity Payments.* In the old program required equity payments are temporarily deposited in a homebuyer account which may be used for payment of maintenance expenses. However, at the end of the fiscal year, the balance in this account in excess of $200 is applied to project debt. In the new program required equity payments are retained and invested by the IHA (§ 805.418(c)(3)). The Fund, including interest, may be used to pay for maintenance (paragraphs 415(a)(3), 418(d)(1)). If the homebuyer's agreement is terminated, a portion of his equity payments may be refunded (§§ 805.415(a)(3)(ii), 805.418(f)).

(2) *Voluntary Equity Payments.* In the old program voluntary equity payments cannot be used for maintenance. In the new program voluntary equity payments are retained and invested, and

the whole amount, including interest, may be used for maintenance (§ 805.418 (d)).

(3) *Mutual Help Contribution.* In the old program the only portion of the Mutual Help contribution available for maintenance of the home, or for refund if the homebuyer's agreement is terminated, is the amount by which the family's Mutual Help contribution (but not including the tribal contribution) exceeds a prescribed minimum equal to 10 percent of the cost of the home. This excess may be as little as $200 (or nothing in some cases). In the new program the portion of the total Mutual Help contribution in excess of a prescribed minimum of $500 is available to pay for maintenance expenses. If the homebuyer's agreement is terminated, the IHA may refund the portion of the family's Mutual Help contribution not credited against the $500 prescribed minimum or used for maintenance, but any tribal contribution is not refunded (§ 805.418).

(4) *Maintenance and Refund.* In the new Mutual Help program the total amount potentially available for maintenance of the home consists of:

a. Mutual Help contribution (including tribal contribution) over a prescribed minimum of $500;
b. Required equity payments;
c. Voluntary equity payments;
d. Investment income on b and c.

If a project is converted, substantial additional funds will automatically become available for maintenance of homes, or for refund to a terminated homebuyer, because the difference between the old and new prescribed minimums may then be used. For example, assume a per unit total development cost of $15,000 and a family Mutual Help contribution of $1,700 (10 percent plus $200). If the IHA has drawn against the family's Mutual Help contribution for a total of $200, money for maintenance or refund is exhausted (leaving a Mutual Help contribution balance of $1500). However, by application of the new prescribed minimum, an additional $1000 is automatically available for these purposes.

22. The proposed regulations do not allow for new IHA projects under the Turnkey III homeownership program. Consideration was given to adapting the Turnkey III program for IHAs, but it was determined that the needs of the Indian people could more adequately be met by modifications in the Mutual Help program. The following points should be noted:

(a) Cash is now allowed as a Mutual Help contribution. Thus a family which is unable to perform Mutual Help work can participate in the program if it is able to make the minimum contribution in cash, from earnings or otherwise.

(b) In the Mutual Help program a homebuyer paying more than the amount necessary for IHA administration gets equity credit for the full amount of the excess. In Turnkey III the homebuyer cannot receive more equity credit than the amount provided for maintenance.

(c) As noted above, under the old Mutual Help program required equity payments were used to pay off project debt, and were not refunded to a terminated homebuyer. In Turnkey III a terminated homebuyer can receive a refund equal to the amounts provided for routine maintenance of the home. Under the new Mutual Help Program a terminated homebuyer can be paid the balance of equity payments up to the amount allowed for all maintenance of the home, routine and non-routine.

The following appendices are referred to, but not included in these proposed regulations:

Subpart D—Appendix I—Mutual Help and Occupancy Agreement.
Subpart D—Appendix II—Annual Contributions Contract for Mutual Help Project.
Subpart D—Appendix III—Mutual Help Conventional Construction Contract.
Subpart D—Appendix IV—Mutual Help Turnkey Contract of Sale.
Subpart D—Appendix V—Counseling and Training.

Interested parties are invited to submit written comments and suggestions regarding the proposed Indian Housing Regulations by November 10, 1975, addressed to the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All material will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

The Department of Housing and Urban Development has determined that an Environmental Impact Statement is not required with respect to these proposed regulations. The Findings of Inapplicability is available for inspection with the Rules Docket Clerk at the above address.

It is therefore proposed to amend 24 CFR, Chapter VIII by adding a new Part 805, Indian Housing as follows:

PART 805—INDIAN HOUSING

Subpart A—General

Sec.
805.101 Applicability and scope.
805.102 Types of low income housing projects.
805.103 Assistance from Indian Health Service and Bureau of Indian Affairs.
805.104 Equal opportunity.
805.105 Participation of Indian housing authorities under state law or tribal law.
805.106 Procedures for establishment of Indian housing authorities by tribal ordinance independent of state law.
805.107 Tenant or homebuyer commissioners.

Appendix I—Tribal ordinance.
Appendix II–A—Model transcript for the organization of an IHA by tribal ordinance.
Appendix II–B—Instructions for submission of IHA organization documents.

Subpart B—Development

805.201 Roles and responsibilities of Federal agencies.
805.202 Compliance with certain Federal requirements.
805.203 Production methods.
805.204 Allocations of contract authority.
805.205 Application for project.
805.206 Prerequisites for application approval.
805.207 Preliminary loans.
805.208 HUD's minimum property standards.
805.209 Prototype costs in Indian areas.
805.210 Development cost.
805.211 Design for economy in fuel consumption.
805.212 Site selection.
805.213 Use of leased land as project site.
805.214 Site approval.
805.215 Financial Feasibility of Rental Projects.
805.216 Appraisals.
805.217 Construction inspection.
805.218 Costs to correct deficiencies.

Appendix I Interdepartmental Agreement on Indian Housing.

Subpart C—Operation

805.301 Admission policies.
805.302 Grievance procedures.
805.303 Rent and homebuyer payment collection policy.
805.304 Maintenance policy.
805.305 Supply management policy.
805.306 Correction of serious management deficiencies.

Subpart D—Mutual Help Homeownership Opportunity Program

805.401 Scope and applicability.
805.402 Definitions.
805.403 Contractual framework.
805.404 Special provisions for development of an MH project.
805.405 Financing of development cost.
805.406 Selection of MH homebuyers.
805.407 Counseling of homebuyers.
805.408 MH contribution.
805.409 MH work contribution.
805.410 Relationship with contractor.
805.411 Dispositions of contributions on termination before date of occupancy.
805.412 Actions upon completion; Commencement of occupancy.
805.413 Required monthly payments.
805.414 Inspections; Responsibility for items covered by warranty.
805.415 Maintenance, utilities, care and use of home.
805.416 Administration charge and operating expense.
805.417 Operating reserve.
805.418 Homebuyer's reserve and equity accounts.
805.419 Purchase of home.
805.420 Obligation to purchase; IHA homeownership financing.
805.421 Termination of MHO agreement.
805.422 Succession upon death, mental incapacity or abandonment.
805.423 Miscellaneous.
805.424 Annual contributions contract.
805.425 Conversion of existing projects.
805.426 Cross-references.

Appendix I Mutual Help and Occupancy Agreement
Appendix II Annual Contributions Contract for Mutual Help Project
Appendix III Mutual Help Conventional Construction Contract
Appendix IV Mutual Help Turnkey Contract of Sale
Appendix V Counseling and Training

AUTHORITY: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sections 201(b) and 203 of the Housing and Community Development Act of 1974 (42 U.S.C. 1437, note and 1437f, note); U.S. Housing Act of 1937 (42 U.S.C. 1437 et seq.), especially sections 5(b), 5(c), and 5(h) (42 U.S.C. 1437c(b), 1437c(c), 1437c(h)).

Subpart A—General

§ 805.101 Applicability and scope.

(a) *General.* (1) Under the U.S. Housing Act of 1937 (42 U.S.C. 1437 et. seq.) ("Act"), the U.S. Department of Housing and Urban Development ("HUD") provides financial and technical assistance to public housing agencies for the development and operation of low income housing projects in Indian Areas. This Part is applicable to such projects which are developed or operated by an Indian Housing Authority ("IHA"). "IHA" means a public housing agency established (i) by exercise of a tribe's powers of self-government independent of state law, or (ii) by operation of state law enacted for the benefit of Indians. "Indian" means any person recognized as being an Indian or Alaska Native by a tribe, the Government, or any state. "Tribe" includes an Indian tribe, band, pueblo, group or community of Indians or Alaska Natives. "Indian Area" means the area within which an IHA is authorized to provide housing. "HUD" means the HUD Central, Regional, Area or Insuring Office which has been delegated authority under the Act to perform functions pertaining to this Part for the area in which the IHA is located.

(2) If assistance under this Part is not available to a low income Indian family because the family desires housing in an area within which no IHA is authorized to provide housing, or if an Indian family chooses to do so for any other reason, it may seek housing assistance under other Parts of this Chapter.

(b) *Other HUD Regulations and Requirements.* The provisions of this Part do not constitute a self-contained or complete statement of the HUD regulations and requirements affecting the development or operation of low income housing projects of IHAs. Except as modified or supplemented by the provisions of this Part, HUD regulations, procedures and requirements generally applicable to the development or operation of low income housing are applicable to projects subject to this Part.

§ 805.102 Types of low income housing projects.

IHAs may develop the following types of projects:

(a) *Rental.* In a Rental Project, the occupants are month-to-month tenants of the IHA. Projects may be developed with single family detached, duplex, row houses, walk-up, garden type, or elevator structures. Projects for the elderly and the handicapped may include congregate housing.

(b) *Mutual Help Ownership Opportunity (MH).* This program is available only for use by IHAs eligible for assistance under this Part. The regulations for this program are set forth at Subpart D. Under this program a homebuyer family enters into a Mutual Help and Occupancy Agreement ("MHO Agreement") under which the family (1) agrees to make a minimum contribution of work, land, cash, equipment or materials, or any combination thereof, for development of the home, and (2) agrees to make monthly payments based on income, and to provide all maintenance of the home. In return, the homebuyer has the right to buy the home by payment of the remaining balance of the purchase price. The initial purchase price is reduced each month in accordance with a predetermined purchase price schedule. The credit for the family's contribution is available for maintenance of the home, and any balance is applied against the purchase price of the home.

(c) *Section 8 Housing Assistance Payments.* The regulations for this program are set forth at Parts 880, 881, 882, and 883 of this Chapter. Under this program, a low income family leases a dwelling unit in newly constructed, substantially rehabilitiated or existing housing. Housing assistance payments are made on behalf of the family to cover the difference between the contract rent of the unit and the amount payable by the family, as determined in accordance with schedules and criteria established by HUD. This program may include rental and cooperative projects, including housing for the elderly or handicapped and congregate housing; and homeownership opportunity housing if an IHA purchases the homes for resale to occupant families (see sec. 8(c)(8) of the Act).

§ 805.103 Assistance from Indian Health Service and Bureau of Indian Affairs.

(a) *Interdepartmental Agreement.* In certain areas assistance from the Indian Health Service ("IHS") and the Bureau of Indian Affairs ("BIA") is available to IHAs of federally recognized tribes. "Federally recognized tribe" means a tribe recognized as eligible for services from the IHS or the BIA. A copy of the agreement between HUD, HEW and the Department of the Interior concerning assistance to projects developed and operated under the Act ("Interdepartmental Agreement") is included as Appendix I of Subpart B to this Part. Projects undertaken by IHAs of federally recognized tribes shall be developed and operated in accordance with the provisions of the Interdepartmental Agreement.

(b) *Applicability of Provisions Relating to IHS or BIA Assistance.* HUD assistance under this Part is not limited to Indian Areas serviced by BIA or IHS, or to IHAs, of federally recognized tribes. Provisions in this Part relating to assistance from BIA or IHS, or to required approvals, actions or determinations by these agencies in connection with such assistance, shall be construed as applicable only to Indian Areas serviced by IHS or BIA, and only to projects undertaken by IHAs of federally recognized tribes.

§ 805.104 Equal Opportunity.

(a) *Indian Civil Rights Act.* The Indian Civil Rights Act (Title II of the Civil Rights Act of 1968, 25 U.S.C. 1301–03) provides, among other things, that no Indian tribe in exercising powers of self-government shall deny due process or the equal protection of its laws to any person within its jurisdiction. Projects shall be developed and operated in compliance with the Indian Civil Rights Act, and all HUD requirements thereunder.

(b) *Non-applicability of Title VI and Title VIII.* Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4), which prohibits discrimination on the basis of race, color, or national origin in federally assisted programs, and Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), which prohibits discrimination based on race, color, religion, sex, or national origin in the sale or rental of housing, do not apply to IHAs established by exercise of a tribe's powers of self-government. HUD regulations implementing Title VI and Title VIII shall not be applicable to development or operation of projects of such IHAs.

(c) *Admission under Indian Civil Rights Act.* (1) Under the Indian Civil Rights Act an IHA established by exercise of a tribe's powers of self-government may not arbitrarily exclude from occupancy (i.e., deny equal protection to) any person within the tribe's jurisdiction. In deciding a question of alleged arbitrary exclusion of an individual allegedly within the tribe's jurisdiction only a few court cases are available for guidance. However, factors such as the percentage of the individual's Indian blood, his relationship to the tribe by adoption, marriage or otherwise, his employment or residence on a reservation, and Indian tribal law, custom, usage, and cultural standards may be considered. Any specific legal questions regarding admission to projects of an IHA may be referred on a case-by-case basis to HUD.

(2) The IHA's admissions regulations and the administration thereof shall not be inconsistent with the Indian Civil Rights Act.

(d) *Training, employment and contracting opportunities for business and lower income persons.* (1) The projects under this Part are subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with a project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project.

(2) The IHA shall carry out the provisions of section 3 and the HUD regulations issued pursuant thereto set forth in 24 CFR Part 135, and all applicable rules and orders issued by HUD thereunder.

(e) *Indian preference.* (1) *Indian Self-Determination Act.* The projects under this Part are subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)). Section 7(b) of this statute requires that to the greatest extent feasible:

(i) Preference and opportunities for training and employment shall be given to Indians; and

(ii) Preference in the award of contracts and subcontracts shall be given to

Indian organizations and to Indian-owned Economic Enterprises.

"Indian-owned Economic Enterprise" means "any Indian-owned (as defined by the Secretary of the Interior) commercial, industrial, or business activity established or organized for the purpose of profit: *Provided*, That such Indian ownership shall constitute not less than 51 percentum of the enterprise" (25 U.S.C. 1452(e)).

(2) *Title VII of Civil Rights Act of 1964.* Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination in employment by making it unlawful for employers to engage in certain discriminatory practices, excludes Indian tribes from the nondiscrimination requirements of Title VII. In addition, section 703(i) of that Act provides that:

> Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(3) *Preference in development and operation.* (i) IHA training and employment. Each IHA shall adopt and promulgate regulations with respect to the IHA's own employment practices which provide that to the greatest extent feasible preferences and opportunities for training and employment shall be given to Indians. A copy of such regulations shall be posted in the IHA office, and shall be submitted to HUD promptly after adoption by the IHA.

(ii) Award of contracts and subcontracts. An IHA shall to the greatest extent feasible give preference in the award of contracts in connection with the development or operation of a project to Indian organizations and Indian-owned economic enterprises. Each contractor awarded a contract in connection with development or operation of a project, and each subcontractor of such contractor, shall also to the greatest extent feasible give preference in the award of any subcontracts to Indian organizations and Indian-owned economic enterprises.

(iii) Employment and training by contractors and subcontractors. Each contractor awarded a contract in connection with development of a project, and each subcontractor of such contractor, shall, in connection with such contract or subcontract, to the greatest extent feasible give preferences and opportunities for training and employment to Indians.

(iv) Required clause for development contract. The IHA shall incorporate the following clause (referred to as a section 7(b) clause) in each contract for development of a project:

(A) The work to be performed under this contract is on a project subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638 (25 U.S.C. 450e(b)). Section 7(b) requires that to the greatest extent feasible (i) preferences and opportunities for training and employment shall be given to Indians, and (ii) preferences in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises.

(B) The parties to this contract will comply with the provisions of said section 7(b) and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development included in 24 CFR Part 805, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract.

(C) The contractor will include this section 7(b) clause in every subcontract for work in connection with the project and will, at the direction of the IHA, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of the regulations issued by the Secretary of Housing and Urban Development pursuant to section 7(b) included in 24 CFR Part 805. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of the HUD regulations pursuant to section 7(b) included in 24 CFR Part 805.

(v) The IHA may, when approved by HUD, incorporate in a contract for development of a project, in addition to the section 7(b) clause, additional language specifying in detail the nature of the preferences to be provided in accordance with section 7(b).

(vi) If a project is developed under the normal competitive bidding or advertising requirements of the Conventional method or Turnkey method, the information available to all prospective contractors shall state that the contract is subject to the requirements of section 7(b), and the nature of these requirements. If the contract is to include the additional language permitted under paragraph (e)(3)(v) of this section, the information available to all prospective contractors shall specify the nature of the preferences to be provided by the selected contractor. If the HUD field office waives the normal competitive bidding or advertising requirements in accordance with paragraph 805.203(e), the IHA may negotiate with the selected contractor the additional language to be included in the construction contract pursuant to paragraph (e)(3)(v) of this section.

(f) *ACC provisions.* (1) *Indian preference.* The form of ACC for an MH Project (see Subpart D-Appendix II) contains provisions providng for Indian preference in accordance with paragraph (e) of this section. The form of ACC used for a Rental Project under this Part shall be modified to incorporate the Indian preference provisions of the MH ACC.

(2) *Nondiscrimination in housing.* The form of ACC for a Rental Project shall be modified by omitting the nondiscrimination in housing provisions of the standard form of ACC.

§ 805.105 Participation of Indian housing authorities under state law or tribal law.

An IHA may participate under this Part if the IHA is established either:

(a) By operation of state law enacted for the benefit of Indians, and providing for the creation of IHAs with all necessary legal powers to carry out a low income housing project for Indians under the Act; or

(b) By exercise of a tribe's powers of self-government, independent of state law, to enact a Tribal Ordinance creating an IHA with all necessary legal powers to carry out a low income housing project for Indians under the Act (which Tribal Ordinance shall be in accordance with § 805.106).

§ 805.106 Procedures for establishment of Indian housing authorities by tribal ordinance independent of state law.

(a) *Applicability.* This section shall be applicable only when an IHA is established by exercise of a tribe's powers as described in § 805.105(b), above.

(b) *Legal capacity of tribe to establish IHA.* Where an Indian tribe has governmental police power to promote the general welfare, including the power to create a housing authority and to provide all local cooperation required by the Government as a condition for assistance under the Act, an IHA may be established by Tribal Ordinance enacted in accordance with this section by the governing body of the tribe.

(c) *Approval of ordinance by Interior Department.* HUD shall not enter into an undertaking for assistance to an IHA formed by Tribal Ordinance unless such Ordinance has been submitted to HUD, accompanied by evidence that the tribe's enactment of the Ordinance has either been approved by the Department of the Interior or has been reviewed and not objected to by that Department.

(d) *IHA organization documents.* The following appendices are attached to this Subpart:

(1) Appendix I—Tribal Ordinance.

(2) Appendix II—

(i) Model transcript for the organization of an IHA by Tribal Ordinance. The model transcript is composed of the following organization documents:

Exhibit 1—Certificate of appointment of Commissioners.

Exhibit 2—Commissioner's oath of office.

Exhibit 3—Notice of organization meeting.

Exhibit 4—Consent to meeting.

Exhibit 5—Minutes or organization meeting.

Exhibit 7—Resolution adopting bylaws. to transact business and function in accordance with Tribal Ordinance.

Exhibit —Resolution adopting bylaws.

Exhibit 8—Resolution adopting seal of IHA.

Exhibit 9—Resolution designating regular meeting place.

Exhibit 10—Resolution designating offices of IHA.

Exhibit 11—Certificate of Secretary of IHA.

(ii) Instructions for submission of IHA organization documents.

(e) *Use of appendices.* (1) *Establishment of new IHAs.* The form of Tribal Ordinance (Appendix I), and the forms contained in the model transcript for the organization of an IHA by Tribal Ordinance (Appendix II–A) shall be used for the establishment of IHAs by Tribal Ordinance on or after the effective date of this Part. No substantive change may be made in the form of Tribal Ordinance without specific written approval from HUD. The forms contained in the model transcript for the organization of an IHA by Tribal Ordinance shall be carefully checked, and modified with the approval of HUD, where necessary to eliminate inapplicable or inappropriate language.

(2) *Amendment of ordinance previously enacted.* Tribal Ordinances enacted prior to the effective date of this Part shall be amended by July 1, 1976, unless they have previously been so amended, to conform with the form of Tribal Ordinance set out as Appendix I. Special attention is directed to the following provisions:

(i) Article III, Section f and Article V, Section 3j (which expressly allow participation in homeownership opportunity projects);

(ii) Article IV, Section 1a(2) (which provides that a Commissioner may be a member or non-member of the tribe or the Tribal Council;

(iii) Article IV, Section 1a(3) (which provides that no person shall be barred from serving on the IHA Board of Commissioners because he is a tenant or homebuyer in an IHA project, that such Commisioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or homebuyers, but that he shall not be entitled or permitted to be treated as a member of the Board concerning a matter involving his individual rights);

(iv) Article V, Section 3k (which grants power to finance purchase of home by an eligible homebuyer);

(v) Article V, Section 3l (which expressly grants power to terminate a lease or homeownership opportunity agreement for violation of the tenant's obligations, and to bring actions for eviction);

(vi) Article V, Section 3s (which grants power to participate in joint development, operation or financing of projects with another housing authority); and

(vii) Article VIII, Section 1e (by which the tribe agrees that the powers of the Tribal Government and the Tribal Courts or the Courts of Indian Offenses shall be vigorously utilized to enforce eviction for nonpayment or other contract violations).

(f) *Modified ordinance and ACC for California Indians.* A Tribal Ordinance adopted by a tribe in California which may elect termination pursuant to the Rancheria Act (Pub. L. 85–671, 72 Stat. 619, as amended by Pub. L. 88–419, 78 Stat. 390), but which has not been terminated, shall include in Article VIII, Section 1, of the Ordinance, and there shall also be included in any Annual Contributions Contract with an IHA established under such a modified Ordinance, the following provision:

In the event that the tribe should elect to terminate its governing body and adopt a plan for accomplishing such termination and for distribution of tribal assets (such as provided for by the Act of August 18, 1958, 72 Stat. 619, as amended August 11, 1964, 78 Stat. 390), the tribe and the Authority shall convey the Authority's projects to (1) the Secretary of Housing and Urban Development or (2) a public housing agency of the State. Such conveyance shall be subject to (a) any obligations of the Authority incurred in connection with the projects, (b) any rights of tenants or mutual help participants or homebuyers under contracts for the purchase, or options to purchase, of dwellings included in the project, and (c) such terms and conditions as may be approved by the Secretary of the Interior as part of the plan for termination of the tribe and distribution of its assets.

§ 805.107 Tenant or homebuyer commissioners.

No person shall be barred from serving on an IHA's Board of Commissioners because he is a tenant or homebuyer in a housing project of the IHA. A Commissioner who is a tenant or homebuyer shall be entitled to participate fully in all meetings concerning matters that affect all of the tenants or homebuyers, even though such matters affect him as well. However, no such Commissioner shall be entitled or permitted to participate in or be present at any meeting, or to be counted or treated as a member of the Board, concerning any matter involving his individual rights, obligations or status as a tenant or homebuyer.

APPENDIX I—TRIBAL ORDINANCE

Pursuant to the authority vested in the _____ Tribe, by its Constitution, and particularly by Article ____, Sections _____ thereof, and its authority to provide for the health, safety, morals and welfare of the Tribe, the Tribal Council of the _____ Tribe hereby charters a public corporation known as the _____ Housing Authority (hereinafter referred to as the Authority), and enacts this ordinance which shall constitute the charter of the Authority.

In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, the Authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of this ordinance. A copy of the ordinance duly certified by the Secretary of the Council shall be admissible in evidence in any suit, action or proceeding.

ARTICLE I—DECLARATION OF NEED

It is hereby declared:

a. That there exist on the _____ Reservation insanitary, unsafe, and overcrowded dwelling accommodations; that there is a shortage of decent, safe and sanitary dwelling accommodations available at rents or prices which persons of low income can afford; and that such shortage forces such persons to occupy insanitary, unsafe and overcrowded dwelling accommodations;

b. That these conditions cause an increase in and spread of disease and crime and constitute a menace to health, safety, morals and welfare; and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety protection, fire and accident prevention, and other public services and facilities;

c. That the shortage of decent, safe and sanitary dwellings for persons of low income cannot be relieved through the operation of private enterprise;

d. That the providing of decent, safe and sanitary dwelling accommodations for persons of low income are public uses and purposes for which money may be spent and private property acquired and are governmental functions of Tribal concern;

e. That residential construction activity is an important factor to general economic activity and that the undertakings authorized by this ordinance to aid the production of better housing and more desirable neighborhood and community development at lower costs will make possible a more stable and larger volume of residential construction activity which will assist materially in maintaining full employment; and

f. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

ARTICLE II—PURPOSES

The Authority shall be organized and operated for the purposes of:

a. Remedying unsafe and insanitary housing conditions that are injurious to the public health, safety and morals;

b. Alleviating the acute shortage of decent, safe and sanitary dwellings for persons of low income; and

c. Providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low income dwellings.

ARTICLE III—DEFINITIONS.

The following terms, wherever used or referred to in this ordinance shall have the following respective meanings, unless a different meaning clearly appears from the context:

a. "Board" means the Board of Commissioners of the Authority.

b. "Bonds" means any bonds, notes, interim certificates, debentures, or other obligations issued by the Authority pursuant to this ordinance.

c. "Council" means The _____ Tribal Council.

d. "Federal Government" includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise of the United States of America.

e. "Homebuyer" means the person or persons who have executed a lease-purchase agreement with the Authority, and who have not yet achieved homeownership.

f. "Housing project" or "project" means any work or undertaking: to provide or assist in providing (by any suitable method, including but not limited to: Rental; sale of individual units in single or multifamily structures under conventional condominium, or cooperative sales contracts or lease-purchase agreements; loans; or subsidizing of rentals or charges) decent, safe and sanitary dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, leaseholds, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, for streets, sewers, water service, utilities, parks, site preparation or landscaping, and for ad-

ministrative, community, health, recreational, welfare, or other purposes. The term "housing project" or "project" also may be applied to the planning of the buildings and improvements, the acquisition of property or any interest therein, the demolition of existing structures, the construction, reconstruction, rehabilitation, alteration or repair of the improvements or other property and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project.

g. "Lease-purchase agreement" includes a Mutual Help and Occupancy Agreement or Homeownership Opportunity Agreement.

h. "Obligee" includes any bondholder, agent or trustee for any bondholder, or lessor demising to the Authority property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal government when it is a party to any contract with the Authority in respect to a housing project.

i. "Persons of low income" means persons or families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use.

ARTICLE IV—BOARD OF COMMISSIONERS

1. The affairs of the Authority shall be managed by a Board of Commissioners composed of five persons.

a. (1) The Board members shall be appointed, and may be reappointed, by the Council. A certificate of the Secretary of the Council as to the appointment or reappointment of any commissioner shall be conclusive evidence of the due and proper appointment of the commissioner.

(2) A commissioner may be a member or non-member of the Tribe, and may be a member or non-member of the Tribal Council.

(3) No person shall be barred from serving on the Board because he is a tenant or homebuyer in a housing project of the Authority; and such commissioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or homebuyers, even though such matters affect him as well. However, no such commissioner shall be entitled or permitted to participate in any meeting, or to be counted or treated as a member of the Board, concerning any matter involving his individual rights, obligations or status as a tenant or homebuyer.

b. The term of office shall be four years and staggered. When the Board is first established one member's term shall be designated to expire in one year, another to expire in two years, a third to expire in three years, and the last two in four years. Thereafter, all appointments shall be for four years, except that in the case of a prior vacancy, an appointment shall be only for the length of the unexpired term. Each member of the Board shall hold office until his successor has been appointed and has qualified.

c. The Council shall name one of the commissioners as Chairman of the Board. The Board shall elect from among its members a Vice-Chairman, a Secretary, and a Treasurer; and any member may hold two of these positions. In the absence of the Chairman, the Vice-Chairman shall preside; and in the absence of both the Chairman and Vice-Chairman, the Secretary shall preside.

d. The Council may remove any member of the Board for cause.

e. The commissioners shall not receive compensation for their services but shall be entitled to compensation for expenses, including travel expenses, incurred in the discharge of their duties.

f. Three members of the Board shall constitute a quorum for the transaction of business, notwithstanding the existence of any vacancies.

g. The Secretary shall keep complete and accurate records of all meetings and actions taken by the Board.

h. The Treasurer shall keep full and accurate financial records, make periodic reports to the Board, and submit a complete annual report, in written form, to the Council as required by Article VII, Section 1, of this ordinance.

2. The Board shall have authority to exercise, by majority vote of those present and voting, any and all powers delegated to the Authority by this ordinance or any amendments thereto, except as provided in Article VI, Section 5a for the adoption of bond resolutions.

3. Meetings of the Board shall be held at regular intervals as provided in the bylaws. Emergency meetings may be held upon 24 hours actual notice and business transacted, provided that three or more members concur in the proposed action.

ARTICLE V—POWERS

1. The Authority shall have perpetual succession in its corporate name.

2. The Council hereby gives its irrevocable consent to allowing the Authority to sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under this ordinance and hereby authorizes the Authority to agree by contract to waive any immunity from suit which is might otherwise have; but the Tribe shall not be liable for the debts or obligations of the Authority.

3. The Authority shall have the following powers which it may exercise consistent with the purposes for which it is established:

a. To adopt and use a corporate seal.

b. To enter into agreements, contracts and understandings with any governmental agency, Federal, state or local (including the Council) or with any person, partnership, corporation or Indian tribe; and to agree to any conditions attached to Federal financial assistance.

c. To agree, notwithstanding anything to the contrary contained in this ordinance or in any other provision of law, to any conditions attached to Federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or operation of projects; and the Authority may include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum salaries or wages and maximum hours of labor, and comply with any conditions which the Federal government may have attached to its financial aid of the project.

d. To obligate itself, in any contract with the Federal government for annual contributions to the Authority, to convey to the Federal government possession of or title to the project to which such contract relates, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the Authority is subject; and such contract may further provide that in case of such conveyance, the Federal government may complete, operate, manage, lease, convey or otherwise deal with the project and funds in accordance with the terms of such contract: *Provided*, That the contract requires that, as soon as practicable after the Federal government is satisfied that all defaults with respect to the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the Federal government shall reconvey to the Authority the project as then constituted.

e. To lease property from the Tribe and others for such periods as are authorized by law, and to hold and manage or to sublease the same.

f. To borrow money, to issue temporary or long term evidence of indebtedness, and to repay the same. Bonds shall be issued and repaid in accordance with the provisions of Article VI of this ordinance.

g. To pledge the assets and receipts of the Authority as security for debts; and to acquire, sell, lease, exchange, transfer or assign personal property or interests therein.

h. To purchase land or interests in land or take the same by gift; to lease land or interests in land to the extent provided by law.

i. To undertake and carry out studies and analyses of housing needs, to prepare housing plans, to execute the same, to operate projects and to provide for the construction, reconstruction, improvement, extension, alteration or repair of any project or any part thereof.

j. With respect to any dwellings, accommodations, lands, buildings or facilities embraced within any project (including individual cooperative or condominium units), to lease or rent, sell, enter into lease-purchase agreements or leases with option to purchase, to establish and revise rents or required monthly payments; to make rules and regulations concerning the selection of tenants or homebuyers, including the establishment of priorities, and concerning the occupancy, rental, care and management of housing units; and to make such further rules and regulations as the Board may deem necessary and desirable to effectuate the powers granted by this ordinance.

k. To finance purchase of a home by an eligible homebuyer in accordance with regulations and requirements of the Department of Housing and Urban Development.

l. To terminate any lease or rental agreement or lease-purchase agreement when the tenant or homebuyer has violated the terms of such agreement, or failed to meet any of his obligations thereunder, or when such termination is otherwise authorized under the provisions of such agreement; and to bring action for eviction against such tenant or homebuyer.

m. To establish income limits for admission that insure that dwelling accommodations in a housing project shall be made available only to persons of low income.

n. To purchase insurance in any stock or mutual company for any property or against any risk or hazards.

o. To invest such funds as are not required for immediate disbursement.

p. To establish and maintain such bank accounts as may be necessary or convenient.

q. To employ an executive director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Authority may require; and to delegate to such officers and employees such powers or duties as the Board shall deem proper.

r. To take such further actions as are commonly engaged in by corporate bodies of this character as the Board may deem necessary and desirable to effectuate the purposes of the Authority.

s. To join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a State or another tribe in the exercise, either jointly or otherwise, of any or all of the powers of the Authority and such other public housing agency or agencies for the purpose of financing (including but not limited to the issuance of bonds, notes or other obligations and giving security therefor), planning, under-

taking, owning, constructing, operating, or contracting with respect to a housing project or projects of the Authority or such other public housing agency or agencies. For such purpose the Authority may by resolution prescribe and authorize any other public housing agency or agencies, so joining or cooperating with the Authority, to act on the Authority's behalf with respect to any or all powers, as the Authority's agent or otherwise, in the name of the Authority or in the name of such agency or agencies.

t. To adopt such bylaws as the Board deems necessary and appropriate.

3. It is the purpose and intent of this ordinance to authorize the Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal government in the undertaking, construction, maintenance or operation of any project by the Authority.

4. No ordinance or other enactment of the Tribe with respect to the acquisition, operation, or disposition of Tribal property shall be applicable to the Authority in its operations pursuant to this ordinance unless the Council shall specifically so state.

ARTICLE VI—BONDS

1. The Authority may issue bonds from time to time in its discretion for any of its corporate purposes and may also issue refunding bonds for the purpose of paying or retiring bonds previously issued by it. The Authority may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable: (a) exclusively from the income and revenues of the project financed with the proceeds of such bonds, or with such income and revenues together with a grant from the Federal government in aid of such project; (b) exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such bonds; or (c) from its revenues generally. Any of such bonds may be additionally secured by a pledge of any revenues of any project or other property of the Authority.

2. Neither the commissioners of the Authority nor any person executing the bonds shall be liable personally on the bonds by reason of the issuance thereof.

3. The bonds and other obligations of the Authority shall not be a debt of the Tribe and the bonds and obligations shall so state on their face.

4. Bonds of the Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes. The tax exemption provisions of this ordinance shall be considered part of the security for the repayment of bonds and shall constitute, by virtue of this ordinance and without necessity of being restated in the bonds, a contract between (a) the Authority and the Tribe, and (b) the bondholders and each of them, including all transferees of the bonds from time to time.

5. Bonds shall be issued and sold in the following manner:

a. Bonds of the Authority shall be authorized by a resolution adopted by the vote of an absolute majority of the Board and may be issued in one or more series.

b. The bonds shall bear such dates, mature at such times, bear interest at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, and at such places, and be subject to such terms of redemption, with or without premium, as such resolution may provide.

c. The bonds may be sold at public or private sale at not less than par.

d. In case any of the commissioners of the Authority whose signatures appear on any bonds or coupons cease to be commissioners before the delivery of such bonds, the signature shall, nevertheless, be valid and sufficient for all purposes, the same as if the commissioners had remained in office until delivery.

6. Bonds of the Authority shall be fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any bond of the Authority or the security therefor, any such bond reciting in substance that it has been issued by the Authority to aid in financing a project pursuant to this ordinance shall be conclusively deemed to have been issued for such purpose, and the project for which such bond was issued shall be conclusively deemed to have been planned, located and carried out in accordance with the purposes and provisions of this ordinance.

7. In connection with the issuance of bonds or incurring of obligations under leases and in order to secure the payment of such bonds or obligations, the Authority, subject to the limitations in this ordinance, may:

a. Pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

b. Provide for the powers and duties of obligees and limit their liabilities; and provide the terms and conditions on which such obligees may enforce any covenant or rights securing or relating to the bonds.

c. Covenant against pledging all or any part of its rents, fees and revenues or against mortgaging any or all of its real or personal property to which its title or right then exists or may thereafter come into existence or permitting or suffering any lien on such revenues or property.

d. Covenant with respect to limitations on its right to sell, lease or otherwise dispose of any project or any part thereof.

e. Covenant as to what other or additional debts or obligations may be incurred by it.

f. Covenant as to the bonds to be issued and as to the issuance of such bonds in escrow or otherwise, and as to the use and disposition of the proceeds thereof.

g. Provide for the replacement of lost, destroyed or mutilated bonds.

h. Covenant against extending the time for the payment of its bonds or interest thereon.

i. Redeem the bonds and covenant for their redemption and provide the terms and conditions thereof.

j. Covenant concerning the rents and fees to be charged in the operation of a project or projects, the amount to be raised each year or other period of time by rents, fees and other revenues, and as to the use and disposition to be made thereof.

k. Create or authorize the creation of special funds for moneys held for construction or operating costs, debt service, reserves or other purposes, and covenant as to the use and disposition of the moneys held in such funds.

l. Prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the proportion of outstanding bonds the holders of which must consent thereto, and the manner in which such consent may be given.

m. Covenant as to the use, maintenance and replacement of its real or personal property, the insurance to be carried thereon and the use and disposition of insurance moneys.

n. Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

o. Covenant and prescribe as to events of default and terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived.

p. Vest in any obligees or any proportion of them the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

q. Exercise all or any part or combination of the powers granted in this section.

r. Make covenants other than and in addition to the covenants expressly authorized in this section, of like or different character.

s. Make any covenants and do any acts and things necessary or convenient or desirable in order to secure its bonds, or, in the absolute discretion of the Authority, tending to make the bonds more marketable although the covenants, acts or things are not enumerated in this section.

ARTICLE VII—MISCELLANEOUS

1. The Authority shall submit a detailed annual report, signed by the Chairman of the Board, to the Council showing: (a) the names of occupants of all the housing units, (b) the number of vacancies, if any, (c) the status of construction, maintenance and repair of all housing units, and (d) such other information as the Authority or the Council shall deem pertinent.

2. During his tenure and for one year thereafter, no commissioner, officer or employee of the Authority, or any member of any governing body of the Tribe, or any other public official who exercises any responsibilities or functions with regard to the project, shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project. If any such commissioner, officer or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a commissioner, officer or employee, the commissioner, officer or employee, in any such event, shall immediately disclose his interest in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority, and the commissioner, officer or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in notes or bonds of the Authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services the rates for which are fixed or controlled by a governmental agency, or to membership on the Board as provided in Article IV, Section 1a (3).

3. Each project developed or operated under a contract providing for Federal financial assistance shall be developed and operated in compliance with all requirements of such contract and applicable Federal legislation, and with all regulations and requirements prescribed from time to time by the Federal government in connection with such assistance.

4. The Authority shall obtain or provide for the obtaining of adequate fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

5. All projects of the Authority shall be subject to the planning, zoning, sanitary and

building regulations applicable to the locality in which the planned project is situated.

6. The Authority shall not construct or operate any project for profit.

7. The property of the Authority is declared to be public property used for essential public and governmental purposes and such property and the Authority are exempt from all taxes and special assessments of the Tribe.

8. All property including funds acquired or held by the Authority pursuant to this ordinance shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgment against the Authority be a charge or lien upon such property: *Provided, however,* That the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by the Authority on its rents, fees or revenues or the right of the Federal government to pursue any remedies conferred upon it pursuant to the provisions of this ordinance or the right of the Authority to bring eviction actions in accordance with Article V, Section 31.

ARTICLE VIII—COOPERATION IN CONNECTION WITH PROJECTS

1. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of projects, the _____ Tribe hereby agrees that:

a. It will not levy or impose any real or personal property taxes or special assessments upon the Authority or any project.

b. It will furnish or cause to be furnished to the Authority and the occupants of projects all services and facilities of the same character and to the same extent as the Tribe furnishes from time to time without cost or charge to other dwellings and inhabitants.

c. Insofar as it may lawfully do so, it will grant such deviations from any present or future building code of the Tribe as are reasonable and necessary to promote economy and efficiency in the development and operation of any project, and at the same time safeguard health and safety, and make such changes in any zoning of the site and surrounding territory of any project as are reasonable and necessary for the development and protection of such project and the surrounding territory.

d. It will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of projects.

e. The Tribal Courts shall have jurisdiction to hear and determine an action for eviction of a tenant or homebuyer. The Tribal Government hereby declares that the powers of the Tribal Government, and the Tribal Courts or Courts of Indian Offenses shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations.

2. The provisions of this Article shall remain in effect with respect to any project, and said provisions shall not be abrogated, changed, or modified without the consent of the Department of Housing and Urban Development, so long as (a) the project is owned by a public body or governmental agency and is used for low income housing purposes, (b) any contract between the Authority and the Department of Housing and Urban Development for loans or annual contributions, or both, in connection with such project remains in force and effect, or (c) any bonds issued in connection with such project or any monies due to the Department of Housing and Urban Development in connection with such project remain unpaid, whichever period is the longest. If at any time title to, or possession of, any project is held by any public body or governmental agency authorized by law to engage in the development or operation of low income housing including the Federal Government the provisions of this section shall inure to the benefit of and be enforced by such public body or governmental agency.

ARTICLE IX—APPROVAL BY SECRETARY OF THE INTERIOR

With respect to any financial assistance contract between the Authority and the Federal Government, the Authority shall obtain the approval of the Secretary of the Interior or his designee.

APPENDIX II—A-MODEL TRANSCRIPT FOR THE ORGANIZATION OF AN IHA BY TRIBAL ORDINANCE

MODEL TRANSCRIPT-EXHIBIT 1—CERTIFICATE OF APPOINTMENT OF COMMISSIONERS

I, the undersigned, as Secretary of the _____ Tribal Council hereby certify that the Tribal Council is composed of _____ voting members of whom _____ members, constituting a quorum, were present at a regular meeting duly called and held on _____ at _____, and that at such meeting, the Council, acting under Tribal Ordinance No. ____ adopted on _____, appointed the following five persons Commissioners of the _____ Housing Authority, to serve for the number of years appearing after their names, respectively, from the _____ day of _____

_____	four years
_____	four years
_____	three years
_____	two years
_____	one year

The Council then acting under the aforementioned Ordinance designated _____ as Chairman of the Board of Commissioners.

Dated _____

_____

MODEL TRANSCRIPT—EXHIBIT 2—COMMISSIONER'S OATH OF OFFICE

_____
(Name of Commissioner)

I, _____, do solemnly swear that I am duly qualified, according to Tribal Ordinance No. ____, adopted _____ of the _____ to exercise the duties of the office of Commissioner of the _____ Housing Authority to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of the United States and abide by the Constitution of the _____.

Subscribed and sworn to before me this _____ day of _____.

SEAL

(Separate oath for each Commissioner)

MODEL TRANSCRIPT—EXHIBIT 3—NOTICE OF ORGANIZATION MEETING

_____
(Date)

TO: (Insert names of Commissioners)

_____
_____
_____
_____
_____

You and each of you are hereby notified that I have called a meeting of the _____ Housing Authority to be held at _____ at ____ o'clock, __m. on _____ for the purpose of organizing said Housing Authority _____ adopting bylaws and a seal therefor, electing officers, designating the regular meeting place, designating the location of the office of the Housing Authority, and taking such other action concerning the organization of said Housing Authority as the members thereof may determine.

_____
Chairman

I hereby certify that I caused the above notice to be communicated to each of the Commissioners of the _____ Housing Authority.

_____
Chairman

MODEL TRANSCRIPT-EXHIBIT 4—CONSENT TO MEETING

We, the undersigned Commissioners of the _____ Housing Authority, accept service of the foregoing notice of meeting, waiving any and all irregularities in the service and notice, and agree that the Commissioners of the said Housing Authority shall meet at the time and place therein mentioned, and for the purpose therein stated.

_____
_____
_____
_____
_____

MODEL TRANSCRIPT-EXHIBIT 5—MINUTES OF THE ORGANIZATION MEETING OF _____ HOUSING AUTHORITY

For the purpose of organizing, a meeting of the Commissioners of the _____ Housing Authority was held on _____ at ____ o'clock __m. at _____

_____

All members of the Housing Authority were present as follows:

_____
_____
_____

There was also present by invitation the following:

_____
_____
_____

Commissioner _____, Chairman of the Housing Authority, presided, and _____ was appointed Temporary Secretary of the meeting and kept the minutes.

The Temporary Secretary read the notice of meeting and the consent to meeting, which were ordered spread upon the minutes as follows:

(Insert notice and consent)

There were presented to the meeting copies of the Certificate of Appointment by the _____ Council of the several Commissioners of the Housing Authority, duly verified, showing the names, dates of appointment and the times of the commencement and the end of the terms of office. Said certificate also shows that _____ was designated to serve as the first Chairman of the Housing Authority. There were also presented to the meeting the Oaths of Office of the following Commissioners of the Housing Authority by which they have accepted their appointments.

_____
_____
_____
_____
_____

Copies of the Certificate of Appointment and of the Oaths of Office were directed to be attached to the minutes of this meeting.

It appearing that all of the Commissioners so appointed have taken the Oath of Office and that all of the Commissioners were present, the following resolution was then introduced by Commissioner _____

_____, read aloud and in full by the Temporary Secretary, and considered by the Board of Commissioners:[1]

(Insert text of resolution)

Commissioner _____ moved that said resolution be finally adopted as introduced and read. The motion was seconded by Commissioner _____. The question being put upon the final adoption of said resolution, the roll was called with the following results:

Ayes: _____
Nays: _____
(Insert names of Commissioners)

The Chairman declared such motion carried and the resolution finally adopted.

The Chairman announced that it was in order to elect the officers of the Authority to serve until the next annual meeting or until their successors are chosen and qualify in their stead.

Commissioners _____ and _____ having been nominated to the office of Vice-Chairman, upon motion made, seconded, and adopted, the nominations were closed. A vote being taken, Commissioner _____ was declared by the Chairman to be elected to the office of Vice-Chairman.

Commissioners _____ and _____ having been nominated to the office of Secretary, upon motion made, seconded, and adopted, the nominations were closed. A vote being taken, Commissioner _____ was declared by the Chairman to be elected to the office of Secretary.

Commissioners _____ and _____ having been nominated to the office of Treasurer, upon motion made, seconded and adopted, the nominations were closed. A vote being taken, Commissioner _____ was declared by the Chairman to be elected to the office of Treasurer.

MODEL TRANSCRIPT-EXHIBIT 6—RESOLUTION NO. _____, RESOLUTION RELATING TO THE ESTABLISHMENT OF _____ HOUSING AUTHORITY

BE IT RESOLVED BY _____:

That the _____ Housing Authority, be and it hereby is established pursuant to Tribal Ordinance No. _____ adopted _____ of the _____ and is now authorized to transact business and exercise its functions in accordance with the Tribal Ordinance.

MODEL TRANSCRIPT-EXHIBIT 7—RESOLUTION NO. _____, RESOLUTION ADOPTING BYLAWS OF _____ HOUSING AUTHORITY

BE IT RESOLVED BY _____

That the following bylaws be and they are hereby adopted and approved as and for the bylaws of the _____ Housing Authority ("Authority"):

ARTICLE I—THE AUTHORITY

Section 1. *Name of Authority.* The name of the Authority shall be "_____".

Section 2. *Seal of Authority.* The seal of the Authority shall bear the name of the Authority and the year of its organization.

Section 3. *Office of Authority.* The office of the Authority shall be at such place as the Authority may from time to time designate by resolution.

ARTICLE II—OFFICERS

Section 1. *Officers.* The officers of the Authority shall be a Chairman, a Vice-Chairman, a Secretary, and a Treasurer.

Section 2. *Chairman.* The Chairman shall preside at all meetings of the Board of Commissioners (herein called "Board"). Except as otherwise authorized by resolution of the Board, the Chairman shall sign all contracts, deeds and other instruments made by the Authority. At each meeting, the Chairman shall submit such recommendations and information as he may consider proper concerning the business, affairs and policies of the Authority.

Section 3. *Vice-Chairman.* The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman; and in case of the resignation or death of the Chairman, the Vice-Chairman shall perform the Chairman's duties until such time as a new Chairman is appointed.

Section 4. *Secretary.* The Secretary shall keep the records of the Authority, shall act as secretary of the meetings of the Board and record all votes, shall keep a record of the proceedings of the Board in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to his office. He shall keep in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Board. In the absence of both the Chairman and Vice-Chairman, the Secretary shall preside.

Section 5. *Treasurer.* The Treasurer shall have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such depositary as the Board may select. He shall sign all orders and checks for the payment of money and shall pay out and disburse such moneys under the direction of the Board. Except as otherwise authorized by resolution of the Board, all such orders and checks shall be countersigned by the Chairman. The Treasurer shall keep regular books of accounts showing receipts and expenditures and shall render to the Board, at each regular meeting (or more often when requested), an account of his transactions and also of the financial condition of the Authority. He shall submit a complete annual report, in written form, as required by the Tribal Ordinance No. _____ adopted _____.

Section 6. *Executive Director.* The Executive Director of the Authority shall be appointed by the Board. Subject to the direction of the Board, he shall have general supervision over the administration of the business and affairs of the Authority, and shall be charged with the management of its housing projects.

Section 7. *Additional Duties.* The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Board or the by-laws or rules and regulations of the Authority.

Section 8. *Election.* The Vice-Chairman, Secretary and Treasurer shall be elected at the annual meeting of the Board from among the Commissioners, and shall hold office for one year or until their successors are elected and qualified.

Section 9. *Vacancies.* Should the offices of Vice-Chairman, Secretary or Treasurer become vacant, the Board shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of said office.

Section 10. *Additional Personnel.* The Authority may from time to time employ such personnel as it deems necessary to carry out its powers, duties and functions as prescribed by law. The selection and compensation of such personnel (including the Executive Director) shall be determined by the Board.

ARTICLE III—MEETINGS

Section 1. *Annual Meeting.* The annual meeting of the Board shall be held on the ____ day of _____ at _____ o'clock ___m. at the regular meeting place of the Board, which place shall be designated by resolution. In the event such date falls on a Sunday or a legal holiday, the annual meeting shall be held on the next day other than a Sunday or legal holiday.

Section 2. *Regular Meetings.* Monthly meetings shall be held on the ____ day of every month at _____ o'clock ___. at the regular meeting place of the Board. In the event such date falls on a Sunday or legal holiday, the regular meeting shall be held on the next day other than a Sunday or legal holiday. Regular meetings may be held without notice.

Section 3. *Emergency Meetings.* The Chairman of the Board may, when he deems it expedient, and shall, upon the written request of two members of the Board, call an emergency meeting of the Board for the purpose of transacting any business designated in the call. Actual notice shall be given to each member of the Board at least 24 hours prior to the time of such emergency meeting. At such emergency meeting no business shall be considered other than as designated in the call, and no action may be taken without the concurrence of three Commissioners; but if all of the members of the Board are present at an emergency meeting, any business may be transacted at such meeting.

Section 4. *Quorum.* The powers of the Authority shall be vested in the Commissioners thereof in office from time to time. Three Commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. When a quorum is in attendance, action may be taken by the Authority upon a vote of a majority of the Commissioners present except with respect to emergency meetings as provided in Section 3 of this Article, and with respect to the adoption of bond resolutions, which require adoption by the vote of an absolute majority of the Board.

Section 5. *Order of Business.* At the regular meetings of the Authority, the following shall be the order of business:

1. Roll call.
2. Reading and approval of the minutes of the previous meeting.
3. Bills and communications.
4. Report of the Secretary.
5. Report of the Treasurer.
6. Reports of Committees.
7. Unfinished business.
8. New business.
9. Adjournment.

All resolutions shall be in writing and shall be copied in a journal of the proceedings of the Authority.

Section 6. *Manner of Voting.* The voting on all questions coming before the Board shall be by roll call, and the yeas and nays shall be entered upon the minutes of such meeting, except in the case of elections, when the vote may be by ballot.

ARTICLE IV—AMENDMENTS

Section 1. *Amendments to Bylaws.* The bylaws of the Authority shall be amended only with the approval of at least three Commissioners at any Board meeting provided that at least seven days written notice thereof has been previously given to all Commissioners.

[1] The transcript shall show separately the adoption of each of the following resolutions:

(a) Resolution authorizing IHA to transact business and function in accordance with Tribal Ordinance (Exhibit 6), Resolution adopting bylaws (Exhibit 7), Resolution adopting seal of IHA (Exhibit 8), Resolution designating regular meeting place (Exhibit 9), and Resolution designating offices of IHA (Exhibit 10).

MODEL TRANSCRIPT—EXHIBIT 8—RESOLUTION NO. _____ RESOLUTION ADOPTING SEAL OF _____ HOUSING AUTHORITY

BE IT RESOLVED BY _____:

1. That the Seal submitted to this meeting is hereby adopted as the seal of this Authority and the Temporary Secretary of this Authority is hereby authorized and directed to imprint said seal on the margin of the minutes opposite this resolution.

2. That the Secretary is hereby authorized to affix the seal of the Authority to all appropriate papers.

MODEL TRANSPORT—EXHIBIT 9—RESOLUTION NO. _____ RESOLUTION DESIGNATING REGULAR MEETING PLACE OF _____ HOUSING AUTHORITY

WHEREAS, Article III of the bylaws provided that Annual and regular meetings shall be held at a regular meeting place designated by resolution of the Board; now, therefore,

BE IT RESOLVED BY _____:

That until otherwise provided by resolution, the regular meeting place of the _____ Housing Authority shall be _____.

MODEL TRANSCRIPT—EXHIBIT 10—RESOLUTION NO. _____ RESOLUTION DESIGNATING OFFICES OF _____ HOUSING AUTHORITY

NO. _____ RESOLUTION DESIGNATING OF-

WHEREAS, Section 3 of Article I of the bylaws provides that the offices of the Housing Authority shall be at such place as designated by resolution of the Board; now, therefore,

BE IT RESOLVED BY _____:

that until otherwise provided by resolution, the office of _____ Housing Authority shall be at _____.

MODEL TRANSCRIPT—EXHIBIT 11—CERTIFICATE

I, _____, Secretary of the _____ Housing Authority, hereby certify that I have compared the annexed extracts of the minutes of a meeting of the Housing Authority held on _____, containing Resolutions Nos. _____ with the original minutes recorded in the official minute book of said Authority and that the annexed extracts are a correct transcript from such original minutes and that the aforesaid Resolutions are true and correct copies of the originals.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Authority this _____ day of _____, _____.

[SEAL] _____
Secretary.

APPENDIX II B—INSTRUCTIONS FOR SUBMISSION OF IHA ORGANIZATION DOCUMENTS

1. *Enactment or Amendment of Ordinance and Appointment of Commissioners.* Four copies of each of the following shall be submitted to HUD as soon as possible after enactment or amendment of the Tribal Ordinance providing for the establishment of an IHA:

a. Certified extracts of proceedings of the governing body of the tribe adopting or amending an Ordinance providing for the establishment of an IHA. The following should be included with these extracts (Not required if previously submitted):

(1) Certified copies of the rules of the tribe relating to the procedure for the adoption or amendment of ordinances.

(2) Certified copies of the rule which fixes the day, hour and place of regular meetings of the governing body of the tribe, if the action was taken at a regular meeting. If the time for such meeting has been determined by custom, the certificate of the Secretary of the tribal governing body to that effect is sufficient.

(3) The proof described in paragraph (2) above should be included with respect to the requirements for holding special meetings if the Ordinance or amendment was adopted at such a meeting.

b. Legal opinion of the tribal attorney or the Solicitor of the Department of the Interior as to the legality of the meeting and Ordinance or amendment thereof.

c. Evidence that the Ordinance of amendment has either been approved by the Department of Interior, where required, or that the Ordinance or amendment has been reviewed and not objected to by that Department.

d. Certificate of incumbency of Clerk or Secretary of tribal governing body certifying as to the officers of the tribe and/or members of the tribal governing body giving date of election or appointment of each, date of commencement of term of each and the end of the term of each.

2. *Submission of Tribal Ordinance or Amendment to Department of Interior.* As soon as possible after the meeting of the tribal governing body adopting or amending the Tribal Ordinance providing for establishment of an IHA, four certified copies of the Tribal Ordinance shall be sent to the Bureau of Indian Affairs, with the following request:

a. That the four copies of the Ordinance or amendment be reviewed by the Secretary of the Interior, or his designee, and be sent to the Office of General Counsel, HUD, Washington, D.C., accompanied by the approval of the Department of the Interior, or a statement from the Department of the Interior that the Ordinance or amendment has been reviewed and not objected to by that Department.

b. That four copies of the constitution, bylaws and charter of the tribe, certified by the Commissioner of Indian Affairs, or his designee, be forwarded to the Office of General Counsel, HUD, Washington, D.C. (Not required if previously submitted.)

3. *Organization Meeting and General Certificate.* As soon as possible after the organization meeting of the IHA, four copies of each of the following shall be submitted to the HUD:

a. Certified copy of notice of organization meeting of the IHA.

b. Transcript of IHA organization meeting in accordance with the model transcript.

c. General Certificate of Housing Authorities on a form prescribed by HUD.

Subpart B—Development

§ 805.201 Roles and responsibilities of Federal agencies.

In addition to the financial assistance to be provided by HUD under the U.S. Housing Act of 1937, assistance for projects will be provided by BIA and IHS in accordance with the Interdepartmental Agreement included as Appendix I to this Subpart. In some cases, assistance may also be provided by other Government agencies such as the Economic Development Administration, and the Farmers Home Administration, and by HUD under other statutory authority, such as section 701 of the Housing Act of 1954 (40 U.S.C. 461) and Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et. seq.). HUD assistance under the U.S. Housing Act of 1937 shall not include items or services which BIA or IHS has agreed to provide or fund under the Interdepartmental Agreement, or items or seryices otherwise provided by other Government agencies. HUD, IHS and BIA shall coordinate functions and funding in accordance with the Interdepartmental Agreement.

§ 805.202 Compliance with certain Federal requirements.

(a) *National Environmental Policy Act.* Projects shall be developed in compliance with the National Environmental Policy Act (42 U.S.C. 4321 et. seq.) and all requirements thereunder.

(b) *Clean Air Act and Federal Water Pollution Control Act.* Projects shall be developed in compliance with the Clean Air Act (42 U.S.C. 1857 et. seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1151 et. seq.) and all requirements thereunder.

(c) *Davis-Bacon Wage Rates.* Not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a—276a–5), shall be paid to all laborers and mechanics employed in the development of a project.

(d) *Technical Wage Rates.* Not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable state or local law) by the Secretary of HUD, shall be paid to all architects, technical engineers, draftsmen and technicians employed in the development of a project.

(e) *Relocation or Moving Expenses.* When a project is developed by an IHA established by operation of state law enacted for the benefit of Indians, the project shall be developed in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Relocation Act") (42 U.S.C. 4601 et seq.) and HUD relocation policies and requirements (24 CFR Part 42). When a project is developed by an IHA established by exercise of a tribe's powers of self-government independent of state law, HUD relocation policies and requirements under the Relocation Act do not apply, since such an IHA is not a "State agency" covered by the Relocation Act. However, with respect to such an IHA, development cost may include the reasonable moving costs for a family which is moved from a project site during construction, and is returned to the site after completion. In all cases an IHA shall pay just compensation for taking a person's property.

(f) *Preservation of Historical and Archeological Data.* The BIA, before approving a site for HUD housing activities involving excavations, road construction and land development, or involving the disturbance of land, on known or reported historic, prehistoric or archeological cites or objects of antiquity, will take appropriate action to assure compliance with any applicable provisions of Federal law.

§ 805.203 Production methods.

(a) *Justification for production method.* The IHA's application for a project shall state which of the production methods described in this section it proposes to use, supported by a justification for the use of the proposed method, such as economy, quality, design, expeditious completion, and maximum competition. The method to be used shall be approved by HUD.

(b) *Turnkey method.* Under the Turnkey method the IHA advertises for developers to submit proposals to build a project described in the IHA's Invitation for Proposals. The Invitation for Proposals may, when approved by HUD, prescribe the sites to be used. The IHA selects the best of the proposals received, taking into consideration price, design and other factors. After HUD approval of the proposal selected by the IHA, the working drawings and specifications are agreed to by the developer, the IHA, and HUD; and the developer and the IHA enter into a Contract of Sale. Upon completion of the project in accordance with the Contract of Sale, the IHA purchases the project from the developer. The IHA may employ an architect to assist in evaluating proposals, negotiating the working drawings and specifications, and providing inspection services.

(c) *Conventional method (with advertising).* Under the Conventional method (with advertising for bids), the IHA contracts with or employs an architect to prepare plans and specifications for a proposed project. Following HUD approval of the plans and specifications, the IHA advertises for bids from contractors to build the project, and awards the construction contract to the lowest responsible bidder. The contractor receives progress payments from the IHA during construction, and a final payment upon completion in accordance with the construction contract.

(d) *Acquisition of Existing Housing (with or without rehabilitation).* Under the Acquisition method, the IHA acquires existing housing which may need only minor repairs, or may require substantial rehabilitation. Repair or rehabilitation can be accomplished prior to acquisition using Turnkey procedures, or after acquisition.

(e) *Negotiated contract with Indian-owned economic enterprise.* (1) *Conditions for approval of negotiated contract.* HUD may approve a proposal for a waiver of the requirements for competitive bidding or advertising in order to permit negotiation of a construction contract with an Indian-owned Economic Enterprise (see paragraph 805.104(e)(1)). Negotiation of such a contract shall not be approved unless HUD determines that all of the following conditions are satisfied:

(i) The proposal will provide preferences and opportunities for training and employment for Indians, or other economic benefits for Indians. The proposal shall specifically describe such benefits, and the precise means by which they will be achieved. The proposal shall also demonstrate that the described benefits cannot be achieved unless the contract is negotiated.

(ii) The development cost per unit will not exceed the estimated development cost per unit which would be required if the project were advertised. The proposal shall include recent prices bid or proposed for the project for which the approval is requested, or for projects in the same general area of similar size and type and subject to similar trade, economic, and cost conditions and influences.

(iii) The proposal describes a method whereby any subcontracting to non-Indian individuals or entities will be accomplished in such a manner as to assure that the arrangement is not in fact or appearance one in which the Indian-owned Economic Enterprise is a sham for the purpose of obtaining a contract for the non-Indian individuals or entities.

(iv) The proposal has the concurrence of the tribal governing body or other persons authorized to provide such concurrence.

(2) *Required submission from the contractor.* An IHA's proposal for waiver to permit negotiation of a construction contract shall be accompanied by the following submission from the contractor:

(i) A duly certified copy of the contractor's charter, articles of incorporation, partnership agreement or other pertinent organizational document;

(ii) Evidence of possession of an active contractor's license in the contractor's own name;

(iii) If the contractor is an out-of-state firm, evidence that it is authorized to do business in the state;

(iv) A detailed statement of the contractor's experience in housing and other construction, including HUD-assisted housing, which satisfactorily demonstrates that it possesses the experience and capability to perform the work as described in the proposal;

(v) Evidence that it possesses the financial capability to undertake a project of the size and scope described in the proposal, including evidence that it can obtain any surety bonds which will be required;

(vi) A list of all principals of the contractor, identified as Indian or non-Indian, and stating fully the character of each principal's interest;

(vii) A list of all proposed subcontractors, identified as Indian or non-Indian, and including a description of and the estimated dollar amount of the work which is intended to be subcontracted to each one.

(f) *Force account method.* Under the Force Account method, an IHA would perform construction or rehabilitation in a manner similar to a contractor, using a work force entirely employed by and under the supervision of the IHA, or in combination with contracts for those portions of the work which can be better or more economically performed by an independent contractor. The Force Account method may be used for construction of a project, or for rehabilitation, only in exceptional cases, and only with the approval of the HUD Assistant Secretary for Housing Production and Mortgage Credit. For purposes of this paragraph, an exceptional case may be, but is not limited to, a project or unit of work (1) of unusually small size, (2) involving a lengthy construction or rehabilitation period, or (3) for which development cost would be excessively high if developed under the Conventional method after advertising for bids, or under the Turnkey method after advertising for proposals, or on a negotiated basis pursuant to paragraph (e) of this section. The IHA's justification for use of the Force Account method shall include a demonstration of the capabilities of the IHA to implement the Force Account procedures successfully.

§ 805.204 Allocations of contract authority.

HUD will allocate contract authority for Indian housing in conformance with Section 213(d) of the Housing and Community Development Act of 1974.

§ 805.205 Application for project.

(a) *Submission to HUD.* To apply for a project, an IHA shall submit an application on the form prescribed by HUD.

(b) *Action on application.* (1) HUD shall notify the IHA of its action on the application as promptly as possible after receipt of the application.

(2) If the application is approved, a Program Reservation on the form prescribed by HUD shall be issued to the IHA. A Program Reservation is not a legal obligation, but is a statement of determination by HUD, subject to fulfillment of all legal and administrative requirements, to enter into a new or amended Preliminary Loan Contract or Annual Contributions Contract covering the number of housing units reserved, or such lesser number as is consistent with the authority of HUD to enter into such contracts. The Program Reservation shall specify the approved production method, total number of dwelling units, and number of units for elderly or handicapped occupancy, if any.

(3) If the application is disapproved, HUD shall give the IHA a written notification of disapproval and of the reasons therefor. If the application is approved for fewer units than requested, HUD shall issue a Program Reservation with respect to the total number of dwelling units approved, and the written notification to the IHA shall include a statement of the reasons for not approving the number of units requested.

§ 805.206 Prerequisites for application approval.

(a) *Determination of administrative capability.* An application shall not be approved unless HUD determines that the IHA has, or will achieve within a reasonable time prescribed by HUD, the capability to provide adequate administration of the proposed project and other IHA projects. In making this determination, the following standards shall be applicable:

(1) "Adequate administration" means substantial IHA compliance with all applicable HUD requirements for development and operation. Approval of an application shall not be withheld because of minor administrative deficiencies. As a minimum, however, the IHA shall have the capability to comply with all HUD requirements for the maintenance of complete and accurate books of accounts and records, the proper handling of funds, the timely preparation and submission of reports, the maintenance of the property, the occupancy of the housing units, determination of required rents and homebuyer payments, the

prompt collection of rents and required homebuyer payments, and the prompt processing of evictions in cases of nonpayment or other serious breach of a lease or homebuyer agreement.

(2) The IHA must be capable of adequate administration without an unreasonable need for continuing HUD supervision and assistance.

(b) *Action when IHA lacks administrative capability.* In cases where HUD determines that the IHA does not have the capability to provide adequate administration of the proposed project and other IHA projects, an application for a project shall not be approved until:

(1) The IHA achieves adequate administrative capability, or

(2) The IHA adopts a plan, satisfactory to HUD, to achieve adequate administrative capability within a specified reasonable time, and demonstrates good faith and diligence in carrying out the plan. If achievement of final goals under such a plan will require an extended period of time, the plan shall include interim goals, the achievement of which may be considered by HUD to be a sufficient demonstration of the IHA's good faith and diligence in carrying out the plan.

(c) *A–95 clearance.* Promptly after receipt of an application for a project, HUD will, for each application which is subject to A–95 clearance, send a copy of the proposal to the appropriate A–95 Clearinghouse for review, inviting a response within 34 days from the date of the letter of transmittal.

(d) *Compliance with section 213.* An application for a project shall not be approved unless HUD requirements implementing section 213 (a), (b), and (c) of the Housing and Community Development Act of 1974 have been satisfied. Within 10 working days after receipt of an application, the HUD field office shall, for purposes of compliance with section 213, forward, under cover of a letter in the appropriate prescribed form, a copy of each complete application to the chief executive officer (or such designee as such officer may designate in writing to the HUD field office) of the unit of general local government in which the proposed housing is to be located. The cover letter will invite a response within 30 days from the date the letter and the copy of the application are received.

(e) *Evaluation of applications by HUD.* HUD shall begin its evaluation promptly after receipt of the application, but the application shall not be approved or disapproved until the response periods referred to in paragraphs (c) and (d) of this section have ended. In evaluating the application, full consideration shall be given to comments, if any, received during the response periods from the appropriate A–95 Clearinghouse and the unit of general local government.

(f) *Application for rental project.* An application for a Rental Project shall not be approved unless it is demonstrated that there are a sufficient number of eligible families in need of the housing to meet the test of fiancial feasibility required for approval of the Annual Contributions Contract (see § 805.215(a)).

(g) *Application for mutual help project.* An application for an MH Project may be approved if it is demonstrated that there is a sufficient number of eligible families who can reasonably be expected to pay the Administration Charge and perform the other obligations of a homebuyer family under an MHO Agreement, and who will agree to pay such charge and perform the other obligations of a homebuyer family. This requirement may be modified in exceptional cases with the approval of the HUD Assistant Secretary for Housing Production and Mortgage Credit and the HUD Assistant Secretary for Housing Management.

§ 805.207 Preliminary loans.

If an application is approved and a Program Reservation is issued, HUD may approve a Preliminary Loan of up to 500 per unit (up to 750 per unit for Alaska) to pay the cost of preliminary surveys and planning in respect to the number of units covered by the Preliminary Loan Contract. If HUD determines that other costs (i.e., other than for preliminary surveys and planning) which are approvable for inclusion in development cost must be incurred prior to execution of the Annual Contributions Contract in order for a project to proceed expeditiously, Preliminary Loan funds may be used to cover such costs, and in such cases HUD may approve a Preliminary Loan in excess of the per unit amounts stated above: provided, however, that Preliminary Loan funds shall in no event be used to cover items other than the cost of preliminary surveys and planning unless the governing body of the locality has entered into an agreement with the IHA providing for the local cooperation required by the Secretary of HUD pursuant to the Act. (In the case of an IHA formed by exercise of a tribe's powers of self-government independent of state law, Article VIII of the form of Tribal Ordinance (Subpart A-Appendix I to this part) sets forth the necessary elements of local government cooperation.)

§ 805.208 HUD's minimum property standards.

A project shall be developed in compliance with the requirements of HUD's Minimum Property Standards (see 24 CFR Part 200, Subpart S). However, variations from the Minimum Property Standards to meet local conditions and patterns of living may be approved by HUD.

§ 805.209 Prototype costs in Indian areas.

(a) *Establishment of separate prototype cost area.* Where trade conditions and economic influences cause construction costs in an Indian Area or portion thereof to be significantly different from such costs in adjoining areas, the Indian Area, or suitable portion thereof, shall be established as a separate prototype cost area.

(b) *Factors to be considered in establishing prototype costs.* When establishing or amending prototype costs, consideration shall be given to all pertinent trade conditions and economic influences. The factors to be considered include, where applicable, the following: local customs; abnormal climatic conditions; the logistical problems associated with projects of remote location, low density, and/or scattered sites; provisions for the use of wood or coal as an alternate heat source when locally available; with respect to trust or restricted land, the unavailability of the legal protection, usually available under state law, for enforcement of claims by contractors, laborers and materialmen.

§ 805.210 Development cost.

(a) *General.* The development cost of a project shall comprise all HUD-approved costs incurred by the IHA in any and all undertakings necessary for planning, site acquisition, demolition, construction, or equipment, and their necessary financing (including the payment of carrying charges), and in otherwise carrying out the development of the project.

(b) *Streets and driveways.* The HUD approved development cost for a project may include the planning, construction and inspection costs of providing streets, sidewalks, curbing, and street-lights. The cost of driveways within the boundaries of a multi-unit site, or within the boundaries of the individual homesites in the case of a scattered site project, may also be included in development cost, provided that the total cost of driveways may not exceed one and one-half percent of the estimated dwelling construction and equipment cost for the project. The HUD-approved development cost shall not include the cost of providing the access roads referred to in § 805.212(a)(2). The cost of obtaining access to the site during construction, or costs due to delays in construction because of inaccessibility of the site, shall not be included in development cost.

(c) *Water and sanitation; electricity and fuel distribution systems.* The HUD-approved development cost may include:

(1) The costs of providing water, sewer, electrical and fuel facilities within the boundaries of any multi-unit site, or within the boundaries of the individual homesites in the case of a scattered site project; and connections to the appropriate distribution systems, if such systems are available to the multi-unit site, or to the homesites of a scattered site project; or

(2) On-site wells, septic tanks, electrical generating and fuel storage facilities and distribution systems.

(d) *Exclusion of costs for facilities to be provided by others.* The HUD-approved development cost shall not include any costs related to any of the facilities or improvements described in paragraphs (b) or (c) of this section if such facilities or improvements are to be provided by the local government or utility company, or, with respect to an IHA of a federally recognized tribe, by the IHS or BIA.

(e) *Nondwelling facilities.* Management, maintenance, community and commercial space and facilities may be approved for inclusion in the HUD-approved development cost for a Rental or an MH Project. In addition, where necessary and feasible to achieve adequate fire protection, HUD may approve inclusion of the cost of providing adequate fire warning devices and extinguishing equipment, and also may approve inclusion of all or a part of the reasonable expense of obtaining the required fire-fighting equipment and space for its storage. In areas subject to severe storms, consideration may also be given to the inclusion of the cost of shelter space in a project.

(f) *Contingency allowance for MH projects.* HUD may permit a contingency allowance of up to five percent for a project developed under the Conventional method (with or without advertising), and up to one percent for a project developed under the Turnkey method (with or without advertising). However, if HUD determines in writing that a higher contingency allowance is necessary because of special circumstances set forth in the determination, a higher contingency allowance may be permitted, not to exceed ten percent for a project developed under the Conventional method, and three percent for a project developed under the Turnkey method.

§ 805.211 Design for economy in fuel consumption.

(a) *Choice among feasible options.* In selecting from among feasible options and in designing installations for heating and cooking, particular attention shall be given to maximum economy in the cost of fuel, as well as to adequacy for the purposes intended, maximum economy in maintenance and the long-term reliability of fuel supplies. All options which are feasible in the locality shall be examined, and HUD shall provide technical assistance for this purpose.

(b) *Cost of alternate fuel system.* The HUD-approved development cost may include, where availability and cost of fuel and local preferences indicate, the design, construction and equipment costs of an alternate fuel system, either primary or supplemental, such as coal or wood stoves or fireplaces. Where locally available coal or wood offers a ready supply of fuel at costs less than those of other fuels which might be used, strong consideration should be given to the installation of stoves or fireplaces as a supplemental or primary system for heating and/or cooking, especially if prospective residents desire such a system. A further possibility is the supplemental installation of stove flues only, which would permit residents to install coal or wood burning stoves at their individual option and expense.

§ 805.212 Site selection.

(a) *Suitability of site in relation to local plans and to surrounding area facilities.* (1) *Local and regional plans.* Site selection shall be made with due regard for local and regional plans.

(2) *Access roads.* An access road up to the boundaries of a multi-unit site shall be provided by the BIA, the tribe or other appropriate agency without cost to the project. In the case of a scattered site project, access roads up to the boundaries of the individual homesites shall be provided by the homebuyer, the tribe, or other appropriate agency without cost to the project. In all cases access roads shall provide safe and suitable vehicular access at all times. No site may be approved unless such access roads exist or a written assurance has been obtained from the responsible entity that the requisite roads will be constructed in time for occupancy of the proposed project, and will be maintained for continuous accessibility to the project.

(3) *Existing and proposed utilities.* (i) Water and Sanitation. A written assurance shall be obtained from the IHS, or from the appropriate local agency, that water and sanitation facilities acceptable to the IHS, or to HUD where the IHS has no jurisdiction, exist or will be provided in time for occupancy of the housing.

(ii) Lighting, heating and cooking sources. Written assurance shall be obtained from the appropriate utility companies, or other entities, providing the requisite lighting, heating and cooking sources, that the sources exist or will be provided in time for occupancy of the housing.

(b) *Physical characteristics of site.* (1) *General.* The physical characteristics of a site shall be such as to facilitate economical construction and management.

(2) *Topography.* (i) Sites with dominant grades in excess of ten percent shall be avoided where possible.

(ii) Low-lying and flat sites shall not be approved unless practical and economical means of surface drainage can be provided to accommodate the level of rainfall expected.

(iii) If the topography of a proposed project site raises serious doubt as to the suitability of the site, HUD may require the preparation of a site feasibility study in order to establish whether the site can be utilized satisfactorily.

(3) *Subsurface conditions.* (i) In general, subsurface soil investigations shall be undertaken as soon as tentative site approval is obtained from HUD. Professional competence in soils and foundation engineering shall be required for both the performance of the subsurface soil investigation and the evaluation of the results. Where there is any evidence to suggest that a site may have unsuitable bearing qualities for foundations and/or underground utilities or excessive areas of rock to be excavated, tentative site approval shall not be requested from HUD until a preliminary examination of the adverse conditions has indicated that they can be overcome.

(ii) No site shall be selected if the hazard of earthslides exists either on the site or on adjacent or nearby land.

(iii) In regions where local experience shows loss of life or damage resulting from earthquakes, or in regions located in zones 1, 2 or 3 as shown on Seismic Risk Maps provided in HUD Minimum Property Standards, precautions in design shall be taken in accordance with the requirements of the HUD Minimum Property Standards.

(4) *Flooding.* The project may not be built in an area that has been identified by HUD as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the project is covered by flood insurance as required by the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.).

(c) *Multi-unit sites versus scattered sites.* (1) A project may consist of a multi-unit site, or scattered sites, or a combination. A "multi-unit site" is a site where individual homesites are contiguous. "Scattered sites" are for individual homesites which are not contiguous.

(2) Basic consideration to be taken into account in selecting the type of sites are:

(i) Suitability for the type of occupancy intended (e.g. elderly);

(ii) The economical development and operation of the project.

(d) *Multi-unit sites.* A multi-unit site shall be of such size and topography as to permit an acceptable arrangement for the proposed number and type of units.

(e) *Scattered sites.* (1) Size. The individual homesites shall not exceed one acre unless HUD approves the use of a larger site where necessary to comply with applicable local codes, or in order to meet sanitary design requirements.

(2) MH projects. With respect to MH Projects, each site shall be legally and practicably available for use by a substitute homebuyer family. If a site is part of other land owned by the prospective homebuyer family, access to the site must be available or made available to prospective substitute families.

(f) *Individually owned trust or restricted land.* A site on individually owned trust or restricted land shall not be approved by HUD unless HUD obtains written assurance from the BIA that, in its judgment, a valid lease executed by all necessary parties can be obtained within three months after issuance of the Program Reservation. HUD may approve a site requiring a longer period of time if HUD determines that such longer period will not unduly delay the project.

§ 805.213 Use of leased land as project site.

(a) *Trust or restricted land.* (1) "Trust or restricted land" includes "tribal land" or "individually owned land" as defined in 25 CFR 131.1. "Tribal land" under 25 CFR 131.1 means land or any interest therein held by the United States in trust for a tribe, or land or any interest therein that is held by a tribe subject to Federal restrictions against alienation or encumbrance. "Individually owned land" under 25 CFR 131.1 means land or any interest therein held by the United States in trust for an individual Indian, or land or any interest therein held by an individual Indian subject to Federal

restrictions against alienation or encumbrance, including allotted land.

(2) Sites on tribally or individually owned trust or restricted land shall be leased to the IHA for a term of not less than 50 years (25 years, automatically renewable for an additional term of 25 years). For sites on trust or restricted land, HUD may accept a Title Status Report furnished by the BIA in lieu of obtaining other title information, opinions, certificates or policies.

(b) *Unrestricted land.* Sites on unrestricted land may be either conveyed to the IHA in fee, or leased to the IHA for a term of not less than 50 years.

(c) *Rights in leased land.* Any sublease or assignment of the prime lease held by the IHA cannot extend beyond the term of the prime lease, nor can a sublease or assignment gives greater use rights than provided under the prime lease.

§ 805.214 Site approval.

(a) *HUD tentative site approval.* The IHA shall request tentative HUD approval for each site by submitting a "Preliminary Site Report" on a form prescribed by HUD, including all required exhibits, and including the written approval of the IHS and BIA wherever applicable as provided in the Interdepartmental Agreement, or as required in connection with services or facilities to be provided by the IHS or the BIA. After reviewing the request, HUD shall notify the IHA of its tentative approval or of its disapproval of the proposed sites or portions thereof. If HUD disapproves the sites or portions thereof, it shall notify the IHA of the reasons and shall state what additional information, if any, shall be provided by the IHA, or will be obtained by HUD by inspection or otherwise. No site or portion thereof may be used without HUD approval or without the approval of the IHS or BIA where required under the first sentence of this paragraph (a). Notification to the IHA shall specifically state in the case of a scattered site project, whether a sufficient number of homesites (including alternate homesites where desirable) have been approved for the project to proceed.

(b) *Alternate sites.* It would be advisable for the IHA to have alternate sites available for expeditious review and approval by HUD should there be a need for substitution of sites or selected families.

(c) *HUD final site approval.* HUD shall not give final site approval until the conditions, if any, stated by HUD in its tentative approval of the site, have been met. The IHA shall not enter into any contractual commitments for acquisition or leasing of any site, or for work to be performed on any site, until HUD gives final approval of the site.

§ 805.215 Financial feasibility of rental projects.

(a) An Annual Contributions Contract for a Rental Project shall not be approved unless it is demonstrated that anticipated annual rental income for the project during the first five fiscal years following the end of the Initial Operating Period will be at least equal to estimated annual operating expenses for the project during the period. This requirement must be met prior to approval of the Annual Contributions Contract. However, this requirement may be modified in exceptional cases with the approval of the HUD Assistant Secretary for Housing Production and Mortgage Credit and HUD Assistant Secretary for Housing Management.

(b) If a proposed site for a Rental Project is trust or restricted land owned by the Tribal Government, it is customary for the tribe, because of the tribe's interest in improvement of the housing of its members, to donate the required 50-year leasehold interest to the IHA for only a nominal consideration. However, where necessary in order to meet the test for Annual Contributions Contract approval prescribd in paragraph (a) of this section, HUD may approve the inclusion in development cost of the appraised value of the site (but not to exceed $2500 per unit). The amount so included shall be credited to a project account, and may be counted as anticipated rental income during the first five years for the purpose of paragraph (a) of this section. The account may be charged after the end of the Initial Operating Period to the extent needed to supplement operating receipts of the project. The account shall be funded by requisition against the loan provided in the Annual Contributions Contract, and the amounts so provided shall be subtracted from any operating subsidy otherwise payable for the fiscal year. The IHA's agreement with the Tribal Government to credit the value of the site shall not be effective until approved by HUD.

§ 805.216 Appraisals.

(a) *When appraisals are required.* No appraisal shall be required if the cost of a site does not exceed $500 per unit. If the cost of a site exceeds $500 per unit, an appraisal shall be made in accordance with the standards provided in this section, and the cost of the site shall not exceed the appraised site value.

(b) *Performance of appraisals.* The IHA shall submit a formal request for appraisal to HUD or BIA, as appropriate, after notification by HUD that the number of sites approved, upon submission of Preliminary Site Reports, is sufficient to allow the project to proceed. Whenever BIA appraisal service is available, appraisals shall be provided by the BIA in accordance with paragraph (c) of this section (unless HUD agrees to provide the services in whole or in part), and shall be accepted by HUD. Otherwise, all appraisals shall be provided by HUD.

(c) *Appraisal standards.* (1) *Conformity with appraisal standards.* All appraisals shall be in conformance with established and generally recognized appraisal practice and procedures in common use by professional appraisers. Opinions of value shall be based on the best available data properly analyzed and interpreted.

(2) *Nature of legal interest in land.* In valuing the property interest to be conveyed to the IHA, appraisals shall give full consideration to the nature of the property interest, including any legal restrictions and restraints on alienation that affect market value. It shall be determined whether the interest to be conveyed to the IHA is fee simple title, an easement, a leasehold or another property right. In the case of tribally or individually owned trust or restricted land to be leased to the IHA, the appraiser shall report the value of the leasehold.

(3) *Market data comparables.* In the application of the market data approach to valuation, a property shall be compared with properties that have been leased or sold recently in the same or competing market areas. However, value estimates shall not be predicated upon comparable sales or leases that involve the IHA either as seller or purchaser.

(4) *Valuation of trust of restricted land—market data approach.* When the interest to be appraised is a leasehold interest in tribally or individually owned trust or restricted land, and comparable leasehold transactions are not available, the appraiser shall estimate the value of the land as if alienable in fee, based on a comparison of the land being valued with sales of fee interests in comparable land in the same or competing market areas. The value of the land as if marketable in fee shall be discounted to obtain an estimate of the value of the leasehold interest which is alienable. An acceptable estimate of the value of the leasehold shall in no event exceed ⅔ of the estimate of the value as if alienable in fee.

§ 805.217 Construction inspection.

(a) *Construction inspectors.* Inspection of construction is the responsibility of the IHA. IHA construction inspectors shall be selected by the IHA and approved by HUD. IHA inspectors shall make inspection reports to the IHA, and the IHA shall promptly forward a copy of each report to HUD with comments on action taken to remedy deficiencies disclosed by the inspector. Because remote or scattered sites are sometimes used for Indian housing, and because inspections at such site are more expensive, HUD may approve, where necessary, a larger amount for the cost of IHA construction inspection than provided under regular program requirements.

(b) *HUD construction representatives.* HUD construction representatives shall make site visits from time to time, and shall make a report to HUD of each of their visits. HUD shall send a copy of that report to the IHA, with HUD's recommendation of the action, if any, to be taken by the IHA. The HUD construction representative's report shall include his evaluation of the adequacy of the inspection service of the IHA inspector and the IHA actions with respect thereto.

(c) *Final inspection.* (1) Upon the completion of construction, the contractor shall notify the IHA that the project is ready for final inspection. The IHA shall promptly notify HUD and request that a HUD construction representative be assigned for final inspection of the units. The final inspection shall be made

jointly by the IHA inspector, and the HUD construction representative, and the contractor or his designee.

(2) If the final inspection discloses no deficiencies other than punch list items, or items awaiting seasonal opportunity, the contractor shall submit an Interim Certificate of Completion to the IHA, which shall detail the items, and set forth a proposed time schedule for completion of the items. Upon approval of the Interim Certificate by the IHA and HUD, the IHA may accept the units for occupancy and release the monies to the contractor less: (i) the warranty withholdings, and (ii) a withholding equal to 1½ times the estimated value of the punch list items, and of items awaiting seasonal opportunity (to allow for inflation in the cost of completing the items). A family shall not be permitted to occupy a unit prior to IHA sign off on all punch list items with respect to the unit, unless the contractor agrees to such prior occupancy, and consents that the uncompleted items remain the contractor's responsibility.

(3) Contractors shall complete the punch list items, and items awaiting seasonal opportunity, in accordance with the time schedule for completion of the items, as approved by the IHA and HUD. The contractor will be released and paid for such items only after inspection and sign off by the IHA. Unless the IHA has signed off on such items, the contractor shall not be paid for them if there is a dispute as to whether such items were performed. Upon completion of all such items, the contractor shall furnish to the IHA a Final Certificate of Completion. If the IHA is satisfied that all such items have been completed, the IHA shall approve the Final Certificate of Completion, and release to the contractor any amount still withheld with respect to such items.

(4) If the final inspection discloses deficiencies other than punch list items, or items awaiting seasonal opportunity, the contractor shall be required to proceed expeditiously with their correction. After correction of the deficiencies, the contractor shall notify the IHA that the deficiencies have been corrected, and that the project is ready for final inspection. The IHA shall promptly notify HUD, and a joint final inspection shall be made by the IHA inspector, the HUD construction representative, and the contractor or his designee.

(d) *Inspection after acceptance.* The IHA shall inspect each dwelling unit not less often than every 3 months during the first year after approval of the Interim Certificate of Completion by the IHA and HUD, and shall obtain a statement from the occupants as to any deficiencies in the structure, equipment, grounds, etc., for which the contractor and/or supplier or manufacturer of equipment may be held accountable. It shall be the responsibility of the family occupying a unit to promptly inform the IHA during the applicable warranty period of all deficiencies covered by warranty (i.e., the contractor's warranty or the various warranties on equipment, etc.). The IHA shall be responsible for notifying the responsible party to cure a deficiency covered by warranty, and for taking all necessary steps to enforce such warranty. Copies of the inspection reports required under this section, and of notifications to warrantors shall be kept on file in the IHA office for three years.

§ 805.218 Costs to correct deficiencies.

Costs which are the responsibility of the contractor or of a homebuyer family shall be charged accordingly. Costs which are not chargeable to the contractor or the family can only be met by increasing development cost with or without amendment of the development cost budget, or by charging the costs to project operating income. Such costs shall not be incurred without the specific approval of HUD.

Appendix I–Interdepartmental Agreement on Indian Housing

1. *Introduction.* Most assisted housing in Indian areas is made available under the low-income housing program authorized by the United State Housing Act of 1937 (USH ACT). For federally recognized tribes, the Interior Department, principally its Bureau of Indian Affairs (BIA), and the Indian Health Service (IHS) in the Department of Health, Education and Welfare furnish certain necessary services. The purpose of this Interdepartmental Agreement is to set forth the responsibilities of the signatory agencies, having in mind that the financial and contractual relationships for assisted housing under the USH ACT are between HUD, THAs and tribal governments and that this Agreement contemplates promotion of the independent initiative and responsibilities of IHAs and tribal governments involved. In addition, this Agreement specifies the responsibilities of IHS concerning water supply and sewerage facilities not only for HUD-supported housing but also for the BIA-Housing Improvement Program (HIP).

2. *HUD responsibilities.* Except as specified in this Agreement, HUD will assume all responsibilities for projects of IHAs of federally recognized tribes under the USH ACT that it normally does for any project assisted under the USH ACT.

3. *Coordination of agencies.* a. Before issuing the Program Reservation [see § 805.205 (b) (2)] HUD will request the time and place for a meeting by the IHA with representatives from HUD, BIA, IHS and any other agencies that may be involved, and the IHA shall notify HUD of its determination. The time and place will be determined by the IHA after consultation with all participants. When HUD issues the Program Reservation, it shall send a notice to all the participants establishing this time and place for the meeting.

b. The purpose of the meeting will be to establish a schedule of actions to be taken for the total project development period. These actions will include site review, selection and development as they relate to the provision of water, sewer, house placement, access roads and streets where applicable, and homebuyer training programs. The schedule will also include all necessary steps to be taken by the IHA and the Federal agencies leading to the start of construction.

c. The time schedule agreed to at this meeting will be signed by each participant on behalf of his agency and each participant agency will thereby agree to meet that schedule. Any departure from the schedule must be for good cause and justified in writing by the head of the HUD field office, the Chairman of the IHA, the BIA Area Office Director or the IHS Area Director, as the case may be.

d. A monthly production progress reporting system on HUD-assisted projects compatible with the needs of HUD, BIA and IHS will be established by HUD in consultation with the other agencies and implemented within 90 days of publishing the HUD regulations.

4. *Environmental requirements.* HUD will be the lead agency in accomplishing compliance with any applicable provisions and Federal requirements relating thereto of the Flood Disaster Act of 1973 (Pub. L. 93-234), the National Environmental Policy Act (Pub. L. 91-190), and Executive Order 11514 with respect to HUD-assisted housing. IHS and BIA will provide necessary support documents relating to effects imposed by their operations.

5. *Homebuyer training programs.* An IHA may elect to use, without additional HUD approval, the HUD pre-approved BIA Homebuyer Training Program (HTP). The BIA will assist with this program in accordance with responsibilities enumerated in the Exhibit to this Agreement.

6. *Other BIA functions.* a. *Site selection and land acquisition services.* The BIA will assist an IHA with site selection and land acquisition services, including title evidence and furnishing the site lease forms for both HUD rental and homeownership projects.

b. *Appraisals.* When requested by an IHA, the BIA will perform appraisals of the proposed sites in accordance with the HUD and BIA regulations.

c. *Preservation of historical and archaeological data.* The BIA will take appropriate action to assure compliance with any applicable provisions of Federal law before approving a site for HUD housing activities involving excavations, road construction and land development, or involving the disturbance of land on known or reported historic, prehistoric or archaeological sites or objects of antiquity.

d. *Roads.* The BIA will carry out its responsibilities under applicable regulations of the Department of Interior for providing roads, including access roads, which are not the responsibility of HUD under the HUD regulations.

e. *Management services.* Although there is no commitment by the BIA for the furnishing of assistance in the management and operation of IHA projects, it is understood under this Agreement that where the BIA has staff or facilities available to provide such assistance and an IHA requests such assistance, the BIA will provide it to the extent feasible.

7. *Audits.* a. The Department of Interior, Office of Audit and Investigation (OAI), will provide audits of IHAs of federally recognized tribes until fiscal year 1977. The scope of these audits will be limited as follows:

(1) As a general rule, the audits will omit confirmation procedures for tenants' accounts receivable. The audit opinion will be qualified or a disclaimer will be made in those instances where receivables are material. Other tests and analyses applicable to receivables will be applied, such as review of billing procedures and aging receivables and evaluation of collection efforts. If results of these tests indicate the possibility of serious error or potential for fraud, OAI will attempt confirmation.

(2) Upon request of OAI, HUD will confirm the balance of outstanding notes for the construction of the projects and of HUD contributions surplus accounts.

b. Audits will be scheduled only upon receipt of required financial statements. HUD procedures will provide that the IHA furnish a copy of its financial statement to OAI at the times it is furnished to HUD.

c. Audits will not be performed at those IHAs, such as in Oklahoma and Alaska,

which are not located on federal Indian reservations.

d. HUD will assume responsibility for the audit of IHAs beginning with fiscal year 1978.

8. *Water supply and sewerage facilities.* a. *General.* IHS has the general responsibility to provide water supply and sewerage facilities for those Indians and Alaska Natives who are eligible to receive such benefits under the Indian Sanitation Facilities and Construction Act (Pub. L. 86-121). IHS will exercise this responsibility with respect to facilities required to serve Indian houses constructed or improved with the support of HUD or BIA to the extent that funds are specifically appropriated by the Congress for such facilities and as agreed upon under the terms of this Agreement.

b. *Planning for budget purposes.* Sixteen months prior to the beginning of a fiscal year, HUD and BIA will advise IHS with respect to the number and, where possible, the location of HUD-assisted housing starts and HIP units of housing improvement which will be initiated in that fiscal year for which IHS will be required to furnish sanitation facilities. (If the information cannot be provided at that particular time, HUD and BIA will notify the IHS Director in writing accordingly). IHS will use this information in developing its budget request to assure that adequate funds are included to support all necesary sanitation facilities construction for HUD-assisted and HIP housing units.

c. *Evaluation of housing site and determination of type of facility to be provided.* (1) The ability of the IHS to provide needed water supply and waste facilities is dependent on the availability of a water source of suitable quantity and quality and a means of sewage disposal which will conform to acceptable standards and can be developed within reasonable cost limits. Therefore, the IHS shall be consulted with respect to the general site plan for new housing units and review and concur in the site selection.

(2) It shall be the responsibility of the IHS to determine, following its review of the site in each case, whether community or individual type facilities or a combination of these, can best serve the housing units concerned.

(3) IHS's review and approval of sites, along with any recommendations and observations concerning water and sanitation facilities, will be furnished the IHA, which shall in turn forward this material to HUD as part of the Preliminary Site Report submission.

d. *Technical requirements.* To minimize the cost of providing and maintaining water supply and sewerage facilities, the following criteria shall apply:

(1) Wherever possible, project sites will be on or adjacent to existing community water and sewer systems.

(2) Economic feasibility of water and sewer installations shall be considered in site selection. Feasibility shall be determined on the basis of initial construction as well as long range costs of operation, maintenance and replacement. Overly expensive and complex utility installation shall be avoided.

(3) Whenever possible and practicable, dwelling units within a multi-unit project site will be located on both sides of the street.

e. *Test well drilling.* Whenever it is determined by the IHS that test drilling is required for wells to provide individual water facilities for housing supported by HUD, tentative site approval may be given subject to the results of the test drilling. Should the test drilling indicate an insufficient supply of potable water, the site shall be disapproved and another selected unless another suitable water source can be provided. All test drilling, including obtaining of necessary permits or authorizations, shall be performed by and at the expense of the HUD program and carried out in accordance with accepted practices in the area concerned, and the data obtained shall be furnished to the IHS. For all community water facilities, including facilities for HUD-assisted projects and for individual wells to be provided for BIA sponsored housing, the IHS will perform at its expense any test drilling required.

f. *Soil percolation tests.* Soil percolation tests are necessary to ascertain the suitability of a home site for septic tank and drainfield facilities. The test will be conducted by, or at the expense of, the IHS. The data obtained will be provided to the IHA with IHS's recommendations for accepting or rejecting the site. (IHS's concurrence is required as a condition for use of the site, see paragraph 8c(1) above).

g. *Individual house facilities.* In those instances where the IHS determines that individual water supply and/or waste disposal facilities are the most feasible and should be provided, the following conditions will apply:

(1) The agency financing the house construction or improvement will be responsible for the installation of all plumbing facilities within the dwelling and the house service lines.

(2) In the case of BIA-HIP homes, the IHS will provide the on-site water supply and waste disposal facilities along with service lines to a point five feet from the house.

(3) In the case of HUD-supported homes, the housing project will include the cost of installing any water supply and/or sewage disposal facilities which are to be located on the individual house sites. These facilities would include individual water supplies, sewage disposal systems or service lines to the house. All such work is to be carried out in accordance with guides and recommendations furnished by the IHS regarding the location and design of the facilities. These guides and recommendations will be provided by the IHS, following site review, to the IHA.

h. *Community systems.* All community water and sewer systems will be designed on the basis of a total community concept. The following conditions will apply:

(1) The agency financing the house construction or improvement will be responsible for the installation of all plumbing facilities within the house and the house service lines.

(2) Where HUD-financed new houses are interspersed with existing homes, HUD will fund a pro rata share of the system's cost, excluding water source development, treatment and storage, and sewerage treatment facility. This share will be based on the ratio of new to existing homes and will not exceed the cost of equivalent individual type facilities.

(3) Where the systems serve only new HUD-financed houses, HUD will fund the total cost of water distribution and sewerage collection systems located within the boundaries of the project. The cost of all necessary facilities outside the housing project boundary will be funded by IHS.

(4) Community systems servicing BIA-HIP homes will be provided by IHS.

i. *Plan review and approval.* (1) In those instances where the housing project includes the cost of installing individual or on-site water and sewer facilities, approval must be obtained from the IHS Area Office on all final plans before advertisement for construction bids. The IHS at its expense will inspect the installation of these facilities during construction and after completion of the work to assure the IHA that the installation has been done in conformance with the plans and specifications and may be accepted.

(2) If connection to a BIA water and/or sewerage system is contemplated, a joint feasibility study will be conducted by the BIA and IHS to determine the adequacy of existing facilities to meet the additional requirements, to recommend necessary improvements or additions and to determine points of master or individual metered connections, valving, flushing hydrants, etc., in order to insure compatibility with existing systems. If the system is not adequate, the IHS and BIA will develop a mutually agreed upon program for providing additional capacity.

(3) Responsibility for the acquisition of land or interest therein in connection with the provision of water and sewerage facilities for HUD-assisted housing cannot be assumed by the IHS, BIA, or HUD.

Secretary, Department of the Interior	Date
Secretary, Department of Health, Education, and Welfare	Date
Secretary, Department of Housing and Urban Development	Date

BIA HOMEBUYERS TRAINING PROGRAM

1. *Scope of Program.* The HUD-approved BIA Homebuyers Training Program (HTP) will provide pre-occupancy and post occupancy training to homebuyer families in mutual help projects and shall consist of the following:

a. *Training in home and appliance maintenance and care.* Training will be provided to increase the knowledge and understanding of homebuyers of the methods and means to properly care for and maintain (1) both the interior and exterior structures of the home, including electrical, plumbing (including water heaters and pumps) and heating systems; (2) major appliances, refrigerators, ranges and dishwashers; (3) minor appliances, such as can openers and toasters; and (4) yards and gardens. In addition, training will be provided to homebuyers to increase their knowledge about simple repair techniques with regard to the above-mentioned house components and equipment.

b. *Training in budgeting and financial management.* Training will be provided to homebuyer families on family budgeting, use of credit, and meeting financial obligations, including their responsibility to make the required monthly payments and to allocate funds to other various necessities, such as utilities.

c. *Information and referral services.* Homebuyers will be given information on and, where appropriate, will be assisted by referrals to, other local, state and Federal agencies whose programs relate to total family counseling, and social services, including services on problems such as alcoholism, drug abuse, etc.

2. *Implementation of program.* a. *General.* The HTP will be implemented according to the schedule established under paragraph 3 of the Agreement in accordance with the following:

(1) An IHA will submit a proposal to the BIA which will set forth the specific needs of homebuyers, the scope of training, methodology and budget to be undertaken within the general guidelines stated above.

(2) The program shall be developed and implemented at the local level employing locally recruited members of the community to the maximum extent possible. This function cannot be subcontracted by IHAs.

(3) The program may be carried out through individual home visits, demonstration or other group sessions, or by any other methods deemed appropriate.

(4) The BIA shall be responsible for providing the training staff with any necessary instruction in training. Such training of IHA employees may be undertaken through IHS training centers or at universities or other institutions which can provide the needed training.

b. *Progress Reports.* IHAs shall submit quarterly progress reports to BIA, which shall include:

(1) A list of expenditures under the program, including salaries, cost of transportation, training materials, office expenses and other justifiable expenditures. All expenditures must be identified and supported by appropriate books and records of the IHA and must be certified as correct by the Executive Director and the Chairman of the IHA.

(2) Names of homebuyer participants, the number of training sessions, descriptions of training activities, degree of participation, deficiencies noted, and other relevant information or observations.

(3) Efficacy of training as shown by reports, results of tests, reduction in monthly payments delinquencies, reduction in maintenance costs or other factors.

(4) Proposed changes during the next period of training, including program changes to overcome deficiencies described in current or prior report(s) or called to the attention of the IHA previously by BIA and to provide training to any additional or substitute homebuyers.

c. *BIA responsibilities.* The BIA will monitor and evaluate the progress and the implementation of the HTP of IHAs and submit semi-annual reports to HUD. Should BIA judge that an IHA is not implementing the program consistent with these guidelines, it will:

(1) Notify the IHA of the deficiencies in its program implementation and provide the necessary assistance to it to assure proper implementation,

(2) Afford the IHA 90 days from the date of notification to take corrective action, and

(3) Report to HUD whether the program should be continued based on the corrective action or whether the program should be terminated.

d. *HUD responsibilities.* HUD will be responsible for allocating to IHAs the funds for the training program, provided that the BIA will not be reimbursed for utilization of its staff or facilities. HUD will also be responsible for discontinuing disbursements of funds to IHAs under specified conditions of c above.

Subpart C—Operation

§ 805.301 Admission policies.

(a) *Income and assets limits.* Subject to approval by HUD, the IHA shall adopt regulations establishing schedules of maximum income limits for admission. An IHA may establish income limits up to the maximum permitted by the Act. Under the Act, admission must be limited to families of low income who cannot afford to pay enough to cause private enterprise in the Indian Area to build an adequate supply of decent, safe and sanitary dwellings for their use. In determining the income limits for admission consideration shall be given to any relevant limitation in the local private housing market (such as an insufficient supply of standard private housing, or the unavailability of mortgage financing on trust or restricted land). HUD shall approve the IHA's schedules of maximum income limits unless the determination of such limits was arbitrary or capricious. An IHA may also adopt regulations establishing reasonable assets limits for admission to occupancy. A copy of the IHA's income and assets regulations shall be posted in the IHA's office for examination by prospective tenants or homebuyers.

(b) *Other tenant and homebuyer Admission policies.* In addition to the regulations governing income limits for admission, the IHA shall adopt and promulgate regulations establishing the IHA's policies for admission of tenants or homebuyers. Such regulations shall specify the types of projects to which they apply (i.e., rental, MH, or Turnkey III), and shall be designed to attain, within a reasonable period of time, a tenant or homebuyer body in each project composed of families with a broad range of incomes, and of abilities to pay rents or homebuyers' Required Monthly Payments, which is generally representative of the range of low income families in the Indian Area. A copy of the regulations shall be posted in the IHA's office for examination by prospective tenants or homebuyers, and shall be submitted to HUD promptly after adoption by the IHA.

§ 805.302 Grievance procedures.

The requirements set forth in other HUD regulations relating to procedures for the resolution of tenant or homebuyer grievances against Local Housing Authorities shall not be applicable to projects under this Part. Instead, each IHA shall adopt and promulgate grievance procedures which are appropriate to local circumstances, provided that such procedures shall afford all tenants and homebuyers a fair and reasonable opportunity to have their grievances heard and considered by IHA officials, and shall comply with the Indian Civil Rights Act. A copy of the grievance procedures shall be posted in the IHA office, and shall be provided to a tenant or homebuyer upon request.

§ 805.303 Rent and homebuyer payment collection policy.

Each IHA shall adopt and promulgate, and shall use its best efforts to obtain compliance with, a policy sufficient to assure the prompt payment and collection of rents and homebuyers' Required Monthly Payments, and the prompt processing of evictions in the case of nonpayment. A copy of the policy shall be posted in the IHA office, and shall be provided to a tenant or homebuyer upon request. The policy shall include the following types of provisions, and may include additional provisions consistent therewith:

(a) The time, place and method for payment of rents and homebuyers' Required Monthly Payments.

(b) A statement to the effect that prompt payment of rents or homebuyers' Required Monthly Payments is a requirement for continued occupancy, and that the IHA will take such steps as may be necessary lawfully to terminate occupancy in case of nonpayment, and to collect charges due and owing by terminated tenants and homebuyers, as well as those in possession.

(c) For tenants or homebuyers whose income is seasonal or otherwise irregular, provisions for special plans or schedules for assuring payment of rents or homebuyers' Required Monthly Payments when due, e.g., prepayment or arrangements with public welfare agencies regarding public assistance payments.

(d) Procedures for counseling and assistance to tenants and homebuyers if nonpayment is due to family hardship.

(e) Procedures for eviction in cases of nonpayment.

(f) Procedures for collection of amounts remaining due and unpaid from terminated tenants and homebuyers.

(g) Procedures for obtaining assistance from the Tribal Government.

§ 805.304 Maintenance policy.

(a) Each IHA shall adopt and promulgate, and shall use its best efforts to obtain compliance with, a policy sufficient to assure full performance of the respective maintenance responsibilities of the IHA, and tenants or homebuyers. A copy of the policy shall be posted in the IHA office, and shall be provided to a tenant or homebuyer upon request.

(b) Provisions for rental projects: For Rental Projects, the maintenance policy shall contain the following types of provisions, and may include any additional provisions consistent therewith:

(1) A statement specifying the responsibilities of tenants for normal care of their dwellings and common elements (if any) of the project.

(2) Policies and procedures for tenant maintenance (if any).

(3) Procedures for handling maintenance service requests from tenants.

(4) Procedures for IHA inspections of dwelling units and common elements (if any) of the project.

(5) Special arrangements (if any) for obtaining maintenance services from outside workmen or contractors.

(6) Procedures for charging tenants for damages for which they are responsible.

(c) Provisions for homeownership opportunity projects: For homeownership opportunity projects, the maintenance policy shall contain the following types of provisions, and may include any additional provisions consistent therewith:

(1) A statement specifying the responsibilities of homebuyers for maintenance and care of their dwellings and common elements (if any) of the project in accordance with the MHO Agreement or Turnkey III Homeownership Opportunity Agreement.

(2) For Turnkey III projects only, procedures for handling service requests from homebuyers for nonroutine maintenance.

(3) Procedures for providing advice and technical assistance to homebuyers to enable them to meet their maintenance responsibilities.

(4) Procedures for IHA inspections of homes and common elements (if any) of the project.

(5) Procedures for IHA performance of homebuyer maintenance responsibilities, where homebuyers fail to satisfy such responsibilities, including procedures for charging the homebuyer's proper account for the cost thereof.

(6) Special arrangements (if any) for obtaining maintenance services from outside workmen or contractors.

(7) Procedures for charging homebuyers for damages for which they are responsible.

§ 805.305 Supply management policy.

Each IHA shall adopt and promulgate, and shall comply with, a supply management policy, which shall contain the following types of provisions, and may include any additional provisions consistent therewith:

(a) Procedures for purchasing in cases where competitive bidding is required.

(b) Identification (by position title) of IHA officials authorized to make purchases when competitive bidding is not required, and procedures for making such purchases.

(c) Procedures for inventory control.

(d) Procedures for storage and protection of goods and supplies.

(e) Procedures for issuance or other disposition of goods and supplies.

§ 805.306 Correction of serious management deficiencies.

An IHA shall promptly take such action as may be required or approved by HUD to remedy management deficiencies. Management problems to which particular attention shall be given are serious deficiencies in any of the following: physical maintenance of the property, occupancy practices, maintenance of accounts and records, cost controls, handling of funds, rent or monthly payment collection, required reports to HUD, IHA staffing and staff turnover, and Tribal Government cooperation. HUD shall provide the maximum feasible assistance to an IHA to remedy management deficiencies.

Subpart D—Mutual Help Homeownership Opportunity Program

§ 805.401 Scope and applicability.

(a) *Scope.* This Subpart sets forth the elements of the Mutual Help Homeownership Opportunity Program. This Subpart is to be read in conjunction with Subparts A, B and C, the applicable provisions of which are not repeated in this Subpart.

(b) *Applicability.* The provisions and requirements of this Subpart shall be applicable to (1) all MH projects placed under ACC on or after the effective date of this Part, and (2) any Existing Projects converted to development or operation under the New MH Program in accordance with § 805.425.

§ 805.402 Definitions.

This section sets forth certain definitions of terms used in this Subpart. Section 805.426 of this Subpart gives a comprehensive list of cross-references for key terms used in this Subpart.

Annual Contributions Contract ("ACC"). (See Subpart D—Appendix II). In the case of an MH Project, a written agreement between HUD and an IHA that the IHA will develop and operate an MH Project in compliance with HUD requirements in order to provide low income families with an opportunity to become homeowners in return for each family's agreement to make a minimum contribution toward the development cost of the project, to maintain its home, and to perform all of the duties of a homebuyer under an MHO Agreement.

Conversion. A change of an Existing Project to development or operation under the New MH Program in accordance with § 805.425.

Existing Project. An MH Project placed under Annual Contributions Contract before the effective date of this Part.

Home. The home constructed for a homebuyer who has executed an MHO Agreement.

Homebuyer. The person or persons who have executed an MHO Agreement with the IHA, and who have not yet achieved homeownership.

Homeowner. A homebuyer who has achieved ownership of his home.

HUD. The U.S. Department of Housing and Urban Development, including the HUD Regional, Area or Insuring Office which has been delegated authority under the U.S. Housing Act of 1937 to perform functions under this Part for the area in which the IHA is located.

IHA Homeownership Financing. IHA financing for purchase of the home by an eligible homebuyer who gives the IHA a Promissory Note and mortgage for the balance of the purchase price (see § 805.420).

MEPA. The Monthly Equity Payments Account (see § 805.418(c)(1)).

MH Construction Contract. A contract for construction of an MH project where an MH Contribution of work, materials or equipment is to be made. If such project is developed under the Conventional method (with or without advertising), the special form of MH Conventional Construction Contract (Subpart D—Appendix III) shall be used. If such project is developed under the Turnkey method (with or without advertising), the special form of MH Turnkey Contract of Sale (Subpart D—Appendiy IV) shall be used.

MH Contribution. A contribution by a homebuyer family, or by a tribe on the homebuyer family's behalf, of land, cash, materials, equipment, or MH work toward the development cost of a project in accordance with the homebuyer's MHO Agreement.

MHO Agreement. A Mutual Help and Occupancy Agreement (Subpart D—Appendix I).

MH Program. The Mutual Help Homeownership Opportunity Program.

MH Project. A project developed under the MH Program.

New MH Program. The provisions and requirements for the MH Program as set forth in this Subpart.

Project. The entire undertaking, including all real or personal property, funds and reserves, rights, interests and obligations, and activities related thereto.

§ 805.403 Contractual framework.

An MH Project involves three basic contracts:

(a) An MHO Agreement between the IHA and each homebuyer (Subpart D—Appendix I).

(b) An Annual Contributions Contract for an MH Project between HUD and the IHA (Subpart D—Appendix II).

(c) An MH Construction Contract (Subpart D—Appendices III and IV).

§ 805.404 Special provisions for development of an MH project.

(a) *Application for project.* An IHA shall include in the application for an MH Project, in as much detail as possible, a tentative listing of the names, family size and incomes of the families who would be eligible and willing to participate as MH homebuyers, and the expected sources, forms and amounts of their MH Contributions.

(b) *Execution of MHO agreements.* Following HUD's approval of the application, and issuance by HUD of a Program Reservation (see § 805.205(b)(2)), homebuyer families shall be selected, and the IHA shall enter into MHO Agreements with a number of homebuyer families equal to the total number of homes approved in the Program Reservation.

(c) *Development program.* (1) The development program shall be submitted on a form prescribed by HUD.

(2) The development program shall provide detailed estimates on timing for project completion.

(3) Where homebuyers are to perform MH work, the development program shall include the plan for organization of homebuyers, and a description of how they will be directed and assisted during construction.

(d) *Inclusion of MH contribution in development cost.* The development cost for an MH Project shall include the total amount of the MH Contributions. The development cost budget shall state in total and separately the portion of the total development cost to be attributed to the land, cash, materials, equipment, and MH work to be furnished by or on behalf of the homebuyer families as their MH Contributions.

§ 805.405 Financing of development cost.

Under the Annual Contributions Contract, HUD agrees to advance monies from time to time to the IHA for development of the project. HUD may at any time require the IHA to obtain loans by the sale of its notes ("Project Notes") on the private market in lieu of advances from HUD. IHA Project Notes are made marketable by a pledge of HUD's agreement under the Annual Contributions Contract to advance monies to the IHA. Development cost shall not be financed by issuance of bonds.

§ 805.406 Selection of MH homebuyers.

(a) *Admission policies.* An IHA may establish admission policies for MH Projects which are different from those for Rental or Turnkey III Projects of the

IHA, including different income and assets limits.

(b) *Ability to meet homebuyer obligations.* A family shall not be selected for MH housing unless, in addition to meeting the maximum income limits for admission, the family is able and willing to meet all obligations of an MHO Agreement, including the obligations to provide the required MH Contribution and its own utilities, and to pay the Administration Charge (unless such requirements are modified in exceptional cases in accordance with § 805.206(g)). A family may be selected even if the Administration Charge plus utilities, or the Administration Charge alone, would exceed 25 percent of the family's income, if the family can be reasonably expected to pay the Administration Charge and meet its other obligations under the MHO Agreement (e.g., as demonstrated by the family's past history or by the family's ability to supplement its income by providing its own food, fuel or other necessities).

(c) *MH waiting list.* (1) Families who wish to be considered for selection for MH housing shall apply specifically for such housing. A family on any other IHA waiting list, or a tenant in a Rental Project of the IHA, must also submit an application for selection in order to be considered for MH Projects.

(2) All applications for selection for MH housing shall be dated as received, except that applications from families on the waiting list for any other IHA projects shall have the same date of application as the date of their application for such other IHA projects.

(3) The filing of an application for MH housing by a family which is an applicant for other IHA housing, or is a tenant in such housing, shall in no way affect its status with regard to such other housing. Such applicant shall not lose its place on another IHA housing waiting list until it has been selected for MH housing and the MHO Agreement has been signed.

(4) The IHA shall maintain a waiting list, separate from any other IHA waiting lists, of families which have applied for MH housing and which have been determined to meet the requirements of paragraphs (a) and (b) of this section.

(d) *Notification to families not meeting the requirements of paragraphs (a) and (b).* When an IHA determines that a family does not meet the requirements of paragraphs (a) and (b) of this section, the IHA shall give the family prompt written notice of this determination. The notice shall state the basis for the determination, and shall state that the family is entitled to an informal hearing on the determination, if request for such hearing is made within a reasonable time as specified in the notice.

(e) *Making the selections.* The IHA shall select the homebuyer families from the MH waiting list in accordance with the date of application and other pertinent factors under the IHA's admissions regulations established in accordance with § 805.301 of Subpart C. If the family is to contribute a site as an MH Contribution, the site must be approved by HUD before selection of the family.

(f) *Notification of selected families.* (1) When notification is issued: A selected family shall be given written Notification of Selection before issuance of the advertisement for bids or invitation for proposals.

(2) Information to be included in notification of selection:

(i) A statement that the family has been selected for an MH Project;

(ii) The name of the person who must execute the MHO Agreement on behalf of the family, and the time and place for execution of the MHO Agreement;

(iii) A statement that after execution of the construction contract, the family will receive a Notice of Confirmation which will state (A) the estimated date of completion of the unit designated for the homebuyer, insofar as such date can be reasonably determined, and (B) if the homebuyer is to perform MH work, the date of the first meeting to discuss construction; and

(iv) A statement that the issuance of the Notification of Selection does not constitute or give rise to any contractual obligation, and that the Notification is subject to revocation if no construction contract is executed.

(g) *Notification to families not selected for a project.* When the IHA determines that a family which meets the requirements of paragraphs (a) and (b) of this section is not to be included in the group of families selected for a project, the IHA shall promptly so notify the family. The notice shall also state that the family will remain on the IHA's waiting list for consideration for admission to any other MH Project of the IHA.

§ 805.407 Counseling of homebuyers.

The IHA shall provide counseling and training as provided in Appendix V to this Subpart. The counseling and training program shall be carefully designed to meet the special counseling and training needs of the MH Project. This program shall include training and counseling related to the provision of MH work and other MH Contributions, and fulfillment of the maintenance responsibilities of the homebuyer families; provided, however, that the program shall not overlap or duplicate any work training and supervision which the contractor is to perform. Each family's application for admission shall include a statement that the homebuyer agrees to participate in and cooperate fully in all official preoccupancy and post occupancy counseling and training activities. Failure to participate without good reason may result in revocation of the Notification of Selection or termination of the MHO Agreement.

§ 805.408 MH contribution.

(a) *Form of contribution.* MH Contributions toward the development cost of a project may be in the form of (1) land, (2) materials or equipment, (3) cash, or (4) work. The MH Contributions may consist either (5) wholly of any of these forms of contribution, or (6) of any combination of these forms of contribution. The amount of each form of MH Contribution to a project shall be specified in the development program and development cost budget for the project.

(b) *Minimum amount.* The minimum MH Contribution from each homebuyer family selected before execution of the construction contract shall be as follows:

(1) If there is a contribution of land valued at $2,500 or more, no other contribution is required (but the homebuyer's credit for contributed land shall not in any case exceed $2,500);

(2) If there is a contribution of land valued at less than $2,500, but more than $1,000, there must be an additional contribution, in work, cash, materials or equipment, of the amount required to make a total contribution of $2,500.

(3) If there is a contribution of land valued at $1,000 or less, or if there is no land contribution, there must be a contribution of work, cash, materials or equipment valued at $1,500. Subject to the maximum $2,500 limitation on land contributions, an IHA may require, or accept, an MH Contribution which is more than the minimum contribution provided above. For provisions relating to the MH Contribution required from a substitute family (including a family selected after execution of the construction contract), see paragraph (i) of this section.

(c) Statement of contribution in MHO agreement. The value of each form of MH Contribution that each selected family is obligated to provide shall be stated in the family's MHO Agreement.

(d) *Sources of contribution.* (1) Tribal contribution: A tribe may contribute land, cash, materials, or equipment for the benefit of homebuyer families. In such case, the tribe shall, before execution of the construction contract, adopt a tribal resolution stating its commitment to the IHA to make the contribution on behalf of the families.

(2) Statement of sources in MHO agreement: The MHO Agreement shall state if land, cash, materials, or equipment are to be contributed by the family, or by the tribe. If any part of the minimum contribution required from a homebuyer family is to be furnished by a tribe, a copy of the tribal resolution stating the tribe's commitment to make the contribution shall be appended as an exhibit to the MHO Agreement.

(e) *Total contribution to be furnished before occupancy.* A homebuyer shall not be entitled to commence occupancy of the home, even after the home has been completed, until the total required MH Contribution on behalf of the family (whether to be furnished by the homebuyer family or the tribe), as specified in the family's MHO Agreement, has been furnished, including any contribution of land, materials, equipment, cash, or MH work. A homebuyer family may be given a limited amount of time after commencement of occupancy within which to complete its required MH work if there is special justification, and a written agreement setting forth the justification and the details for performance of the work is executed by the homebuyer, the IHA, and the contractor.

(f) *Land contribution.* (1) Lease or conveyance to IHA: Land contributed by a homebuyer family or by a tribe, shall be leased or conveyed to the IHA before execution of the construction contract.

(2) Proof of value: The amount to be credited as an MH Contribution for land shall be based upon the appraised value in all cases where an appraisal is required pursuant to § 805.216.

(g) *Contribution of materials or equipment.* A contribution of materials or equipment for the project may be allowed against the family's required MH Contribution. The kind, quality, and value of the materials or equipment shall be stated in the homebuyer's MHO Agreement and in the construction contract. The materials or equipment shall be provided in time to be used in the construction of the homes without delaying the construction schedule.

(h) *Cash contribution.* The MHO Agreement may provide for a contribution of cash in a lump sum, or under a planned installment schedule, so long as the full amount of the cash contribution is to be received by the IHA not later than the date the home is available for occupancy.

(i) *Required contribution from substitute homebuyer family.* (1) Definition: "Substitute homebuyer family" means a family selected in place of a family whose MHO Agreement has been terminated.

(2) Substitution before execution of construction contract: If a substitute homebuyer family is selected before execution of the construction contract, the substitute family shall provide a full MH Contribution in accordance with paragraph 805.408(b), as in the case of the families originally selected.

(3) Substitution after execution of construction contract: (i) If a substitute family is selected after execution of the construction contract, the substitute family, if feasible, shall be required to make a full MH Contribution in accordance with § 805.408(b).

(ii) If it is not feasible to require a full MH Contribution in accordance with § 805.408(b), the family shall make a smaller MH Contribution (in an amount and form approved by HUD) that is as large as possible, and shall also make an additional contribution pursuant to paragraph (i)(3)(iii) of this section. If a substitute family is required to perform MH work in place of a terminated family which had not at the time of termination completed its MH work contribution, the substitute family shall receive MH credit only for the value of tasks performed by the substitute family itself; it shall not receive any credit for the value of tasks performed by a terminated family, except as provided in § 805.411(d).

(iii) A substitute family shall get credit for the tribal contribution, if any, on behalf of a terminated family. If the MH Contribution of a substitute family (including the amount of any tribal contribution) is less than $1,500, the family shall agree to make an additional contribution for a total contribution of at least $1,500, in the form of: (A) Cash in addition to the Required Monthly Payments, (B) Clerical or maintenance work for the IHA, or (C) Another form of contribution satisfactory to the IHA. Such contribution must be completed within the time specified in the MHO Agreement, which time shall be no later than five years after the Date of Occupancy for the substitute homebuyer or such later date as may be recommended by the IHA and approved by HUD. The amount of such additional contribution shall be credited to the homebuyer's Voluntary Equity Payments Account.

(iv) The form of MHO Agreement shall be modified as required to reflect the homebuyer's obligation to make an additional contribution in accordance with paragraph (i)(3)(iii) of this section.

§ 805.409 MH work contribution.

(a) *Family's work obligation.* Each family shall work under the direction of the construction contractor on tasks assigned to the family by the contractor. The work shall be performed in a diligent and workmanlike manner.

(b) *Listing of tasks.* (1) The specific tasks to be performed by homebuyer families, and the value of each task, shall be listed in an appendix to the construction contract. A family may be assigned any of the listed tasks, or may be reassigned from one task to another during the course of construction, so long as the aggregate value of the tasks assigned to the family does not exceed the value of the MH work family is obligated to contribute. The family shall work as long as necessary to complete the assigned tasks. The assigned tasks shall be essential tasks which the contractor would have to pay for in order to complete the construction contract if the work was not performed by the families. The assigned tasks may relate to work on site improvements or community facilities, and may include office or clerical work.

(2) In order to provide flexibility in the substitution of tasks during the course of construction, the appendix may list tasks that exceed in aggregate value the total value of tasks to be performed by MH work. In addition, the appendix may be amended at the request of the Contractor, and with written approval of IHA and HUD, to set forth additional tasks, and the value of each such task, that may be assigned to families performing MH work. However, the total value of the tasks actually assigned to the families shall not exceed the total value of tasks to be performed by MH work.

(c) *Valuation of tasks.* The tasks listed in the appendix shall be valued by the IHA and the contractor as follows:

(1) The tasks to be assigned shall be identified (for example, prefabrication of trusses, wall sections, etc., mixing mortar, cutting and/or nailing lumber, installing lath, exterior and/or interior painting, but in every instance related to a defined quantity or a part of the home, so that the task can be priced on a per unit basis).

(2) For each of these tasks, an estimate shall be made of the time (hours or days) which would be needed if the work were done by qualified workmen.

(3) The amount of time so estimated shall then be multiplied by the rate of pay for the type of qualified workmen who would otherwise do the work.

(d) *Persons who may perform the work.* The work obligation of a homebuyer family may be performed by members of the family, or by the family arranging for others (relatives or friends, for example) to work on the homebuyer family's behalf. However, any work on behalf of a family may be furnished only with the approval of the IHA and the contractor, and on such terms and conditions as are approved by them.

(e) *Record of MH work.* At the end of each working day, or other appropriate time agreed to by the contractor, the timekeeper shall show to each individual performing MH work, a worksheet stating the individual's name, the task on which the individual worked, hours of MH work performed by the individual, and the homebuyer family by whom or on whose behalf the work was performed. If such individual agrees that the worksheet is accurate, he shall initial the worksheet. If he does not agree that the worksheet is accurate, he should not initial the worksheet, but should report such disagreement promptly to the IHA. If an individual refuses to initial the worksheet, the timekeeper shall note the objections beside the name of such individual on the worksheet. Copies of all worksheets shall be furnished to the IHA daily or at other intervals agreed to by the contractor and the IHA.

(f) *Failure to perform MH work.* The IHA shall to the extent feasible monitor the performance of MH work so that problems in the performance of MH work can be anticipated and avoided, or effectively dealt with when they occur. If a family fails to perform its MH work obligation, the family's MHO Agreement shall be subject to termination by the IHA. If a family does not cooperate with the contractor, whether by failing to provide persons to work at the times required in accordance with the contractor's schedule, or by failing to work in a diligent and workmanlike manner as directed by the contractor's construction supervisor, the contractor may request the assistance of the IHA and, where appropriate, call upon the IHA to terminate the family's MHO Agreement and select another family to perform the MH work.

(g) *Family work credit.* The IHA shall give the family credit for the full amount of the MH work the family was obligated to contribute. (See § 805.418(b).)

§ 805.410 Relationship with contractor.

(a) *Applicability.* This section applies only to a project where homebuyers are to contribute work, materials or equipment as an MH Contribution.

(b) *HUD approval of advertisement for bids or for turnkey proposals.* In submitting the proposed advertisement for

bids or for Turnkey proposals to HUD for approval, the IHA shall include a listing of the homebuyers with whom MHO Agreements have been executed, showing the sources, form and amount of the MH Contributions. If homebuyers are to perform MH work, or to furnish materials or equipment, the advertisement, or the information available to prospective contractors, shall specify that the project is to be an MH project and shall include the information specified in the preceding sentence, as well as a statement of the contractor's rights and responsibilities with regard to participation by homebuyers in construction. If any portion of the MH Contribution is to be in the form of materials or equipment, the information available to prospective contractors shall include a statement as to amount, type and value of the materials or equipment and by whom and when they are to be contributed.

(c) *Workmen's compensation insurance.* The members of homebuyer families, or others who perform MH work, shall be covered by Workmen's Compensation Insurance. If such insurance is not available, they shall be covered by private insurance of substantially comparable coverage. HUD will assist the IHA and the contractor in obtaining such coverage.

(d) *Form of construction contract.* The form of MH Conventional Construction Contract (Appendix III), or the form of MH Turnkey Contract of Sale (Appendix IV), shall be used. In a project where there is no contribution of work, materials or equipment (i.e., a project where all MH Contributions are in the form of land or cash), regular construction procedures and requirements shall be applicable, and the forms of MH Construction Contracts set forth as Appendices III and IV of this Subpart shall not be used.

(e) *Responsibility of contractor.* Under the construction contract, the contractor shall be responsible for acceptable completion of all the homes for the families, including the tasks assigned to families for MH work credit. The construction contract shall not authorize acceptance from and settlement with the contractor before acceptable completion of the homes for the families, including acceptable completion of all tasks assigned to families for MH work credit.

(f) *Contract price.* (1) Total contract price: The total contract price set forth in the construction contract shall include (i) the value of materials and equipment to be provided as an MH Contribution, and (ii) the sum of the values of the MH work that the families selected before execution of the construction contract are obligated to contribute.

(2) Price payable to contractor. The price payable to the contractor shall be the total contract price, less (i) the value of materials and equipment to be provided as MH Contributions, and (ii) the sum of the values of the MH work that the families selected before execution of the construction contract are obligated to contribute.

(g) *Contractor's right to information on ability to perform MH work.* (1) The MH contractor is responsible for directing the performance of MH work, and for timely completion of all homes without increase in the price payable to the contractor. All tasks assigned to families for MH work credit must be completed before acceptance from and settlement with the contractor. Because of this responsibility of the contractor, he shall be given an opportunity, prior to execution of the construction contract, to review information relating to the ability of each homebuyer family to perform MH work with such training, if any, as the contractor proposes to provide.

(2) The advertisement for bids or for Turnkey proposals shall state that:

(i) Each selected homebuyer family is capable of performing required MH work.

(ii) Information concerning the ability of the selected homebuyer families to perform the required MH work is available for consideration by prospective contractors. Prospective contractors will have an opportunity to interview members of the selected homebuyer families prior to submission of a bid or proposal. Submission of a bid or proposal shall be taken to indicate that the contractor is satisfied as to the ability of the selected homebuyer families to perform MH work.

(iii) If a selected homebuyer family withdraws, or a Notification of Selection is revoked, or if an executed MHO Agreement is terminated prior to completion of construction, final selection of any substitute homebuyer family shall not be made until the contractor concurs in the selection. The contractor's right of concurrence shall relate solely to the ability of each tentatively selected homebuyer family to perform MH work. Concurrence may not be unreasonably withheld. In the event of dispute between the IHA and the contractor as to whether concurrence has been unreasonably withheld, the dispute shall be submitted to and finally determined by HUD.

§ 805.411 Disposition of contributions on termination before date of occupancy.

If an MHO Agreement is terminated before the Date of Occupancy:

(a) If the IHA makes a determination, subject to HUD approval, that release of the homebuyer from his obligations is warranted by reason of unforeseen circumstances beyond the homebuyer's control, or other unforeseen compelling circumstances:

(1) The homebuyer family may be reimbursed for any cash contributed by the homebuyer family.

(2) If the homebuyer family contributed land as a project site, the site may be returned to the family if construction has not started on the site. If construction has started on the site the homebuyer family may be reimbursed for the amount specified in the MHO Agreement for such land contribution.

(b) The homebuyer shall have no right to any reimbursement or return of property on account of any tribal contribution.

(c) The homebuyer shall have no right to return of any materials or equipment contributed by the homebuyer family, or to any reimbursement for such materials or equipment, or to any reimbursement for MH work contributed by the family.

(d) The amount of any credit for any contribution by the terminated family, other than a contribution for which reimbursement or return of property was made in accordance with paragraph (a) of this section shall be credited in equal shares to the Reserves for Homeownership of all the homebuyers in the project.

(e) The amount of any credit on account of any tribal contribution on behalf of the terminated family shall be credited in accordance with section 805.418 to the Reserve for Homeownership or Tribal MH Reserve, as appropriate, for the homebuyer substituted in place of the terminated homebuyer, and shall be used as provided in section 805.418 in connection with occupancy by the substitute homebuyer.

§ 805.412 Actions upon completion; commencement of occupancy.

(a) *Date of occupancy.* "Date of Occupancy" means the date the homebuyer is entitled to move into the home as specified in the Notice of Completion to the family.

(b) *Notice of completion.* Upon completion of the home the IHA shall issue a Notice of Completion informing the homebuyer that his home is completed and available for occupancy as of a Date of Occupancy specified in the Notice. However, the homebuyer shall not be entitled to commence occupancy, and the Notice of Completion shall not be issued, until the IHA determines that the family has fulfilled any obligation for performance of MH work, and the full contribution of land, cash, materials, or equipment, if any, has been received by the IHA, or the family was authorized to move in pursuant to an agreement in accordance with § 805.408(e).

(c) *Term of lease to homebuyer.* The homebuyer's lease term shall commence on the Date of Occupancy, provided, that, if the Notice of Completion is given less than 30 days prior to the Date of Occupancy, the lease term shall commence on the date of actual commencement of occupancy, or on the 30th day after the date the Notice of Completion is given, whichever date is the earlier. The term shall expire 25 years from the first day of the calendar month following the month in which the lease term commenced, unless the MHO Agreement is previously terminated or the homebuyer previously acquires title to the home.

(d) *MH credits.* (1) Credits to accounts: The amount of the Family MH Contribution, and the Tribal MH Contribution (if any), shall be credited to the accounts specified in § 805.418(b).

(2) Statement: Promptly after the Date of Occupancy, the IHA shall provide the homebuyer and the Tribal Government with a statement, approved by HUD, of the amount credited to the homebuyer family as its MH Contribution. The statement shall separately

specify: (i) Each credit for materials, equipment, land and cash contributed by the homebuyer and the amount of the homebuyer's credit for MH work; and (ii) each credit for materials, equipment, land, and cash contributed by the tribe. The statement shall also specify the amount credited to each of the accounts specified in § 805.418(b)).

§ 805.413 Required monthly payments.

(a) *Obligation to make required monthly payments.* The homebuyer shall pay to the IHA during the lease term a monthly payment referred to as a "Required Monthly Payment."

(b) *Amount of required monthly payment.* The amount of the Required Monthly Payment shall be the greater of: (1) The Administration Charge (see § 805.416(a)); or (2) 25 percent of the homebuyer's Adjusted Monthly Income minus the Utility Deduction. If the Required Monthly Payment exceeds the Administration Charge, the amount of the excess shall be credited to the homebuyer's Monthly Equity Payments Account. "Adjusted Monthly Income" means gross family income per month less adjustments, as determined by the IHA in accordance with standards approved by HUD. "Utility Deduction" means the monthly amount determined by the IHA and approved by HUD representing the utilities (except telephone) provided by the homebuyer.

(c) *Changes in the amount of the required monthly payment.* After the initial determination of a homebuyer's Required Monthly Payment, the IHA shall increase or decrease the amount of such payment to reflect changes in the homebuyer family's Adjusted Monthly Income (pursuant to a reexamination of family income by the IHA), changes in the Utility Deduction, or changes in the Administration Charge.

(d) *Examination and reexamination of family income.* For the purpose of determining the effect of a homebuyer family's Adjusted Monthly Income upon the homebuyer's Required Monthly Payment, the IHA shall examine the family's income prior to initial occupancy, and shall make periodic reexaminations thereafter. For each examination or reexamination, the homebuyer shall furnish to the IHA certification of his family income and family composition, including any information and evidence required by the IHA. Reexamination of family income shall be made at least once a year, except as follows:

(1) The date of the first reexamination may be extended to not more than 18 months after the initial examination, if necessary to fit a reexamination schedule established by the IHA.

(2) For families whose heads (or their spouses) or whose sole members are 62 years of age or over, the IHA may make reexaminations only once every two years.

(e) *Payment of required monthly payment.* The homebuyer's Required Monthly Payment shall be due and payable on or before the first day of each month. If the lease term shall start on a day other than the first day of a calendar month, or if the effective date of termination or acquisition of ownership occurs on other than the last day of a calendar month, the Required Monthly Payment for that month shall be prorated.

(f) *Application of monthly payments.* (1) *Sequence of application.* The homebuyer's Required Monthly Payment shall be applied by the IHA as follows: first, for the amount budgeted for the Administration Charge, and second, to the credit of the homebuyer's Monthly Equity Payments Account.

(2) *Amounts applied during initial operating period.* During the Initial Operating Period (as defined in the Annual Contributions Contract), the amount of the Administration Charge for purposes of this Sec. 805.413, shall be based on the IHA's first approved operating budget, which first budget shall be prepared on the basis of estimates for the first twelve months of operation after the end of the Initial Operating Period for the project.

§ 805.414 Inspections; responsibility for items covered by warranty.

(a) *Pre-move-in inspection.* On or before the date the homebuyer (whether Initial or Subsequent) moves in, the IHA shall inspect the home, after notifying the homebuyer of the time for inspection. The homebuyer and/or his representative shall join in such inspection. After the inspection, the IHA inspector shall give the homebuyer a written statement of the condition of the home and equipment. The statement shall be signed by the inspector. If the homebuyer concurs with the statement, he shall sign a copy of the statement. If the homebuyer does not concur with the statement, he shall state his objection to the statement, and the inspector shall note all such objections on the statement, and the differences shall be resolved by the IHA.

(b) *Inspection after acceptance.* The IHA shall inspect the home not less often than every three months during the first year after acceptance of the home from the contractor and, when such inspection is made after occupancy of the home, shall obtain a statement from the homebuyer as to any deficiencies in the structure, equipment, grounds, etc., for which the contractor and/or supplier or manufacturer of equipment may be held accountable. The homebuyer shall promptly inform the IHA during the applicable warranty period of all deficiencies covered by warranty (i.e., the contractor's warranty or the various warranties on equipment, etc.). The IHA shall be responsible for notifying the responsible party to cure a deficiency covered by warranty, and for taking all necessary steps to enforce such warranty. Any warranty item not reported during the applicable warranty period shall be the responsibility of the homebuyer.

(c) *Inspection upon termination of agreement.* If the MHO Agreement is terminated for any reason after commencement of occupancy, the IHA shall inspect the home, after notifying the homebuyer of the time for the inspection, and give the homebuyer a written statement of the cost of any maintenance required to put the home in satisfactory condition for the next occupant (see § 805.418(f)). The homebuyer or his representative, or both, shall be permitted to join in any inspections pursuant to this section.

(d) *Permission for inspections.* The homebuyer shall permit the IHA to inspect his home at reasonable hours and intervals during the lease term in accordance with rules established by the IHA.

§ 805.415 Maintenance, utilities, care and use of home.

(a) *Maintenance.* (1) *Homebuyer maintenance credit.* The IHA shall establish initially and reexamine annually, subject to HUD approval, the value of the maintenance work for which the homebuyer is responsible, taking into consideration the relative type and size of the home. The amount so determined is referred to as the "Maintenance Credit."

(2) *Homebuyer's responsibility for maintenance.* The homebuyer shall be responsible for maintenance of the home. The term "maintenance" includes all repairs and replacements, and includes repair of any damage caused by the homebuyer, members of his family or visitors. The IHA shall not be obligated to pay for or to provide any maintenance of the home other than the correction of warranty items reported during the applicable warranty period.

(3) *Homebuyer's failure to perform maintenance.* (i) Failure of the homebuyer to perform his maintenance obligations constitutes a breach of the MHO Agreement. Upon a determination by the IHA that a breach has occurred, it shall require the homebuyer to agree to a specific plan of action to cure the breach and to assure future compliance. If the condition of the property creates a hazard to the life, health or safety of the occupants, the IHA shall have the work done, and charge the cost thereof to the homebuyer's MEPA in accordance with § 805.418(d). Where the conditions do not create such a hazard, the plan may provide for maintenance to be done within a reasonable time by the family, or to be done by the IHA and charged to the homebuyer's MEPA. Any maintenance work performed by the IHA shall be accounted for through a Work Order, stating the nature of and charge for the work. The homebuyer shall receive a copy of all Work Orders for his home. If the homebuyer fails to agree to a reasonable plan or fails to carry out the agreed to plan, the MHO Agreement shall be terminated in accordance with § 805.421(b).

(ii) Failure of the homebuyer to perform his maintenance obligations may also result in a reduced refund to the homebuyer upon termination, because charges against his MEPA for not furnishing maintenance work will reduce the credit balance refundable to the homebuyer (see § 805.418(b) and (f)).

(b) *Homebuyer's responsibility for utilities.* Homebuyer shall furnish his own utilities. The IHA shall have no obligation to do so. However, if the IHA determines that the homebuyer family is unable to do so, and that the inability creates conditions which are hazardous to life, health or safety of the occupants, the IHA may provide the utilities and charge the homebuyer's MEPA for doing so (subject, however, to the limitation provided at § 805.418(d)(4)).

(c) *Obligations with respect to home and other persons and property.* The homebuyer shall agree:

(1) To use the home only as a place to live for (i) himself and the members of his family listed in a schedule appended to the homebuyer's MHO Agreement, (ii) children born to or adopted by members of such family after the date of the MHO Agreement, and foster children, (iii) persons providing live-in care of a member of the homebuyer family, and (iv) aged or widowed parents of the homebuyer or spouse; other family members may live in the home only with the prior written approval of the IHA;

(2) Not to sublet his home, or provide accommodations to boarders or lodgers, without the prior written approval of the IHA;

(3) To abide by necessary and reasonable regulations promulgated by the IHA for the benefit and well-being of the project and the homebuyers, which shall be posted in the IHA office;

(4) To comply with all obligations imposed upon homebuyers by applicable provisions of building and housing codes materially affecting health and safety;

(5) To keep the home and such other areas as may be assigned to him for his exclusive use in a clean and safe condition;

(6) To dispose of all ashes, garbage, rubbish, and other waste from the home in a sanitary and safe manner;

(7) To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances;

(8) To refrain from, and to cause his household and guests to refrain from, destroying, defacing, damaging, or removing any part of the home or project;

(9) To pay any reasonable charges (other than for wear and tear) for the repair of damages to the home or project buildings, facilities or common areas caused by the homebuyer, his household or guests;

(10) To conduct himself and cause other persons who are on the premises with his consent to conduct themselves in a manner which will not disturb his neighbors' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a decent, safe and sanitary condition; and

(11) To refrain from illegal or other activity which impairs the physical or social environment of the project.

(d) *Structural changes.* A homebuyer shall not make any structural changes in or additions to his home unless the IHA has first determined in writing that such change would not (1) impair the value of the home, the surrounding homes, or the project as a whole; or (2) affect the use of the home for residential purposes; or (3) violate HUD requirements as to construction and design. Any changes made in accordance with this section shall be at the homebuyer's expense (and not from any account created under the MHO Agreement), and in the event of termination of the MHO Agreement the homebuyer shall not be entitled to any compensation for such changes or additions.

§ 805.416 Administration charge and operating expense.

(a) *Administration charge.* The term "Administration Charge" means the amount budgeted per unit month for operating expense.

(b) *Components of operating expense.* The term "operating expense" means the amount budgeted for the following operating expense categories, and any other operating expense categories included in the IHA's HUD-approved operating budget for a fiscal year:

(1) *Administration.* Administrative salaries, travel, legal expenses, office supplies, postage, telephone and telegraph, accounting and auditing services, etc.

(2) *General expense.* The cost of premiums for fire and other insurance, payments in lieu of taxes, if any, payroll taxes, etc.

(3) *Contribution to operating reserve.* An estimate of the amount required to accumulate an Operating Reserve for the project as provided in § 805.417.

(c) *Utilities for homes not included in operating expense.* The cost of providing utilities for the home shall not be included in operating expense, since the IHA may not pay such cost out of project operating receipts (see § 805.415(b)).

§ 805.417 Operating reserve.

(a) *Purpose of reserve.* The IHA shall maintain a separate Operating Reserve for the project. The Operating Reserve may be used for application to the amount by which operating expenses exceed operating receipts of the project for a fiscal year, as provided in paragraph (c)(2) of this section.

(b) *Contribution to operating reserve.* The contribution for the project Operating Reserve to be included in the operating expense established for each fiscal year as provided in § 805.416 shall be determined by the IHA with the approval of HUD on the basis of the estimated amount necessary for the purpose specified in paragraph (a) of this section. The minimum amount during the first fiscal year following the end of the Initial Operating Period shall be $2.00 per unit month. This minimum amount may be subsequently increased or decreased upon a review of its adequacy.

(c) *Charges and credits to operating reserve at end of fiscal year.* At the end of each fiscal year, the project Operating Reserve shall be:

(1) Credited with the amount by which operating receipts exceed operating expenses of the project for the fiscal year; or

(2) Charged with the amount by which operating expenses exceed operating receipts of the project for the fiscal year, to the extent of the balance in the Operating Reserve.

(d) *Maximum Operating Reserve.* (1) *Amount.* The Maximum Operating Reserve that shall be retained by the IHA at the end of any fiscal year shall be one half of the total routine expenditures included in the IHA's HUD-approved operating budget for the next fiscal year, or such higher amount as may be approved by HUD on a showing by the IHA that the higher amount is necessary in order to support future known expenditures of a large and unusual nature.

(2) *Disposition of excess.* If, at the end of a fiscal year, after making any charge or credit as provided in paragraphs (c)(1) or (c)(2) of this section, there is an excess over the Maximum Operating Reserve, this excess shall be applied to payment of project debt, and the amount so applied shall be credited in equal shares to the Reserves for Homeownership of all the homebuyers in the project.

§ 805.418 Homebuyer's reserve and equity accounts.

(a) *Credits for family and tribal MH contributions.* (1) *Family MH contribution.* "Family MH Contribution" means the sum of the credits for land, cash, materials, equipment or work contributed by the homebuyer family in accordance with the MHO Agreement, as determined by the IHA and approved by HUD.

(2) *Tribal MH contribution.* "Tribal MH Contribution" means the sum of the credits for land, cash, materials or equipment contributed by the tribe in accordance with the MHO Agreement, as determined by the IHA and approved by HUD.

(b) *Application of MH contribution.* (1) *Establishing MH contribution reserves.* As of the Date of Occupancy, the amount of the Family MH Contribution and the Tribal MH Contribution shall be credited to the following reserve accounts: Reserve for Homeownership, Tribal MH Reserve, and Family MH Reserve. The IHA shall maintain separate accounts for each homebuyer.

(2) *Obtaining funds from reserves.* These reserve accounts shall be unfunded. When it becomes necessary for the IHA to obtain funds from the Family or Tribal MH Reserves, in accordance with the provisions of this section, this shall be done through additional borrowings from HUD. Such borrowings shall normally be made at the end of the IHA's fiscal year; however, interim borrowing may be made if necessary.

(3) *Reserve for homeownership.* This reserve shall be credited with $500 of the Family MH Contribution. If the Family MH Contribution is less than $500, this reserve shall be credited with that portion of the Tribal MH Contribution needed to provide $500 in this reserve. The Reserve for Homeownership shall also be credited in accordance with § 805.411(d) with the homebuyer's share of any credit for a contribution by another homebuyer family whose MHO

Agreement has been terminated before the Date of Occupancy, other than a contribution for which reimbursement or return of property was made: provided, however, that any amount so credited shall be in addition to the $500 to be credited from the Family and Tribal MH Contributions. This reserve shall be used only when the homebuyer purchases the home, as a credit applied, in accordance with § 805.419(d)(3)(i), to payment of the purchase price.

(4) *Tribal MH reserve.* This reserve shall be credited with the amount of the Tribal MH Contribution, or the balance after crediting the Reserve for Homeownership in accordance with paragraph (b)(3) of this section. The credit balance in this reserve shall be used only for the purposes and to the extent described in paragraphs (d), (e), and (f) of this section.

(5) *Family MH reserve.* This reserve shall be credited with the balance, if any, of the Family MH Contribution after crediting the Reserve for Homeownership in accordance with paragraph (b)(3) of this section. The credit balance in this reserve shall be used only for the purposes and to the extent described in paragraphs (d), (e), and (f) of this section.

(c) *Equity payment accounts.* (1) *Monthly equity payments account (MEPA).* The IHA shall maintain a separate MEPA for each homebuyer. The IHA shall, as provided in § 805.413(f), credit this account with the amount by which each Required Monthly Payment exceeds the Administration Charge. The credit balance in this account shall be used only for the purposes and to the extent described in paragraphs (d), (e), and (f) of this section.

(2) *Voluntary equity payments account.* To enable the homebuyer to acquire ownership of the home within a shorter period of time, he may make periodic or occasional voluntary equity payments over and above his Required Monthly Payments. Such voluntary equity payments shall be credited to the Voluntary Equity Payments Account maintained by the IHA for each homebuyer. The credit balance in this account shall only be used for the purposes and to the extent described in paragraphs (d), (e), and (f) of this section.

(3) *Investment of excess.* When the aggregate amount of funds held by the IHA in the MEPAs and Voluntary Equity Payments Accounts of all the homebuyers in the project exceeds the estimated project reserve requirements for 90 days, the IHA shall invest the excess in federally insured savings accounts, federally insured credit unions and/or securities approved by HUD. Income earned on the investments of such funds shall be prorated and credited to each homebuyer's MEPA and Voluntary Equity Payments Account, in proportion to the amount in each such account.

(d) *Charges for maintenance.* (1) If the homebuyer fails to provide any items of maintenance for which he is responsible, the IHA may have the work done, and the cost thereof shall be charged to the homebuyer's MEPA (see § 805.415(a)).

(2) At the end of each fiscal year, the debit balance, if any, in the MEPA shall be charged first to the homebuyer's Voluntary Equity Payments Account, second to the Family MH Reserve and third to the Tribal MH Reserve to the extent of the credit balances in such accounts.

(3) In lieu of charging the debit balance in the MEPA to the homebuyer's Family and/or Tribal MH Reserves (but not in lieu of charging his Voluntary Equity Payments Account), the IHA may allow the debit balance to remain in the MEPA pending replenishment from subsequent credits to the homebuyer's MEPA.

(4) The IHA shall at no time permit the accumulation of a debit balance in the MEPA in excess of the sum of the credit balances in the homebuyer's Family and Tribal MH Reserves.

(e) *Disposition of funds upon acquisition of ownership.* (1) When the homebuyer is ready to acquire ownership of the home, and all amounts due the IHA from the homebuyer have been paid, the credit balances in the homebuyer's MEPA, Voluntary Equity Payments Account, Family MH Reserve, Tribal MH Reserve and Reserve for Homeownership shall be disposed of in accordance with § 805.419(d)(3).

(2) After conveyance of the home, the IHA shall remit to HUD an amount equal to the sum of:

(i) The amount applied to payment of the purchase price from the Voluntary Equity Payments Account and the MEPA in accordance with § 805.419(d)(3)(ii); and

(ii) Any additional cash paid in by the homebuyer for application to the purchase price.

(f) *Disposition of funds upon termination of the agreement.* If the MHO Agreement is terminated by the homebuyers or the IHA, the balances in the homebuyer's accounts shall be disposed of as follows:

(1) The MEPA shall be charged with (i) Any maintenance costs incurred by the IHA to put the home in satisfactory condition for the next occupant;

(ii) Any amounts the homebuyer owes the IHA including Required Monthly Payments; and

(iii) The Required Monthly Payment for the period the home is vacant not to exceed 30 days from the date of notice of termination or, if the homebuyer vacates the home without notice to the IHA, 30 days from the date the home is put in satisfactory condition for the next occupant.

(2) If, after making such charges, there is a debit balance in the MEPA, the IHA shall charge the debit balance first to the Voluntary Equity Payments Account, second to the Family MH Reserve, and third to the Tribal MH Reserve, to the extent of the credit balances in such accounts. If the debit balance in the MEPA exceeds the sum of the credit balances in the Voluntary Equity Payments Account, and the Family and Tribal MH Reserves, then the homebuyer shall be required to pay to the IHA the amount of such excess.

(3) If after making such charges, there is a credit balance in the MEPA, the portion of such credit balance, if any, which is in excess of the total Maintenance Credit for the period of the homebuyer's occupancy, shall be paid to HUD, and the remainder of the credit balance shall be paid to the homebuyer.

(4) Any credit balance remaining in the Voluntary Equity Payments Account after making the charges described in paragraph (f)(2) of this section shall be refunded to the homebuyer.

(5) Any credit balance remaining in the Family MH Reserve after making the charges described in paragraph (f)(2) of this section shall be refunded to the homebuyer.

(6) Any credit balance remaining in the Tribal MH Reserve after making the charges described in paragraph (f)(2) of this section is not refundable to the homebuyer and shall be retained by the IHA on behalf of a Subsequent Homebuyer.

(7) The Reserve for Homeownership is not refundable, and shall be retained by the IHA for application to the purchase price of the home when a Subsequent Homebuyer acquires ownership.

(g) *Nonassignability, and use of reserves and equity accounts.* (1) *Nonassignability.* The homebuyer shall not assign, mortgage or pledge any right to any reserve or equity account.

(2) *Use of reserves and equity accounts.* The homebuyer shall have no right to receive or use the funds in any reserve or equity account created pursuant to the MHO Agreement except for the limited purposes and to the extent set forth in this section.

§ 805.419 Purchase of home.

(a) *Acquisition of ownership.* The homebuyer may purchase his home on or after the Date of Occupancy, but only if the homebuyer has met all of his obligations under the MHO Agreement.

(b) *Initial purchase price and purchase price schedule for initial homebuyer.* (1) *Initial homebuyer.* "Initial Homebuyer" means the homebuyer who first occupies the home pursuant to an MHO Agreement. This paragraph (b) applies to purchase of the home by the Initial Homebuyer.

(2) *Determination of initial purchase price.* The IHA shall determine the Initial Purchase Price of each home by the Initial Homebuyer as follows:

Step 1:

Take the estimated total development cost (including the MH Contributions and the full amount for contingencies as authorized by HUD) of the project as shown in the development cost budget in effect at the time of execution of the construction contract, and deduct the amounts, if any, attributable to (i) relocation costs, (ii) counseling and training costs, and (iii) the cost of any community, administration or management facilities, including the land, equipment and furnishings attributable to such facilities as set forth in the Development Program for the project. The resulting amount is herein called Estimated Total Development Cost for Homebuyers.

Step 2:

Deduct the total cost of land for all the homes in the project (not including land attributable to community, administration or management facilities) from the Estimated Total Development Cost for Homebuyers.

Step 3:

Multiply the amount determined in Step 2 by a fraction of which the numerator is the prototype cost for the size and type of home being constructed for the homebuyer, and the denominator is the Project Prototype Cost. "Project Prototype Cost" means the sum of the unit prototype costs for the homes of various sizes and types comprising the project.

Step 4:

Determine land cost attributable to the home on a square foot basis, or other equitable method approved by HUD; but if the IHA has agreed to give credit for the homesite as an MH Contribution, the portion of land cost attributable to the home shall be the amount of the credit specified in the MHO Agreement.

Step 5:

Add the land cost attributable to the home to the amount determined in Step 3. The sum determined under this step shall be the Initial Purchase Price of the home.

(3) *Purchase price schedule.* The Purchase Price Schedule furnished to the homebuyer shall show (i) the monthly reduction of the Initial Purchase Price over a 25-year period commencing with the first day of the month following the Date of Occupancy, and (ii) the monthly debt service amount upon which the schedule is based. This schedule shall be computed on the basis of a rate of interest equal to the Minimum Loan Interest rate as specified in the Annual Contributions Contract on the date of HUD approval of the development cost budget in effect at the time of execution of the construction contract, rounded up to the next multiple of one-fourth of one percent (¼ percent).

(4) *Furnishing of price and schedule to initial homebuyer.* As promptly as possible after execution of the construction contract, the IHA shall furnish to the homebuyer a statement of the Initial Purchase Price of the home, determined in accordance with paragraph (b)(2) and a Purchase Price Schedule determined as provided in paragraph (b)(3) of this section.

(c) *Initial purchase price and purchase schedule for subsequent homebuyer.* (1) *Subsequent homebuyer.* "Subsequent Homebuyer" means a homebuyer who is not an Initial Homebuyer, and who is not a successor to the rights and responsibilities of an Initial Homebuyer pursuant to § 805.422.

(2) *Determination of initial purchase price.* The Initial Purchase Price for a Subsequent Homebuyer shall be an amount equal to (i) the purchase price shown in the Initial Homebuyer's Purchase Price Schedule as of the date the lease term of the Subsequent Homebuyer commences, plus (ii) the additional amount, if any, by which the appraised fair market value of the home determined or approved by HUD as of the same date, exceeds such purchase price.

(3) *Purchase price schedule.* The Subsequent Homebuyer's Purchase Price Schedule shall be the same as the unexpired portion of the Initial Homebuyer's Purchase Price Schedule except that if his purchase price includes an additional amount as specified in paragraph (c)(2)(ii) of this section, the subsequent Homebuyer's Purchase Price Schedule shall be comprised of both (i) the Initial Homebuyer's Purchase Price Schedule, and (ii) an additional schedule for such additional amount based upon the same monthly debt service and the same interest rate as applied to the Initial Homebuyer's Purchase Price Schedule, such additional schedule to follow the Initial Homebuyer's Purchase Price Schedule.

(4) *Furnishing of price and schedule to subsequent homebuyer.* As soon as the appraised value has been determined, the IHA shall furnish the Subsequent Homebuyer a statement of his Initial Purchase Price and a Purchase Price Schedule.

(d) *Conveyance of home.* (1) *Amounts to be paid.* The homebuyer may acquire ownership of the home at any time after the Date of Occupancy by paying the purchase price. Except as provided in § 805.420(a)(3), the purchase price shall be the amount shown on the Purchase Price Schedule for the month in which the settlement date falls.

(2) *Settlement costs.* "Settlement Costs" means the costs, if any, which may be incidental to acquiring ownership, including, e.g., the cost and fees for credit report, field survey, title examination, title insurance, inspections, attorneys other than the IHA's attorney, closing, recording, transfer taxes, financing fees and mortgage loan discounts. Settlement Costs shall be paid by the homebuyer, who may use any amounts available for this purpose in accordance with paragraph (d)(3) of this section.

(3) *Use of homebuyer accounts.* When the homebuyer purchases the home:

(i) The credit balance in the Reserve for Homeownership shall be applied to payment of the purchase price, and then

(ii) The net credit balance in the Voluntary Equity Payments Account, MEPA, Tribal MH Reserve, and Family MH Reserve shall be applied in the following order:

(A) To the initial payment for fire and extended coverage insurance on the home after conveyance if the IHA finances purchase of the home under § 805.420, and the homebuyer directs application to such initial payment;

(B) To payment of the purchase price; and

(C) For refund to the homebuyer, or for application to Settlement Costs if the homebuyer so directs.

(4) *Payment of purchase price.* The homebuyer may purchase in a month when the homebuyer account balances available for payment of the purchase price in accordance with paragraph (d)(3) of this section are less than the amount necessary for payment of the purchase price, by paying the balance to the IHA, or by financing purchase of the home under § 805.420.

(5) *Transfer of ownership.* The settlement date shall be mutually agreed upon by the parties. On the settlement date, the homebuyer shall receive the instrument necessary to convey to the homebuyer the IHA's right, title and interest in the home, subject to any applicable restrictions or covenants as expressed in such instrument. The required documents shall be agreed to by the attorneys representing the IHA and HUD.

§ 805.420 Obligation to purchase; IHA homeownership financing.

(a) Obligation to purchase. (1) The homebuyer shall be obligated to purchase the home when the IHA determines that:

(i) The homebuyer is eligible for IHA homeownership financing in accordance with (b)(1) of this section, and

(ii) The net credit balance in the Voluntary Equity Payments Account, MEPA, Tribal MH Reserve, and Family MH Reserve is at least equal to the sum of (A) the IHA's estimate, approved by HUD of a reasonable amount necessary for Settlement Costs, and (B) the IHA's estimate of the amount sufficient to cover the initial payment for fire and extended coverage insurance carried on the home after conveyance.

(2) The IHA shall at the time of each examination or reexamination of family income in accordance with § 805.413(d) determine whether the homebuyer is eligible for IHA homeownership financing, and whether the homebuyer is required to purchase the home. The IHA shall give the homebuyer written notice of these determinations, and shall state that it will make available to the homebuyer IHA homeownership financing in accordance with paragraph (b) of this section.

(3) After the IHA has given notice in accordance with paragraph (a)(2) of this section that the homebuyer is required to purchase his home, and until the homebuyer purchases his home, he shall have all the rights of a homebuyer, including the right to continue accumulating equity, and shall be subject to all the obligations under the MHO Agreement, including the obligation to make monthly payments based on income. However, during this period there shall be no reduction in the purchase price pursuant to the Purchase Price Schedule, and the purchase price at the time the homebuyer purchases his home shall be the amount shown on the Purchase Price Schedule for the month the IHA gave the notice in accordance with paragraph (a)(2) of this section.

(b) *IHA homeownership financing.* (1) *Eligibility.* The homebuyer shall be eligible for IHA homeownership financing under this section only when the IHA determines that his income has reached the level, and is likely to continue at such level, at which 25 percent of Adjusted Monthly Income (see definition at § 805.413(b)(2)) is at least equal to the sum of the debt service amount shown on the homebuyer's Purchase Price Schedule

and the IHA's estimates, approved by HUD, of the following monthly amounts:

(i) The IHA mortgage servicing charge,

(ii) Payment for fire and extended coverage insurance,

(iii) Payment for taxes and special assessments, if any,

(iv) Amount necessary for maintenance of the home, and

(v) Amount necessary for utilities (except telephone) for the home.

(2) *Promissory note, mortgage, and mortgage amortization schedule.* When IHA financing of purchase of a home is utilized, the homebuyer will execute and deliver a Promissory Note and Mortgage to the IHA in the principal amount determined in accordance with paragraph (b)(3) of this section, and the IHA will give him a Mortgage Amortization Schedule based on this amount.

(3) *Amount of promissory note.* The principal amount of the Promissory Note shall be equal to the purchase price of the home, as determined in accordance with section 805.419, minus the sum of:

(i) The net total of the balances credited against the purchase price of the home from the Reserve for Homeownership, Tribal MH Reserve, Family MH Reserve, MEPA, and Voluntary Equity Payments Account, and

(ii) Any additional cash paid in by the homebuyer for application to the purchase price.

(4) *Mortgage.* "Mortgage" means a first lien on the right, title and interest conveyed to the homebuyer by the IHA. The Mortgage shall be in form approved by HUD, shall be recorded by the IHA, and shall secure performance of all the terms and conditions of the Promissory Note.

(5) *Mortgage amortization schedule.* A Mortgage Amortization Schedule shall be attached to and made a part of the Promissory Note. The Mortgage Amortization Schedule shall provide for monthly reductions in, and complete amortization of, the principal amount of the Promissory Note, and shall show the level monthly debt service amount needed to complete such amortization. The amortization period shall commence on the first day of the month following the date of conveyance, and shall end on the first day after the end of the period covered by the homebuyer's Purchase Price Schedule. The rate of interest shall be the interest rate used for computation of the homebuyer's Purchase Price Schedule.

(6) *Insurance.* (i) Fire and extended coverage insurance for not less than 80 percent of insurable value shall be obtained prior to conveyance. The insurance shall list HUD, the IHA and the homeowner as named insureds. All insurance shall be carried in companies and under policies approved or selected by the IHA in accordance with HUD regulations and requirements. The policies and renewals shall be held by the IHA, and shall have attached thereto loss payable clauses in favor of and in form acceptable to the IHA.

(ii) The homebuyer shall procure the coverage unless the IHA agrees, upon request of the homebuyer, to procure the coverage. If the IHA is to procure the coverage, the homebuyer shall pay to the IHA, prior to settlement for the home, an amount (as estimated by the IHA) sufficient to provide the IHA with funds for the initial payment for fire and extended coverage insurance to be carried on the home after conveyance. If the homebuyer is to procure the insurance, an insurance policy satisfactory to the IHA shall be delivered to the IHA at closing. To the extent provided in § 805.419(d)(3)(ii)(A), the net credit balances in the Family MH Reserve, Tribal MH Reserve, MEPA, and Voluntary Equity Payments Account may be applied to the initial payment for fire and extended coverage insurance. After the initial payment, the homeowner will also in all cases pay to the IHA on the first day of each month an amount (as estimated by the IHA from time to time) sufficient to provide the IHA with funds for payment of the premiums that will next become due on the policies of fire and extended coverage insurance on the property.

(7) *The promissory note.* The Promissory Note executed by the homebuyer shall contain the following provisions:

PROMISSORY NOTE

The ---------- ("IHA") has conveyed to ---------- ("homeowner") on ---------- the property described as follows, including the building and improvements located on the property:

The property was developed by the IHA with assistance from the U.S. Department of Housing and Urban Development ("HUD") under the U.S. Housing Act of 1937.

ARTICLE I—OBLIGATION

1.1 Homeowner promises to pay to the IHA the principal amount of $---------,[1] as part of the purchase price of the property.

1.2 Provided that the homeowner makes his monthly payments in accordance with Article II, the amount stated in section 1.1 shall be reduced each month in accordance with the Mortgage Amortization Schedule attached hereto and made a part hereof.

1.3 The homeowner may at any time prepay the debt outstanding.

1.4 In the event of the breach by homeowner of any of the provisions of this note, the balance of the mortgage debt outstanding shall, at the option of the IHA and upon notice by the IHA to the homeowner, become due and payable in full.

1.5 If, after the breach by homeowner of any of the provisions of this note, the IHA does not give notice under Section 1.4 or does not foreclose upon the security after giving notice, this shall not affect the right of the IHA to give later notice for that breach or any other breach of the provisions of this note, or to foreclose upon the security.

ARTICLE II—MONTHLY PAYMENTS

2.1 Homeowner shall pay to the IHA on the first day of each month a monthly payment equal to the sum of the following:

(a) An amount (as estimated by the IHA from time to time) sufficient to provide the IHA with funds for payment of the premiums that will next become due on the policies of fire and extended coverage insurance on the property.

(b) If the property is on land subject to taxes or special assessments, an amount (as estimated by the IHA from time to time) sufficient to provide the IHA with funds for payment of taxes or special assessments that will next become due on the property.

(c) A monthly mortgage servicing charge in an amount approved by HUD.

(d) A Monthly Mortgage Payment in the amount of the monthly debt service shown on the Mortgage Amortization Schedule, except as provided in Section 2.3(a).

2.2 Each payment under Section 2.1 shall be applied first, to the monthly payments for insurance in accordance with section 2.1(a); second to taxes and special assessments, if any, in accordance with Section 2.1(b); third, to the mortgage servicing charge in accordance with Section 2.1(c); and fourth, to payment of the mortgage debt.

2.3 (a) If the homeowner's Adjusted Monthly Income, as defined in Section 2.4, is reduced to such an extent that 25 percent thereof is insufficient to cover the amount of the monthly debt service shown on the Mortgage Amortization Schedule, plus the housing costs listed below, the homeowner's required Monthly Mortgage Payment shall be only the amount by which 25 percent of his Adjusted Monthly Income exceeds the sum of these housing costs:

(1) the monthly payment for insurance in accordance with Section 2.1(a);

(2) the monthly payment for taxes and special assessments, if any, in accordance with Section 2.1(b);

(3) the monthly payment for the mortgage servicing charge in accordance with Section 2.1(c); and

(4) the monthly amount as determined by the IHA and approved by HUD as an allowance for the cost of utilities (except telephone);

(5) the monthly amount as determined by the IHA and approved by HUD as an allowance for the cost for maintenance of the home.

(b) Neither this Section 2.3, nor any other provision of this note, shall be construed to relieve the homeowner of his obligation, regardless of the amount of his income, to make the payments specified at Sections 2.1(a), 2.1(b) or 2.1(c).

2.4 "Adjusted Monthly Income" means gross family income per month less adjustments, as determined by the IHA in accordance with standards approved by HUD.

2.5 For the purpose of determining the effect of changes in the homeowner family's Adjusted Monthly Income on the Monthly Mortgage Payment, the homeowner shall furnish certification of his family income and family composition, including any information and evidence required by the IHA, for periodic reexaminations by the IHA at intervals prescribed by the IHA. Needed adjustments in the Monthly Mortgage Payment shall be made after each reexamination.

ARTICLE III—INSURANCE

3.1 The property shall be covered by fire and extended coverage insurance for not less than 80 percent of insurable value. The insurance shall list HUD, the IHA and the homeowner as named insureds. All insurance shall be carried in companies and under policies approved or selected by the IHA in accordance with HUD regulations and requirements, and the policies and renewals shall be held by the IHA and have attached thereto loss payable clauses in favor of and in form acceptable to the IHA.

3.2 In the event of loss, homeowner shall immediately notify the IHA, which may

[1] Insert the amount determined in accordance with § 805.420(b)(3).

make proof of loss. The IHA may compromise with the insurer, and make a final settlement which shall be binding on the homeowner. Upon receipt of the insurance proceeds, the IHA shall consult with the homeowner as to whether the property shall be repaired or rebuilt. If the IHA determines that the property should not be repaired or rebuilt, or that it should be repaired or rebuilt, but the homeowner disagrees with the IHA determination, the matter shall be submitted to HUD for final determination. If the final determination is that the property should not be repaired or rebuilt, the IHA shall apply the insurance proceeds to the reduction of the mortgage dept, and any remaining amount shall be paid by the IHA to the homeowner. If the final determination is that the property should be repaired or rebuilt, the IHA shall, upon completion of such repair or rebuilding, apply any balance of the proceeds not needed for repair or rebuilding to the reduction of the mortgage debt, and any balance then remaining shall be paid to the homeowner.

ARTICLE IV–SECURITY

4.1 "Mortgage" means a first lien on the right, title and interest in the property conveyed to the homeowner by the IHA.

4.2 This note is secured under a mortgage in form approved by HUD, delivered to the IHA together with this note, and securing all of the homeowner's obligations under the note.

ARTICLE V–CARE AND USE OF HOME

5.1 The homeowner agrees to keep the property in a decent, safe and sanitary condition.

5.2 (a) The homeowner agrees to use the property only as a place to live for himself and the members of his family listed in Schedule "A", attached hereto and made a part hereof, for children born to or adopted by members of the family after the date of this note, and foster children, and for aged or widowed parents of the homeowner or spouse. Other family members may live on the property only with the prior written approval of the IHA.

(b) The homeowner shall not sublet the property, or provide accommodations to boarders or lodgers, without the prior written approval of the IHA.

ARTICLE VI—PROHIBITION ON SALE OR LEASE

6.1 Except in the case of a reconveyance to the IHA in accordance with Section 6.3, the homeowner shall not, prior to the payment in full of all amounts payable to the IHA under this note, sell, lease, or otherwise transfer the property, or any interest in the property, without the prior written consent of the IHA, and any purported transfer without such prior written consent shall be void.

6.2 The IHA shall consent to the sale, lease or other transfer of the property to a low income family if:

(a) The IHA determines that the proposed transferee meets the IHA's HUD-prescribed criteria of eligibility for low income housing homeownership financing;

(b) The proposed transferee executes a note in the form of this Promissory Note, and a Mortgage, in the form required by the IHA, for the outstanding balance of the mortgage debt;

(c) Any proceeds on such transfer are applied first to the payment of amounts payable to the IHA under this note other than Monthly Mortgage Payments, and the balance to payment of the mortgage debt; and

(d) After such application there are no amounts then owing to the IHA for payments under Article II of this note. To qualify as a low income family, the transferee shall have an income within maximum limits approved by HUD for families admitted to Mutual Help housing of the IHA. The IHA's consent to a transfer may be conditioned upon the homeowner's agreement to any reasonable procedure required by the IHA for the purpose of assuring the application of any proceeds as provided in Section 6.2(c).

6.3 Notwithstanding the provisions of Sections 6.1 and 6.2 of this note, the homeowner may, with the prior consent of the IHA, reconvey the home to the IHA for occupancy by a transferee low income family designated by the homeowner or the IHA. The IHA shall consent to such reconveyance and occupancy if:

(a) The income of the transferee family is within the income limits for admission to Mutual Help housing, and the family is able and willing to meet all the obligations of a Mutual Help and Occupancy Agreement ("MHO Agreement"); and

(b) A responsible member or members of the transferee family executes an MHO Agreement prior to the reconveyance, and undertakes in the MHO Agreement to furnish a contribution to the project in a form acceptable to the IHA, and valued at not less than $1,500.

The homeowner shall execute any documents required by the IHA and HUD to reconvey the property to the IHA. The Settlement Costs for the reconveyance shall be paid by the homeowner or the transferee family, but shall not be paid by the IHA. The Initial Purchase Price for the transferee family shall be equal to the balance of the mortgage debt at the time of reconveyance. The Purchase Price Schedule for the transferee family shall commence on the first day of the month following the reconveyance, and shall end on the same day as the transferor homeowner's Mortgage Amortization Schedule.

6.4 Notwithstanding anything otherwise provided in this Article, upon payment in full of the mortgage debt outstanding and any other amounts payable to the IHA under this note, the homeowner may transfer the property to any transferee, including a transferee other than a low income family.

ARTICLE VII—TERMINATION OF OBLIGATION

7.1 When the mortgage debt has been fully amortized, the IHA shall upon written demand surrender this note, and shall execute and deliver a full satisfaction.

ARTICLE VIII—SUCCESSORS BOUND

8.1 All of the obligations of this note shall be binding on the heirs, executors, administrators, successors and assigns of the homeowner.

IHA

By _____
(Official Title)

_____
(Homeowner)

_____
(Homeowner's Spouse)

_____
(Date)

(8) *Disposition of servicing fees and mortgage payments.* The amount of the mortgage servicing fees collected from the homeowner under a Promissory Note may be retained by the IHA, and utilized as project income. The total amount of the mortgage payments collected shall be remitted to HUD at the end of each fiscal year, or at such other intervals as HUD may direct.

§ 805.421 Termination of MHO agreement.

(a) *Termination upon breach.* In the event the homebuyer fails to comply with any of his obligations under the MHO Agreement, the IHA may terminate the MHO Agreement. Misrepresentation or withholding of information in applying for admission, or in connection with any subsequent reexamination of income and family composition, constitutes a breach of the homebuyer's obligations under the MHO Agreement. "Termination" as used in the MHO Agreement does not include acquisition of ownership by the homebuyer.

(b) *Notice of termination of MHO agreement by the IHA; right of homebuyer to respond.* Termination of the MHO Agreement by the IHA for any reason shall be by written Notice of Termination. Such Notice shall state (1) the reason for termination; (2) that the homebuyer may respond to the IHA in writing or in person, within a specified reasonable period of time regarding the reason for termination; (3) that in such response he may be represented or accompanied by a person of his choice, including a representative of the Tribal Government; (4) that the IHA will advise the Tribal Government concerning the termination; and (5) that if, within 30 days after the IHA gives Notice of Termination, the homebuyer presents to the IHA evidence or assurances satisfactory to the IHA, the IHA may rescind or extend the Notice of Termination; and (6) that unless there is such recision or extension, the lease term and MHO Agreement shall terminate on the 30th day after the IHA gives Notice of Termination. The IHA may, with HUD approval, modify the provisions of the Notice referred to in the preceding sentence relating to the procedures for presentation and consideration of the homebuyer's response. In all cases, the IHA's procedures for the termination of an MHO Agreement shall afford a fair and reasonable opportunity to have the homebuyer's response heard and considered by the IHA, and such procedures shall comply with the Indian Civil Rights Act.

(c) *Termination of MHO agreement by homebuyer.* The homebuyer may terminate the MHO Agreement by giving the IHA written Notice of Termination, and the lease term and MHO Agreement shall terminate on the 30th day after the homebuyer gives such notice. If the homebuyer vacates the home without notice to the IHA, the MHO Agreement is automatically terminated.

(d) *Settlement upon termination.* (1) *Time for settlement.* Settlement with the homebuyer following a termination shall be made as promptly as possible after all charges provided in § 805.418(f) have been determined, and the IHA shall give the homebuyer a statement of such charges. The homebuyer may obtain a settlement before the actual cost of any maintenance required to put the home in satisfactory condition for the next occupant has been determined, if the homebuyer is willing to accept the IHA's estimate of the amount of such cost. In such case, the amounts to be charged for such maintenance shall be based on the IHA's estimate of the cost thereof.

(2) *Disposition of personal property.* Upon termination, the IHA may dispose of, in any lawful manner deemed suitable by the IHA, any item of personal property abandoned by the homebuyer in the home, and the proceeds, if any, upon such disposition, may be applied to the payment of amounts owed by the homebuyer to the IHA.

§ 805.422 Succession upon death, mental incapacity or abandonment.

(a) *Definition of "event".* "Event" means the death or mental incapacity of, or abandonment of the family by, the homebuyer. If more than one person has executed the MHO Agreement as homebuyer, the Event shall not be deemed to take place unless death, mental incapacity or abandonment has occurred with respect to all such persons.

(b) *Succession by person designated by homebuyer.* The MHO Agreement shall specify a member of the homebuyer's family as successor in case an Event occurs. Upon occurrence of an Event, the person designated as the successor shall succeed to the former homebuyer's rights and responsibilities under the MHO Agreement if this designated successor meets the following conditions:

(1) At the time of the Event, (i) the designated successor is a member of the former homebuyer's family who is entitled to live in the home pursuant to a schedule appended to the MHO Agreement, or pursuant to the IHA's written approval, and (ii) in the case of an Event occurring after commencement of occupancy by the homebuyer, the designated successor is living in the home.

(2) The designated successor is willing and able to pay the Administration Charge, and to perform the obligations of a homebuyer under an MHO Agreement.

(3) The designated successor executes an assumption of the former homebuyer's obligations under the MHO Agreement.

(c) *Succession by person designated by IHA.* If there is no successor designated by the homebuyer, or if any of the foregoing conditions are not met by the designated successor, the IHA may designate as successor any family member who meets all of these conditions.

(d) *Occupancy by guardian of minor.* If there is no qualified successor in accordance with paragraphs (b) or (c) of this section, and a minor child or children of the homebuyer are living in the home at the time of the Event, then, in order to protect their continued occupancy and opportunity for acquisition of the home, the IHA may approve as occupant of the home an appropriate adult who has been appointed legal guardian of the children with a duty to perform the obligations of the MHO Agreement in their interest and behalf.

(e) *Termination in absence of qualified successor.* If there is no qualified successor in accordance with paragraphs (b) or (c) of this section or approved occupancy by the guardian of a minor in accordance with paragraph (d) of this section, the IHA shall terminate the MHO Agreement.

(f) *Change of designation.* The designation of a successor may be changed at any time by a homebuyer by written notification to the IHA, provided that the designated successor shall be a member of the homebuyer's family as determined by the IHA.

§ 805.423 Miscellaneous.

(a) *Annual statement to homebuyer.* The IHA shall provide an annual statement to the homebuyer which will set forth, at the end of the IHA fiscal year, the amount in each of the following accounts: (1) The Voluntary Equity Payments Account, (2) the MEPA, (3) the Family MH Reserve, and (4) the Tribal MH Reserve. The statement shall also set forth the remaining balance of the purchase price.

(b) *Damage or destruction of home.* (1) *Insurance.* Until transfer of ownership to the homebuyer, the IHA shall carry all insurance prescribed by HUD, including fire and extended coverage insurance upon the home.

(2) *Repair or rebuilding.* In the event the home is damaged or destroyed by fire or other casualty, the IHA shall consult with the homebuyer as to whether the home shall be repaired or rebuilt. If the IHA determines that the home should not be repaired or rebuilt, but the homebuyer disagrees, the matter shall be submitted to HUD for final determination. If the final determination is that the home should not be repaired or rebuilt, the IHA shall terminate the MHO Agreement, and the homebuyer's obligation to make Required Monthly Payments shall be deemed to have terminated as of the date of the damage or destruction. The homebuyer shall in no event be entitled to any portion of the insurance proceeds upon such damage or destruction.

(3) *Suspension of payments.* In the event of termination because of damage or destruction of the home, or if the home must be vacated during the repair period, the IHA will use its best efforts to assist in relocating the homebuyer. If the home must be vacated during the repair period, Required Monthly Payments shall be suspended during the vacancy period.

(c) *Notices.* Any notice by the IHA to the homebuyer required under the MHO Agreement or by law may be delivered in writing to the homebuyer personally or to any adult member of his family residing in his home, or may be sent by certified mail, return receipt requested, properly addressed, postage prepaid. Notice to the IHA shall be in writing, and either delivered to an IHA employee at the office of the IHA or sent to the IHA by certified mail, return receipt requested, properly addressed, postage prepaid.

(d) *Grievance procedure.* All grievances or appeals arising under the MHO Agreement shall be processed and resolved pursuant to the grievance procedure of the IHA. The IHA shall transmit a copy of the grievance procedure to HUD. A copy of the grievance procedure shall be posted in the IHA office and shall be furnished to a tenant or homebuyer upon request.

(e) *Right of revocation by IHA.* Any MHO Agreement executed prior to the execution of the construction contract shall be subject to revocation by the IHA if the IHA shall decide not to proceed with the development of the project or any part thereof. Such decision by the IHA shall be final, and revocation of the MHO Agreement shall be effective immediately upon notification to the homebuyer by the IHA. If the MHO Agreement is revoked the IHA shall return or reconvey to the homebuyer any land, cash, materials or equipment contributed by the homebuyer, and shall return or reconvey to the tribe any land, cash, materials or equipment contributed by the tribe.

§ 805.424 Annual contributions contract.

(a) The form of ACC for MH Projects set forth as Appendix II to this Subpart shall be used for all MH Projects placed under ACC on or after the effective date of this Part. Such form shall not be used for any MH Project placed under ACC before the effective date of this Part unless such use is authorized under § 805.425 concerning the conversion of Existing Projects. Projects placed under ACC after the effective date of this Part shall not be consolidated under the same ACC with Existing Projects, unless use of the new form of ACC for such Existing Project is authorized under § 805.425.

(b) HUD shall not enter into an ACC for a new MH Project unless the IHA has entered into MHO Agreements with a number of families equal to the number of homes covered by the Program Reservation.

(c) The Minimum Loan Interest Rate shall be a rate specified by HUD in accordance with section 4(a) of the Act.

§ 805.425 Conversion of existing projects.

(a) *Applicability.* This § 805.425 shall govern the conversion of an Existing Project to development and operation, or to operation only, under the New MH Program.

(b) *Conversion optional.* Conversion of Existing Projects shall not be required, but shall be at the option of the IHA, and with the approval of HUD, upon compliance with all requirements and procedures for conversion.

(c) *Projects not converted.* If a project is not converted for any reason:

(1) The provisions for the New MH Program shall not be applicable to the project, and

(2) The IHA shall continue to develop and operate the project in accordance with the form of MH ACC and MHO Agreement in use before the effective date of this Part, including the use of that form of MHO Agreement for families admitted to occupancy on or after the effective date of this Part.

(d) *MH contribution—no change required.* HUD shall not require as a condition for conversion any change in the total value or form of MH Contribution

for an Existing Project as set forth in the Development Program on the effective date of this Part.

(e) *Conversion where no MHO Agreements have been executed.* If an Existing Project is converted, and no MHO Agreements were entered before the effective date of this Part:

(1) Homebuyer families shall be selected and admitted in accordance with § 805.406.

(2) A member or members of each selected family shall execute the new form of MHO Agreement set forth as Appendix I to this Subpart.

(3) If any selected homebuyer family shall decline to execute the new form of MHO Agreement, the selection shall be revoked, and the IHA shall select another homebuyer family willing to execute the new form of MHO Agreement.

(4) After execution of the new form of MHO Agreement by a number of homebuyers equal to the number of homes, HUD and the IHA shall execute the new form of ACC set forth as Appendix II to this Subpart.

(5) Further development and operation shall be in accordance with the New MH Program.

(f) *Conversion where MHO agreements have been executed.* This paragraph (f) applies to conversion of an Existing Project if any MHO Agreements were executed before the effective date of this Part. "Participant" means a person who entered into an MHO Agreement before the effective date of this Part. An IHA which desires to convert to the New MH Program shall offer the new form of MHO Agreement to all Participants, after appropriate counseling on the advantages of the new form of MHO Agreement. If any Participants in a project decline to execute the new form of MHO Agreement (with any modifications of such form as may be approved by HUD), the old MHO Agreements remain in effect, and the project shall not be converted.

(g) *Projects under development.* (1) "Contractual Commitment" means the IHA's HUD-approved commitment to a contractor for development of a project. If a project is developed under the Conventional method (with or without advertising), contractual commitment occurs upon award of the construction contract. If a project is developed under the Turnkey method, contractual commitment occurs upon execution of the Preliminary Contract of Sale, or Contract of Sale.

(2) If no Contractual Commitment was made before conversion, the construction contract shall be in conformity with the provisions of § 805.410.

(3) If a Contractual Commitment was made before conversion, development of the project shall be completed in accordance with the construction contract.

(h) *Date of conversion.* The conversion of a project shall take place after all Participants have executed the new form of MHO Agreement, and shall be effective as of a date agreed between the IHA and HUD, referred to as the "Date of Conversion." The MHO Agreement executed by each Participant shall provide that the new MHO Agreements executed by all the Participants will become effective on the Date of Conversion for the project, as stated in a notification to each Participant.

(i) *Annual contributions contract.* The IHA shall enter into the form of ACC set forth as Appendix II of this Subpart before the Date of Conversion.

(j) *Transfer of credits.* The balance in a Participant's accounts under the old form of MHO Agreement shall be credited as of the Date of Conversion to the appropriate accounts under the new form of MHO Agreement in accordance with the following instructions:

(1) Reserve for Homeownership: (i) The Reserve for Homeownership shall be credited with that portion of the balance of the MH Contribution furnished by the Participant needed to provide $500 in this reserve. If such balance is less than $500, the Reserve for Homeownership shall be credited with that portion of the balance of the MH Contribution furnished by the tribe needed to bring this reserve up to $500.

(ii) The Reserve for Homeownership shall also be credited with the sum of voluntary equity payments, if any, previously used to reduce project debt, and with the sum of amounts previously applied out of the Participant's operating reserve to reduce project debt.

(2) *Tribal MH reserve.* This account shall be credited with the balance, if any, of the MH Contribution furnished by the tribe after crediting the Reserve for Homeownership in accordance with paragraph (j)(1)(i) of this section.

(3) *Family MH reserve.* This account shall be credited with the balance, if any, of the MH Contribution furnished by the family after crediting the Reserve for Homeownership in accordance with paragraph (j)(1)(i) of this section.

(4) *MEPA.* This account shall be credited with the balance in the Participant's operating reserve not previously applied to reduce the project debt.

The new form of MHO Agreement shall include the foregoing instructions, appropriately modified. The Participant shall be given a statement showing the balances in the Reserve for Homeownership, Tribal MH Reserve, Family MH Reserve, Voluntary Equity Payments Account and MEPA as of the later of the Date of Conversion, or the Date of Occupancy.

§ 805.426 Cross-references.

ACC. Annual Contributions Contract (for MH Projects). Sections 805.402, 805.424. Form: Subpart D—Appendix II.

Adjusted Monthly Income. Section 805.413(b)(2).

Administration Charge. Section 805.416(a).

Admission Policies. Section 805.406(a).

Annual Contributions Contract (for MH Project). Sections 805.402, 805.424. Form: Subpart D—Appendix II.

Cash Contribution. Section 805.408(h).

Contractual Commitment. Section 805.425(g)(1).

Conversion. Sections 805.402, 805.425.

Counseling. Section 805.407. Subpart D—Appendix V.

Date of Conversion. Section 805.425(h).

Date of Occupancy. Section 805.412(a).

Development Program. Section 805.404(c).

Event. Section 805.422(a).

Existing Project. Section 805.402.

Family MH Contribution. Section 805.418(a)(1).

Family MH Reserve. Section 805.418(b)(5).

Family Work Credit. Section 805.409(g).

Financing of Development Cost. Section 805.405.

Grievance Procedure. Section 805.423(d).

Guardian of Minor, Occupancy by. Section 805.422(d).

Home. Section 805.402.

Homebuyer. Section 805.402.

Homeowner. Section 805.402.

HUD. Section 805.402.

IHA Homeownership Financing. Sections 805.402, 805.420.

Income and Assets Limits. Section 805.406(a).

Initial Homebuyer. Section 805.419(b)(1).

Initial Purchase Price (for Initial Homebuyer). Section 805.419(b)(2).

Initial Purchase Price (for Subsequent Homebuyer). Section 805.419(c)(2).

Inspections.

Pre-move-in inspection. Section 805.414(a).

Inspection after acceptance. Section 805.414(b).

Inspection upon termination. Section 805.414(c).

Investment of Excess Funds (in equity payments accounts). Section 805.418(c)(3).

Land Contribution. Section 805.408(f).

Lease Term. Section 805.412(c).

Maintenance. Section 805.415(a), 805.418(d).

Maintenance Credit. Sections 805.415(a)(1), 805.418(f)(3).

Materials or Equipment Contribution. Section 805.408(g).

MEPA. Monthly Equity Payments Account. Section 805.418(c)(1).

MH Construction Contract. Sections 805.402, 805.410. Forms: Subpart D—Appendix III (Conventional), Appendix IV (Turnkey).

MH Contribution. Sections 805.402, 805.408, 805.409.

MH Credits. Sections 805.412(d), 805.418(a) and (b).

MHO Agreement. A Mutual Help and Occupancy Agreement. Section 805.402. Form: Subpart D—Appendix I.

MH Program. Section 805.402.

MH Profit. Section 805.402.

MH Waiting List. Section 805.406(c).

MH Work Contribution. Section 805.409.

Minimum Amount of MH Contribution. Section 805.408(b).

Monthly Equity Payments Account ("MEPA"). Section 805.418(c)(1).

Monthly Mortgage Payment. Section 805.420(b)(7) (Promissory Note, Sections 2.1 and 2.3).

Mortgage. Section 805.420(b)(4).
Mortgage Amortization Schedule. Section 805.420(b)(5).
New MH Program. Section 805.402.
Notice of Completion. Section 805.412(b).
Notice of Confirmation. Section 805.406(f)(2)(iii).
Notification of Selection. Section 805.406(f).
Notice of Termination. Sections 805.421(b) (termination by IHA); 805.421(c) (termination by homebuyer).
Operating Expense. Section 805.416(b).
Operating Reserve. Section 805.416(b)(3), Section 805.417.
Participant. Section 805.425(f).
Project. Section 805.402.
Project Note. Section 805.405.
Project Prototype Cost. Section 805.419(b)(2), Step 3.
Promissory Note. Section 805.420(b)(7).
Purchase of Home. Sections 805.419; 805.418(e).
Purchase Price Schedule (for Initial Homebuyer). Section 805.419(b)(3).
Purchase Price Schedule (for Subsequent Homebuyer). Section 805.419(c)(3).
Required Monthly Payments. Section 805.413.
Reserve for Homeownership. Section 805.418(b)(3).
Selection of MH Homebuyers. Section 805.406.
Settlement Costs. Section 805.419(d)(2).
Subsequent Homebuyer. Section 805.419(c)(1).
Substitute Homebuyer Family. Section 805.408(i)(1).
Succession. Section 805.422.
Termination. Sections 805.411 (before Date of Occupancy), 805.421; section 805.418(f).
Tribal MH contribution. Sections 805.408(d)(1), 805.418(a)(2).
Tribal MH Reserve. Section 805.413(b)(4).
Utilities (homebuyer responsibility). Sections 805.415(b), 805.416(c).
Utility Deduction. Section 805.413(b)(2).
Voluntary Equity Payments Account. Section 805.418(c)(2).
Work Order. Section 805.415(a)(2).

APPENDICES I–V—RESERVED

(It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.)

Issued at Washington, D.C., September 16, 1975.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

DAVID S. COOK,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.75-25040 Filed 9-18-75;8:45 am]

federal register

FRIDAY, SEPTEMBER 19, 1975

PART III:

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[FSP No. 1975-1.2, Rev. 1, Amdt.]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance: 48 States and District of Columbia

Pursuant to a part of Subchapter C—Food Stamp Program under Title 7, Chapter II, Code of Federal Regulations, 7 CFR Part 271, notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to examine alternatives to the maximum monthly allowable income standards and the basis of coupon issuance set forth in FSP Notice 1975-1.2, effective July 1, 1975 (40 FR 19856).

BACKGROUND

On June 12, 1975, the United States Appeals Court for the District of Columbia Circuit, in its opinion in the case of "Rodway v. United States Department of Agriculture", No. 74-1303 (D.C. Cir.), ruled that the Department of Agriculture (USDA) failed to comply with the requirements of the Administrative Procedure Act in promulgating the allotment regulations and required new rulemaking proceedings to be undertaken and completed within 120 days of the date of the decision. The Court also pointed out that a system of establishing coupon allotments would be sustained only if the Secretary can show that the system delivers coupons to substantially all recipients in amounts sufficient to allow them to purchase nutritionally adequate diets, and that nutritional adequacy is plainly a factual question within the expertise of the Secretary of Agriculture.

To comply with the Rodway decision, the Department is considering several possible changes in the current method of determining coupon allotments and eligibility standards, along with the possibility of continuing the current method subject to any changes suggested as a result of this public notice. The specific changes under Departmental consideration are to (a) use a new Thrifty Food Plan as an alternative to the Economy Food Plan in calculating coupon allotments, (b) provide revised economies of scale as an alternative to the present method of adjusting coupon allotments for larger size households, and (c) individualize coupon allotment calculations based on the age and sex composition of each applicant household. Public comments are hereby solicited and invited on all provisions of the current method of determining coupon allotments and eligibility standards, and on any of the specific changes described in this notification.

Described more fully below are three alternative proposals for revising coupon allotments which are designed to be consistent with the views expressed in the Rodway decision. The first of these is an individualized basis of determining coupon allotments which takes into consideration the sex and age of each household member. The second is an identical individualized schedule which, in addition, temporarily preserves the December 31, 1975 maximum income eligibility standards and the present coupon allotment when the total of the individual allotments, as adjusted to reflect changes in the cost of food is less than the December 31, 1975 allotment. These two alternative proposals provide at least 100 percent of the cost of the Thrifty Food Plan for all households. The third alternative proposal is a uniform allotment and eligibility standard schedule, much like the one presently in use. Under the third proposal, 75.5 percent of all households would receive an allotment equal to or above 100 percent of the cost of the Thrifty Food Plan and 97.3 percent would receive an allotment equal to or above 90 percent of that cost.

Even under the third proposal, the allotment is believed to be sufficient for careful homemakers in virtually all households to provide nutritious diets. Certain economies in buying and using food beyond those assumed in the Thrifty Food Plan are possible: (1) In estimating the plan's cost, the homemaker's skill and interest in shopping for food is assumed to be "average" for homemakers in survey households with relatively low food costs. Plan costs would be lower if unusual skill were assumed. (2) The cost of the plan includes a 5 percent allowance for edible food that is discarded as spoilage, plate waste, etc. Although some discard is unavoidable, especially good managers may discard less than allowed. (3) The plan includes some coffee, tea, and other nonalcoholic beverages, which are used in most households but could be eliminated at a cost saving of 3 to 4 percent. Eliminating these foods would not jeopardize the nutritional quality of diets.

All proposals are based on the Thrifty Food Plan and the ARS revised economies of scale. Public comment on these proposed alternative revisions is invited.

THRIFTY FOOD PLAN

Previously, the coupon allotments were based on the economy food plan for a four-person household and adjusted for other household sizes. The Agricultural Research Service (ARS) recently prepared a new food plan which is referred to as the Thrifty Food Plan. The Thrifty Food Plan is made up of foods of different types (food groups) that families might buy, or obtain from other sources, to provide nutritious meals and snacks for family members. In the plan amounts of food are suggested for men, women, and children of different ages (Table 1). A plan for any family can be determined by totaling amounts of foods suggested for persons of the sex and age of family members. A food list based on the plan for a family of four for a month appears in Table 2. ARS is developing meal plans for a month to illustrate how these foods might be served.

Families following the plan may choose from the food groups those economical foods they enjoy eating. When ARS estimates the cost of the plan (Table 3), the makeup of the food groups is based on the average amounts of foods used by survey households, with relatively low food costs.

The Thrifty Food Plan contains more meat, poultry, and fish and less dry beans, potatoes, and grain products than the economy food plan.

Food consumption patterns of households surveyed in 1965-66 that used food valued at or slightly above the cost of the economy food plan were adopted as the basis for defining the kinds and amounts of foods in the Thrifty Food Plan.

The Thrifty Food Plan is an assortment of foods that represents as little change from average food consumption patterns of households with relatively low food costs as is required to provide a nutritionally adequate diet, while controlling cost.

Foods in the plan provide for a nutritionally adequate diet—one that meets the Recommended Dietary Allowances, most recently set in 1974 by the National Academy of Sciences-National Research Council, for all nutrients for which adequate reliable food composition data are available for determining the content of the plan. Enriched bread and flour in the plan are assumed to contain iron at levels proposed by the Food and Drug Administration of the Department of Health, Education, and Welfare.

TABLE 1.—*Thrifty Food Plan*

[Amounts of food for a week [1]]

Family member	Milk, cheese, ice cream [2] (quarts)	Meat, poultry, fish [3] (pounds)	Eggs (number)	Pounds											
				Dry beans and peas, nuts [4]	Dark-green, deep-yellow vegetables	Citrus fruit, tomatoes	Potatoes	Other vegetables, fruit	Cereal	Flour	Bread	Other bakery products	Fats, oils	Sugar, sweets	Accessories [5]
Child:															
7 mo to 1 yr	4.95	0.39	1.2	0.15	0.41	0.55	0.99	2.49	[6] 1.02	0.02	0.08	0.04	0.04	0.19	0.05
1 to 2 yrs	3.30	.83	3.3	.17	.22	.89	.65	2.26	[6] 1.02	.31	.78	.24	.11	.30	.37
3 to 5 yrs	3.54	.95	2.5	.28	.20	.92	.88	2.28	1.03	.37	.94	.53	.38	.74	.59
6 to 8 yrs	4.22	1.27	2.4	.49	.22	1.10	1.23	2.50	1.12	.62	1.42	.79	.51	.94	.84
9 to 11 yrs	4.92	1.61	3.4	.53	.28	1.52	1.48	3.38	1.34	.81	1.82	1.10	.60	1.20	1.10
Male:															
12 to 14 yrs	5.18	1.79	3.6	.67	.33	1.45	1.59	3.30	1.22	.81	2.07	1.13	.77	1.21	1.45
15 to 19 yrs	5.08	2.35	4.0	.43	.32	1.70	2.10	3.43	.98	.99	2.36	1.46	1.00	1.05	1.73
20 to 54 yrs	2.57	3.03	4.0	.44	.39	1.80	2.02	3.60	.89	.92	2.29	1.33	.95	.86	1.24
55 yrs and over	2.37	2.45	4.0	.25	.51	1.85	1.75	3.77	1.09	.80	1.90	1.12	.79	.94	.73
Female:															
12 to 19 yrs	5.35	1.80	3.8	.28	.42	1.74	1.22	3.61	.72	.76	1.49	.84	.51	.74	1.30
20 to 54 yrs	2.81	2.41	4.0	.27	.52	1.86	1.54	3.39	.90	.67	1.41	.67	.57	.57	1.18
55 yrs and over	2.83	1.84	4.0	.19	.60	2.02	1.26	3.73	1.12	.68	1.30	.58	.37	.45	.66
Pregnant	[7] 5.25	2.69	4.0	.42	.56	2.17	1.89	4.03	1.13	.88	1.41	.66	.59	.58	1.48
Nursing	[7] 5.25	3.00	4.0	.38	.57	2.36	1.92	4.27	.98	.63	1.56	.82	.80	.75	1.54

[1] Amounts are for food as purchased or brought into the kitchen from garden or farm to prepare all meals and snacks for the week. Amounts allow for a discard of about 5 pct of the edible food as plate waste, spoilage, etc.

[2] Fluid milk and beverage made from dry or evaporated milk. Cheese and ice cream may replace some milk. Count as equivalent to a quart of fluid milk: Natural or processed Cheddar-type cheese, 6 oz; cottage cheese, 2½ lbs; ice cream, 1½ qts.

[3] Bacon and salt pork should not exceed ½ lb for each 5 lbs of this group.

[4] Weight in terms of dry beans and peas, shelled nuts, and peanut butter. Count 1 lb of canned dry beans—pork and beans, kidney beans, etc.—as 0.33 lb.

[5] Includes coffee, tea, cocoa, soft drinks, punches, ades, leavenings, and seasonings.

[6] Cereal fortified with iron is recommended.

[7] For pregnant and nursing teenagers, 7 qts is recommended.

TABLE 2.—*Food list for a month based on the thrifty food plan average 4-person household receiving food stamps*

Milk (includes nonfat dry milk)	qt	54
Cheese	lbs	4¾
Ice cream	qt	6
Beef	lbs	13
Pork	lbs	6½
Variety meat	lbs	3½
Poultry	lbs	7
Fish	lbs	2
Eggs	doz	5
Dry beans	lbs	2½
Mature beans, canned	lbs	4
Peanut butter	lbs	2½
Carrots	lbs	3
Dark-green leafy vegetables	lbs	2
Other dark-green and deep-yellow vegetables	lbs	1½
Citrus fruit or juice	lbs	17
Tomatoes, tomato products	lbs	9
Potatoes	lbs	24
Apples	lbs	8½
Bananas	lbs	5
Other fresh fruit	lbs	8½
Fruit, canned	lbs	5½
Fruit juice, canned	lbs	2½
Lettuce, salad greens	lbs	4
Cabbage	lbs	2½
Other fresh vegetables	lbs	7½
Snapbeans, canned	lbs	2
Green peas, canned	lbs	2
Other canned and frozen vegetables, vegetable soup	lbs	7
Flour and mixes	lbs	12
Cornmeal	lbs	3
Rice or pasta	lbs	6
Ready-to-eat cereal, other cereal	lbs	8
Bread	lbs	26
Crackers	lbs	2½
Other bakery products; soups, mainly rice or pasta	lbs	11½
Margarine, butter	lbs	5
Shortening, oil or salad dressing	lbs	5
Sugar	lbs	8
Other sweets	lbs	5½

NOTE.—Provides for the average food needs (as suggested in the Thrifty Food Plan for men, women, and children of different ages) of 4-person households receiving food stamps, National Survey of Food Stamp and Food Distribution Program Recipients, November 1973. In addition to foods listed, most families use some other foods: coffee, tea, cocoa, soft drinks, punches, ades, leavening agents, and seasonings. Approximately 5 percent above the cost of the foods on the list is allowed for purchase of these foods when costs for the plan are estimated.

TABLE 3.—*Cost of food at home estimated for the thrifty food plan* [1]

[July 1975, U.S. average in dollars]

Sex-age groups	Cost for—	
	1 wk	1 mo
FAMILIES		
Family of 2: [2]		
20 to 54 yrs	22.90	98.90
55 yrs and over	20.50	88.40
Family of 4: Couple, 20 to 54 years and—		
Children, 1 to 2 and 3 to 5 yrs	32.30	139.60
Children, 6 to 8 and 9 to 11 yrs	38.90	168.30
INDIVIDUALS [3]		
Child:		
7 mos to 1 yr	4.50	19.40
1 to 2 yrs	5.20	22.50
3 to 5 yrs	6.30	27.20
6 to 8 yrs	8.00	34.70
9 to 11 yrs	10.10	43.70
Male:		
12 to 14 yrs	10.80	46.60
15 to 19 yrs	11.90	51.50
20 to 54 yrs	11.50	49.60
55 yrs and over	10.20	44.00
Female:		
12 to 19 yrs	9.60	41.60
20 to 54 yrs	9.30	40.30
55 yrs and over	8.40	36.40
Pregnant	11.50	49.70
Nursing	12.30	53.10

[1] The cost of the food plan was first estimated by using the average price per pound of each food group paid by urban survey families with relatively low food costs in 1965–66. These prices were adjusted to current levels by use of retail food prices by cities released periodically by the Bureau of Labor Statistics.

[2] 10 pct added for family size adjustment. See footnote 3.

[3] The costs given are for individuals in 4-person families. For individuals in other size families, the following adjustments are suggested: 1-person—add 20 pct; 2-person—add 10 pct; 3-person—add 5 pct; 5-or-6-person—subtract 5 pct; 7-or-more-person—subtract 10 pct.

COUPON ALLOTMENTS

The coupon allotment tables which are proposed are based on the July 1975 cost of the Thrifty Food Plan and are alternatives on which comments are solicited. They do not include tables for Alaska, Hawaii, Puerto Rico, Guam and the Virgin Islands. The tables for these areas will be based on the allotment table adopted for the continental United States, adjusted for the cost of food in these areas. All tables published for use beginning January 1, 1976 will contain the latest semi-annual adjustments for changes in the cost of food. After careful evaluation of all comments received on each proposal, the Secretary plans to adopt one proposal, either in its present form or modified, in the light of comments received. The Department recognizes that any change resulting from this proposed rulemaking will not allow State agencies sufficient time to implement a change in the current basis of issuance tables. Therefore, after careful consideration of the comments received, the Department intends to issue the final amendment in October 1975 based on August 1975 food costs which will contain semi-annually adjusted eligibility standards and basis of issuance tables to be effective on January 1, 1976. These tables are illustrative and are based on July 1975 food costs.

PROPOSAL I—INDIVIDUALIZED BASIS OF ISSUANCE SCHEDULE

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

No change is proposed for the eligibility standards for households in which all members are included in a federally-aided public assistance grant, general assistance grant, or supplemental security income benefit.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit in any State (other than Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands) or in the District of Columbia, shall be at the highest income level at which the total of the individual coupon allotment for each household member based on sex and age equals or exceeds the purchase requirement based on net monthly income. For example, the total coupon allotment and maximum monthly income eligibility standard for the following four-person household would be computed as follows:

Sex/Age:	*Individual monthly allotment*
Woman 20 to 54	$40
Man 20 to 54	50
Child 6 to 8	34
Child 9 to 11	44
Total	168

Thus, the maximum net monthly income eligibility standard in this example would be $599.99; i.e., the highest income level at which the allotment of $168 exceeds the purchase requirement of $167.

"Income" as the term is used in the notice is as defined in pargaraph (c) of § 271.3 of the Food Stamp Program Regulations, except that paragraph (c)(3) of this section would be amended to read:

Income Standards. National income standards of eligibility for participation of non-assistance households in the program shall be at the highest income level at which the total of the individualized coupon allotment equals or exceeds the purchase requirement based on net monthly income.

Pursuant to Section 7(a) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the program shall be the total of the individual allotment for each household member based on sex and age.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

The total coupon allotment shall be adjusted to reflect changes in age of household members at the time of subsequent certification, unless the household requests earlier that its certification be revised. The individual monthly coupon allotments by household sizes are shown below:

Individual monthly coupon allotments by household size based on July 1975 cost of thrifty food plan, adjusted by ARS revised economies of scale

For type of person shown below	Number of persons					
	1	2	3	4	5 or 6	7 or more
Child:						
Under 1 yr	24	22	20	20	18	18
1 to 2 yr	28	24	24	22	22	20
3 to 5 yr	32	30	28	28	26	24
6 to 8 yr	42	38	36	34	32	32
9 to 11 yr	52	48	46	44	42	40
Boy 12 to 14 yr	56	52	48	46	44	42
Girl 12 to 19 yr	50	46	44	42	40	38
Boy 15 to 19 yr	62	56	54	52	48	46
Woman:						
20 to 54 yr	48	44	42	40	38	36
55 yr and older	44	40	38	36	34	32
Man:						
20 to 54 yr	60	54	52	50	48	44
55 yr and older	52	48	46	44	42	40
If woman is pregnant	60	54	52	50	48	44
If woman is nursing	64	58	56	54	50	48

Pursuant to Section 7(b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the amount charged for the monthly coupon allotment shall be as follows:

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 or more persons
	The monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	51	56	58	59	60	61	62	63
$230 to $249.99	57	62	64	65	66	67	68	69
$250 to $269.99	63	68	70	71	72	73	74	75
$270 to $289.99		74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		92	94	95	96	97	98	99
$360 to $389.99		101	103	104	105	106	107	108
$390 to $419.99		110	112	113	114	115	116	117
$420 to $449.99		119	121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 or more persons
	The monthly purchase requirement is—							
$480 to $509.99	139	140	141	142	143	144		
$510 to $539.99	148	149	150	151	152	153		
$540 to $569.99	157	158	159	160	161	162		
$570 to $599.99	166	167	168	169	170	171		
$600 to $629.99		176	177	178	179	180		
$630 to $659.99		185	186	187	188	189		
$660 to $689.99		194	195	196	197	198		
$690 to $719.99		203	204	205	206	207		
$720 to $749.99		212	213	214	215	216		
$750 to $779.99			222	223	224	225		
$780 to $809.99			231	232	233	234		
$810 to $839.99			240	241	242	243		
$840 to $869.99				250	251	252		
$870 to $899.99				259	260	261		
$900 to $929.99				268	269	270		
$930 to $959.99				277	278	279		
$960 to $989.99				286	287	288		
$990 to $1,019.99				295	296	297		
$1,020 to $1,049.99					305	306		
$1,050 to $1,079.99					314	315		
$1,080 to $1,109.99					323	324		
$1,110 to $1,139.99						333		
$1,140 to $1,169.99						342		
$1,170 to $1,199.99						351		
$1,200 to $1,229.99						360		
$1,230 to $1,259.99						369		

To determine purchase requirements for any household size with income above the last income level shown above for that particular household size, add $3 for each additional $10 worth of monthly income (or portion thereof) to the purchase requirement shown at the highest income level for that household size.

PROPOSAL II—INDIVIDUALIZED BASIS OF ISSUANCE SCHEDULE TEMPORARILY PRESERVING PRESENT ELIGIBILITY STANDARDS AND COUPON ALLOTMENTS AS A MINIMUM

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND THE DISTRICT OF COLUMBIA

No change is proposed for the eligibility standards for households in which all members are included in a federally-aided public assistance grant, general assistance grant, or supplemental security income benefit.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit in any State (other than Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands) or in the District of Columbia, shall be at the highest income level at which the total of the individual coupon allotment for each household member based on sex and age equals or exceeds the purchase requirement based on net monthly income. For example, the total coupon allotment and maximum monthly income eligibility standard for the following four-person household would be computed as follows:

Sex/Age:	*Individual monthly allotment*
Woman 20 to 54	$40
Man 20 to 54	50
Child 6 to 8	34
Child 9 to 11	44
Total	168

Thus, the maximum net monthly income eligibility standard in this example would be $599.99; i.e., the highest income level at which the allotment of $168 exceeds the purchase requirement of $167.

However, for any household participating on December 31, 1975, the maximum allowable net monthly income standard shall be the higher of the standard computed on the above individualized basis or the maximum allowable net monthly income standard in effect on December 31, 1975, as shown below. If such household drops out of the program and subsequently becomes eligible, the maximum allowable net monthly income standard shall be at the highest income level at which the total of the individual allotment for each household member based on sex and age equals or exceeds the purchase requirement based on the household's net monthly income.

Household size:	*Maximum allowable monthly income—48 States and District of Columbia, December 31, 1975*
1 person	[1] $215
2 persons	300
3 persons	427
4 persons	540
5 persons	640
6 persons	740
7 persons	833
8 persons	926
Each additional member	+73

[1] USDA Poverty Guideline

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations, except that paragraph (c)(3) of this section would be amended to read:

Income Standards. National income standards of eligibility for participation of non-assistance households in the program shall be at the highest income level at which the total of the individualized coupon allotment equals or exceeds the purchase requirement based on net monthly income.

Provided, however, That for any household participating on December 31, 1975, the maximum allowable net monthly income standard shall be the higher of the standard computed on an individualized basis or the maximum allowable net monthly income standard for the household in effect December 31, 1975, except that if such household does not continuously participate in the program after December 31, 1975, the net monthly income standard shall be computed solely on the individualized basis if the household re-enters the program after such date.

Pursuant to section 7(a) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Pub. L. 91-671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program shall be the total of the individual allotment for each household member based on sex and age, as shown below (the same as under Proposal I): *Provided however*, That any household receiving a total allotment on December 31, 1975 which is higher than the total of the individual allotment shall continue to receive the higher allotment. If such household drops out of the program and subsequently becomes eligible, the coupon allotment shall be the total of the individual allotment for each household member based on sex and age.

The total allotment shall be adjusted to reflect changes in age of household members at the time of subsequent certification unless the household requests earlier that its certification be revised. The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole

dollar amount and shall not change the purchase requirement for such allotment.

Monthly Coupon Allotments—48 States and District of Columbia

The uniform December 31, 1975 monthly coupon allotment by household size is:

1 person	$48
2 persons	90
3 persons	128
4 persons	162
5 persons	192
6 persons	222
7 persons	250
8 persons	278
Each additional person	+22

Individual monthly coupon allotments by household size based on July 1975 cost of thrifty food plan, adjusted by ARS revised economies of scale

For type of person shown below	Number of persons					
	1	2	3	4	5 or 6	7 or more
Child under 1 yr.	24	22	20	20	18	18
Child:						
1 to 2 yrs.	28	24	24	22	22	20
3 to 5 yrs.	32	30	28	28	26	24
6 to 8 yrs.	42	38	36	34	32	32
9 to 11 yrs.	52	48	46	44	42	40
Boy 12 to 14 yrs.	56	52	48	46	44	42
Girl 12 to 19 yrs.	50	46	44	42	40	38
Boy 15 to 19 yrs.	62	56	54	52	48	46
Woman:						
20 to 54 yrs.	48	44	42	40	38	36
55 yrs and older	44	40	38	36	34	32
Man:						
20 to 54 yrs.	60	54	52	50	48	44
55 yrs and older	52	48	46	44	42	40
If woman is pregnant	60	54	52	50	48	44
If woman is nursing	64	58	56	54	50	48

Pursuant to Section 7(b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the amount charged for the monthly coupon allotment shall be as follows:

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 or more persons
	The monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	45	50	52	53	54	55	56	57
$210 to $229.99	51	56	58	59	60	61	62	63
$230 to $249.99	57	62	64	65	66	67	68	69
$250 to $269.99	63	68	70	71	72	73	74	75
$270 to $289.99		74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		86	88	89	90	91	92	93
$330 to $359.99		92	94	95	96	97	98	99
$360 to $389.99		101	103	104	105	106	107	108
$390 to $419.99		110	112	113	114	115	116	117
$420 to $449.99		119	121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			139	140	141	142	143	144
$510 to $539.99			148	149	150	151	152	153
$540 to $569.99			157	158	159	160	161	162
$570 to $599.99			166	167	168	169	170	171
$600 to $629.99				176	177	178	179	180
$630 to $659.99				185	186	187	188	189
$660 to $689.99				194	195	196	197	198
$690 to $719.99				203	204	205	206	207
$720 to $749.99				212	213	214	215	216
$750 to $779.99					222	223	224	225
$780 to $809.99					231	232	233	234
$810 to $839.99					240	241	242	243
$840 to $869.99						250	251	252
$870 to $899.99						259	260	261
$900 to $929.99						268	269	270
$930 to $959.99						277	278	279
$960 to $989.99						286	287	288
$990 to $1019.99						295	296	297
$1020 to $1049.99							305	306
$1050 to $1079.99							314	315
$1080 to $1109.99							323	324
$1110 to $1139.99								333
$1140 to $1169.99								342
$1170 to $1199.99								351
$1200 to $1229.99								360
$1230 to $1259.99								369

To determine purchase requirements for any household size with income above the last income level shown above for that particular household size, add $3 for each additional $10 worth of monthly income (or portion thereof) to the purchase requirement shown at the highest income level for that household size.

PROPOSAL III—UNIFORM BASIS OF ISSUANCE SCHEDULE

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

Households in which all members are included in the federally-aided public asssistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in any State (other than Alaska, Hawaii, Puerto Rico, Guam, or the Virgin Islands) or in the District of Columbia shall be the higher of the poverty guideline or at the level at which the total coupon allotment equals 30 percent of income, as shown below:

Household size:	*Maximum allowable income standards*
1 person	[1] $215
2 persons	307
3 persons	440
4 persons	560
5 persons	667
6 persons	800
7 persons	880
8 persons	1007
Each additional member	+127

[1] USDA Poverty Guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7(a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program and the amounts charged for the monthly coupon allotment in the 48 States and the District of Columbia are as follows:

Monthly coupon allotments and purchase requirements—48 States and District of Columbia

Monthly net income	For a household of—							
	1 person	2 persons	3 persons	4 persons	5 persons	6 persons	7 persons	8 persons
	The monthly coupon allotment is—							
	$50	$92	$132	$168	$200	$240	$264	$302
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $159.99	33	38	40	41	42	43	44	45
$160 to $169.99	36	44	46	47	48	49	50	51
$170 to $179.99	38	50	52	53	54	55	56	57
$180 to $189.99	40	56	58	59	60	61	62	63
$190 to $199.99		62	64	65	66	67	68	69
$200 to $209.99		68	70	71	72	73	74	75
$210 to $219.99		72	76	77	78	79	80	81
$220 to $229.99		72	82	83	84	85	86	87
$230 to $239.99			88	89	90	91	92	93
$240 to $249.99			94	95	96	97	98	99
$250 to $259.99			103	104	105	106	107	108
$260 to $269.99			112	113	114	115	116	117
$270 to $279.99			114	122	123	124	125	126
$280 to $289.99				131	132	133	134	135
$290 to $299.99				140	141	142	143	144
$300 to $309.99				144	150	151	152	153
$310 to $319.99				144	159	160	161	162
$320 to $329.99					168	169	170	171
$330 to $339.99					172	178	179	180
$340 to $349.99					172	187	188	189
$350 to $359.99					172	196	197	198
$360 to $369.99						205	206	207
$370 to $379.99						208	215	216
$380 to $389.99						208	224	225
$390 to $399.99						208	228	234
$400 to $409.99							228	243
$410 to $419.99							228	252
$420 to $429.99							228	261
$430 to $439.99								262
$440 to $449.99								262
$450 to $459.99								262
$460 to $469.99								262
$470 to $479.99								262
$480 to $489.99								262
$490 to $499.99								262
$500 to $509.99								262
$510 to $519.99								262
$520 to $529.99								262
$530 to $539.99								262
$540 to $549.99								262
$550 to $559.99								262
$560 to $569.99								262
$570 to $579.99								262
$580 to $589.99								262
$590 to $599.99								262
$600 to $609.99								262
$610 to $619.99								262
$620 to $629.99								262
$630 to $639.99								262
$640 to $649.99								262
$650 to $659.99								262
$660 to $669.99								262
$670 to $679.99								262
$680 to $689.99								262
$690 to $699.99								262
$700 to $709.99								262
$710 to $719.99								262
$720 to $729.99								262
$730 to $739.99								262
$740 to $749.99								262
$750 to $759.99								262
$760 to $769.99								262
$770 to $779.99								262
$780 to $789.99								262
$790 to $799.99								262
$800 to $809.99								262
$810 to $819.99								262
$820 to $829.99								262
$830 to $839.99								262
$840 to $849.99								262
$850 to $859.99								262
$860 to $869.99								262
$870 to $879.99								262
$880 to $889.99								262
$890 to $899.99								262
$900 to $909.99								262
$910 to $919.99								262
$920 to $929.99								262
$930 to $939.99								262
$940 to $949.99								262
$950 to $959.99								262
$960 to $969.99								262
$970 to $979.99								262
$980 to $989.99								262
$990 to $1,019.99								262

For issuance to households of more than eight persons use the following formula:

A. *Value of the total allotment.* For each person in excess of eight, add $38 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $899.99 or less per month.

2. For households with monthly incomes of $900 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $899.99, add $9 to the monthly purchase requirement for an eight-person household with an income of $899.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $34 for each person over eight to the maximum purchase requirement shown for an eight-person household.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotment.

NOTE.—The basis of issuance schedule under Proposal III is based on the purchase requirements now in effect. Pub. L. 94-4 required a virtual freeze on purchase requirements through 1975 except for increases in purchase requirements for households at the very upper net monthly income brackets, in line with the congressional intent expressed in the report of the House Committee on Agriculture (H. Rep. No. 94-2, 94th Congress, First Session).

Although the restrictions in Pub. L. 94-4 expire on December 31, 1975, the purchase requirements in this proposal reflect the intent contained in H. Rep. No. 94-2, except that purchase requirements have been increased at the upper income levels in accordance with the normal progressions. H. Rep. No. 94-2 precluded increases on July 1, 1975 for the one- and three-person households at certain income levels because the purchase requirements for such households did not increase on January 1, 1975. However, the increases in purchase requirements for such households do not exceed the concomitant increase in the households' monthly coupon allotments. Thus, there is no reduction in benefits for these households.

COST-OF-LIVING ADJUSTMENTS

With respect to the effect of inflation upon food coupon allotments, the Food Stamp Act, as recently amended, presently makes allowances in this regard. annual changes in the coupon allotment. were adjusted annually to reflect the changing prices of food. However, the Agriculture and Consumer Protection Act of 1973 amended section 7(a) of the Food Stamp Act to require semi-annual changes in the coupon allotment.

It required that the semi-annual adjustments be implemented commencing with the allotments of January 1, 1974, "incorporating the changes in prices of food through August 31, 1973". Thus, there is a statutory requirement for semi-annual changes which reflect the prices of food in the recent past.

The statutory framework (that is, establishing allotments to be effective either January 1 or July 1 of a given year on the basis of changes in the prices of food as of four months earlier) is reflected in the proposed schedules.

Other Considerations

The Court of Appeals in the Rodway decision suggested that other factors such as regional differences, health and physical activity should be considered in the rulemaking. The rulemaking does not propose to plug in factors for regional differences, health, or physical activity for the reasons discussed below. However, public comment on these items is invited.

1. *Regional differences.* The coupon notice make no allowance for any regional differences in the cost of food within the 48 contiguous States and the District of Columbia. In the first place, differences in the cost of food within regions are higher than the differences between regions.[1] In second place, there is no basis for determining the differences in the prices of food in the several regions of the United States. The Bureau of Labor Statistics informs us that its data are not appropriate for this purpose.

2. *Health and physical activity.* The proposed coupon allotments further do not take into consideration such factors as the health and physical activity of household members. In the first place, no practicable basis has been established under which the quantification of food needs for the infinite variables of health and physical activity may be made. Even if such a basis were established, it must also be recognized that the certification of applicant households is the responsibility of a State agency—ordinarily the State welfare agency. Certification determinations are presently required, ordinarily several times during a year, for nearly 6 million households who are now participating in the program. An administrative framework for determining the health and physical activity of this number of individuals by a welfare agency would constitute a nearly insurmountable undertaking. The application to this caseload of nutritional standards (even if there were such) for the peculiar individual circumstances of health and physical activity would be yet another such undertaking.

[1] J. E. C. Subcommittee on Fiscal Policy's Report, December 5, 1975, p. 123.

Submission of Comments

Interested persons may submit written comments, suggestions, or objections regarding the proposed alternative amendment to Jack O. Nichols, Acting Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 6, 1975. All comments, suggestions, or objections received by this date will be considered before the final notice is issued. The Department of Agriculture is requesting the U.S. Court of Appeals for the District of Columbia for additional time in which to complete rulemaking as required by the decision in the case of "Rodway v. United States Department of Agriculture," No. 74-1303 (D.C. Cir.). If such time is granted, the Department plans to publish a notice in the Federal Register providing an additional period for comment.

Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director during regular business hours (8:30 a.m.—5 p.m.) at 500—12th Street, SW., Washington, D.C. Room 650.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

Dated: September 18, 1975.

Richard L. Feltner,
Assistant Secretary.

[FR Doc.75-25204 Filed 9-18-75;9:08 am]

federal register

FRIDAY, SEPTEMBER 19, 1975

PART IV:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

New Jersey	NJ75–3096
	NJ75–3097
Virginia	VA75–3094
	VA75–3095

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.

Arizona:	
AZ75–5076; AZ75–5077; AZ 75–5078.	July 3, 1975.
Arkansas:	
AR75–4058	July 25, 1975.
Colorado:	
CO75–5101	Aug. 8, 1975.
Illinois:	
IL75–2079	June 13, 1975.
Louisiana:	
LA75–4141	Aug. 1, 1975.
Nevada:	
NV75–5057	May 9, 1975.
NV75–5095; NV75–5096; NV 75–5097.	Aug. 1, 1975.
New Mexico:	
NM75–4136	Do.
North Carolina:	
SC75–1054	May 23, 1975.
Pennsylvania:	
AR–2098	Dec. 27, 1974.
PA75–3057	May 30, 1975.
PA75–3058; PA75–3059	July 3, 1975.
PA75–3074; PA75–3075; PA 75–3078.	Aug. 22, 1975.
South Carolina:	
SC75–1038	Mar. 21, 1975.
Texas:	
TX75–4094	May 16, 1975.
TX75–4099; TX75–4101; TX 75–4102.	May 23, 1975.
TX75–4114	June 20, 1975.
TX75–4117	July 11, 1975.
TX75–4135	July 25, 1975.
TX75–4147	Aug. 8, 1975.
TX75–4154	Aug. 22, 1975.
Virginia:	
MD75–3062	June 20, 1975.
Washington, D.C.:	
DC75–3061	Do.

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded.

Colorado:	
CO75–5100 (CO75–5115); CO 75–5102 (CO75–5116); CO 75–5103 (CO75–5117); CO 75–5104 (CO75–5118)	Aug. 8, 1975.
Kentucky:	
AR–4053 (KY75–1093); AR–4055 (KY75–1095)	Nov. 8, 1974.
North Carolina:	
AR–4042 (NC75–1097)	Sept. 27, 1974.
South Dakota:	
SD75–5043 (SD75–5114)	Apr. 4, 1975.

Signed at Washington, D.C., this 12th day of August 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW SELECTION

STATE: NEW JERSEY LOCATION: BURLINGTON COUNTY

DECISION NO.: NJ75-3045 DATE: DATE OF PUBLICATION

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	$7.90				
CARPENTERS	4.65				
CEMENT MASONS	4.95				
DRYWALL INSTALLERS	5.12				
ELECTRICIANS	6.00				
HEATING & AIR CONDITIONING MECHANICS	5.575				
INSULATION MECHANICS	4.75				
LABORERS, UNSKILLED	3.66				
PAINTERS:					
Brush	5.61				
Spray	5.785				
PLASTERERS	5.50				
ROOFERS	6.00				
SHEET METAL WORKERS	4.62				
TILE SETTERS	7.50				
TRUCK DRIVERS	5.00				
POWER EQUIPMENT OPERATORS:					
Backhoe Operators	6.685				
Bulldozers Operators	6.50				
Front End Loaders	6.01				
Grader Operators	8.00				
Roller Operators	6.16				
Scraper Operators	7.75				

NEW DECISION

STATE: NEW JERSEY LOCATION: UNION COUNTY

DECISION NO.: NJ75-3097 DATE: DATE OF PUBLICATION

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.
CARPENTERS	$9.73	6%	6%		.02
CEMENT MASONS	9.25	.75	.70		.02
ELECTRICIANS	5.50				
INSULATION MECHANICS	8.11				
LABORERS:					
Unskilled	5.00				
Mason Tenders	6.00				
PAINTERS	5.00				
PLUMBERS	9.94	7%	8%	12%	1%
ROOFERS	7.73				
SHEET METAL WORKERS	5.00				
SHEET ROCK MECHANICS	8.97				
SIDING MECHANICS	8.00				
SOFT FLOOR LAYERS	9.625				
TILE SETTERS	7.00				
POWER EQUIPMENT OPERATORS:					
Backhoe Operators	7.13				
Bulldozer Operators	7.50				

STATE: VIRGINIA LOCATION: ALEXANDRIA COUNTY

DECISION NO.: VA75-3094 DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Building Construction, (excluding single, family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pension	Vacation	Apr. Tr.
ASBESTOS/HEAT	$7.25				
CARPENTERS	4.25				
CEMENT MASONS	4.50				
ELECTRICIANS	6.35	5%	3%		½ of 1%
ELEVATOR CONSTRUCTORS:					
Mechanics	7.85	.445	5.5%	3%+4%	.02
Mechanic Helpers	5.355	.445	5.5%	3%+4%	.02
Mechanic Helpers (Probationary)	3.885				
GLAZIERS	4.00				
IRONWORKERS:					
Structural, Ornamental & Reinforcing	5.65*				
LABORERS, UNSKILLED	2.50				
LATHERS	4.50				
PAINTERS, BRUSH	4.09				
PLASTERERS	6.00				
PLUMBERS & STEAMFITTERS	6.00				
ROOFERS	3.00				
SHEET METAL WORKERS	4.10				
SPRINKLER FITTERS	9.45	.50	.80		.03
TILE SETTERS	6.90				
TRUCK DRIVERS	3.00				
POWER EQUIPMENT OPERATORS:					
Asphalt Rakers	3.50				
Backhoe Operators	3.685				
Bulldozer Operators	4.00				
Crane Operators	4.21				
Forklift Operators	3.50				
Front End Loaders	3.50				
Motor Grader Operators	3.25				
Paving Machine Operators	3.85				
Roller Operators	3.50				

FOOTNOTES:

a. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

NEW DECISION

STATE: VIRGINIA LOCATION: CAMPBELL COUNTY

DECISION NO.: VA75-3095 DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	5.07				
CEMENT MASONS	4.75				
ELECTRICIANS	5.13				
GLAZIERS	4.40				
IRONWORKERS:					
Structural & Ornamental	7.05	.35	.40		.03
LABORERS, UNSKILLED	2.88				
LATHERS	6.00				
PAINTERS:					
Brush	4.00				
Spray	4.50				
PLASTERERS	5.75				
PLUMBERS & STEAMFITTERS	5.08				
RESILIENT FLOOR LAYERS	5.00				
ROOFERS	3.86				
SHEET METAL WORKERS	4.32				
TILE SETTERS	4.00				
TRUCK DRIVERS	2.25				
POWER EQUIPMENT OPERATORS:					
Backhoe Operators	4.90				
Bulldozer Operators	4.00				
Crane Operators	7.57	.30	.40		.03
Forklift Operators	3.00				
Front End Loaders	4.00				
Motor Grader Operators	3.685				
Trencher Operators	4.75				

DECISION #AZ75-5076 - Mod. #2
(40 FR 28313 - July 3, 1975)
Statewide, Arizona

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Manhole Builders; Stonemasons (Phoenix Area)					
Zone A	$9.75	.65	.60		.06
Zone B	10.24	.65	.60		.06
Zone C	11.21	.65	.60		.06
Zone D	11.70	.65	.60		.06
Zone E	12.19	.65	.60		.06
Zone F	12.68	.65	.60		.06
Bricklayers; Stonemasons (Tucson Area):					
Zone A	9.965	.70	.75		.06
Zone B	10.34	.70	.75		.06
Zone C	10.715	.70	.75		.06
Zone D	11.465	.70	.75		.06
Manhole Builders (Tucson Area):					
Zone A	10.215	.70	.75		.06
Zone B	10.59	.70	.75		.06
Zone C	10.965	.70	.75		.06
Zone D	11.715	.70	.75		.06
Electricians (Phoenix-Kingman-Prescott Areas):					
Zone A					
Electricians	11.05	.80	1%+.70		1/2%
Cable Splicers	11.60	.80	1%+.70		1/2%
Zone B					
Electricians	12.98	.80	1%+.70		1/2%
Cable Splicers	13.63	.80	1%+.70		1/2%
Zone C					
Electricians	13.98	.80	1%+.70		1/2%
Cable Splicers	14.67	.80	1%+.70		1/2%
Ironworkers:					
(Central and Southern Areas)	10.23	.93	1.60		.08
(Northern Area)	12.23	.93	1.60		.08

DECISION #AZ75-5077 - Mod. #2
(40 FR 28322 - July 3, 1975)
Maricopa County, Arizona

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Stonemasons:					
Zone A	$9.75	.65	.60		.06
Zone B	10.24	.65	.60		.06
Zone C	11.21	.65	.60		.06
Zone D	11.70	.65	.60		.06
Zone E	12.19	.65	.60		.06
Zone F	12.68	.65	.60		.06
Electricians:					
Zone A					
Electricians	11.05	.80	1%+.70		1/2%
Cable Splicers	11.60	.80	1%+.70		1/2%
Zone B					
Electricians	12.98	.80	1%+.70		1/2%
Cable Splicers	13.63	.80	1%+.70		1/2%
Zone C					
Electricians	13.98	.80	1%+.70		1/2%
Cable Splicers	14.67	.80	1%+.70		1/2%
Ironworkers	10.23	.93	1.60		.08

DECISION #AZ75-5078 - Mod. #2
(40 FR 28328 - July 3, 1975)
Pima County, Arizona

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Stonemasons					
Zone A	$9.965	.70	.75		.06
Zone B	10.34	.70	.75		.06
Zone C	10.715	.70	.75		.06
Zone D	11.465	.70	.75		.06
Electricians:					
Zone A	8.65	.45	1%		1/2%
Zone B	9.15	.45	1%		1/2%
Zone C	9.65	.45	1%		1/2%
Zone D	10.15	.45	1%		1/2%
Ironworkers	10.23	.93	1.60		.08

MODIFICATIONS P. 3

DECISION NO. AR75-4058 - Mod. #1
(40 FR 31455 - July 25, 1975)
Pulaski County, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGES:					
BRICKLAYERS-Stonemasons	$7.55	.30	.25		.02
CARPENTERS:					
Carpenters	7.63	.35	.25		.04
Millwrights & Piledrivermen	7.88	.35	.25		.04

MODIFICATIONS P. 4

DECISION #C075-5101 - Mod. #1
(40 FR 33595 - August 8, 1975)
El Paso County, Colorado

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION					
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	$7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04				
Groundman, over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

DECISION NO. #IL75-2079 - Mod. #4
(40 FR 25382 - June 13, 1975
Bureau, Carroll, Henry, Lee, JoDaviess, Ogle, Rock Island, Stephenson, Whiteside & Winnebago Counties, Illinois

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
CHANGE:					
Laborers: Rock Island County					
Unskilled	$7.82	.30	.50		.035
Semi-Skilled	8.07	.30	.50		.035
Skilled	8.32	.30	.50		.035

DECISION #IA75-4141 - Mod. #3
(40 FR 32585 - August 1, 1975)
Statewide Louisiana

Change:					
Asbestos workers:					
Zone 1	$8.845	.325	.50		.04
Bricklayers & stonemasons:					
Zone 9	8.25		.25		
Carpenters:					
Zone 3	7.55	.20			
Cement masons (Building Construction):					
Zone 8	7.02		.25		
Electricians:					
Electricians:					
Zone 6	9.15	.35	1%		1/2%
Cable splicers:					
Zone 6	9.65	.35	1%		1/2%
Glaziers:					
Zone 1	7.05				
Zone 3	8.50	.17	.30		.01
Zone 6	5.80				
Marble setters:					
Zone 4	7.27		.25		
Millwrights:					
Zone 9	9.79	.20			
Piledrivermen:					
Zone 1	7.85	.20			
Plasterers:					
Zone 8	8.25		.25		
Terrazzo workers:					
Zone 4	7.27		.25		
Tile setters:					
Zone 4	7.27		.25		

DECISION NO. NV75-5057 - Mod. #7
(40 FR 20602 - May 9, 1975)
Nevada Test Site including Tonopah Test Range in Clark and Nye Counties, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Change:					
Cement Masons:					
Cement Masons	$ 7.55	$ 1.00	.20	$ 2.00	.08
Floor Finishing Machine	7.90	1.00	.20	2.00	.08
Painters:					
Brush; Roller	8.27	.75	.35	1.50	.05
Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers	8.62	.75	.35	1.50	.05
Buffing Steel	8.88	.75	.35	1.50	.05

DECISION NO. NV75-5095 - Mod. #1
(40 FR 32635 - August 1, 1975)
Statewide (excluding the Nevada Test Site and Tonopah Test Range)

Change:					
Cement Masons:					
Lake Tahoe Area:					
Cement Masons	$ 9.80	.55	.60	$ 1.00	.03
Mastic, Magnesite and all Composition Masons	10.05	.55	.60	1.00	.03
Troweling Machines; Grinder Op. and Kelly Float	10.30	.55	.60	1.00	.03
Remaining Counties:					
Cement Masons	8.35	.55	.60	1.00	.03
Mastic Magnesite and all Composition Masons	8.60	.55	.60	1.00	.03
Troweling Machine; Grinder Op. and Kelly Float	8.85	.55	.60	1.00	.03
Ironworkers:					
Remainder of State:					
Fence Erectors	9.34	.93	1.65	1.10	.03
Ornamental; Reinforcing; Structural	10.23	.93	1.65	1.10	.03
Lathers:					
All Northern Nevada, Tonopah North incl. Lake Tahoe	10.21	.56	.20		.01
Plumbers; Steamfitters:					
Remaining Counties and N 1/2 of Nye County	10.99	.58	.60	1.95	.10
Roofers:					
Remaining Counties and N 1/2 of Nye County	9.85	.45	.20		.02
Soft Floor Layers:					
Remaining Counties and N 1/2 of Nye County	9.55	.70	.20		

DECISION NO. NV75-5096 - Mod. #1 (40 FR 32646 - August 1, 1975) Clark (excluding the Nevada Test Site), Nevada	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Change:					
Ironworkers:					
Fence Erectors	$ 9.34	.93	$ 1.65	$ 1.10	.03
Reinforcing; Ornamental; Structural	10.23	.93	1.65	1.10	.03

DECISION NO. NV75-5097 - Mod. #1 (40 FR 32650 - August 1, 1975) Washoe County, Nevada	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Change:					
Cement Masons:					
Cement Masons	$ 8.3[illegible]	.55	.60	1.00	.03
Mastic, Magnesite and all Composition Masons	8.60	.55	.60	1.00	.03
Troweling Machine; Grinder Op. and Kelly Float	8.85	.55	.60	1.00	.03
Ironworkers:					
Fence Erectors	9.34	.93	1.65	1.10	.03
Reinforcing	10.23	.93	1.65	1.10	.03
Ornamental; Structural	10.23	.93	1.65	1.10	.03
Lathers	10.21	.56	.20		.01
Plumbers; Steamfitters	10.99	.58	.60	1.95	.10
Roofers	9.85	.45	.20		.02
Soft Floor Layers	9.55	.70	.20		

DECISION NO. NM75-4136 - Mod. #1 (40 FR 32658 - August 1, 1975) Statewide, New Mexico	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
CHANGE:					
CARPENTERS:					
Dwelling houses and apartments not to exceed two stories in height:					
Zone 1-A	$8.10	.70	.80		.20
Zone 1-B	9.35	.70	.80		.20
Zone 1-C	9.60	.70	.80		.20
General Building and Heavy Engineering and Residential Construction (Dwelling houses and apartments over two stories in height:					
Zone 2-A	8.60	.70	.80		.20
Zone 2-B	9.35	.70	.80		.20
Zone 2-C	10.10	.70	.80		.20
MILLWRIGHTS & PILEDRIVERMEN:					
Zone 1	9.10	.70	.80		.20
Zone 2	9.85	.70	.80		.20
Zone 3	10.26	.70	.80		.20
ROOFERS	6.45				

DECISION #NC75-1054 - Mod. #1 (40 FR 22723 - May 23, 1975) New Hanover County, North Carolina.	
Change:	
Bricklayers	$6.00
Add:	
Laborers:	
Air tool operator	3.50

DECISION NO. AP-2095 - Mod. # 4
(39 FR 44928 - December 27, 1974)
Crawford County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters & Soft Floor Layers	$8.65	5%	7%	6%	.20 of 1%
Sprinkler Fitters	10.75	.50	.80		.08

Decision No. PA-75-3057 - Mod. #2
(40 FR 23684 - May 30, 1975)
Blair County, Pennsylvania

Change:					
Carpenters & Soft Floor Layers	8.65	5%	7%	6%	.20 of 1%
Sprinkler Fitters	10.75	.50	.80		.08

Decision No. PA-75-3058 - Mod. #2
(40 FR 28358 - July 3, 1975)
Elk County, Pennsylvania

Change:					
Carpenters & Soft Floor Layers	8.65	5%	7%	6%	.20 of 1%
Sprinkler Fitters	10.75	.50	.80		.08

Decision No. PA-75-3059 - Mod. #2
(40 FR 28361 - July 3, 1975)
Cambria County, Pennsylvania

Carpenters & Soft Floor Layers	8.65	5%	7%	6%	.20 of 1%
Sprinkler Fitters	10.75	.50	.80		.08

DECISION NO. PA-75-3074 - Mod. #1
(40 FR 36946 - August 22, 1975)
Beaver County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Painters:					
Commercial					
Brush	$7.95	.55	.35	.40	
Spray	8.47	.55	.35	.40	
Painters:					
Industrial					
Brush	9.00	.55	.35	.40	
Roller	9.53	.55	.35	.40	
Sprinkler Fitters	10.75	.50	.80		.08

Decision No. PA-75-3075 - Mod. #1
(40 FR - 36949 - August 22, 1975)
Indiana County, Pennsylvania

Change:					
Carpenters & Soft Floor Layers	8.65	5%	7%	6%	.20 of 1%
Sprinkler Fitters	10.75	.50	.80		.08

Decision No. PA-75-3078 - Mod. # 2
(40 FR 36961 - August 22, 1975)
Forest & McKean Counties,
Pennsylvania

Change:					
Carpenters:					
Forest County	8.65	5%	7%	6%	.20 of 1%
McKean County, Remainder of Co.	8.65	5%	7%	6%	.20 of 1%
Soft Floor Layers					
Forest County	8.65	5%	7%	6%	.20 of 1%

DECISION #SC75-1337 - Mod. #2
(40 FR 12934 - March 21, 1975)
Greenville County, South Carolina
Carolina

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Cement masons	$4.32				
Laborers:					
Laborers	2.98				
Sheet metal workers	4.46				
Truck drivers	3.08				
Power Equipment Operators:					
Front end loader	4.00				
Motor grader	3.55				
Add:					
Power Equipment Operators:					
Crane operator	4.33				

DECISION #TX75-4004 - Mod. #5
(40 FR 21603 - May 16, 1975)
Lubbock County, Texas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Cement masons	$6.50				
Ironworkers:					
Structural; Ornamental; Reinforcing	7.38	.55	.60		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	7.505	.55	.60		.10
Laborers:					
Group 1	4.275	.275	.10		
Group 2	4.55	.275	.10		
Group 3	4.475	.275	.10		
Group 4	4.625	.275	.10		
Group 5	4.875	.275	.10		

DECISION #TX75-4099 - Mod. #5
(40 FR 22787 - May 23, 1975)
Kleberg & Nueces Counties, Texas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters:					
Millwrights	7.55				1%
Lathers	7.39	.30	.20	1.00	.01

DECISION #TX75-4101 - Mod. #5
(40 FR 22789 - May 23, 1975)
Travis County, Texas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters:					
Carpenters	8.41	.38	.40		.04
Millwrights	8.66	.38	.40		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4102 - Mod. #2					
(40 FR 22791 - May 23, 1975)					
Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
Change:					
Cement masons:					
Zone 2	$7.945	.25	.85		
Zone 3	7.885	.40	.35		.01
Line Construction:					
Linemen; Lineman operator	9.86		1%		1/2%
Cable splicer	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.41		1%		1/2%
Groundman, 1 year and over	6.90		1%		1/2%
DECISION #TX75-4114 - Mod. #4					
(40 FR 26240 - June 20, 1975)					
El Paso County, Texas					
Change:					
Electricians:					
Electricians	8.30	.25	1%		1/2%
Cable splicers	8.55	.25	1%		1/2%
Line Construction:					
Lineman-Technician; Equipment operators	8.30	.25	1%		1/2%
Cable splicers	8.55	.25	1%		1/2%
Groundman	75%JR	.25	1%		1/2%
Groundman (less than 6 mos.)	50%JR	.25	1%		1/2%
Painters:					
Steel after erection, steam cleaning, buffing with power driven tools & torches	6.19	.30			.02
Roofers:					
Roofers; Waterproofers; Pipe-wrappers	5.30				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4117 - Mod. #2					
(40 FR 29527 - July 11, 1975)					
Jefferson & Orange Counties, Texas					
Change:					
Asbestos workers:					
Orange County	$8.845	.325	.50		.04
DECISION #TX75-4135 - Mod. #1					
(40 FR 31569 - July 25, 1975)					
Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Lathers	$8.00				.01
Line Construction:					
Zone 2:					
Lineman; Operator	9.86		1%		1/2%
Cable splicers	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.41		1%		1/2%
Groundman, 1 year and over	6.90		1%		1/2%
Plasterers	8.00				.01

DECISION #TX75-4147 - Mod. #1
(40 FR 33647 - August 8, 1975)
Wichita County, Texas

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
Change:					
Ironworkers:					
Structural; Ornamental; Reinforcing	$7.38	.55	.60		.10
Ironworkers on jobs 30 miles or more from the city of Wichita Falls	7.505	.55	.60		.10
Line Construction:					
Lineman; Lineman operator	9.86		1%		1/2%
Cable splicer	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.41		1%		1/2%
Groundman, 1 year and over	6.90		1%		1/2%
Plasterers	8.67				.01

DECISION #TX75-4154 - Mod. #1
(40 FR 36996 - August 22, 1975)
Galveston & Harris Counties, Texas

Change:					
Carpenters:					
Carpenters	8.675	.50	.50		.05
Millwrights	9.005	.50	.50		.05
Piledrivermen	8.675	.50	.50		.05

DECISION NO. DC75-3041 - MOD. # 7
(40 FR 26242 - June 20, 1975)
Washington, D. C.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
Change					
Cement Masons	$9.65	.485	.45		.11
Grinding Machine	9.90	.485	.45		.11
Power Equipment Operators (See Schedule Attached)					

Decision No. MD-75-3042 - Mod. # 6
(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:					
Cement Masons	9.65	.485	.45		.11
Grinding Machine	9.90	.485	.45		.11
Power Equipment Operators (See Schedule Attached)					

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Power Equipment Operators:					
GROUP 1	$10.45	.50	.55		.12
GROUP 2	10.20	.50	.55		.12
GROUP 3	9.82	.50	.55		.12
GROUP 4	10.05	.50	.55		.12
GROUP 5	9.87	.50	.55		.12
GROUP 6	9.69	.50	.55		.12
GROUP 7	9.79	.50	.55		.12
GROUP 8	9.59	.50	.55		.12
GROUP 9	9.66	.50	.55		.12
GROUP 10	9.46	.50	.55		.12
GROUP 11	8.74	.50	.55		.12

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS
GROUP 1 - 35 ton cranes and above, tower and climbing cranes
GROUP 2 - Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent), paving mixers, pile driving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops and scrapers (50 cu. yds, struck capacity or above), multiple concrete conveyors, front end loader (over 3-1/2 cu. yds.)
GROUP 3 - Mechanic, mechanic welder, welders
GROUP 4 - Hydraulic backhoes, under 1/2 yd., mounted on tractors, front end loader (over 2-3/4 cu. yds., to and including 3-1/2 cu. yds.)
GROUP 5 - Air compressors (on steel)
GROUP 6 - Front end loaders (hi-lift), fork lifts
GROUP 7 - Boilers (skeleton), trenching machines, tug boats, well drilling machines
GROUP 8 - Air compressors (except on steel), concrete mixers, mechanics and maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points
GROUP 9 - Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders
GROUP 10 - Power driven wheel scoops and scrapers (under 50 cu. yds., struck capacity), blade graders, bulldozers, motor graders
GROUP 11 - Firemen

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld

DECISION NUMBER: CO75-5115

DATE: Date of Publication

Supersedes Decision No. CO75-5100 dated August 8, 1975, in 40 FR 33587

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Eagle County	7.45	.45	.60	.25	.05
Boulder and Grand Counties	8.95	.50	.60		.05
Elbert, Lake and Park Counties	8.50	.45	.50		.04
Larimer County	8.95	.45	.60		.05
Remaining Counties	8.25	.45	.60	.25	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson and Park (Northern area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing Points					
Zone I (0 to 20 miles)	8.135	.48	.60	.40	.05
Zone II (20 to 50 miles)	9.15	.48	.60	.40	.05
Zone III (50 miles and over)	10.17	.48	.60	.40	.05
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado including Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	8.135	.48	.60	.40	.05
Zone II (20 to 50 miles)	9.15	.48	.60	.40	.05
Zone III (50 miles and over)	10.17	.48	.60	.40	.05
Larimer County (S.E. portion within Loveland basing point, Zone I)	8.135	.48	.60	.40	.05
Larimer (Remainder of County), Eagle, Lake, Park (south 40 miles) and Summit Counties					
Zone I (0-30 miles from P. O. in Leadville or Fort Collins)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from P. O. in Leadville or Fort Collins)	7.79	.48	.60	.40	.05
Zone III (All work outside of the 60 mile radius from P. O. in Leadville or Fort Collins)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	7.74	.44	1.10	.60	.08
Working with composition materials and color	8.24	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.99	.44	1.10	.60	.08
ELECTRICIANS:					
Electricians (Elbert and Park Counties)	10.07	.42	11%+.45		.015
Electricians (Remaining Counties)	10.24	.65	11%+.25		2/10%
Cable Splicers (Remaining Counties	10.49	.65	11%+.25		2/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	6.37				
IRONWORKERS	9.20	.63	.90		.08
MARBLE MASONS	8.30	.56	.50	.25	.04
MILLWRIGHTS	9.13	.53	.60	6%	.05
PAINTERS:					
Park County (Southern half)					
Brush, roller, taper, hand texture	7.20	.50	.20		.03
Steel and paperhanger	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
Remaining Counties including N½ of Park County*					
Brush and roller	9.31	.50	.60		.05
Drywall finisher; Paperhanger	9.51	.50	.60		.05
Spray; Swing Stage	9.79	.50	.60		.05
PLASTERERS	9.44				.01

DECISION NO. CO75-5115

DECISION NO. CO75-5115

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BUILDERS; Pipefitters:					
Southern portions of Douglas, Elbert and Park Counties (See ** below)	$8.28	.55	.65	1.17	.05
Boulder County	8.60	.55	.65	.50	.05
Gardner County	8.60	.55	.65	.50	.05
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	8.60	.55	.65	.50	.05
BOILERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas and Elbert Counties (See ** below)	7.91	.42	.10		
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas, and Elbert Counties	8.25	.55			.08
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	8.29	.35	.55	.30	.05
SPRINKLER FITTERS	9.25	.30	.70		.08
TILE SETTERS:					
Elbert, Lake and Park Counties	7.41	.45	.50		
Remaining Counties	8.30	.56	.50	.25	.04
TILE, MARBLE and TERRAZZO HELPERS:					
**Park County dividing line: A line from the S.W. corner of Jefferson County to the S. E. corner of Lake County					
Helpers	6.22	.56	.50	.40	
Floor Grinder	6.37	.56	.50	.40	
Base Grinder	6.92	.56	.50	.40	

DECISION NO. CO75-5115

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
**Area south of an east-west line from west border of Lake County to a point 2 miles north of the city of Leadville to a point 1/2 miles north of the City of Limon at the west border of Lincoln County					

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
AREA A	ZONE 1	ZONE 2	ZONE 3				
Group 1	$ 4.15	$ 4.60	$ 5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.50	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05
AREA B							
Group 1	4.15	4.60	5.05	.44	.50		.05
Group 2	5.50	5.95	6.40	.44	.50		.05
Group 3	5.78	6.23	6.68	.44	.50		.05
Group 4	5.98	6.43	6.88	.44	.50		.05
Group 5	5.82	6.27	6.72	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

AREA A

Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and North of the south line of Township 7 South. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.; thence east along the north line of said Township six (6) miles,more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

LABORERS (Cont'd)
(Building Construction)

AREA A (Cont'd)

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities

AREA B

Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan, and Park Counties.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Greeley and Vail.

Zone 2: That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office in above named Cities

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LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. T.
CARPENTERS	$7.19	.53	.60	.40	.05
UNDERGROUND CARPENTERS	7.39	.53	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.49	.53	.60	.40	.05
CEMENT MASONS					
Grand, Lake and Park Counties	7.24	.44	1.10	.30	.08
Remaining Counties	6.74	.44	1.10	.30	.08

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. T.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Man; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVEN, Snow Plow	7.00	.40	.30	.30	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
TRUCK DRIVERS: (Cont'd)					
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	$7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to and including 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
LINE CONSTRUCTION					
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	$7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04				
Groundman, over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

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	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS (Heavy Construction)					
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.06	.44	.50		.05
Group 6	7.13	.44	.50		.05

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LABORERS (Heavy Construction)

Group 1: Minimum Labor, Including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagmen directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Crouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Pine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Sellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Calleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Man, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

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LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

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POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler, Brakeman; Drill Operator - Smaller than Williams HF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or injector machine; Cableway signalman; caisson drill; Williams HF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saw on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous materials; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Dester; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34S or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

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POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 6" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Hine Hoist Operator

Group 6: Mole

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: CO75-5116

DATE: Date of Publication

Supersedes Decision No. CO75-5102 dated August 8, 1975, in 40 FR 33601

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Pitkin County	7.45	.45	.60	.25	.05
Remaining Counties	8.50	.45	.60	.25	.05
CARPENTERS:					
P.O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from nearest basing point)	7.79	.48	.60	.40	.05
Zone III (60 miles and over from nearest basing point)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	7.74	.44	1.10	.60	.08
Working with composition materials and color	8.24	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.99	.44	1.10	.60	.08
ELECTRICIANS:					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	9.20	.63	.90		.08
MARBLE and TILE SETTERS, TERRAZZO WORKERS	8.30	.56	.50	.25	.04
MILLWRIGHTS	9.13	.53	.60	6%	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush and roller	$ 9.31	.50	.60		.05
Drywall finisher; Paperhangers	9.51	.50	.60		.05
Spray; Swingstage	9.79	.50	.60		.05
PLUMBERS	8.45	.55	.55	1.00	.10
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	8.29	.35	.55	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS (Building Construction) Garfield and Pitkin Counties	Basic Hourly Rates ZONE 1*	Basic Hourly Rates ZONE 2*	Basic Hourly Rates ZONE 3*	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.50	5.95	6.40	.44	.50		.05
Group 3	5.78	6.23	6.68	.44	.50		.05
Group 4	5.98	6.43	6.88	.44	.50		.05
Group 5	5.82	6.27	6.72	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Aspen, Glenwood, Springs, and Rifle.

*ZONE 2: That area encompassed by 20 to 70 driving miles from the main Post Office of above named cities.

*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

Delta, Gunnison, Mesa & Montrose Counties	ZONE 1**	ZONE 2**	ZONE 3**				
Group 1	$4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.60	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

**ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities; Grand Junction, Gunnison, Montrose, and Naturita.

**ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named cities.

**ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

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LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$7.19	.53	.60	.40	.05
UNDERGROUND CARPENTERS	7.39	.53	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.49	.53	.60	.40	.05
CEMENT MASONS					
Gunnison and Pitkin Counties	7.24	.44	1.10	.30	.08
Remaining Counties	6.74	.44	1.10	.30	.08

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice
PICKUPS: Helpers; Salesmen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasers; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	$7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to and including 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	$7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.64				
Groundman, over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

DECISION NO C075- 5116

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. CO75-5116

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12': Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Rollers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dome

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

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LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. CO75-5116

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)					
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams HF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Firemen or tank heater, road; Forklift; Haulage motor man; Pumpall; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, bituminous spreader or laydown machine; Cableway signalmen; caisson drill; Williams HF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clapshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunite Machine; Jumbo Setter; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: C075-5117

DATE: Date of Publication

Supersedes Decision No. C075-5103 dated August 8, 1975, in 40 FR 33608

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

DECISION NO. C075-5117

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS	9.12	.50	.60		.04
CARPENTERS	7.54	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	7.39	.44	1.10	.60	.08
Working with composition materials and color	7.89	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.74	.44	1.10	.60	.08
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)					
Electricians	10.15	.42	1%+.45		1%
Cable Splicers	11.17	.42	1%+.45		1%
Zone II (12-20 miles from P. O.)					
Electricians	10.55	.42	1%+.45		1%
Cable Splicers	11.55	.42	1%+.45		1%
Zone III (20-40 miles from P. O.)					
Electricians	10.90	.42	1%+.45		1%
Cable Splicers	11.92	.42	1%+.45		1%
Zone IV (Over 40 miles from P. O.)					
Electricians	12.03	.42	1%+.45		1%
Cable Splicers	13.05	.42	1%+.45		1%
Electrical contracts under $20,000 in Zones III and IV	9.65	.42	1%+.45	-	1%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	9.20	.63	.90		.08
MARBLE and TILE SETTERS, TERRAZZO WORKERS	8.30	.56	.50	.25	.04
MILLWRIGHTS	9.13	.53	.60	6%	.05
PAINTERS:					
Brush, Roller, Taper, Hand Texture	6.67	.50			.04
Steel; Paperhangers	7.17	.50			.04
Spray, Tapers using Automatic Tools	7.67	.50			.04
Spray Steel	8.17	.50			.04
PLASTERERS	$9.44				.01
PLUMBERS:					
Zone I (0-15 miles from P. O.)	10.17	.60	.75		.08
Zone II (15-20 miles from P. O.)	10.74	.60	.75		.08
Zone III (20-40 miles from P. O.)	10.92	.60	.75		.08
Zone IV (Over 40 miles from P. O.)	11.895	.60	.75		.08
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS (Las Animas Co.)	8.29	.35	.55	.30	.05
SOFT FLOOR LAYERS (Pueblo County)	7.00	.35	.55	.20	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays:

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. C075-5117

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	

DECISION NO. C075-5117

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	$7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to and including 54 cu. yds.; Fireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to and including 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	

DECISION NO. C075-5117

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	$7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04				
Groundman, over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundman, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

DECISION NO. C075-5117

LABORERS (Building Construction)

	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 6.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.60	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities

DECISION NO. C075-5117

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$7.19	.53	.60	.40	.05
UNDERGROUND CARPENTERS	7.39	.53	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.49	.53	.60	.40	.05
CEMENT MASONS	6.74	.44	1.10	.30	.08

DECISION NO. C075-5117

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. C075-5117

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, Inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, Internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

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POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Mine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

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POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
ELECTRICIANS: (Cont'd)					
Zone 4 (40 miles and over from Pueblo Main P. O.)					
Electricians	12.13	.42	1%+.35		1/10%
Cable Splicers	13.34	.42	1%+.35		1/10%
Electricians on electrical contracts less than $20,000 in Zones 3 and 4	9.75	.42	1%+.35		1/10%
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties					
Electricians	9.07	.32	1%+.35		.01
IRONWORKERS	9.20	.63	.90		.08
PAINTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern Half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties					
Brush	9.31	.30	.60		.05
Spray, Swing Stage	9.79	.50	.60		.05
Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo Cos.					
Brush	6.28	.30			.02
Structural Steel; Spray	6.78	.30			.02
Spray Steel	7.38	.30			.02
Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray, Park (Southern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	7.20	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel	7.70	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
PILEDRIVERMEN	7.29	.48	.60	.40	.05

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: Statewide
DECISION NUMBER: CO75-5118 DATE: Date of Publication
Supersedes Decision No. CO75-5104 dated August 8, 1975, in 40 FR 33615
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
CARPENTERS	$7.19	.53	.60	.40	.05
CEMENT MASONS:					
*Zone I	6.74	.44	1.10	.30	.08
*Zone II	7.24	.44	1.10	.30	.09
ELECTRICIANS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagles, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld, and Yuma Counties					
Electricians	10.24	.65	1%+.25		
Cable Splicers	10.49	.65	1%+.25		
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone 1 (with 12 miles of Pueblo Main P. O.)					
Electricians	10.25	.42	1%+.35		1/10%
Cable Splicers	11.28	.42	1%+.35		1/10%
Zone 2 (12 to 20 miles from Pueblo Main P. O.) and (0 to 12 miles from P. O. in Canon City)					
Electricians	10.65	.42	1%+.35		1/10%
Cable Splicers	11.72	.42	1%+.35		1/10%
Zone 3 (20 to 40 miles from Pueblo Main P. O.)					
Electricians	11.00	.42	1%+.35		1/10%
Cable Splicers	12.10	.42	1%+.35		1/10%

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CEMENT MASONS (Cont'd)

* Zone Description

A. Counties entirely within Zone 1:

Alamosa	Custer	Huerfano	Otero
Archuleta	Delta	Jefferson	Phillips
Bent	Denver	LaPlata	Prowers
Boulder	Douglas	Larimer	Pueblo
Chaffee	El Paso	Logan	Rio Grande
Clear Creek	Fremont	Mesa	Sedgwick
Conejos	Garfield	Montezuma	Teller
Costilla	Gilpin	Morgan	Weld
Crowley			

B. Counties entirely within Zone 2:

Baca	Jackson	Moffat	Saguache
Cheyenne	Kiowa	Ouray	San Juan
Dolores	Kit Carson	Park	San Miguel
Grand	Lake	Pitkin	Summit
Gunnison	Lincoln	Rio Blanco	Yuma
Hinsdale	Mineral	Routt	

C. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included within Zone 1, as follows:

All of Adams, Arapahoe, Elbert and Las Animas Counties lying west of the Township line between R59W and R60W of the 7th Guide Meridian West; and all of Eagle County lying west of the Township line between R80W and R81W of the 10th Guide Meridian West and all of Montrose County lying Northerly of the North line of Ouray County and said North line extended West to the Township line between R11W and R12W, said part lying East of said Township line of the New Mexico Principal Meridian, and all of Washington County lying North of the 40°00'00" Latitude Base Line.

D. Legal description of the portions of Adams, Arapahoe, Eagle, Elbert, Las Animas, Montrose and Washington Counties which are included with Zone 2, as follows:

All of Adams, Arapahoe, Elbert and Las Animas lying East of the Township line between R59W and R60W of the 7th Guide Meridian West, and all of Eagle County lying East of the Township line between R80W and R81W of the 9th Guide Meridian West and all of Montrose County except that part lying Northerly of the North line of Ouray County and said North line extended West of said Township line between R11W and R12W, said point being East of said Township line of the New Mexico Principal Meridian and all of Washington County lying South of the 40°00'00" Latitude Base Line.

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprenticeship
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 6.45	.40	.30	.30	
DUMP TRUCKS, to & including 6 cu. yds.; Sweeper; Flat Rack, single Axle; Liquid & Bulk Tankers, single Axle; Warehousemen; Welders; Greasemen; Servicemen; Ambulance drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to & incl. 14 cu. yds.; Flat Rack, Tandem Axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Mtn haul shuttle truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid & Bulk Tankers, Tandem Axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; fuel truck; Grease truck; Combination fuel & grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to & including 10 cu. yds.; Liquid & Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Specialty & Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS over 14 cu. yds. to & including 29 cu. yds.; High Boy, Low Boy, Floats, Semi; Cab operated Distributor Truck Driver, Semi; Liquid & Bulk Tankers, Euclid, Electric, or similar; Truck Driver Dumptor type, Youngbaggy, Jumbo & similar type equipment	6.90	.40	.30	.30	
TRUCK DRIVER, Snow Plow	7.00	.40	.30	.30	1

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd)					
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	$7.05	.40	.30	.30	
DUMP TRUCKS over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS over 39 cu. yds. to and including 54 cu. yds.; Fireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS over 79 cu. yds. to and including 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS over 104 cu. yds.	7.95	.40	.30	.30	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION					
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	$7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04				
Groundman, over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundsin, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

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LABORERS

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Pine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Men; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Steamen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Miniaum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

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LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

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POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or Laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Cranes, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

DECISION NO. CO75-5518

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: See Below*
DECISION NUMBER: KY75-1093 DATE: Date of Publication
Supersedes Decision No. AR-4053 dated November 8, 1974 in 39 FR 39694
DESCRIPTION OF WORK: HEAVY AND HIGHWAY CONSTRUCTION

1-KY-2-3

*Counties: Allen, Bullard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren and Webster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY AND HIGHWAY CONSTRUCTION					
Bricklayers	$9.57				
Carpenters	7.25	.35	.30		
Cement masons	6.80	.50	.30		.03
Electricians:					
Wiremen (inside)	8.98	.40	1%		1/8 of 1%
Linemen (outside)	8.98	.40	1%		1/8 of 1%
Cable splicer (outside)	9.23	.40	1%		1/8 of 1%
Ironworkers:					
Structural and ornamental	8.45	.45	.50		.02
Reinforcing	8.45	.45	.50		.02
Millwrights	7.10	.35	.30		
Painters:					
Brush and roller	5.65	.15			
Spray and sandblasting	6.90	.15			
Painters Bridge:					
Spray and sandblasting	6.85	.15			
Piledrivermen	7.50	.35	.30		
Pipefitters	11.04	.45	.60		.06
Plumbers	9.10	.45	.50		.08
Sprinkler fitters	10.55	.50	.80		.08

DECISION NO. KY75-1093

KENTUCKY 3-LAB-F (1-1)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY AND HIGHWAY CONSTRUCTION					
GROUP 1	$6.29	.30	.30		
GROUP 2	6.54	.30	.30		
GROUP 3	6.59	.30	.30		
GROUP 4	7.19	.30	.30		

Group 1 - Laborers: Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers and placers, landscaping and seeding, planters and tree trimmers, sign, guard rail and fence installers, grade checkers, ageing and curing of concrete, truck spotters and dumpers, flagmen, riprap and grouters, dredging laborers, right-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper

Group 2 - Wagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chippers, green concrete cutting, brickmason tenders and mortar mixer, pipe layers, joint maker, batter board man (sanitary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinderman, hand operated grouter and grinder machine, deckhand scow man, burner and welder, walk behind trenching machine

Group 3 - Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborers (free air), gunnite operators and mixers man, gunnite nozzleman, asphalt luteman and rakeman air tract driller (all types), grout pump operator

Group 4 - Tunnel blasters, tunnel muckers (free air), miners and drillers (free air), caisson workers (free air)

KY75-1093 - (Cont d)

Kentucky 1 HBO-2-B

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
CLASS A	9.05	.30	.30		.05
CLASS B	7.06	.30	.30		.05
CLASS C	6.48	.30	.30		.05

CLASS A
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, cocopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, subgrader.

CLASS B
All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull bloat, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist), power sweeper (riding type), core drill and caisson drill helper (truck mounted).

CLASS C
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand steerman, hydraulic post driver, core drill and caisson drill helper (track or skid mounted).

KY75-1093 CONTD:

Kentucky 5-HBO-3-D

HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
CLASS A	$6.05	.30	.30		.05
CLASS B	6.65	.30	.30		.05
CLASS C	6.11	.30	.30		.05

Class A
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumpcrete, ross carrier, sideboom, tailboom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, cocopmobile, KeCal loader, tower cranes (French German and other types), hydrocranes, backfiller, gurries, subgrader, and dredge engineer.

Class B
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/ self-propelled compactor, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractair and road widening trencher, joint sealing machine, rotary drill (under 5), throttlevalve man tugger, well points, flexplane, firemen, and hoist (one drum).

Class C
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, and hydraulic post driver.

DECISION NO. KY75-1091

Kentucky 1-TD-2-3-B

HEAVY AND HIGHWAY CONSTRUCTION

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$6.59		a		
GROUP II	6.64		a		
GROUP III	6.87		a		
GROUP IV	6.94		a		
GROUP V	6.95		a		

GROUP I - Truck helper and warehousemen

GROUP II - Driver 3 tons and under, greaser, tire changer and mechanic helper

GROUP III - Truck mechanic

GROUP IV - Driver over 3 tons, distributors, dump truck tandem axle, mixer trucks (all types), semi-trailer or pole trailer when used to pull building material or equipment

GROUP V - Driver of pavement breakers, euclid and other heavy earth moving equipment and low boy, bork lift truck (when used for transporting building materials), winch truck and A-Frame truck when used in transporting materials.

FOOTNOTE:

a. $22.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

STATE: Kentucky
DECISION NUMBER: KY75-1095
Supersedes Decision No.: AR-4755 dated November 8 1974 in 39 FR 39700
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTY: *See below
DATE: Date of Publication

3-KY-2-3

*Counties: Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliot, Fayette, Fleming, Franklin, Gallatin, Graymon, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Johnson, Larue, Lawrence, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owens, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington and Woodford

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
HEAVY AND HIGHWAY CONSTRUCTION					
Bricklayers	9.43	.40	.40		
Carpenters	7.41	.30	.30		
Cement masons	9.55				
Electricians:					
Wiremen (inside)	10.20	.40	1%+.50		of 1%
Linemen (outside)	10.75	.35	1%		of 1%
Cable splicers (outside)	11.00	.35	1%		of 1%
Ironworkers:					
Structural, ornamental and reinforcing	9.95	.65	.80		.05
Painters:					
Brush and roller	7.82	.25	.20		.03
Sandblasting	8.17	.25	.20		.03
Spray	8.27	.25	.20		.03
Painters, bridge:					
Brush and roller	9.82	.25	.20		.03
Sandblasting	10.17	.25	.20		.03
Spray	10.57	.25	.20		.03
Piledrivermen	7.66	.30	.30		
Pipefitters	11.29	.45	.60		.08
Plumbers	10.54	.36	.75		.07

KY75-1095 (Cont'd)

Kentucky 3-LAB-2-3-F

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
HEAVY AND HIGHWAY CONSTRUCTION					
GROUP 1	6.29	.30	.30		
GROUP 2	6.54	.30	.30		
GROUP 3	6.59	.30	.30		
GROUP 4	7.19	.30	.30		

Group 1 - Laborers: Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers and placers, landscaping and seeding, planters and tree trimmers, sign, guard rail and fence installers, grade checkers, ageing and curing of concrete, truck spotters and dumpers, flagmen, riprap and grouters, dredging laborers, right-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper

Group 2 - Wagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chippers, green concrete cutting, brickmason tenders and mortar mixers, pipe layers, joint maker, batter board man (sanitary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinderman, hand operated grouter and grinder machine, deckhand scow man, burner and welder, walk behind trenching machine

Group 3 - Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborers (free air), gunnite operators and mixers man, gunnite nozzleman, asphalt luteman and rakeman air tract driller (all types), grout pump operator

Group 4 - Tunnel blaster, tunnel muckers (free air), miners and drillers (free air), caisson workers (free air)

KY75-1095 - (Cont'd)

Kentucky 1 PBO-2-H

HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
CLASS A	9.05	.30	.30		.05
CLASS B	7.06	.30	.30		.05
CLASS C	6.48	.30	.30		.05

CLASS A
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumporete, ross carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, subgrader.

CLASS B
All air compressors (over 900 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull bloat, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist), power sweeper (riding type), core drill and caisson drill helper (truck mounted).

CLASS C
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand steerman, hydraulic post driver, core drill and caisson drill helper (track or skid mounted).

KY75-1095 - (Cont'd)

Kentucky 3-PBO-3-D

HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
CLASS A	$8.05	.30	.30		.05
CLASS B	6.65	.30	.30		.05
CLASS C	6.11	.30	.30		.05

Class A
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push-dozer, highlift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumporete, ross carrier, sideboom, tailboom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French German and other types), hydrocranes, backfiller, gurries, subgrader, and dredge engineer.

Class B
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/ self-propelled compactor, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractair and road widening trencher, joint sealing machine, rotary drill (under 5), throttlevalve man tugger, well points, flexplane, firemen, and hoist (one drum).

Class C
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, and hydraulic post driver.

KY75-1095 - (Cont'd)

Kentucky 3-TD-2-3-E

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
GROUP I	6.44	a	b		
GROUP II	6.55	a	b		
GROUP III	6.73	a	b		
GROUP IV	6.76	a	b		
GROUP V	6.83	a	b		

GROUP I - Truck helper and warehousemen

GROUP II - Driver, 3 tons and under, greaser, tire changer and mechanic helper

GROUP III - Truck mechanic, driver, over 3 tons, distributors, dump truck and tandem axle, semi-Trailer or pole trailer when used to pull building material or equipment

GROUP IV - Driver on mixer trucks (all types)

GROUP V - Driver, euclid and other heavy earth-moving equipment and low boy, fork lift truck when used to transport building materials, pavement breakers, winch truck and A-Frame truck when used in transporting materials

FOOTNOTES:

a. $13.50 per week for each employee who has been employed a minimum of twenty (20 work days within any ninety (90)consecutive day period for that employer.

b. $14.00 per week for each employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.

SUPERSEDEAS DECISION

STATE: North Carolina COUNTY: Transylvania
DECISION NUMBER: NC75-1097 DATE: Date of Publication
Supersedes Decision No. AR-4042 dated September 27, 1974 in 39 FR 34906.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

88-NC-1-Y (1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$5.75				
Carpenters	4.75				
Cement masons	4.20				
Electricians	4.30				
Glaziers	3.16				
Ironworkers:					
Structural & Ornamental	4.13	.125	.10		.02
Reinforcing	4.90				
Laborers:					
Laborers	2.75				
Mason tenders	2.75				
Painters, brush	3.25				
Plasterers	4.25				.01
Plumbers & steamfitters	4.75				
Sheet metal workers	5.83				
Truck drivers	2.75				
Welders - rate for craft.					
Power Equipment Operators:					
Backhoe	3.25				
Crane	4.50				
Forklift	3.50				

SUPERSEDEAS DECISION

STATE: South Dakota
DECISION NUMBER: SD75-5114
COUNTY: Minnehaha
DATE: Date of Publication
Supersedes Decision No. SD75-5043 dated April 4, 1975, 40 FR 15326
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H&W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.53	.35	.40		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.55	.25	.30		
CARPENTERS:					
Carpenters, Pile Driverman	7.51		.20		.05
Millwrights	8.47		.20		.05
CEMENT MASONS	8.40				
ELECTRICIANS:					
0 miles through 30 miles from Sioux Falls Post Office					
Electricians	8.17	.30	1%	6%	1½%
Cable Splicers	8.98	.30	1%	6%	1½%
Over 30 miles from Sioux Falls Post Office					
Electricians	8.77	.30	1%	6%	1½%
Cable Splicers	9.59	.30	1%	6%	1½%
GLAZIERS	5.79				
LABORERS:					
Laborers	4.35				
Mortar Mixers, Paving Breakers, Jack Hammer Operator	4.45				
Nozzleman (gunite, sandblast and shotcrete)	4.60				
LATHERS	6.83				.01
PAINTERS:					
Brush	6.07				
Spray	6.57				
Tapers	6.32				
PLASTERERS	7.53				.01
PLUMBERS; Steamfitters	8.365	.31	.15	.17	.03
SHEET METAL WORKERS	7.92		.15	.35	
SPRINKLER FITTERS	8.75	.50	.80		.08

WELDER: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for 3 years' service and 2% basic hourly rate for 6 months to 3 years' service as Vacation Pay Credit.
6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

[FR Doc.75-24695 Filed 9-18-75;8:45 am]

federal register

FRIDAY, SEPTEMBER 19, 1975

PART V:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

Notices of Systems of Records

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PRIVACY ACT OF 1974

Notice of Systems of Records

Notice is hereby given that the Department of Agriculture (USDA), in accordance with 5 U.S.C 552a(e)(4) and 11, proposes to adopt the notice of a system of records set forth below. This notice is an addition to those notices published on August 27, 1975. 40 F.R. 38897. Although the Act requires only that the portion of each system which describes the "routine uses" of that system be published for public comment, USDA invites such comment on all portions of the notice.0

Interested persons may submit written comments on this proposed notice to: Director, Researcgh and Operations Divisions, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before September 26, 1975. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 14th Street and Independence Avenue, SW., Washington, D.C. 20250.

Dated: September 16, 1975

Earl L. Butz,
Secretary

USDA/FS—32

System name: Professional Registration and Professional Society Affiliation, Engineering—Related Personnel—Eastern Region—USDA/FS

System location: Office of the Regional Forester, Headquarters, Eastern Region, USDA Forest Service, 633 West Wisconsin Avenue, Milwaukee, Wisconsin, and at National Forest Headquarters at the following Location: Allegheny National Forest, Warren, PA; Chequamegon National Forest, Park Falls, WI; Chippewa National Forest, Cass Lake, MN; Green Mountain National Forest, Rutland, VT; Hiawatha National Forest, Escanaba, MI; Huron-Manistee National Forest, Cadillac, MI; Monongahela National Forest, Elkins, WV; National Forests in Missouri, Rolla, MO; Nicolet National Forest, Rhinelander, WI; Ottawa National Forest, Ironwood, MI; Shawnee National Forest, Harrisburg, IL; Superior National Forest, Duluth, MN; Wayne-Hoosier National Forest, Bedford, IN; White Mountain National Forest, Laconia, NH;

Addresses at each field office are listed in the telephone directories of the respective cities listed above under the heading, "United States Government, Department of Agriculture, Forest Service, National Forest Supervisor."

Categories of individuals covered by the system: Forest Service employees of the Eastern Region who presently are Registered Professional Engineers, Engineers-in-Training, Registered Land Surveyors, Engineers and/or Technicians presently affiliated with an Engineering-related professional or technical society or organization are included in this system of records.

Categories of records in the system: The system consists of a directory listing Registered Professional Engineers, Engineers-in-Training, Registered Land Surveyors, including the name of the State(s) and the Year(s) acquired. The directory also lists the "Ptofessional Society Affiliations" of Land Surveyors and Engineering employees, including society name, category of membership and responsibility.

Authority for maintenance of the system: 5 U.S.C. 0301; 7 CFR 02.60.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Promoting Professional Registration and involvement in Professional and/or Technical societies; and (2) Providing assistance (through the directory listing) to employees currently seeking professional registration; and (3) Providing recognition of employees' efforts in these endeavors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The directory (records) in the form of a spiral-bound booklet is maintained at the applicable address(s) listed above. Also, each individual whose name appears in the directory receives a copy for his personal use.

Retrievability: The directory (records) is indexed by organizational unit within the Region and by name of individual listed therein.

Safeguards: Since a copy of this directory is sent to all the individuals listed in it, no identifiable safeguards exist. Employees are instructed to treat the directory as an Official Forest Service document for in-service use only.

Retention and disposal: The directory (record) is maintained for the duration of an employee's registration or society affiliation. All information is deleted when (l) The employee is no longer employed within the region; (2) Is no longer registered and/or is no longer affiliated with a professional society

System manager(s) and address: Director, Engineering Staff Group, USDA—Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

Notification procedure: Any Eastern Region employee, past or present, may request information regarding this directory system, or information as to whether the system contains records pertaining to him from the Director, Engineering Staff Group, at the address above, Telephone 414-224-3602, or the appropriate Forest Supervisor at the address previously listed. A request for information pertaining to an individual should contain: Name and address, Unit Headquarters and Particulars involved, i.e., Registered Surveyor, Registered Engineer, etc.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Information in this system comes primarily from individual employees, the employee's supervisor, and line and staff officers.

[FR Doc.75-24976 Filed 9-16-75;11:35 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PRIVACY ACT OF 1974

Notices of Systems of Records

On August 22, 1975, the Department of the Interior proposed adoption of 206 notices describing systems of records which it maintains which are subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. These proposed notices were published in the Federal Register for September 5, 1975, 40 FR 41432-41507.

As a result of continuing review of its records, the Department has identified some additional systems of records which are subject to section 3 of the Privacy Act. Accordingly, notice is given that the Department proposes to adopt notices describing these additional systems of records. Although the Privacy Act requires publication for comment of only that portion of each notice which describes the "routine uses" of a system of records, the Department is publishing and invites comment upon all parts of each notice.

Readers are urged to review the preamble appearing with the notices published in the Federal Register for September 5. The preamble discusses the principles which guided the Department in identifying records subject to the Act, in making decisions concerning the configuration of these records into systems of records, and in preparation of notices describing these systems.

Comments on the proposed notices may be submitted to the Assistant Solicitor, General Legal Services, Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW, Washington, D.C. Because September 27, 1975, the effective date of the Privacy Act, is imminent and because records subject to section 3 of the Act must be described in final Federal Register notices published no later than September 27, comments on portions of the notices other than the "routine use" sections must be received by Monday, September 22, 1975. Comments on the "routine use" sections of the notices may be submitted until October 6, 1975. Copies of the comments may be inspected in Room 6525 at the above address.

Pursuant to the authority vested in the Secretary of the Interior by 5 U.S.C. 301 and 552a and by 43 U.S.C. 1460, the system of record notices set out below are proposed.

Dated: September 15, 1975.

Richard R. Hite,
Deputy Assistant Secretary of the Interior.

System name: Employee Identification Card Files -- Interior, Office of the Secretary--32.

System location: Division of Enforcement and Security Management, Office of Management Operations (AMO), U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Employees of the Office of the Secretary and other Departmental offices and non-Federal support personnel requiring access to Department buildings.

Categories of records in the system: These files contain the name of the individual issued the particular card, date of issue and card number.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 43 U.S.C. 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Internal control over the issuance of cards. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in large bound record book. (2) Retrievability -- indexed by card number. (3) Safeguards -- stored in a locked room in manipulation-proof, 3-way combination lock steel safe. Access limited to those persons whose official duties require such access. (4) Retention and Disposal -- records are maintained for the duration of the employment or contractual relationship.

System manager(s) and address: Chief, Division of Enforcement and Security Management, AMO, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Information is furnished by the person to whom the card is issued.

System name: Central Employee Locator Index -- Interior, Office of the Secretary--33.

System location: Division of Enforcement and Security Management, Office of Management Operations (AMO), U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Employees assigned to the Washington, D.C. Metropolitan Area.

Categories of records in the system: The records system consists of 3 x 5 forms containing employee's name, organization symbol, room number, office extension, bureau and organization, home address and home telephone number.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 43 U.S.C. 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provides referral information in response to inquiries from various Departmental and other Federal agencies. Information is also provided to other agencies requiring legitimate referral information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on 3 x 5 forms. (2) Retrievability -- alphabetized by name. (3) Safeguards -- maintained in a locked room. (4) Retention and Disposal -- destroyed when obsolete.

System manager(s) and address: Chief, Division of Enforcement and Security Management, Office of Management Operations, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as the above. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: U.S. Department of the Interior employees.

System name: Motor Vehicle Operator's Identification Card Applications -- Interior, Office of the Secretary--34.

System location: Division of General Services, Office of Management Operations, U.S. Department of the Interior, Washington, D.C. 20240. (2) Division of Personnel Services, Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Employees in the Office of the Secretary and other Departmental offices who have applied for driver permits.

Categories of records in the system: The records contain the name, title, sex, date of birth, place of birth, physical characteristics, social security number, past driving record, traffic citations, accidents for past three years, medical history, state driver license number, and road test results.

Authority for maintenance of the system: 40 U.S.C. 491(j).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Assignment of driver permits to employees in the Office of the Secretary and other De-

partmental offices. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on form DI-131-Rev. and Standard Form 47. (2) Retrievability -- by name. (3) Safeguards -- stored in locked file cabinet. (4) Retention and Disposal -- subject to general records schedule.

System manager(s) and address: Chief, Division of General Services, Office of Management Operations, Department of the Interior, Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required.

Record access procedures: Same as the above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Federal employees applying for a government driver permit.

System name: Property Accountability -- Interior, Office of the Secretary--35.

System location: Division of General Services, Office of Management Operations, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Assignment of property to offices accountable to individuals designated as Responsible Officers.

Categories of records in the system: The records system contains computer codes for each Responsible Officer and descriptive data about each piece of capitalized property assigned.

Authority for maintenance of the system: 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Provides data for property assigned to individuals and offices. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on computer media. (2) Retrievability -- system is indexed by code assigned to each individual. (3) Safeguards -- maintained with safeguards meeting the 'Computer Security Guidelines for Implementing the Privacy Act of 1974.' (4) Retention and Disposal -- destroyed when obsolete.

System manager(s) and address: Chief, Division of General Services, Office of Management Operations, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as the above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Individual that is assigned the property.

System name: Travel Records -- Interior, Office of the Secretary--36.

System location: Branch of Travel, Office of Management Operations (AMO), U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Categories of individuals covered by the system: Federal Employees or individuals who travel on behalf of the Department on official business.

Categories of records in the system: The records system contains passports, visas, travel folders, rental credit cards, Government transportation requests, travel tickets, and imprest fund.

Authority for maintenance of the system: 5 U.S.C. 5701, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Making travel arrangements, including the making of reservations and the purchase of tickets. (2) Periodic transfer of travel tickets to Fiscal Services, Office of Secretarial Operations, Department of the Interior. (3) Periodic transfer of passports and visas to other Federal agencies. (4) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (5) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- travel folders and tickets maintained in 8'x10 1/2' folders. Rental credit cards maintained on 2'x3' plastic card. Government transportation and imprest fund requests maintained in log books. Each passport and visa maintained in separate book. (2) Retrievability -- travel folders and tickets filed by bureau. Rental credit cards filed by number and name. Government transportation requests filed by number and name. Passports and visas filed by name. Imprest fund requests filed by name and number amount. (3) Safeguards -- passports, visas, imprest fund and Government transportation log books stored in a locked room in manipulation proof three way combination lock steel safes. Travel folders, rental credit cards stored in a locked room. Access granted only to designated personnel. (4) Retention and Disposal -- General Records Schedule No. 9, Item No. 4.

System manager(s) and address: Chief, Branch of Travel, Office of Management Operations, Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as the above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: Federal employees and individuals on behalf of the Department.

System name: Discrimination Complaints -- Interior, Office of the Secretary--37.

System location: (1) Office for Equal Opportunity, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All Regional Offices of the Office for Equal Opportunity: (a) Office for Equal Opportunity - Eastern Region, U.S. Department of the Interior, 4040 N. Fairfax Drive - 10th Floor, Arlington, VA. 22203; (b) Office for Equal Opportunity - Western Region, U.S. Department of the Interior, Denver Federal Center, Building 67, Room 880, Denver, CO 80225; and (c) Office for Equal Opportunity - Alaska Region, U.S. Department of the Interior, 204 East Fifth Avenue, Anchorage, AK 99501.

Categories of individuals covered by the system: Individuals who claim to have been discriminated against on the basis of race, color, sex, religion, or national origin in violation of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), in violation of Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576), or in violation of Executive Order 11246, as amended (3 CFR 169 (1974 ed.)).

Categories of records in the system: Contains complaints of discrimination; reports of complaint investigations and supplementary documentary evidence; correspondence, including requests for information from other Federal agencies and from minority, civil rights, women's, and community organizations; documents obtained from Government contractors and subcontractors, from the administrators and recipients of Government funds, and from Government permitees under the Trans-Alaska Pipeline Authorization Act (87 Stat. 576); and miscellaneous statistical data obtained from various sources.

Authority for maintenance of the system: Title VI of the Civil Rights Act of 1964 (42 USC 2000d) and its implementing regulations (43 CFR Pt. 17); Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576) and its implementing regulations (43 CFR Pt. 27); and Executive Order 11246, as amended (3 CFR 169 (1974 ed.)) and its implementing regulations (41 CFR Ch. 60).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Investigation and resolution of complaints of discrimination in violation of Title VI of the Civil Rights Act of 1964 (42 USC 2000d), in violation of Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576), or in violation of Executive Order 11246, as amended (3 CFR 169 (1974 ed.)). (2) Disclosure by inspection and/or photocopying to the U.S. Equal Employment Opportunity Commission under the terms of the Office of Federal Contract Compliance - Equal Employment Opportunity Commission Memorandum of Understanding dated September 11, 1974 (39 FR 35855). (3) Disclosure to the Office of Federal Contract Compliance for the purpose of audit and evaluation. (4) Disclosure to other Federal agencies charged with the enforcement of equal employment opportunity laws, orders and regulations, on a need-to-know basis to assist these agencies in their enforcement activities. (5) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (6) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name of complainant. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- records held for three years after close of case, then sent to storage in Federal Records Center.

System manager(s) and address: (a) For complaints arising under Executive Order 11246, as amended (3 CFR 169 (1974 ed.)), and under Title VI of the Civil Rights Act of 1964 (42 USC 2000d) - Director, Office for Equal Opportunity, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (b) For complaints arising under Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576) - Authorized Officer, Alaska Pipeline Office, U.S. Department of the Interior, 808 E Street, Anchorage, AK 99501.

Notification procedure: A written and signed request stating that the requester seeks information concerning records pertaining to him is required, and shall be addressed to the appropriate System Manager. 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the appropriate System Manager, and shall meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall meet the requirements of 43 CFR 2.71.

Record source categories: Complainants; Government contractors and subcontractors and their employees; Government permitees under Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576) and their employees; the administrators and recipients of Government funds from programs administered by the Department of the Interior; Federal, State, and local government agencies; community, minority, civil rights, and women's organizations; unions; members of Congress and their staffs; Bureaus and offices of the Department of the Interior; and confidential informants, to the extent they possess data otherwise unavailable.

System name: Biography File -- Interior, Office of the Secretary--38.

System location: Office of Communications, Research Office, U.S. Department of the Interior, Washington, D.C. 20240.

Categories of individuals covered by the system: Officials of the Department of the Interior, including the Secretary, Assistant Secretaries, heads of Bureaus and Offices.

Categories of records in the system: The records are biographical news releases generally containing the individual's name, place and date of birth, education, military service, work experience, publications, membership in professional or scientific societies, marital status plus occasional newspaper clippings about the individual and in some cases a photograph of the individual.

Authority for maintenance of the system: Statutes 5 USC 301, 3101, 43 USC 1467, 44 USC 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Dissemination of biographical information to the news media and the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- biographies are in press release form, maintained in file folders. (2) Retrievability -- alphabetized by name. (3) Safeguards -- maintained in a locked room. (4) Retention and Disposal -- destroyed when obsolete.

System manager(s) and address: Director, Office of Communications, Office of the Secretary, Department of the Interior, 18th and C Streets, N.W., Washington, D.C., 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager

Record access procedures: Same as the above. The request must be in writing, signed by the and must meet the content requirements of 43 CFR 2.71.

Record source categories: Data furnished by the individual and newspaper clippings.

System name: Classified Documents -- Interior, Office of the Secretary--39.

System location: Office of Management Operations (AMO), U.S. Department of the Interior, c/o U.S. State Department, 2201 C Street NW, Washington, D.C., 20520.

Categories of individuals covered by the system: Employees of U.S. Department of the Interior authorized to receive classified documents.

Categories of records in the system: The system contains the individual name, security clearance, employment address, and telephone number.

Authority for maintenance of the system: Executive Orders 10450 and 10865.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Transmittal of classified documents to employees. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in 8x10 1/2' folders. (2) Retrievability -- indexed by bureau and name. (3) Safeguards -- stored in a locked room in manipulation-proof 3-way combination lock steel safe. (4) Retention and Disposal -- records are maintained in active status.

System manager(s) and address: Chief, Division of General Services, AMO, U.S. Department of the Interior, 18th & C Streets, NW, Washington, D.C. 20240.

Notification procedure: Same as the above. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60. requester and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

Record source categories: List of employees who have security clearance.

System name: Contract and Procurement Records -- Interior, FWS--25.

System location: (1) Division of Contracting and General Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. (2) Regional offices of Fish and Wildlife Service. (See Appendix for regional addresses).

Categories of individuals covered by the system: Individuals submitting unsolicited proposals or replying to solicitations for bids. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Contains information regarding the individual which would be required to evaluate contract proposals, i.e., name, age, education, experience, references, and possible other pertinent information.

Authority for maintenance of the system: Federal Property and Administrative Act of 1949, as amended. Fish and Wildlife Act of 1956, 16 U.S.C. 742a-7421; 70 Stat. 1119.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Evaluation by Contracting Officer and technical representative of operating (requesting) division or office placing name and address on bidders list for use in sending out future solicitations. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute, regulation, rule, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained on paper form, 8 x 10 1/2', in either the 'Bidders Mailing List' file or a 'Contract Folder.' (2) Retrievability -- by name and contract number. (3) Safeguards -- records maintained in compliance with provisions of 43 CFR 2.51. (4) Retention and Disposal -- Bidders Mailing List -- until individual requests withdrawal or solicitation returned unanswered. Destroyed immediately. Contract Files: Four years after closing of file.

System manager(s) and address: Chief, Division of Contracting and General Services, Fish and Wildlife Services, U.S. Department of the Interior, Washington, D.C. 20240, and regional directors (See Appendix for regional addresses).

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual submitting proposals for consideration.

System name: Contract Files -- Interior, GS--5.

System location: Branch of Procurement and Contracts, Geological Survey, National Center, Reston, Virginia, CA-13, CO-15 and VA-6.

Categories of individuals covered by the system: Individuals who have contracts with the Geological Survey. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Record of contract information, from inception of requirement, through contract award, contract administration and completion of the contract. Copies of contractor and technical and cost proposals, documentation pertaining to the award, contract and miscellaneous correspondence.

Authority for maintenance of the system: 40 U.S.C. 481.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- by name of individual contractor and by contract number. (3) Safeguards -- proprietary technical and cost information maintained separately in locked cabinet. (4) Disposal -- retained and disposed of according to GSA General Records Schedule.

System manager(s) and address: Chief, Branch of Procurement and Contracts, Geological Survey, Department of the Interior, National Center, Reston, Va. 22092.

Notification procedure: A written and signed request stating that the requester seeks information concerning records pertaining to him must be addressed to the System Manager. See 43 CFR 2.60.

Record access procedures: Requests for access shall be addressed to the System Manager, signed by the requester and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

Record source categories: Information comes from the individual contractor.

System name: RELOS Records -- Interior, GS--6.

System location: Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: Survey employees in the Washington Metropolitan Area.

Categories of records in the system: Names of individual employees, social security numbers, office telephones, location codes, room numbers, mail stop numbers, organization codes, parking permit numbers, carpool numbers, names of individuals who qualify for preferential parking due to handicap or position, makes of cars and license numbers, home addresses and telephone numbers.

Authority for maintenance of the system: 5 U.S.C. 3101, 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Used to prepare National Center telephone directory, parking permit issuance, carpool assignments, space occupancy reports. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual and computerized form. (2) Retrievability -- by name or social security number. (3) Safeguards -- records kept in locked cabinets for use of Branch of General Services personnel only. (4) Disposal -- retained until obsolete, then destroyed.

System manager(s) and address: Chief, Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: Same as above. See 43 CFR 2.60.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: Same as above. See 43 CFR 2.71.

Record source categories: Information came from individual.

System name: Personal Property Accountability Records -- Interior, GS--7.

System location: (1) Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092. (2) Administrative offices in all or substantially all field locations. (See Appendix for addresses). (3) Facilities of Geological Survey designated VA-6, CO-15 and CA-13 in Appendix.

Categories of individuals covered by the system: Survey employees who are accountable for government owned controlled property.

Categories of records in the system: Records of assignment of an internal identification number and acknowledgement of receipt by employees. Records of transfers to other accountable employees. Inventory records containing employee social security numbers and duty stations.

Authority for maintenance of the system: 40 U.S.C. 483(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To maintain control over bureau owned controlled property; maintain up-to-date inventory and accountability. See routine uses statement. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are both manual and computerized. (2) Retrievability -- by employee social security number. (3) Safeguards -- access by authorized employees only. (4) Disposal -- when obsolete.

System manager(s) and address: Chief, Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: Same as above or to individual installations. See 43 CFR 2.60.

Record access procedures: Same as above or to individual installations for access. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual employees.

System name: Accident Reports and Investigations -- Interior, GS--8.

System location: Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: All personnel of the Geological Survey who have had on-the-job accidents.

Categories of records in the system: Form DI-134, Accident Reports, correspondence, historical information and corrective action reviews relating to accidents which have occurred on-the-job.

Authority for maintenance of the system: 5 U.S.C. 7902.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- by name of individual. (3) Safeguards -- kept in locked cabinet. Access limited to authorized personnel. (4) Disposal -- retained on-site.

System manager(s) and address: Survey Safety Management Officer, Branch of General Services, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: A written and signed request stating that the requester seeks information concerning records pertaining to him must be addressed to the System Manager. See 43 CFR 2.60.

Record access procedures: A request for access must be in writing, signed by the requester, submitted to the System Manager, and meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

Record source categories: Accident victims, witnesses, supervisors and investigators.

System name: National Research Council Grants Program -- Interior, GS--9.

System location: (1) Office of the Chief Geologist, Geologic Division, Reston, Virginia 22092. (2) National Research Council, 2101 Constitution Avenue, N.W., Washington, D.C. 20418.

Categories of individuals covered by the system: Contains name, grade, title, organization, and place of birth of person being granted access. Also file of SF 171 and college transcripts for each individual.

Authority for maintenance of the system: 43 U.S.C. 31, et seq., 5 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual system maintained in cardex and legal files showing data on Research Associates assigned to U.S. Geological Survey, Geologic Division under this program. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- records disposed of periodically as prescribed under records control system.

System manager(s) and address: Deputy Chief Geologist, U.S. Geological Survey, National Center Mail Stop 911, Reston, Virginia 22092, Phone (703) 860-6531.

Systems exempted from certain provisions of the act: This system is proposed to be exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

System name: Lunar Sample -- Interior, GS--10.

System location: Office of Environmental Geology, Branch of Astrogeology, Geologic Division, Reston, Virginia 22092.

Categories of individuals covered by the system: Records of Principal Investigators, NASA Lunar sample program, Houston, and hand receipts on Lunar Samples obtained from NASA for Scientific Analysis. Contains the name and location of individual who used lunar sample.

Authority for maintenance of the system: 43 U.S.C. 31, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual system. (2) Retrievability -- maintained to identify individual using Lunar Samples -- Date received and returned to NASA -- so that samples will not be lost and can be located anytime. (3) Safeguards -- laboratories where samples are stored are locked at night. Only principal investigators have access to records. (4) Retention and Disposal -- records disposed of periodically in accordance with records control procedures.

System manager(s) and address: Project Chief, Branch of Astrogeology, Office of Environmental Geology, U.S. Geological Survey, Room 3C400, Mail Stop 929, Reston, Virginia 22092, Phone (703) 860-6787.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is being maintained.

System name: Security -- Interior, GS--11.

System location: (1) Office of the Chief Geologist, Geologic Division, Reston, Virginia 22092. (2) Central and Western Regional Offices of the Geologic Division. (See Appendix for addresses.)

Categories of individuals covered by the system: Record of Security Clearance, for Division personnel; contains name, grade, organization and place and date of birth and type of security clearance of person being granted access.

Authority for maintenance of the system: Executive Order 10501.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual systems maintained in locked cardex and legal size files. (2) Retrievability -- indexed by individual name. (3) Safeguards -- maintained with security meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- records on former employees disposed under prescribed procedures.

System manager(s) and address: Deputy Chief Geologist, U.S. Geological Survey, National Center, Mail Stop 911, Reston, Virginia 22092 Phone (703) 860-6531.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written,

signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

System name: Project Descriptions and Work Plans and Accomplishments -- Interior, GS--12.

System location: Budget and Program Office, Office of the Chief Geologist, U.S. Geological Survey, Reston, Virginia 22091.

Categories of individuals covered by the system: Scientists who are in charge of one or more projects.

Categories of records in the system: The Project Description describes the objectives, location, and justification of the project. The Work Plans and Accomplishments is a yearly accountability of each project's scientific progress during the past year and a work plan for the coming year.

Authority for maintenance of the system: 43 U.S.C. 31, 48, 49.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by project number with a crosswalk of individual in charge of project. (3) Safeguards -- all project files are maintained by a Program Specialist. (4) Disposal -- all project files are kept until the final report is published.

System manager(s) and address: Assistant Deputy Chief Geologist, Budget and Program Office, Office of the Chief Geologist, Reston, Virginia 22091.

Notification procedure: System Manager. See 43 CFR 2.60.

Record access procedures: System Manager. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: The information comes from the individuals who are in charge of one or more projects.

System name: Manuscript Processing System -- Interior, GS--13.

System location: (1) Office of Scientific Publications, Geologic Division, Reston, Virginia 22092. (2) Central and Western Regional Offices of the Geologic Division. (See Appendix for addresses.)

Categories of individuals covered by the system: Geologic Division authors of Geo-Science publications.

Categories of records in the system: Contains record by author or title on publication plans, status and location of all manuscript maps and reports in preparation or published by Geologic Division employees.

Authority for maintenance of the system: 43 U.S.C. 31, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Use by Author, Branch Chiefs, Office Chiefs and Office of Scientific Publications staff. (2) Routine uses numbered 3 through 7 in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form on cards. (2) Retrievability -- indexed by author and Geographic area. (3) Safeguards -- none required. (4) Disposal -- indefinite retention.

System manager(s) and address: Deputy Chief, Office of Scientific Publications, Geologic Division, Reston, Virginia 22092.

Notification procedure: Same as above. See 43 CFR 2.60.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: Same as above. See 43 CFR 2.71.

Record source categories: Authors.

System name: Travel Files -- Interior, GS--14.

System location: Geological Survey, National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: Employees of the Geological Survey.

Categories of records in the system: Names, addresses, social security numbers; destination; itineraries; modes and purposes of travel; dates; expenses including advances; amounts claimed and reimbursed; travel orders; vouchers; receipts and passport record cards.

Authority for maintenance of the system: 5 U.S.C., 5701, 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Transmittal to U.S. Treasury for payment and to State Department for passports. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual and machine readable. (2) Retrievability -- filed by name, social security number or travel order number. (3) Safeguards -- storage facilities are in secured premises with access limited to personnel whose official duties require access. (4) Disposal -- retained according to GSA Federal Travel Regulations, and disposed of according to Records Control Schedule and GSA General Records Schedules.

System manager(s) and address: Chief, Branch of Financial Management, Geological Survey, National Center, Reston, Virginia 22092.

Notification procedure: System Manager. A written and signed request is required from anyone seeking information concerning him or herself.

Record access procedures: Requests for access should be addressed to the System Manager and meet the requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Subject individuals, supervisors and standard finance office references.

System name: Cartographic Information Customer Records -- Interior, GS--15.

System location: (1) National Cartographic Information Center, Topographic Division, Reston, Virginia 22092. (2) U.S. Geological Survey Field Offices listed in the Appendix as CA-12, CO-11, MO-5 and SD-5.

Categories of individuals covered by the system: Individuals who have requested Cartographic Information directly from, or whose requests have been forwarded to the National Cartographic Information Center or its sponsored field centers.

Categories of records in the system: Contains name, address, customer's inquiry, response to inquiry and appropriate accounting entries.

Authority for maintenance of the system: (1) Executive Order 3206. (2) OMB Circular A-16. (3) 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Reference by GS and GS contractor personnel in processing customer inquiries; (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records; (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders, correspondence recorded on microfilm, and key information recorded on magnetic tape in some instances; (2) Retrievability -- indexed by name of inquirier, cross indexed chronologically; (3) Safeguards -- maintained in GS areas occupied by GS personnel during working hours with building locked and/or guarded during off hours; (4) Disposal -- original hard copy destroyed after three years or sooner if recorded on microfilm. Indexes and microfilm maintained at least three years (longer if useful to operations or if active).

System manager(s) and address: Chief, National Cartographic Information Center, Topographic Division, GS, Reston, Virginia 22092.

Notification procedure: System Manager or installation which is believed to have the requested record. Installations will only provide information on records held locally. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Customers on whom record is maintained and GS or GS contract information researchers.

System name: Office of Minerals Exploration (OME) -- Interior, GS--16.

System location: Office of Minerals Exploration, U.S. Geological Survey, 953 National Center, Reston, Virginia 22092.

Categories of individuals covered by the system: Applicants for financial assistance to explore mineral deposits.

Categories of records in the system: Information furnished by the applicant in support of a loan application including financial eligibility, rights in land to be explored, operating experience and background to conduct the proposed exploration work.

Authority for maintenance of the system: Public Law 85-701, 30 U.S.C. 642(e).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in file folders in metal filing cabinets. (2) Retrievability -- indexed by name of individual applicant and by docket number assigned to each application. (3) Retention and Disposal - complete file is retained until decision is reached on denial or approval. If denied or after period of contract obligation for royalty payments to the Government has expired - a period of ten years or more - file should be stripped of non technical material and placed in permanent storage. Discarded material is destroyed.

System manager(s) and address: Chief, Office of Minerals Exploration, Geological Survey, U.S. Department of the Interior, 953 National Center, Reston, Virginia 22092.

Notification procedure: Same as the above. See 43 CFR 2.60.

Record access procedures: Same as the above. See 43 CFR 2.63.

Contesting record procedures: Same as the above. See 43 CFR 2.71.

Record source categories: Applicant on whom the file is maintained.

System name: Management Information System, Publications Division -- Interior, GS--17.

System location: U.S. Geological Survey, National Center, Mail Stop 341, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Categories of individuals covered by the system: Publications Division employees; GS professionals (geologists, hydrologists, etc.) who conduct research and investigation for which results are published in GS reports.

Categories of records in the system: Contains records concerning production planning, scheduling, costs, manpower utilization, capacity.

Authority for maintenance of the system: 5 U.S.C. 3101, 43 U.S.C. 31, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Production control, program management, accumulation of costs for billing the pertinent GS divisions. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in punch card and manual form (2) Retrievability -- indexed by pertinent GS division, GS reports, phase of production. (3) Safeguards -- none required. (4) Disposal -- routinely disposed of as updated information is generated. Annual summaries are maintained indefinitely.

System manager(s) and address: Assistant Chief, Publications Division (Management and Administration), USGS National Center, MS0341, 12201 Sunrise Valley Drive, Reston, Va. 22092.

Notification procedure: Same as above. See 43 CFR 2.60.

Record access procedures: Same as above. See 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

System name: Computer Services Users -- Interior, GS--18.

System location: U.S. Geological Survey, Computer Center Division, National Center, Mail Stop 801, Reston, Virginia 22092.

Categories of individuals covered by the system: Users of Computer Services.

Categories of records in the system: Name, computer user number and work location.

Authority for maintenance of the system: 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Billing and Mailing to Federal Employees who are Geological Survey Computer Services Users. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- records are maintained on either punched cards or magnetic tape. (2) Retrievability -- by individual user's name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51. (4) Retention and Disposal -- records are periodically updated and obsolete records are deleted from magnetic tape or punched cards are destroyed.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual users of computer services.

System name: Publications Division Management Information System -- Interior, GS--19.

System location: Publications Division, U.S. Geological Survey, National Center, Mail Stop 0341, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Categories of individuals covered by the system: Publications Division employees; GS professionals (geologists, hydrologists, etc.) who conduct research and investigation for which results are published in GS reports.

Categories of records in the system: Contains records concerning production planning, scheduling, costs manpower utilization, capacity.

Authority for maintenance of the system: 31 U.S.C. 66a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Production control, program management, accumulation of costs for billing the pertinent GS Divisions. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS--1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in punch card and manual form. (2) Retrievability -- indexed by pertinent GS division, GS reports, phase of production. (3) Safeguards -- none required. (4) Disposal -- routinely disposed of as updated in-

formation is generated. Annual summaries are maintained indefinitely.

System manager(s) and address: Assistant Chief, Publications Division (Management & Administration) USGS National Center, MS 0341, 12201 Sunrise Valley Drive, Reston, Va. 22092.

Notification procedure: Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom the record is maintained.

System name: Photo File System -- Interior, GS--20.

System location: (1) Publications Division, U.S. Geological Survey, National Center, Stop 303, Reston, Virginia 22092. (2) Survey facilities numbered GA-8 and CO-2 in Appendix.

Categories of individuals covered by the system: U.S.G.S. employees.

Categories of records in the system: Photographs.

Authority for maintenance of the system: 5 U.S.C. 301, 3101, 43 U.S.C. 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Dissemination to public with press releases and in publications. (2) Routine uses numbered 3 through 7 in system notice for Geological Survey Payroll, Attendance and Leave Records System, Interior/GS--1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- PIC cards 5 x 8. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in accordance with 43 CFR 2.51. (4) Disposal -- records maintained indefinitely.

System manager(s) and address: Chief, Branch of Visual Services, Publications Division, Mail Stop 0303, National Center.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Photographs of individuals employed by the U.S.G.S.

System name: Mineral Lease and Royalty Accounting Files -- Interior, GS--21.

System location: (1) U.S. Geological Survey, Conservation Division, Reston, Virginia 22092. (2) U.S. Geological Survey Field Offices listed in the Appendix as AK-3, AZ-4, CA-1, CA-5, CA-9, CA-16, CA-18, CO-3, CO-4, CO-16, CO-19, DC-2, ID-3, LA-3, LA-5, LA-6, LA-7, MS-4, MO-1, MT-2, NV-4, NM-2, NM-3, NM-4, NM-5, NM-6, OK-1, OK-2, OK-4, TX-6, UT-5, WA-6, WY-2, WY-4, WY-6, WY-7.

Categories of individuals covered by the system: Lease or Permit Holders, and individuals who have requested statistical books. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations and other business entities. These records are not subject to the Privacy Act.)

Categories of records in the system: Lease contractual terms, production, royalty, reserve and related information.

Authority for maintenance of the system: Mineral Leasing Act of 1920, as amended, 30 U.S.C. 22, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Mineral Lease Management - supervision of leases and permits, royalty account billings, revenue controls and statistical data. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders, tab runs and information recorded on magnetic tape. (2) Retrievability -- indexed by lease number. (3) Safeguards -- maintained in GS areas occupied by GS personnel during working hours with building locked and/or guarded during off hours. (4) Disposal -- destroyed in accordance with the bureau's records disposal authority.

System manager(s) and address: Chief, Conservation Division, GS, Reston, Virginia 22092.

Notification procedure: System Manager or installation which is believed to have the requested record. Installations will only provide information on records held locally.

Record access procedures: Same as above.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Lessees, permittees and individuals on whom records are maintained.

System name: Correspondence - Interior, GS -- 22.

System location: (1) Publications Division, U.S. Geological Survey, National Center, Mail stop No.'s 301, 303, 321, 325, 326, 328, 329, 330, & 341, 12201 Sunrise Valley Drive, Reston, VA 09222. (2) Geological Survey facilities numbered AK-1 & 10; CA-4, 8, & 17; CO-1, 2, 7, 8, & 13; DC-1; KY-3; TX-4; UT-3; VA 1 & 9; WA-3 in Appendix.

Categories of individuals covered by the system: General public, members of educationaL institutions, business firms, members of Congress, other government agencies, and those from offices within the agency and Department of the Interior.

Categories of records in the system: Correspondence with and publications purchase orders by those listed above.

Authority for maintenance of the system: 5 U.S.C. 301, 31 U.S.C. 66a, 43 U.S.C. 41-45, 1467.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1)Maintain record of correspondence relating to policy and day-to-day activities of the Publications Division. (2) Routine uses numbered 3 through 7 listed in the system notice for the Geological Survey Payroll, Attendance and Leave Records System, Interior/GS-1.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders. (2) Retrievability -- indexed by name. (3) Safeguards -- maintained in accordance with requirements of 43 CFR 2.51 for manual record requirements. (4) Disposal -- varies from retaining material for as much as 5 years to destroying on an ongoing basis.

System manager(s) and address: Assistant Chief, Publications Division (Management & Administration), Geological Survey, National Center, MS 0341, 12201 Sunrise Valley Drive, Reston, VA 09222.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: System includes correspondence with individuals on variety of subjects including Accounting, Meetings, Organization & Management, Training, Procurement, and Personnel related matters.

System name: Law Enforcement Services -- Interior, BIA--18.

System location: (1) All Area, Agency and Field Offices of the BIA. (See Appendix for addresses.) (2) Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

Categories of individuals covered by the system: (1) Individuals violating laws on Indian Reservations and those who appear in court for violations of 25 CFR regulations. (2) Individuals primarily interested in Indian Affairs who advocate violence as a means of obtaining their goals.

Categories of records in the system: Documentation includes statements of witnesses, statutes involved, evidence seized, photographs, final disposition reports and related correspondence.

Authority for maintenance of the system: 25 U.S.C. 1, 1a, 13; 18 U.S.C. 3055; Act of May 10, 1939, 58 Stat. 693; 53 Stat. 520.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Identifies individuals who have been arrested on Indian reservations and who have appeared in court for violations of 25 CFR regulations. (2) Identifies individuals primarily interested in Indian Affairs who advocate violence as a means of obtaining their goals. (3) Transfer to the U.S. Department of Justice in the event of litigation or potential litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manual form in file folders throughout Area and Agency offices. (2) Retrievability -- cross referenced by individual's name, case number and docket number. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Disposal -- transfer to GSA Federal Records Center five years after case is closed.

System manager(s) and address: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and C Streets, N.W., Washington, D.C. 20245.

Systems exempted from certain provisions of the act: This system is proposed to be exempted from all of the provisions of the Privacy Act except the following: 5 U.S.C. 552a(b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6) through (11), and (i).

System name: Library Borrowers' Records -- Interior, Mines--8.

System location: Bureau of Mines, U.S. Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

Categories of individuals covered by the system: Borrowers of library material on extended loan basis. Names of employees of the Bureau of Mines, Mining Enforcement and Safety Administration, and the Energy Research and Development Administration are on the system.

Categories of records in the system: Shows names of borrowers of library materials and, by borrower, lists of titles of these scientific, technical, and administrative publications purchased to assist in the conduct of official business.

Authority for maintenance of the system: 30 U.S.C. 1, 3.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Control of publication purchases and proper collection of materials upon separation of borrowers. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- master list maintained in folder in Technical Library. Appropriate lists maintained in individual operating offices and by each borrower; and computer records in Duquesne University, Pittsburgh, Pennsylvania. (2) Retrievability -- indexed by name. (3) Safeguards -- records will be placed under lock and key. (4) Retention and Disposal -- destroyed as new ones are received.

System manager(s) and address: Librarian, Bureau of Mines, U.S. Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

Notification procedure: Address inquiries to System Manager.

Record access procedures: Librarian, Bureau of Mines, U.S. Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Borrowers of library material.

System name: Distribution Center and Film Borrower Record Cards -- Interior, Mines--9.

System location: Bureau of Mines, U.S. Department of the Interior, Division of Production and Distribution, Room 359, 4800 Forbes Avenue, Pittsburgh, Pa. 15213.

Categories of individuals covered by the system: Officials of schools and other organizations borrowing Bureau of Mines motion pictures; officials of cooperating film distribution centers.

Categories of records in the system: Information pertaining to loan of films, shipment dates, number of showings, audience size, etc., used in connection with distribution of Bureau of Mines informational motion pictures.

Authority for maintenance of the system: 30 U.S.C. 1, 3, 5-7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) For reference by Bureau of Mines film distribution personnel in determining location of films out on loan; scheduling film shipments and returns; checking borrowers' treatment of films borrowed in the past. (2) Transfer to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, whether civil, criminal or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- paper cards kept in office files. (2) Retrievability -- indexed by name. (3) Safeguards -- stored and used in government office building protected by uniformed guards. (4) Retention and Disposal -- cards used until all spaces filled, then destroyed after 12 months.

System manager(s) and address: Chief, Division of Production and Distribution, Bureau of Mines, U.S. Department of the Interior, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, (412) 621-4500.

Notification procedure: Address inquiries to the System Manager.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Borrowers' film loan requests; correspondence from film distribution centers.

System name: Biographical Reference File -- Interior, Mines--10.

System location: Bureau of Mines, U.S. Department of the Interior, Division of Public Information, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20241.

Categories of individuals covered by the system: Past and present officials of the Department of the Interior.

Categories of records in the system: Biographical notes, resumes, news releases, etc., published or prepared for publication.

Authority for maintenance of the system: 30 U.S.C. 1, 3, 5-7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Public Information

file, kept available for use by anyone, including members of the public at large, needing biographical reference material on officials included in the file. (2) Used (as needed) for background material in preparing public announcements on assignments, transfers, or official activities of persons covered in the reference file. (3) Used also as a source of information for responding to public inquiries about individuals covered.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- papers in folders, kept in office filing cabinet. (2) Retrievability -- indexed by name. (3) Safeguards -- stored and used in commercial office building leased by government and protected by uniformed guards. (4) Retention and Disposal -- kept as long as needed for convenient reference; no systematic disposal procedure.

System manager(s) and address: Chief, Division of Public Information, Bureau of Mines, U.S. Department of the Interior, Columbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20241, (202) 634-1005.

Notification procedure: Address inquiries to the System Manager.

Record access procedures: Address inquiries to the System Manager.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Published materials, plus information volunteered by officials covered.

System name: Security Clearance Records -- Interior, MESA--9.

System location: MESA, Branch of Records Management, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Categories of individuals covered by the system: Employees and prospective employees of MESA on whom a security investigation has been conducted by the CSC or FBI.

Categories of records in the system: Records pertain to loyalty checks, character evaluations, and other information resulting from investigations by the CSC or NACI's.

Authority for maintenance of the system: Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information used to determine qualifications of individuals for employment in sensitive positions with MESA. (2) Transfer to the Department of Justice in the event of litigation involving the records or the subject matter of the records. (3) Transfer, in the event there is indicated a violation or potential violation of a statute, rule, regulation, order, or license, whether civil, criminal or regulatory in nature, to the appropriate agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order or license violated or potentially violated. (4) Disclosure to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (5) Disclosure to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- maintained in manila file folders. (2) Retrievability -- filed alphabetically by last name. (3) Safeguards -- files are kept in an approved three-way combination safe and only employees who have security clearance and are responsible for the system have access. (4) Retention and Disposal -- records are kept as long as the individual is employed and then the records are destroyed.

System manager(s) and address: MESA, Chief, Branch of Records Management, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Notification procedure: Inquiries regarding records in this system should be addressed to the System Manager. Such requests must be submitted in writing and be signed by the requester. For additional information see 43 CFR 2.60.

Record access procedures: A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Loyalty checks, inquiries, field investigation reports, and other Government agencies.

System name: Coal Mine Health and Safety Special Investigations -- Interior, MESA--10.

System location: Office of the Assistant Administrator--Coal Mine Health and Safety, MESA, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Va. 22203. Some of this file material is located at MESA locations numbered 1, 3, 6, 7, 11, 15, 18, 21, and 24 in Appendix.

Categories of individuals covered by the system: Any individual alleged to have committed or have information concerning willful or knowing violations of the Coal Mine Health and Safety Act and related sections of the U.S. Code.

Categories of records in the system: Contains name, address, telephone number, social security number, occupation, place of employment, and other identifying data along with the type of allegation. This material includes interviews and other confidential data gathered by the investigator.

Authority for maintenance of the system: Investigations conducted pursuant to 30 U.S.C. 813, 819, appropriate sections of 18 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To determine validity of allegations. (2) For use in determining amount of civil penalty assessments against individuals and operators. (3) Transfer to Department of Justice for criminal prosecution. (4) Transfer, in the event there is indicated a violation or potential violation of a statute, regulation, rule, order or license, whether civil, criminal or regulatory in nature to the appropriate agencies, Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, regulation, rule, order or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- manual storage in manila file folders. (2) Retrievability -- filed by docket and status of case; indexed by name of mine, docket number, status of case, and date of receipt. (3) Safeguards -- requirements currently under review. (4) Retention and Disposal -- records retention schedules being developed. Disposition requirements pending completion of schedule.

System manager(s) and address: Assistant Administrator -- Coal Mine Health and Safety, Room 814, Ballston Tower 03, 4015 Wilson Blvd., Arlington, Va. 22203.

Systems exempted from certain provisions of the act: This system is proposed to be exempted from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f).

System name: Visitor Statistical Survey Forms -- Interior, NPS -- 21.

System location: Various National Park Service areas within the NPS system. (See Appendix for addresses).

Categories of individuals covered by the system: Visitors to NPS administered areas who have participated in surveys conducted during their visits to the areas or via mail or telephone as a result of their visit.

Categories of records in the system: Names, some addresses, some telephone numbers, and information obtained during the surveys on completed questionnaires or by in-person telephone interviews, or both. The survey information includes experiences, ideas, and expressions collected voluntarily from the visitors on what they think of the area's resources, facilities, and area programs. The responses are treated confidentially and are used only to compile statistical information.

Authority for maintenance of the system: Federal Reports Act of 1942, 44 U.S.C. 3501 - 3511, Federal Records Act of 1950, 44 U.S.C. 2904 and 3102, and OMB Circular A-40 Revised May 3, 1973.

(1))To evaluanalysis of the replies furnished by the visitors. (2) To develop new to the U.S. Department of Justice in the event of litigation involving the records or the subject matter of the records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- usually maintained in file folders. (2) Retrievability -- sometimes filed alphabetically by name. (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records. (4) Retention and Disposal -- when personal data included, questionnaires and interview sheets are usually destroyed after aggregation of responses so that individual indentification will no longer be possible. Others are retained until final completion of the survey and then destroyed.

System manager(s) and address: Chief, Statistical Unit, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240.

Notification procedure: Inquiries regarding the existence of records shall be addressed to the Superintendent of the NPS area where people included in the survey had visited. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

Record access procedures: A request for access shall be addressed to the Superintendent of the NPS area where people included in the survey had visited. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and meet the content requirements of 43 CFR 2.71.

Record source categories: NPS area visitors.

System name: Recordable Contracts--Interior, Reclamation -- 43.

System location: (1) Division of General Services, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240. (2) Reclamation offices numbered 3(c,g), 4(a thru i), 7(a thru e), 8(a thru h), 9(c,d) in Appendix.

Categories of individuals covered by the system: Individual landowner who wishes to receive irrigation water from a Reclamation project.

Categories of records in the system: Appraisal and reappraisal documents; contracts agreeing to sell land at appraisal price; miscellaneous correspondence and data supporting appraisals and reappraisals.

Authority for maintenance of the system: (1) Interior Appropriation Act for 1927-277, 44 Stat. 453; (2) Omnibus Adjustment Act, Sec. 46, 44 Stat. 636; (3) Columbia Basin Project Act: Sec. 2, 14, 57 Stat. 14; 1048, 64 Stat. 1037; 1060, 64 Stat. 1074; (4) Water Delivery After Death of Spouse Public Law 86-684, 74 Stat. 732; (5) Reclamation Act of 1902 and amendments; (6) Water Conservation and Utilization Act of October 14, 1940-54 Stat. 1119; (7) Small Reclamation Project Act; (8) Act of August 9, 1912; and (9) Act of July 11, 1956.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To determine value of excess land without reference to proposed construction of irrigation works. (2) Determine eligibility of land to receive water. (3) Transfer to U.S. Department of Justice in event of litigation involving the records or the subject matter of the records. (4) Transfer, in the event there is indicated a violation or potential violation of a statute regulation, rule, order, or license, whether civil, criminal, or regulatory in nature, to the appropriate agency or agencies, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, order, or license violated or potentially violated.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Storage -- complete file maintained in manual form in file folders. (2) Retrievability -- by individual's name, (3) Safeguards -- maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records, (4) Disposal -- in accordance with approved Retention and Disposal Schedules.

System manager(s) and address: Chief, Division of General Services, U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240.

Notification procedure: An individual may inquire whether or not the system contains a record pertaining to him by addressing a written request to the head of the appropriate office listed in Appendix A.

Record access procedures: Same as Notification above.

Contesting record procedures: A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

Record source categories: Individual on whom record is maintained.

[FR Doc.75-24863 Filed 9-18-75;8:45 am]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1975)

Title 33—Navigation and Navigable Waters (Parts 1–199) - $5.95

Title 35—Panama Canal ---------- 3.90

Title 41—Public Contracts and Property Management (Chapters 1–2) ---------- 6.75

Title 41—Public Contracts and Property Management (Chapters 19–100) ---------- 3.25

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