

federal register

FRIDAY, OCTOBER 31, 1975



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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 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

MOTOR CARRIER SAFETY

Interpretations

• **Purpose.** The purpose of this document is to publish interpretations of the Federal Motor Carrier Safety Regulations (FMCSR) contained in volume 6 of the Operations Manual of the Bureau of Motor Carrier Safety (BMCS). ◊

In compliance with the order of the United States District Court for the District of Columbia in *National Wildlife Federation v. Brinegar*, Civil Action No. 1269-73 (August 22, 1975), the material contained in volume 6 of the BMCS Operations Manual interpreting some of the FMCSR is hereby published. Although the Court's order required publication only of selected portions of volume 6, determination has been made to publish the entire volume for completeness and clarity.

Volume 6 contains restatements and interpretations of regulations published in title 49 of the Code of Federal Regulations, Parts 390 through 398, and Parts 171 through 178. Volume 6 also contains abstracts of opinions of the Interstate Commerce Commission organizational elements and opinions of the BMCS.

The publication of volume 6 of the BMCS Operations Manual is not intended to change any policy stated in that volume.

Issued on October 23, 1975.

ROBERT A. KAYE,
Director,

Bureau of Motor Carrier Safety.

VOLUME 6—INTERPRETATIONS MANUAL

CHAPTER I—SPECIAL INSTRUCTIONS APPLICABLE TO THIS VOLUME

1. **References:** a. After each citation in the chapters of this volume, there will appear a reference. These references may be formal decisions of the Interstate Commerce Commission or a court, or they may be opinions of one of the Bureau Directors of the Interstate Commerce Commission, or this Bureau.

b. Formal decisions are cited by giving the case title, the volume, the reporting agency, and the page number, in that sequence. For example: Moore, 89 M.C.C. 180.

c. Opinions of I.C.C. examiners expressed in reports which became final without further consideration are shown by I.C.C. docket number. For example: MC-35789, Sub 3. These opinions are not published, and to determine exactly what the examiner said, one must obtain

a copy of the examiner's report and recommended order from the I.C.C.

d. Opinions of the Bureau Directors of the Interstate Commerce Commission are shown by the correspondence file number and date, for example: L-18893, May 23, 1946.

e. Opinions of the Director of this Bureau are shown by the letters BMCS and the date. For example: BMCS, Jan. 5, 1968.

2. **Abbreviations:** The following abbreviations are used in citing formal case decisions:

a. M.C.C.—Interstate Commerce Commission Reports, Motor Carrier Cases.

b. I.C.C.—Interstate Commerce Commission Reports.

c. U.S.—United States Supreme Court Reports.

d. F.C.C. (CCH)—Federal Carrier Reporter (Commerce Clearing House).

e. F. Supp.—Federal Supplement.

f. F. 2d—Federal Reporter, Second Series.

g. P. 2d—Pacific Reporter, Second Series.

CHAPTER II—INTERSTATE VS. INTRASTATE COMMERCE—PASSENGERS

Par.

- 1 Purpose.
- 2 No Through Tickets or Arrangements Between Carriers.
- 3 Sightseeing Trips in One State.
- 4 Deadheading.
- 5 State Line Crossed on Foot.
- 6 Migrant Workers.
- 7 Free Transportation Beyond State Line.

1. **Purpose.** a. The Bureau's safety jurisdiction extends only to motor carriers engaged in the transportation of passengers or property in interstate or foreign commerce. Therefore a thorough understanding of what constitutes interstate or foreign commerce is essential for any investigator.

b. This chapter deals with the transportation of passengers, and reports past decisions and opinions for the guidance of staff members in considering parallel situations which may arise.

c. The Motor Carrier Safety Regulations apply equally to foreign and interstate commerce. It is therefore unnecessary for the field staff to distinguish between these two. In distinguishing between intrastate and foreign commerce, the guidelines would be the same as set forth herein for consideration of interstate vs. intrastate.

2. **No thorough tickets or arrangements between carriers.** a. Regardless of the intention of any passenger to continue or to complete an interstate journey or the distance involved, a carrier of passengers operating wholly within a single State, selling no through tickets, and having no common arrangements

with connecting out-of-State carriers, is not engaged in transportation in interstate or foreign commerce. Motor Transportation of Passengers Incidental to Air, 85 M.C.C. 526, 536, Anchorage, 98 M.C.C. 775; *Greyhound v. Allen*, 99 M.C.C. 1, and cases there cited. In the Allen case, involving charter trips in California to and from the Nevada border I.C.C. Division I made clear that the traveller's intent to go to an interstate destination, even when known to the carrier, does not govern.

b. Arrangement of both legs of journey by a third party does not make the one-State portion in interstate commerce. Moore, 89 M.C.C. 180 (migrant workers moved from border to a reception center and from the center to bus terminals for movement to other States, both movements separately arranged and paid for by the Department of Labor); and Midwest, 98 M.C.C. 362 (40-mile motor movements to and from airports, land and air movements separately arranged and paid for by a university).

c. Where the same carrier performed short local transportation from a reception center to a bus terminal and line-haul of the same passengers from the terminal to interstate points, but there was no coordination of the local and line-haul moves, the local movement was held to be in intrastate commerce. Moore, 89 M.C.C. 180.

d. In *Capital Transit*, 325 U.S. 357 (similar later case, 338 U.S. 286), no joint fares or other formal arrangements for through transportation had been established between the two carriers, but the Supreme Court held that through routes existed and that the one-State passenger carrier was engaged in interstate commerce. There, however, there was a continuous daily flow of passengers in mass transportation.

3. **Sightseeing trips in one state.** a. Sightseeing trips in one State as a digression from an interstate motor or rail journey, tickets being sold by the sightseeing carriers or by travel agencies and tour bureaus in other States which sell through tickets containing coupons entitling the passenger to the sightseeing as a side trip. Where no joint tickets are sold for common arrangements in effect between the sightseeing and line-haul carrier, such side trips by motor vehicle are not in interstate commerce. Rio Grande, 3 M.C.C. 9 (Joint Board Report); Utah Transp., 32 M.C.C. 815 (not printed); L-18893, May 23, 1946.

b. In Delaware Valley Transportation, MC-28457 Sub 3 TA, I.C.C. Division 5 had before it a situation quite similar to that in the cases cited in the paragraph just above. Greyhound Highway Tours, a broker, sold coupons at various points

which were exchanged by the passenger at the tour point for a tour ticket, and could be purchased independent of regular Greyhound ticket. I.C.C. Division 5 in an unprinted order of May 12, 1949 adhered to its early rulings that one-State tours of this kind at the end of or at a stopover on an interstate journey, separately arranged by the traveler or by a broker on his behalf, are not integral parts of a continuous movement from one State to another, and are not in interstate commerce. L-24230, Feb. 26, 1953.

c. In *Resler v. Hunter Clarkson, Inc.*, 41 M.C.C. 665, the regular route nature of authorized tours in New Mexico was under consideration but no one questioned their interstate character. The tour tickets there were included in an all-expense trip and the tour schedules were coordinated with the train schedules.

4. *Deadheading.* Deadheading of a charter bus from one State into another for the purpose of transporting a charter party within the second State does not transform the one-State charter trip into interstate commerce even though a charge is made for the deadheading. L-15511, July 2, 1942.

5. *State line crossed on foot.* Passengers carried from Louisiana points to the Louisiana side of a bridge reaching into Texas. Passengers alight in Louisiana and walk over the bridge into Texas. Director's opinion that the Commission would hold the transportation to be in interstate commerce. L-15218, April 4, 1942. Compare *Moore*, 89 M.C.C. 180, where migrant workers brought from points in the interior of Mexico walked from the train station at the Mexican border point and crossed a bridge into Texas where they boarded a bus which carried them to a reception center, that one-State movement being held to be intrastate.

6. *Migrant workers.* a. The history of migrant worker transportation and the Bureau's position is discussed in Volume 2, Chapter VII of this manual.

b. Migrant workers were brought from Mexico to a reception center in Texas pursuant to arrangements made by the Department of Labor and thereafter to local bus stations whence they travelled to places of employment. There were no through routes or other common arrangements either between the Mexican carrier and the carrier performing the transportation from the port of entry to the reception center, or between the respective carriers performing the transportation to the local bus stations and then to the places of employment. Both segments were held to be intrastate. *Moore*, 89 M.C.C. 180.

7. *Free transportation beyond state line.* Charging only for service in one State does not make intrastate a movement of passengers carried a short distance into an adjoining State. *Antletam* 83 M.C.C. 175.

CHAPTER III—INTERSTATE VS INTRASTATE COMMERCE—PROPERTY

Par.

- 1 Purpose.
- 2 Leading Cases—Intent Governs.

- 3 Interstate Intent not Carried Out.
- 4 Distribution from Warehouse or Other Storage.
- 5 Storage-In-Transit, Household Goods.
- 6 Warehouse or Terminal Astride State Line.
- 7 Transit Arrangements Affecting Character of Traffic.
- 8 Interruptions other than Storage.
- 9 Processing at Intermediate Point.
- 10 Distribution of Pool-Car Shipment.
- 11 Accumulating Shipments.
- 12 Distribution of Identical Items in One State.
- 13 Distribution of Films to Theatres.
- 14 To or From Pipeline Terminals.
- 15 Stop for Inspection.
- 16 Mine to Railroad, Destination Unknown.
- 17 Forest to River Boom.
- 18 Oilfield Pipe from Railhead.
- 19 Ex-water Shipments, Moving from Docks.
- 20 Motor-water Movement Through Waters of Second State.
- 21 Between points in one State Through Another.
- 22 Effect of Reconsignment, Diversion, or Reshipment.
- 23 Combined Interstate-Intrastate Shipment.
- 24 Partly over Private Roadways.
- 25 Partly by Private or Exempt Carrier.
- 26 Partly by Air or Mail.
- 27 Movements on a Theatrical Circuit.
- 28 Supplies for Interstate Vehicles.
- 29 Movement of Contents of Disabled Vehicles.
- 30 Movements of Empty Containers or Trailers.
- 31 Comingling of Intrastate and Interstate Cargoes.

1. Purpose.

a. The Bureau's jurisdiction extends only to the transportation of passengers or property by motor carriers engaged in interstate or foreign commerce. Therefore a thorough understanding of what constitutes interstate or foreign commerce is essential for any investigator.

b. This chapter deals with the transportation of property, and reports past decisions and opinions for the guidance of staff members in considering parallel situations which may arise.

c. The Motor Carrier Safety Regulations apply equally to foreign and interstate commerce. It is therefore unnecessary for the field staff to distinguish between these two. In distinguishing between intrastate and foreign commerce, the guidelines would be the same as set forth herein for consideration of interstate vs intrastate.

2. Leading cases—intent governs.

a. The intention existing at the time the movement starts governs and fixes the character of the shipment, provided that intention persists throughout the Idaho transporting between mine and movement. A contract carrier within railroad shipments to or from out-of-State points with no through rate or billing or common control, etc., held operating in interstate commerce. *Rush*, 17 M.C.C. 661. See also the discussion of intent in *Crude Talc*, 44 M.C.C. 714; *Transway, Inc.*, 51 M.C.C. 263; and *Petroleum Products*, 71 M.C.C. 17.

b. A different way of expressing the same idea, often used in correspondence, is that an interstate shipment begins when it has started in its course of transportation to another State or has been delivered to a carrier for such

transportation. It ends when it has reached the ultimate destination originally intended by the party who controls the movement. All transportation which is a step in that movement from its beginning to its end is transportation in interstate commerce. Through billing is not essential, nor an arrangement between the carrier for through transportation nor actual physical continuity of the movement. L-24605, Nov. 18, 1953.

*3. Interstate intent not carried out.

Where the original intent is to ship in interstate commerce but before the shipment leaves the State it is ordered returned or reconsigned to a point within the State, it is considered to be in intrastate commerce from the beginning. L-25562, Nov. 30, 1973.

4. Distribution from warehouse or other storage.

a. (1) Goods from one State or shipped to a warehouse in another State, no specific destination beyond the warehouse being known or intended at the time of shipment. Goods come to rest at the warehouse and are distributed in the State to the retail outlets of the chain store shipper, as they are needed. Distribution held to be in intrastate commerce. *Surles*, 4 M.C.C. 488; *Freight Transp., Inc.*, 32 M.C.C. 742.

(2) Same holding where the goods were distributed as they were sold to customers of the shipper in the same State. *Dixie*, 29 M.C.C. 303; *Administrative Ruling* 93.

(3) Same holding as to oil from bulk stations. *Hall*, 24 M.C.C. 33; molasses from a barge terminal storage tank. *Transit, Inc.*, 66 M.C.C. 295; petroleum products from barge-line facilities. *Petroleum Products*, 311 I.C.C. 219, upheld in *Pacific Inland vs U.S.*, 14 F.C.C. (CCH) 81,389; synthetic resin glue from rail tank car serving as a storage tank and local marketing facility. *Watkins*, 67 M.C.C. 120; and bulk cement from storage silos. *Schwerman*, 94 M.C.C. 683; and the delivery of goods shipped to a warehouse to await developments in an impending strike which would determine what would be done with them. L-25562, Dec. 8, 1971.

(4) See also Par. 14 as to one-State movement from interstate pipeline terminal storage tanks.

b. Salesman in one State peddling out-of-State goods which they have picked up at a warehouse before being placed in storage are not performing interstate transportation. L-14727, Nov. 29, 1941. Nor are driver-salesman who distribute to retail stores, products which were brought into the State and kept at a distribution point as stock to be used to fill orders. L-25562, June 3, 1963.

c. (1) The mere use of a warehouse as a transfer point from the interstate carrier to the local carrier, the intent of the shipper being for a continuous movement, does not change the character of the commerce from interstate to intrastate. *Gossett*, 27 M.C.C. 719. See also *Beggs vs Kroger*, 167 F. 2d 700, discussed in *Transway, Inc.*, 51 M.C.C. 263.

(2) Similar conclusion as to one-State distribution of products from rail tank cars shipped from out-of-State origins

under a continuing intention to move the products to a certain point beyond the rail terminal. Williams, 66 M.C.C. 523.

(3) So also as to ex-barge traffic from Florida to ultimate users in Georgia, after temporary stoppage at port facilities in that State. Walker, 84 M.C.C. 371.

d. The question of whether goods come to rest at a warehouse or other storage facility, or merely pass through it in the course of a continuous journey, is often a difficult one, particularly in situations where selling is not involved, such as when the goods constitute supplies or materials for a manufacturer. There is no set formula which will produce the right answer. The cases seem to hold, however, that where the warehouse serves only as a temporary storage to permit orderly and convenient transfer of the goods from one form of transportation to another, in the course of carrying out what is intended as a continuous movement to destination, the continuity is not broken and the one-State movements are interstate. Gossett, 27 M.C.C. 719.

e. Where goods were placed in a warehouse to await customs clearance after arrival from abroad, the intent of the shipper being that they move as continuously as possible to consignee to whom they had been sold, further transportation in the same State held to be interstate. J. W. Cartage, 81 M.C.C. 167. Similarly, holding for 5 days free storage period at port authority sheds did not constitute a break in continuity when the goods had been purchased to stock the stores of the purchaser, the ultimate destination having been ascertained prior to arrival of the goods from abroad. Iron and Steel, 323 I.C.C. 740; sustained N.C. P.U.C. vs U.S., C.A. 1079, March 29, 1966. See also Glosson, 101 M.C.C. 151.

f. Salt for highway use stockpiled at point where received from water and rail carriers until such time as salt dealer's customers in that State have need for it according to weather conditions, has reached the end of its original interstate journey at that point. Mohawk, 113 M.C.C. 579. Where the intent was to stockpile, but emergency weather conditions required immediate one-State delivery from rail yard, delivery considered to be intrastate. L-25562, June 7, 1965.

g. Where a manufacturer shipped milk cartons, imprinted with the names of various of its dairy customers, to a warehouse in another State and there held them until ordered by the customers in that State as they had need for them, the transportation from warehouse to the customers, arranged by them, was held to be intrastate. Distinction was made between the ultimate intent of the shipper to sell to the particular customers and its present intent to ship only to the warehouse and there hold the goods until needed by the customers. Durbin, MC-119858, decided Sept. 1, 1961 (not printed).

h. Where a dealer in asphalt ordered supplies of the product from out of State only as he received an order covering a particular construction contract, but when received, all the asphalt was placed

in a common tank from which all his customers were served, the continuity of the movement is broken at the storage tank and the movement from there to a customer within the State is considered in intrastate commerce. L-23846, May 13, 1952.

i. Where goods unloaded from rail cars were held at a motor carrier's warehouse for a short time until accommodations were available at the consignee's plant, the intent from the time of origin being that the ultimate destination would be that plant, the haul from the warehouse to the plant in the same State was held to be in interstate commerce. Marckesano, 86 M.C.C. 727.

5. Storage-in-transit, household goods.

Where there is an arrangement for the entire service of transportation to the warehouse, temporary storage-in-transit, and subsequent movement out of the State at the time the goods are picked up from the shipper, the entire service is in interstate commerce. If no such arrangement exists, it cannot be said to be in interstate commerce. A mere intention to ship to a point outside the State at some indefinite later date does not render the local movement interstate. Y-3201, July 26, 1939.

6. Warehouse or terminal astride state line.

a. Where a factory, terminal or warehouse, or like facility is located astride a State line, the movement within that facility is not considered to affect the status of subsequent transportation outside. In common understanding, transportation begins when factory, warehouse, or terminal handling ends, and does not begin when the goods are placed in movement with such facility. Thus, it is considered that when goods stored in a warehouse astride a State line are carried through an exit of the warehouse in State A to a point in State A, the transportation is considered in intrastate commerce even though the goods had been stored in the State B side of the warehouse. L-23322, Sept. 21, 1951.

b. However, in two unprinted decisions, I.C.C. Division 1 held that where a pipeline tank farm is partly in Nebraska and partly in Iowa, storage tanks being located in both States and loading racks being in Nebraska, when the petroleum product is withdrawn from a tank in Iowa it begins a movement in interstate commerce, even though there is no connection between the original inbound pipeline movement and the following motor movement. Richling, MC-107098 Sub 5, decided March 23, 1956, and Staack, MC-89633 Sub 9, decided April 27, 1956.

7. Transit arrangements affecting character of traffic.

a. Where it is the intent that shipments originating in a State move to a point in that State for a transit service, then move to points outside the State, or the reverse, the one-State portion to or from the transit point is in interstate commerce. Commercial 73 M.C.C. 527 and 76 M.C.C. 773, where there was refining in transit. See also Alterman, 81 M.C.C. 781, where it was not known

whether goods going to storage-in-transit would move out of storage to points in the same State or another State.

b. Where an unknown amount of the goods moved to the transit point normally stay in the State, this does not affect the interstate character of the haul to the transit point of the goods which do move out of the State from the transit point. Southern Pacific Transp. Co., 120 M.C.C. 236, 247, which discusses Alterman, 81 M.C.C. 781, involving a similar situation.

c. A liberal substitution-of-tonnage rule in the interstate tariff under which the identity of the inbound to the outbound shipment is not preserved, making it impossible to determine just which of the predominantly interstate-bound shipments stayed in the State, does not affect the conclusion that the movements to the storage-in-transit point are in interstate commerce. Southern Pacific, 120 M.C.C. 236. See also Railroad Commission vs. Oil Field Haulers, 325 I.C.C. 697, where pipe was brought into the State and held under storage-in-transit arrangements which permitted the substitution of other pipe originating in the State, it being said that the small portion of the pipe so moved between points in one State assumes the identity of the interstate tonnage.

d. Generally substantial processing breaks the continuity (see Par. 8), but the contrary holding here is based on the peculiar nature of transit service whereby two otherwise separate movements are considered to constitute a single continuous movement. There is a good discussion of the reasoning behind this in Petroleum Carrier Corp., 48 M.C.C. 719, which involved what appeared to be storage-in-transit. Later in Petroleum Products, 71 M.C.C. 17, the entire Interstate Commerce Commission held that in the earlier case it was mistaken in concluding that a transit arrangement existed, and that in the absence of such an arrangement the one-State movements from storage were in intrastate commerce. A dissent challenging the idea that transit may make interstate what would otherwise be intrastate will be found in Merchants, 82 M.C.C. 293. See also Par. 23.

8. Interruptions other than storage.

a. (1) Cattle held in siding pens one day awaiting transfer to rail cars, intention existing from the start to ship to interstate destination, the one-State motor haul to the pens held in interstate commerce. Ogas, 32 M.C.C. 437.

(2) Short stop to fumigate berries does not change the character of an otherwise interstate journey. Berries, 28 M.C.C. 156.

(3) Dumping of coke at railhead and reloading on rail cars within 2 days does not change character of shipment where intent from the beginning was to ship out of State by rail. Mickle, 84 M.C.C. 334.

(4) Wait of a few days on railroad siding for heating necessary to unload bituminous materials does not break otherwise continuous journey. L-25559, Sept. 25, 1957.

b. Grading of agricultural commodities at a warehouse was held a sufficient interruption to break the journey, although the decision did not debate the point. *Ferry*, 22 M.C.C. 441. For the effect of transit privileges, see Par. 7 of this chapter.

9. *Processing at intermediate point.*

a. (1) Fluor spar ore transported from mine to a crusher mill in the same State was received at the mill in a bin over the primary crusher or on a stock pile. It is crushed, floated, and dried, producing 72% concentrate and the remainder waste. The concentrate was shipped by rail to destinations in other States. It was held that as the ore goes through extensive processing at the mill, which results in a substantial change in physical characteristics, industrial potentialities, and value, the transportation from mine to mill is in intrastate commerce. *Widdie*, 48 M.C.C. 798.

(2) But where coal intended from the beginning to go to out-of-State destinations from tipples passes through a device which crushes, grades and cleans it and thence into a car for transportation out of the State, the interstate character of the movement was not considered broken at the processing point. *L-25562*, November 7, 1957.

b. (1) Flour earmarked for specified consignees when it left the mill was transported interstate by rail in bulk to an unloading facility where it was sifted during unloading to remove foreign matter and passed either directly into trucks or into bins from which it was trucked daily. The movement by truck to points in the same State was held to be in interstate commerce. *City Express*, 78 M.C.C. 497.

(2) In a situation where wheat purchased by a mill owner was transported within Oregon to his mill and there ground into flour, it being known definitely that all of the flour would be exported to points outside Oregon, the Director's opinion was that the transportation of the wheat to the mill was in intrastate commerce. *L-11292*, March 30, 1940.

c. (1) When an interstate movement of oil was stopped for hydrogenation process which took one day, it was held that the movement from the processing point to the originally intended destination in the same State was in intrastate commerce. *Reliable*, 81 M.C.C. 486.

(2) Similar result as to jet fuel piped into storage tanks and held there for purification and inspection before further transportation to destinations in the same State. *Jet Fuel*, 311 I.C.C. 439.

d. For cases involving processing under transit arrangements, see Par. 7 of this chapter.

10. *Distribution of pool-car shipments.*

Within one State is in interstate commerce when the shipments arrive from out-of-State, distribution being made from sheets furnished by the shipper containing instructions as to disposition. *Station*, 26 M.C.C. 199; *Abbt*, 31 M.C.C. 529, 533. Same holding where distribution sheets are furnished by local representatives of shipper. *DeMerchant*, 21

M.C.C. 585. See also *Freight Transp., Inc.*, 32 M.C.C. 742; *Berk*, 62 M.C.C. 571. The movement within one State of the contents of pool cars sent into the State by an exempt shippers' association is in interstate commerce. *Motor Express*, 68 M.C.C. 35. Storage of a pool car's contents for about a month before distribution begins does not destroy the interstate character where the intent is clear that the goods are to go beyond, and that intent is carried out. *L-25562*, June 27, 1974.

11. *Accumulating shipments.*

a. Movements between plants to make up a carload, the out-of-State destination of the carload being known from the start, are in interstate commerce. *Bisceglia*, 19 M.C.C. 649.

b. (1) Grain shipped to an elevator in the same State, all of it to be moved to points outside the State, but no truckload or shipment earmarked for any particular out-of-State purchaser. At the elevator the grain was graded, tested, and blended and then shipped to out-of-State points during the year following harvest. The motor movements to the elevators were held to be in interstate commerce. *State Corp. Comm. vs Bartlett*, 338 F.2d 495.

(2) Based on *Carson vs Vial*, 279 U.S. 95, one-State transportation of benzol to a storage tank for accumulation until there is sufficient on hand to fill a lake tanker for movement to an out-of-State destination, intended from the beginning, is in interstate commerce. *L-21817*, Dec. 9, 1949. Compare *Miller*, 63 M.C.C. 313.

12. *Distribution of identical items in one state.*

a. (1) Catalogs, bound in bundles with the name and address of the recipient appearing on each catalog, were sent interstate by rail to a motor carrier who distributed the bundles to various post offices within his State, as marked. One-State distribution was held to be in interstate commerce. *Novick*, 12 M.C.C. 213.

(2) Same holding as to milk bottles ordered in carloads from the manufacturer by a dairy supply dealer, there being several lots, each containing bottles marked with the name of its ultimate purchaser, and the lots being reshipped from the car as soon as it was unloaded. *L-24493*, Dec. 28, 1953.

*b. (1) Catalogs which were moved into the distribution State by carrier without labels and at the distribution point were individually addressed, placed in bundles, and delivered by truck to post offices within the State, were held to be moving in interstate commerce throughout. *Administrative Ruling No. 92*.

(2) Magazines moved into destination State by express, unmarked, and there marked by a local distributor for immediate delivery by carrier to newsstands in accordance with instructions from the shipper are moving in interstate commerce. *L-20069*, Nov. 26, 1947.

13. *Distribution of films to theatres.*

a. Distribution of feature films within one State, the films having originated outside the State but no intention hav-

ing existed to move any particular film to any particular point beyond the distribution point, held in intrastate commerce. *Film Transit*, 7 M.C.C. 485.

b. (1) Distribution of newsreels within a State was held in interstate commerce, there being an intent from the beginning to move the prints to various exhibitors for showing on specific dates in accordance with contracts executed prior to the start of the movement from the out-of-State origin. *Transway, Inc.* 51 M.C.C. 263.

(2) The *Transway* case was later overruled in *Armored vs. Security*, 102 M.C.C. 246, insofar as it involved movements from out-of-State points by parcel post. Recent cases have held that one-State transportation preceded or followed by service provided by the Post Office Department is not interstate transportation. *Motor Transportation of Property within a single State*, 94 M.C.C. 541.

(3) The movement of feature films from a film exchange to exhibitors and between exhibitors, all within one State, the date of showing ordinarily not known, the contract with the exhibitor sometimes not signed when movement started, and the specific destination of any particular print sometimes unknown was found to be in interstate commerce when the ultimate consignee was known to the out-of-State shipper. *Ephraim*, 78 M.C.C. 489. This case made clear that not only movements from the exchange to the first exhibitor, but those between exhibitors as the films are circulated within the State are interstate, however it appears to leave open the possibility that some of the distribution might be intrastate, perhaps that to exhibitors who had not contracted for a certain film before it left the out-of-State origin.

14. *To or from pipeline terminals.*

a. Petroleum products were shipped by pipeline into Illinois and stored at pipeline terminals under free storage for 30 days. There was no segregation of individual lots the goods of all shippers being kept in common tanks. The only knowledge of ultimate destination was that probably the goods would be consumed in Illinois. During storage some of the products were sold to jobbers and others, some were sent to bulk plants of the shipper, the time, amount and destination of shipments being determined by customer demand. There was no through billing nor transit arrangement. The motor movements of such products to points in Illinois are in intrastate commerce. *Miller*, 63 M.C.C. 313; *Williams*, 66 M.C.C. 523.

b. In *Petroleum Products*, 71 M.C.C. 17, a proceeding was instituted for the specific purpose of determining the status of petroleum products moving from pipeline terminal storage tanks to points in the same State, the products having come to the tanks from out-of-State. It was found that under the general industry pattern of shipment:

(1) At the time of original shipment there is no specific order being filled for a specific quantity to be moved to a specific destination beyond the terminal storage.

(2) The terminal storage is a distribution point or local marketing facility from which specific amounts of the products are sold or allocated.

(3) Transportation in furtherance of the distribution within the State is specifically arranged only after sale or allocation from storage. Transportation from the storage tanks in such circumstances was held to be in intrastate commerce. See also: *Jet Fuel*, 311 I.C.C. 439.

c. One-State motor movements to a pipeline terminal at which the oil was stored for a day or two before movement by pipeline to destinations in another State, it being intended from the beginning that the oil was to move as continuously as possible to those destinations, were held to be in interstate commerce. *Miller*, 63 M.C.C. 313; *Wilson*, 68 M.C.C. 169. See also *U.S. vs. Majure*, 167 F. Supp. 594. See also Par. 4 and 11, and if transit is involved, Par. 7.

15. *Stop for inspection.*

Where used generators were shipped from origin to a point in the same State for inspection to determine whether they would be sold for junk at that point or shipped beyond the State for rebuilding, the movement to the inspection point is in intrastate commerce. *L-21123*, February 17, 1949.

16. *Mine to railroad, destination unknown.*

a. (1) Crude talc was transported by motor carriers from mine to talc companies' bins in the same State, the companies being both consignors and consignees. Loading of rail cars is by the companies on order of distant business offices and the destination of the cars is determined at some time after the motor transportation is completed. Talc moves by rail mainly intrastate, although $\frac{1}{2}$ of the shipments of one company move to interstate destinations. It was held that the motor transportation was in intrastate commerce. *Rush case* (Par. 2) distinguished. *Crude Talc*, 44 M.C.C. 714.

(2) The same is true where goods are shipped from a plant to storage in the same State, shipments being made indiscriminately out of storage to both intrastate and interstate destinations, and there being no through rates or transit provisions applicable. *Alterman*, 81 M.C.C. 781, 787.

b. Gasoline shipped from refinery to storage in the same State, shipments being made out of storage to both interstate and intrastate destinations was held to be in intrastate commerce. *L-22919*, April 19, 1951.

17. *Forest to river boom.*

Applicants transported logs from the forest to booms located in same State. The logs frequently remained in the booms for from 3 to 6 months, logs being taken out at intervals for fabrication in local mills or for export depending on changing circumstances. Held booms were in essence floating warehouses and the movement from forest to boom was not in interstate or foreign commerce. *Baker*, 7 M.C.C. 255.

18. *Oil field pipe from railroad.*

a. (1) Where the destination of the pipe was known precisely when ordered

from Eastern mills, the motor haul from the railhead to that destination is interstate. *Dunn*, 28 M.C.C. 476. A stop for coating and wrapping such pipe would not destroy the interstate character of the movement to the intended destination. *L-21360*, April 28, 1949. Nor a stop for inspection. *Dixie*, 29 M.C.C. 317. Nor would delay at the railhead between the rail and motor movements necessarily have that effect.

(2) Oilfield pipe transported from rail or water carrier terminals either direct to construction site or after storage in the motor carrier's storage facilities is interstate commerce where it was known that the pipe was destined for a particular project and it was identified by class and kind and delivered to consignee were in accordance with its precise instructions. *Oilfield*, 300 I.C.C. 409, 428.

b. However, where the only intent was a general one that different sized sections of pipe eventually be installed somewhere in an extensive pipeline operation, transportation from storage to construction location viewed as intrastate commerce. *L-24605*, November 18, 1953. Same where pipe was stored prior to commencement of construction there being only a general intent that selections of particular dimensions be used in certain areas. *L-25562*.

19. *Ex-water shipments moving from docks.*

a. One-State movements from docks of goods that have come from foreign lands or territories or from other States in coastal traffic may be in interstate or foreign commerce or in intrastate commerce depending upon the intent of the party or parties in control of the transportation. See Par. 23 as to one-State transportation in connection with a movement to, from, or beyond by private carrier or within an exemption.

b. A common situation is where an importer or broker purchases goods from abroad with no intent other than to have them shipped to him at the shipside dock, be there either storing the goods for future sale, or turning them over to purchasers he has located before and during the voyage and after arrival of the ship, with the purchasers arranging their own inland transportation. Such inland movements when confined to one State have been considered in intrastate commerce. In *Seaboard Air Line Ry. Co., vs. Lee*, 14 F. 2d 439, affirmed per curiam 276 U.S. 591, a shipload of fertilizer was brought to Wilmington, N.C., under the above circumstances. Some purchasers stored their lots at the dock, some sold to others without taking physical possession, others shipped or had their agents ship the goods to them, they appearing as consignors on the rail bill of lading and paying the rail freight charges. The Court said that the original and persisting intent of the importer was to ship the fertilizer from the foreign origin to the dock and there to put it in the hands of purchasers, and that while the importer obviously knew the fertilizer eventually would move to inland points in the usual course of trade, this did not establish an intent on his part that it so move.

The one-State rail movements were held to be in intrastate commerce.

c. At about the same time as the *Lee* case was decided the Commission in *Goldsboro Chamber of Commerce vs. A.C.L. RR Co.*, 91 I.C.C. 315, had before it almost an identical situation involving the same commodity and the same port, and it held the inland transportation from the docks to be in foreign commerce. On many of the shipments, however, the importer was shown as the consignor on the rail bill of lading, which was not so in the *Lee* case. On other shipments the customers were shown as the rail consignors and controlled the inland movement, and as to these the two cases appear to be in conflict. Advice has been given to the I.C.C. field staff that in the latter situation the *Lee* case holding that the shipments are in intrastate commerce must be considered as controlling. *L-24066*, April 9, 1953.

d. It is considered that even though, the local movements are made by the importer or his agent, they are in intrastate commerce where the intent of the importer was merely to bring the goods from foreign points to the dock to be held there for sale and subsequent distribution in the usual course of trade, there being no intent that any particular portion of the goods move to any particular purchaser. Thus, where shiploads of sugar were brought into San Francisco and placed on the docks and drawn on to fill orders received by the importer each day, the opinion was given that the movements from the docks to the customers were in intrastate commerce though arranged for and paid for by the importer. This is in line with the decision in *Southern Pacific vs. Van Hoosear*, 72 F. 2d 903, and with that in *Manlowe vs. Dept. of Public Service*, 140 F. 2d 287 and discussion in 155 American Law Reports 937-949. *L&E 31924*, May 25, 1956.

e. A different situation is presented where from the beginning the intent is that goods move from out-of-State to the dock and thence to the intended inland destination, there being no intent to sell or otherwise dispose of the goods at the dock. Thus, in *U.S. vs. Erie R. Co.*, 280 U.S. 98, a manufacturer in New Jersey purchased foreign materials through a broker, the latter ordering the goods from the European source, and the particular lot of goods being identified throughout the journey as those of the manufacturer. The court sustained Commission's finding that the rail movement from the New Jersey dock to the manufacturer's plant was in foreign commerce, there having been a continuing intent from the time the goods were put aboard the ship that they should move to that plant.

f. (1) Where goods were ordered from abroad for the purpose of restocking the buyer's stores according to their needs as shown by a computerized inventory made six months in advance, and held at port warehouses for the 3 to 5 days free storage time permitted during which time a rapid reexamination is made of the individual needs of the various stores, the transportation from storage

to destinations in the same State was held to be foreign commerce. *Iron & Steel*, 323 I.C.C. 740; sustained N.C. P.U.C. vs. U.S., C.A. 1079, March 29, 1966.

(2) Similar finding were goods where purchased abroad and shipped to a U.S. port, then shipped inland to customers to whom they had been sold at various times before purchase abroad to the expiration of the free time at the U.S. Port, those unsold being shipped to inland storage, this being the intent from the beginning. *Southern States*, 323 I.C.C. 400. The decision in *Wool*, 26 M.C.C. 297, is somewhat similar. See also *Glosson-Purch.-Helderman*, 101 M.C.C. 151, where the intent was that substantially all of the goods ordered from abroad by importers would move from dockside warehouses within the 5 days free time permitted pursuant to directions prepared in advance.

*g. Where producer of urea imported it in bulk to fill its own needs and for movement to customers who contracted to by fixed amounts each month, the producer in most instances selecting and paying the motor carrier for the inland one-State movement, the motor movement was held to be in foreign commerce. *Petroleum Transit*, 102 M.C.C. 380.

20. *Motor-water movement through waters of second state.*

In making trips between points in Oregon the boat passes through waters of the State of Washington and sometimes calls at Washington ports. Held the motor transportation is in interstate commerce. L-14081, Aug. 11, 1941. Compare *Cornell Steamboat Co. vs. U.S.* 634.

21. *Between points in one state through another.*

a. (1) Transportation between two points in one State by means of a circuitous route through another State for the purpose of evading the first State's intrastate regulations was held in interstate commerce but not a bona fide operation entitling the carrier to "grandfather" rights. *Eastern Carrier Corp.*, 14 M.C.C. 430; *Same vs. U.S.*, 31 F. Supp. 332; On finding such an operation a bad-faith attempt to convert what is essentially intrastate commerce into interstate, the Commission issued a cease and desist order in *Pa. P.U.C. vs. Hudson*, 88 M.C.C. 745; sustained. *Hudson vs. U.S.*, 219 F. Supp. 43; *aff. Arrow vs. U.S.*, 375 U.S. 452. This involved a regular service between Philadelphia and Allentown, Pa., a highway distance of 52 miles, as contrasted with the circuitous route of over 100 miles through New Jersey where the carriers' authorities were tacked, for which no economic justification was shown other than, as the court said, of avoiding the unfavorable consequences of their intrastate traffic coming within the rightful jurisdiction of the State.

(2) Similarly operations over a circuitous route were found to have been conducted as a subterfuge to evade State regulations and not authorized by the carrier's I.C.C. certificate in *Service*, 94 M.C.C. 222; *aff. Service vs. U.S.*, 239 F. Supp. 519; 382 U.S. 43. Here only movements involving shipments between

points in one State were routed circuitously through another State, others already having interstate characteristics because of prior or subsequent movement, were routed directly.

22. *Effect of reconsignment, diversion, or reshipment.*

a. Where a shipment moving in interstate commerce is diverted to a different consignee enroute, or after arrival at destination but before delivery it is reconsigned to a different consignee in the same State for some reason, such as refusal of delivery by original consignee, the movement to the second consignee is in interstate commerce, citing *Woodward & Son vs. Southern Railway Co.*, 156 I.C.C. 354.

b. On the other hand, where the first movement ends with a bona fide delivery, and pursuant to a new intent the goods are reshipped to a new destination in the same State, the subsequent journey would appear to be in intrastate commerce. Compare *Seaboard vs. Lee*, 14 F. 2d 439 (Affirmed per curiam 276 U.S. 591); *Freight Transp. Inc.*, 32 M.C.C. 742; and *Bassetti*; 33 M.C.C. 739. L-22368, June 16, 1950; L-23984, July 25, 1952; L-24679, March 25, 1954.

23. *COMBINED INTERSTATE-INTRASTATE SHIPMENT.*

Goods are shipped as part of a volume truckload shipment moving to a point outside the State of origin; but are unloaded within the State of origin under a tariff provision permitting stoppage in transit for partial unloading. If such goods are otherwise in intrastate commerce, their status if not changed by the fact that they were billed and transported as part of an interstate volume or truckload shipment. If, however, the stop is for storage-in-transit and the goods later move to an interstate destination, the movement from origin to that destination is in interstate commerce. *Armour vs. Tri-State*, 49 M.C.C. 46.

*24. *PARTLY OVER PRIVATE OR RESERVATION ROADWAYS.*

Intrastate operations in a State are not made interstate by movement to or through a U.S. Government reservation within that State. (Compare *Hughes vs. U.S.*, 121 F. Supp. 212). However, where a shipment moves from one State to a destination in a second State, but all movement in the second State is within a military reservation, the haul is considered in interstate commerce. *Direct*, 83 M.C.C. 136. The same is true where all movement within one of two States is over private roads. *Lattavo*, 98 M.C.C. 767.

*25. *PARTLY BY PRIVATE OR EXEMPT CARRIER.*

a. (1) For-hire motor transportation within a single State of property, which has moved or will move in private motor carriage from or to points beyond the single State, was found not to be transportation in interstate commerce subject to economic regulation. The I.C.C. so held in *Motor Transportation of Property within Single State*, 94 M.C.C. 541, affirmed *Pa. R. Co. vs. U.S.*, 242 F. Supp. 890, *ATA vs. U.S.* 382 U.S. 372 (petitions for rehearing denied), wherein it ex-

pressed agreement with the result of the decisions in *Service*, 44 M.C.C. 419; *Iron & Steel*, 53 M.C.C. 769; and *Holliday vs. Liberty*, 53 M.C.C. 22, which had applied the theory of *Pa. R. Co. vs. Ohio P.U.C.*, 298 U.S. 170 (1936). In taking that position the Commission overruled the decisions in *Roethlisberger*, 32 M.C.C. 709; *Biscoeclin*, 34 M.C.C. 233; *Dora*, 48 M.C.C. 171; *Miller*, 63 M.C.C. 313; and *Eafner*, 69 M.C.C. 581, to the extent they held to the contrary.

(2) These decisions relate only to economic regulation and the movement of traffic within a single State by a for-hire carrier, which will move beyond the single State by private carriage, subjects the single State movement to the MCSR.

b. (1) Where shipments are brought into the State by private barge the same principle applies. *Transport*, 96 M.C.C. 676. When shipments are brought into a State by the owner of the goods in a ship which the owner of the goods has hired under charter, the I.C.C. does not consider this to be private water carriage, and it has expressed the opinion that the movement of such shipments by for-hire motor carrier to other points in that State is subject to full regulation. L-25562, February 28, 1966.

(2) But transportation in Government owned and operated vessels and planes is considered in the same category as ordinary private carriage for this purpose.

26. *Partly by air or mail.*

a. Though neither air nor mail are mentioned in the definition of interstate commerce in Section 203(a)(10), it was held that operating authority is required for one-State motor transportation of goods moving in a continuous journey into or out of the State by air. *Gromand*, 72 M.C.C. 257, and *Film Transit*, 98 M.C.C. 145.

b. Such transportation, in common with that in part by pipeline and ocean vessels, was distinguished from transportation by motor vehicle in connection with service provided by the Post Office Department in *Armored vs. Security*, 102 M.C.C. 246, wherein it was held that the one-State movement in the latter situation is not interstate transportation. This decision was said to be predicated on the unique status of the Post Office Department and those performing governmental functions under contract with it or as sub-contractors with its approval, in respect to the transportation of mail, as distinguished from for-hire carriers. Compare *Motor Transportation of Property within Single State*, 94 M.C.C. 541. See Item 24.

27. *Movements on a theatrical circuit.*

Transportation of theatrical equipment between two points in one-State, with complete unloading and show at both points, is interstate in character if the performance at the two points within the State were part of a series of scheduled performances in more than one State. 0-326, MC-60580 Sub 15, Dec. 9, 1954.

28. *Supplies for interstate vehicles.*

Transportation of ice within a State to refrigerator cars which will move in interstate commerce is in intrastate com-

merce. C.C. and court cases cited L-13121, Jan. 31, 1941. The same is true as to ice moving to fishing boats for use in refrigerating their catches. L-25348, March 8, 1956.

29. *Movement of contents of disabled vehicles.*

Movement of contents of disabled vehicles, as an incident to the towing of disabled equipment, from point of accident or breakdown to carrier's terminal in the same State is intrastate commerce, the governing factor being the intent of the carrier, not that of the shipper of the commodities contained in the vehicle. L-21578, August 21, 1962.

*30. *Movements of empty containers or trailers.*

Movements of empty containers or trailers from place of last use to a holding pool in the same State, and their movements to place of next use in that State, are in intrastate commerce, through the last use or the next use is for a movement in interstate or foreign commerce. L-25562, July 16, 1968.

*31. *Comingling of intrastate and interstate cargoes.*

Comingling of intrastate and interstate cargoes does not change the status of either, Ryder, 91 M.C.C. 497.

CHAPTER V—PART 390—GENERAL

- Par.
- 1 Applicability of Safety Regulations.
- 2 Pick-up and Delivery.
- 3 Exempt Carriers.
- 4 Certificate of Exemption.
- 5 State and Local Laws.
- 6 Observance of Driver Regulations.
- 7 Passenger Automobiles.
- 8 Ambulances.
- 9 Escort Vehicles.
- 10 Plants and Terminals.
- 11 Private Property.
- 12* Empty Vehicles.
- 13 Commercial Zones.
- 14 Dromedaries.
- 15 Government Vehicles.
- 16 Private Carriage by Railroads.
- 17 Transportation Within a Single State.
- 18 School Bus Operations.
- 19 Driver Mechanics.

1. *Applicability of safety regulations.*

The Motor Carrier Safety Regulations are applicable to the transportation of property and passengers (except private carriage of passengers) in interstate or foreign commerce.

2. *Pick-up and delivery.*

Motor carriers performing pickup and delivery service, whether as an agent or under contractual agreement for other carriers, within terminal areas may be exempt from the ICC economic regulations (Section 202(c)(2)). However, such operations are not exempt from the Motor Carrier Safety Regulations. If a local pickup and delivery operation is conducted for another motor carrier, the pickup and delivery service may be exempted from certain parts of the Motor Carrier Safety Regulations if performed wholly within a commercial zone. When the pickup and delivery service performed is for a railroad (such as piggyback), the operation could be subject to all parts of the Motor Carrier Safety Regulations. The reason being that in most instances a railroad terminal area

is larger than a motor carrier's commercial zone, as defined by the ICC.

3. *Exempt carriers.*

Section 203(b) of the Interstate Commerce Act provides ten exemptions from the economic regulations of that Act. Carriers operating under the exemptions are referred to as "exempt carriers." However, all of these types, while exempt from economic regulations, are not exempted from the Motor Carrier Safety Regulations.

4. *Certificate of exemption.*

Under Section 204(a)(4a) of the Interstate Commerce Act, the Interstate Commerce Commission can issue a certificate of exemption to any motor carrier or class of motor carriers engaged in operations solely within a single State. The certificate of exemption exempts the carrier, or carriers, from the provisions of the Interstate Commerce Act. Therefore, if a certificate of exemption has been issued to a carrier, the carrier is exempt from both the economic and safety regulations, except to the extent that the particular certificate states otherwise.

5. *State and local laws.*

Section 390.3 is not intended to preclude States or their subdivisions from establishing and enforcing laws relating to safety, if compliance with the State laws would not prevent full compliance with the MCSR.

6. *Carrier must require observance of driver regulations.*

Section 390.32 requires that wherever in the regulations a duty or prohibition is imposed on a driver, it shall be the duty of the carrier to require observance of the rule (72 MCC 47).

7. *Passenger automobiles.*

The safety regulations were designed primarily to apply to lightweight and heavy-duty commercial vehicles, and in many instances the regulations are not suitable for passenger cars. Various parts of the MCSR contain exemptions for the operation and driving of passenger automobiles. The Bureau, therefore, has not required compliance with the regulations by private carriers of property insofar as they engage in the transportation of property in an incidental manner in passenger cars.

8. *Ambulances.*

Ambulance service implies emergency situations, and freedom of movement in the event of an emergency is vital to the public interest. Ambulances must be sent over the most practical routes to whatever destination their services may be needed, irrespective of any limitation or restrictive regulation (63 MCC 66). Until further notice, the operation of ambulances in transportation of corpses or sick and injured persons is not subject to the requirements of the Motor Carrier Safety Regulations.

9. *Escort vehicles.*

Automobiles and lightweight vehicles used in escorting valuable or oversized loads, and not transporting property, are not considered as vehicles used in the transportation of property and would, therefore, not be subject to regulation. If the escorts are transporting any sub-

stantial amount of property for use in connection with their escort duties, they would be private carriers of property subject to regulation.

10. *Interstate vehicles at plants and terminals.*

Vehicles which, in the course of transporting over the highway, are for a time off the highway loading, unloading, or waiting, are subject to the safety regulations during these times. Vehicles and drivers used wholly within terminals and on premises of carriers or plant sites, are not subject to the safety regulations. Vehicles designed for use at construction projects but which are moved over the highway by driveaway operations are subject to the MCSR when the vehicle is driven in interstate operations.

11. *Private property.*

The Motor Carrier Safety Regulations are not applicable to vehicles operating wholly on private property. When a motor carrier crosses a State line on private property and transportation continues over public highway in one State, such transportation is in interstate commerce and the portion of operations over public highways requires compliance (98 MCC 767).

12. *Empty vehicles.*

The Bureau's jurisdiction extends to the movements of empty vehicles, including movements wholly within a single State when such movements are incidental to transportation in interstate or foreign commerce (33 MCC 319).

13. *Commercial zones.*

a. *General*—Section 390.33 sets forth a table providing significant exemptions from the MCSR. The table and wording may both be confusing and may not provide the best possible notice of applicability. On August 10, 1971, an amendment was issued to the regulations defining exempt intracity operations (Section 390.16). Additionally, those parts affected by the table in Section 390.33 were individually amended to add language giving notice of the intracity operation exemptions.

b. *Hazardous Materials.* The placarding requirements were changed on January 1, 1967, to require placards on vehicles transporting hazardous materials weighing 1,000 pounds or more, and in certain instances, requiring placards regardless of weight. Simultaneously, the applicability chart in Section 390.33 was revised to reflect the new placarding requirements. This change in the chart provided an exemption from the safety regulations (except Parts 394 and 395) to the following operations conducted wholly within a commercial zone.

(1) Vehicles transporting less than 2,500 pounds gross weight of one such article, or

(2) Vehicles transporting less than 5,000 pounds gross weight of two or more such articles.

c. *Between Commercial Zones.*

(1) In Section 390.33, a table sets forth the applicability of the various parts. The applicability is predicated on vehicles and drivers used wholly within a municipality... the word "used" must be construed to mean "used as a motor vehicle." Vehicles transported in flatcar service or on ves-

sels are not being used as motor vehicles, but are being used as containers. For example, in piggy-back operation the transportation between origin and destination is being performed by the railroad and not by a motor carrier. The commodity being transported consists of the trailer and not necessarily the commodity within the trailer. Thus, the trailer is not being used for its intended purpose, namely operation on the highway, but is being used only as a container. The trailer would, therefore, fall within the exemption as it is operated only on the highway within the origin and destination commercial zones.

(2) A trailer which is transported by a motor carrier from one commercial zone to another would be subject to Part 393 while it is being used for delivery of freight or picking up freight within a commercial zone. However, if a pickup and delivery tractor is attached to the trailer, the tractor would not be subject to Part 393 if it is used wholly within a commercial zone and the trailer would be subject to Part 393 if it is not used wholly within a commercial zone.

14. Dromedaries.

The definition of a truck, Section 390.4, has been interpreted to include "Dromedaries."

15. Government vehicles.

Vehicles operated by agencies of the Federal Government, the States, Counties, and cities in carrying out their governmental and civic functions, are not considered to be subject to any regulation under the DOT Act.

16. Private carriage by railroads.

Transportation by a railroad, on its own trucks, of tie-handling machinery, or other similar machinery, and material and supplies which are owned by it in the repair, maintenance or construction of its railroads or other facilities used in its railroad operations, is private carriage by motor vehicle subject to the Motor Carrier Safety Regulations.

17. Motor transportation of property within a single state.

For-hire motor transportation within a single State of property, which has moved or will move in private motor carriage from or to points beyond the single State, was found not to be transportation in interstate commerce subject to economic regulation (94 MCC 571, 37 Fed. Sub. 890; 382 US 372 and 384 US 914). This decision relates only to economic regulations and the movement of traffic within a single State by a for-hire carrier, which will move beyond the single State by private carriage, subjects the single State movement to the MCSR.

18. School bus operations.

a. The vast majority of school bus operations are not subject to the jurisdiction of the Bureau because one or more of the following exemptions apply to those operations:

- (1) The motor carrier is an agency of the Federal, State or local Government;
- (2) The motor carrier is a private carrier of persons;
- (3) The operations are not in interstate or foreign commerce.

b. Nevertheless, the breadth of the exempt areas still leave us with a substantial number of school bus operations that are subject to the Motor Carrier Safety Regulations. When a nongovernment for-hire carrier transports children to school or school-related functions and operates across a State line or international boundary, his operations must be conducted in accordance with the Regulations. This is the case even though he may not be required to obtain a permit from the Interstate Commerce Commission and otherwise comply with the Commission's regulations.

c. The Bureau, and the Interstate Commerce Commission before it, traditionally applied the same test that the ICC Act uses to distinguish a private carrier of property from a for-hire carrier of property. That test is the so-called "primary business test." There appears to be no valid reason why the Bureau should not apply the primary business test to the transportation of passengers generally, and to the transportation of passengers in school buses in particular for the purpose of determining whether the transportation is private carriage of persons, exempt from application of the Motor Carrier Safety Regulations. Under the test, we would have exempt private carriage only if:

(1) The carrier was primarily engaged in an enterprise other than transportation (Such as education of children in a school); and

(2) The transportation is within the scope of, and in furtherance of, that primary enterprise.

d. For our purposes, the critical issues in determining whether the Motor Carrier Safety Regulations apply to school bus operations or other transportation of passengers are:

- (1) Is the motor carrier a private, rather than a common or contract carrier of persons?
- (2) Is the motor carrier a Government agency?

If either of these questions is answered in the affirmative, the Motor Carrier Safety Regulations do not apply. If both are answered in the negative, the Motor Carrier Safety Regulations apply to operations in interstate or foreign commerce.

19. Driver mechanics.

a. A mechanic who drives or tows a replacement vehicle which is to be substituted for a vehicle that has broken down, and remains wholly within a single State is not subject to the Federal Motor Carrier Safety Regulations. He is not exempt however, if he operates the replacement vehicle, or tows it, across a State boundary. Similarly, the driver-mechanic would be subject if he either drives the line-haul vehicle loaded with cargo back to the terminal or drives the replacement vehicle loaded with cargo taken from the line-haul vehicle to the carrier's terminal without crossing a State line, assuming that the line haul vehicle had been transporting freight in interstate commerce.

b. If a mechanic drives a service vehicle to repair a vehicle that is broken

down, and does not cross a State line, he is not subject to the Federal Motor Carrier Safety Regulations. However, if he crosses a State line, he is subject to the Federal Motor Carrier Safety Regulations.

CHAPTER VI—PART 391—QUALIFICATIONS

OF DRIVERS

Par.

1. General.
2. Qualification and Disqualification.
3. Background and Character.
4. Examination and Tests.
5. Physical Qualification and Examinations.
6. Files and Records.
7. Limited Exemptions.

1. General.

a. Under existing regulations, administration of a driver qualification program can be undertaken only by a motor carrier. The Regulations define the term "motor carrier" to include common, contract, and private carriers (see Section 390.15). The regulations do not permit a union to administer the qualification scheme. One obvious difficulty in permitting non-carriers to qualify drivers is the fact that those persons, unlike carriers, are not subject to the Bureau's authority to inspect records. Hence, it would be very difficult to police the adequacy and accuracy with which the required functions are performed.

b. Section 391.7—If an official of a labor organization successfully demands that a carrier use an unqualified driver on the ground that the use of that driver is mandatory under the carrier's collective bargaining agreement, he may be guilty of aiding or abetting a violation. If the union official knew that the driver was not qualified under Part 391, he would be considered an aider and abettor of the carrier's violation and would himself incur liability under Section 391.7. This is the case regardless of the terms of the collective bargaining agreement. However, he would not be in violation of Section 391.7 if he acted upon a good-faith belief that the driver was qualified, even though his belief was erroneous.

*c. The disqualification provisions of Section 391.15, do not apply to offenses committed by a driver who is using a company vehicle for personal reasons while off-duty. For example, an owner-operator using his own vehicle in an off-duty status, or a driver using a company truck, or tractor for transportation to a motel, restaurant or home, would be outside the scope of this section if he returns to the same terminal from which he went off-duty. (10-74)

2. Qualification and disqualification.

a. Section 391.11(a)—The question has been raised as to whether or not a carrier may lawfully permit a person not yet qualified as a driver to operate one of the carrier's vehicles for the purpose of attending a training and indoctrination course, and being trained in the operation of that specific vehicle. If an interstate trip, or a trip across an international boundary, is involved, the driver must be fully qualified to operate a commercial vehicle.

b. *Section 391.11(b)(3)*—A driver who is not qualified by reason of experience or training, and who is hired for on-the-job training may not be used in interstate operations until completion of the training program. The employing motor carrier can comply with Part 391 only after the driver completes his training program since the driver in question would not be fully qualified under all applicable provisions.

c. *Section 391.11(b)(4) and (5)*—There is no requirement that a driver must personally load, block, brace, and tie down the cargo on the property carrying vehicle he drives. Neither is he prohibited from doing so. He must be capable of ascertaining that the cargo is properly loaded so that, if it is not, he can direct others to take the necessary corrective steps.

d. *Section 391.11(b)(6)*—A returning serviceman who fails to meet the physical requirements and obtain a Medical Examiners Certificate is prohibited by Section 391.11(a) from driving in interstate operations. The Selective Service Act of 1967 (50 U.S.C. App. 459(b)), does not require a motor carrier to place a returning veteran driver in a position where he fails to meet minimum physical standards. It provides for reemployment rights only if the veteran is "still qualified to perform the duties" of his former position.

e. *Section 391.11(b)(7)*—Certain States issue so-called "Veterans" driving licenses which show no expiration date. This absence of an expiration date does not alter the fact that these licenses are considered to be "currently valid."

f. *Section 391.15(a)*.

(1) A plea of no contest (*nolo contendere*) differs from a plea of guilty in that the pleader allows himself to be convicted without making an admission of guilt. The regulations make no requirement that there be a plea of guilty. The regulations clearly indicate that a plea of guilty is not necessary to disqualify a driver.

A driver charged with any of the enumerated offenses is disqualified without making any plea where he has forfeited bond or collateral.

(2) Drivers who have been disqualified under Section 391.15 may not necessarily be disqualified from all interstate driving. Section 391.15 is a provision found in Part 391. According to Section 390.33 of the Motor Carrier Safety Regulations, nothing in Part 391 or 393 applies to a vehicle or driver, not transporting hazardous materials, (within definitions of placarding requirements of Section 390.33) used wholly within a municipality or the commercial zone thereof. Therefore, Section 391.15 does not apply to a commercial zone driver.

(3) A requalification to drive after a disqualification for any reason under this Section, is not in any way to be considered as a guarantee of employment. This would be a matter entirely within the purview of the employer and employee.

g. *Section 391.15(b)*.

(1) In a situation where a driver who holds a license to drive issued by one

State, has a second State revoke or suspend his privilege to drive in the second State, the driver would be disqualified from interstate operations until his privileges are restored by the authority that suspended or revoked them. It is immaterial that he holds a valid license from another State.

(2) If a driver has his privileges to drive a pleasure vehicle revoked or suspended by State authorities, but his privileges to operate a commercial vehicle are left intact, he would not be disqualified under the terms of the rule. If that State permits him to operate a commercial vehicle over its highways, as by allowing the driver to retain his chauffeur's license or permit, he remains qualified under the Motor Carrier Safety Regulations.

(3) In jurisdictions where there are two separate and distinct offenses of driving while under the influence of alcohol, and driving while impaired, a driver is disqualified only for the conviction of the former, and not the latter. However, if he were convicted of the latter, and his privileges to drive were suspended or revoked, he would not be eligible until those privileges were restored.

h. *Section 391.15(c)(2)*.

(1) A driver who is convicted of one of the specified offenses, or has forfeited bond or collateral on account of one of these offenses, and who is allowed to retain his driver's license, is still disqualified. The loss of a driver's license and conviction of certain offenses are entirely separate grounds for disqualification. A driver who is convicted of one of the enumerated offenses is disqualified even though he retains his license or permit. Likewise, a driver who loses his driving privileges is disqualified even though he is not convicted.

(2) A driver has his license to operate a motor vehicle suspended for driving while under the influence of alcohol, and two months later he is convicted of the DWI charge. The disqualification period begins on the date of conviction. Disqualification for loss of operating privileges is a separate ground for disqualification, and the fact that the driver was already disqualified when he was convicted does not shorten the period of disqualification by reason of the conviction. In general, there is no reason why two or more grounds for disqualification may not be currently applicable to a particular person at one time.

(3) A driver who is charged with a disqualifying offense prior to January 1, 1971, and is convicted after that date, is not disqualified. Under the rule, both commission of the offense and the conviction must occur on or after January 1, 1971, in order for a driver to be disqualified.

(4) If a driver was previously disqualified under the enumerated offenses before December 25, 1972, he would not be disqualified at present unless the offense took place in a commercial motor vehicle. If the offense took place before this effective date in his personal automobile, and he currently does not have his driving privileges suspended or revoked, he could again be eligible.

(5) Concern has been expressed about drivers who are convicted of the specified offenses (i.e., possession of amphetamines, etc.), and their being prevented by Safety Investigators from continuing to drive.

(a) Safety Investigators are not authorized to apprehend violators of the safety regulations. The driver cannot be physically restrained from driving. A driver who becomes disqualified, and a carrier who uses his services, are both in violation of the applicable provisions of Part 391 and should be investigated and handled accordingly.

(b) We do not have the authority to place a disqualified driver out of service. The out-of-service procedure is applicable to hours of service and vehicle condition.

1. A person found guilty of one of the specified offenses, and then is granted probation under provision of the applicable State laws, has not been "convicted" as the word is used in Section 391.15. Judgment entered upon revocation of such probation would, however, be a conviction within the meaning of Section 391.15. Texas Law—Vernon's Ann. C.C.P. Art. 42.13.

2. *Section 391.15(c)(2)(ii) and Section 392.4(a)(1), (2) and (3)*.

(1) For purposes of the Regulations, narcotic drugs are drugs which produce insensibility or stupor because of their depressant effect on the central nervous system. Included in this definition are: opium derivatives, such as morphine, codeine, and heroin; and synthetic opiates, such as meperidine and methadone. Under Federal narcotic laws, however, the term "narcotics" also embraces the coca leaf and its derivative, cocaine.

(2) Pharmacologically marijuana is a hallucinogen. Hence, we do not regard it as a drug under the provisions of Section 391.15. However, the operation of a motor vehicle while under the influence of any substance which renders the driver incapable of safe operation, is prohibited by Section 392.4 of the Regulations.

k. *Section 391.15(c)(2)(iii)*.

A driver is not guilty of leaving the scene of an accident where personal injury is involved if the injury does not appear until after the accident. If the driver, in good faith, conducts the necessary exchange of information, and otherwise properly executes his duties in an accident situation, he would not be guilty of leaving the scene if the injury was not readily apparent.

1. *Section 391.15(c)(2)(iv)*.

A felony committed which involves the use of a vehicle is disqualifying under this subsection, only if the vehicle involved is a commercial motor vehicle.

3. *Background and character*.

a. *Section 391.21*—There is no specified or prescribed form to be used in an application for employment. Carriers should develop their own forms, which are tailored to their individual needs. However, the application form must, at a minimum, call for furnishing the data specified in 391.21(b). The carrier may, if it wishes, require the applicant to supply additional information not required by the Regulations.

b. Section 391.23—Investigation and Inquiries.

(1) A carrier may contract out the task of making the preemployment investigations and inquiries. However, the motor carrier remains responsible for the accuracy and completeness of the work. The carrier must have the record of the preemployment investigations and inquiries in its driver qualification files (either the original or a legible copy), regardless of whether the documents are also retained by the person who performed the work.

(2) When a carrier receives no response from parties to whom inquiries are made, he may still employ the applicant. The rule requires the carrier to make a bona fide good-faith attempt to secure the specified background information about a prospective driver. The carrier fulfills his duty by doing so. The carrier must, of course, keep required records of any response to its attempts to secure the information.

(3) If a carrier receives a request for information from another carrier about a former driver, it is not required to supply the information. The rules do not impose that duty upon him. If the carrier knowingly supplies false information about the driver, however, it risks being charged as an aider and abettor to the use of an unqualified driver.

(4) This section does not contemplate that the police or court record of every prospective driver be examined. This would seem to be a step taken only in the event the employer has reasonable doubt of the veracity of preemployment statements made by the individual.

(5) A carrier in the employment and use of drivers and in continuing drivers in its service, shall give due consideration to the violations of the laws or regulations governing the operation of motor vehicles of which the driver was guilty, and violations of criminal laws, especially with respect to those offenses which tend to demonstrate unfitness of the driver in the public interest. In the court case cited below, evidence adduced showed that a driver in the employ of a motor carrier had been arrested and convicted on at least four occasions for violations of the California Vehicle Code involving the use of intoxicants; however, such violations occurred while the driver was off duty and while he was engaged in personal pursuits. The court held that the MCSR impose a duty on a carrier to ascertain the past record of a driver as to off-duty and on-duty violations. It found that the defendant carrier had failed to not only concern itself with off-duty violations, but had failed to exercise due diligence in securing the record of some of such violations when such record was available. *U.S. v. Pacific Motor Trucking Company, U.S. Dist. Ct., of California, Central Division, No. 32674-CD, October 4, 1963.*

(6) Inquiry into the driver's driving record shall be made for the previous three years to the appropriate agency of every State in which the driver held a motor vehicle operator's license or permit during those three years. Nothing in

the Regulations would prohibit a carrier from requiring additional information in this regard.

c. Section 391.25—Annual Review of Driving Record.

(1) In reviewing a driver's driving record, the carrier must consider all violations known to him that indicate the driver exercised lack of due regard for the safety of the public. The overwhelming weight of the available evidence establishes, beyond rational doubt, that a driver's proneness for involvement in serious accidents can frequently be foretold by his past driving record. A violation involving only size and weight of a vehicle would not generally indicate a disregard for public safety, unless the driver had knowledge of the violation before his apprehension.

(2) This section provides that due consideration shall be given to violations of traffic and criminal laws as well as the driver's accident record. All driver acts and offenses should be given due consideration regardless of whether they are committed while he is on or off duty.

d. Section 391.27—Record of Violations.

(1) Violations of the size and weight laws must be reported to the carrier. The driver must prepare and furnish the carrier that employs him with a list of all violations of motor vehicle traffic laws and ordinances (except parking violations) of which he was convicted, or forfeited bond or collateral, during the preceding 12 months.

(2) Drivers who refuse to furnish their employer a list of violations of motor vehicle traffic laws of which the drivers have been convicted during the previous year, or a certificate that they have not been convicted during the year, as required by Section 391.27, are disqualified under Section 391.11.

(3) The argument that the driver's Fifth Amendment privilege is transgressed by the rule is clearly without merit or substance. It has been settled ever since the Supreme Court decided *Sullivan vs. United States, 274 U.S. 259* and *Shapiro vs. United States, 335 U.S. 1*, that the Government can validly require its citizens to provide personal information about themselves when the information is needed to carry out a valid Federal program. The requirement for disclosure of driving records, as mandated by Section 391.27, has a valid non-prosecutive objective: protection of the motoring public from accidents caused by unfit commercial drivers.

(4) If drivers conscientiously believe that the regulation is invalid, their remedy is not to violate it. Instead, they are at liberty either to petition the Bureau to change or repeal the regulation or to bring an action for a judicial declaration of its invalidity.

4. EXAMINATION AND TESTS.

a. Section 391.31—Road Test.

(1) The form of the certificate set out in Section 391.31(f) is not mandatory; the certificate must be in substantially that form. A carrier may, therefore, place additional language in the form he uses so long as drivers operating vehicles un-

der his authority have been issued a certificate that they have been tested and found qualified to operate those vehicles.

(2) Blanket certificates taking the form of blank certificates for specific vehicles, (driver's name, etc. left out) are not permissible.

(3) The regulations do not prohibit a carrier from designating another person or organization to administer the road test as long as the person who gives the road test is competent to evaluate and determine the results of the tests.

(4) Restrictions and qualifications other than those specified in Section 391.31(f) may be inserted into the certificate. This is so for two reasons: First, the certificate is not a mandatory form; the rule provides that the certificate must be issued in "substantially" the form specified in Section 391.31(f). Second, the purpose of the certificate, and the road test requirement as a whole, is to attest to a driver's capability to operate a commercial vehicle safely. To the extent that the driver's ability to do so is unknown or uncertain, even after the test, the carrier may certainly so indicate by restrictions in the certificate. For example, the form itself contains such a restriction. It says that the driver is certified to operate only the type of vehicle on which he was tested. There would seem to be no reasonable basis for objection to other similar restrictions which bear a rational relationship to the environment in which the test was given. For instance, a carrier could properly take the position that a test given under certain geographic or meteorological conditions does not indicate whether the driver possesses sufficient skill to operate safely under others.

b. Section 391.33—Equivalent of Road Test

A carrier may accept a chauffeur's license as the equivalent of a road test if, and only if, the State that issued the license required the driver, as a condition of securing the license, successfully to complete a road test in a vehicle of the type the carrier intends to assign to that driver.

5. Physical qualifications and examinations.

a. Section 391.41—General.

The question of whether a person is physically qualified can be decided only after two separate determinations are made: First, that he does not suffer from a specified disease or disorder; and second, that his condition is not likely to interfere with his ability to drive safely.

b. Section 391.41(b)(3)—Diabetes.

(1) Regarding questions as to what stage or degree a person could have diabetes before he would be declared an unsafe driver, and further, if an individual using insulin could be classified as a safe operator, the U.S. Public Health Service has given the following answer: "Since diabetes is a disease which, on many occasions, can result in a loss of consciousness or disorientation in time and space, it seems to us that any, except a very mild diabetic, should be considered as an unsafe operator of a motor vehicle. Certainly a person who receives insulin is in

double jeopardy of becoming incapacitated. This is so because, in the first instance, his disease is probably of great severity, and secondly, insulin per se may result in loss of consciousness under certain conditions where it is not used properly."

(2) Drivers taking oral medicine or whose condition is controlled by diet may be qualified, whereas drivers using insulin may not.

c. Section 391.41(b)(4)—Cardiovascular.

(1) The regulations were drafted to preclude permanent disqualification of a driver solely because he once suffered from a heart disease. The phrase "has no current clinical diagnosis" was specifically chosen so as to disqualify only persons who have had a recent onset of heart disease and persons with heart conditions that have not fully stabilized, regardless of when the disease was first diagnosed.

(2) A "clinical diagnosis" is a diagnosis made by a physician as a result of his clinical appraisal of an individual, as distinct from medical history. This implies a battery of signs and symptoms elicited that may or may not be classic for a diagnosis, and may or may not have resulted from clinical appraisal with resultant diagnosis.

(3) "Current" is meant to mean a clinical diagnosis of a condition which is now present, and where the natural history of the underlying disease process is such that the man may experience further difficulty which would be adverse to highway safety.

(4) Angina pectoris in itself would not be disqualifying. However, if the medical examiner feels that the patient with angina pectoris is most likely to have complication of syncope, dyspnea, collapse, or congestive cardiac failure in the near future, he should not be qualified in the interests of highway safety.

(5) If a driver has suffered a heart attack in the past, and the medical evidence indicates that the condition has stabilized to the point that the examining physician concludes that the driver can withstand the tensions characteristic of over-the-road driving, the driver would not be disqualified because of his past heart disease.

d. Section 391.41(b)(6)—High Blood Pressure.—As indicated by Section 391.43(c), a reading above 180/90 mm Hg may not necessarily be disqualifying. If the readings are consistently above this level, further testing should be undertaken to determine the underlying causes of the elevated blood pressure.

e. Section 391.41(b)(8)—Epilepsy.

(1) For definition of "clinical diagnosis" refer to Section c of this heading.

(2) If a driver who has had epilepsy demonstrates a cessation of all seizures for at least 2 years, and is off all anti-convulsant medication, he may be considered qualified if medical examiners agree as to his condition. An essentially normal electroencephalographic tracing should also be considered.

(3) Narcolepsy is a disqualifying condition since the presence of this condi-

tion represents a significantly high risk of loss of consciousness, and thus poses a serious threat to highway safety.

f. Section 391.41(b)(10)—Vision.

(1) The application of this section does not depend upon a determination that an individual's poor eyesight would interfere with his ability to drive safely. The standard is a general one applicable to all persons without regard to individual circumstance.

(2) "Corrective lenses" means either glasses or contact lenses.

(3) If a person can recognize, and distinguish among traffic control signals and devices showing standard red, green and amber, he meets the minimum standard, even though he may have some type of color perception deficiency.

(4) If certain color perception tests are administered (such as Ishihara, Pseudoisochromatic, Yarn, etc.), and doubtful findings are discovered, a controlled test using signal red, green and amber, may be employed to determine the driver's ability to recognize these colors.

g. Section 391.41(b)(11)—Hearing.

(1) Hearing aids may be employed to meet the minimum requirements for hearing in the better ear.

(2) If an audiometer is used to test hearing ability, the parameter to be employed for the results is the American National Standard (formerly ASA Standard) Z24.5-1951.

(3) Frequently, the standard used is ISO (International Standards Organization). This standard is more stringent than that of ASA (American Standards Association), and, in many cases, drivers who would be qualified under ASA, are disqualified under ISO. Therefore, before a determination is made, conversion from ISO (if that is the parameter used) to ASA is necessary.

(a) Procedure: At 500 Hz subtract 14 dB from the ISO reading to get ASA reading; At 1000 Hz subtract 10 dB from the ISO reading to get ASA reading; At 2000 Hz subtract 85 dB from the ISO reading to get ASA reading.

(b) The final figure is derived by averaging the readings of the above three frequencies.

h. Section 391.41(b)(12)—Drugs.—The term "habit-forming drug" is intended to include any drug or medication generally recognized as capable of becoming habitual, and which may impair the user's ability to operate the vehicle safely.

i. Section 391.43—Medical Examination; Certificate of Physical Examination.

(1) The use of paramedic personnel in conducting driver physical examinations is permissible, provided final approval and signature responsibility remains with a licensed physician who is responsible for the paramedic.

(2) It is within the discretion of the examining physician, in light of all the facts, to determine whether or not a particular driver is qualified under the minimum physical qualification. The medical examiner should be fully informed with respect to the character-

istics of the work to be performed. Disqualification of a driver by a qualified doctor should be regarded by the Bureau as determining the question of physical fitness. Carriers should be advised that in cases of doubt, a doctor's findings should be followed.

(3) The present physical examination form has no space for showing color or race, but does have a space for place of birth. In States having antidiscrimination statutes forbidding employers to compel disclosure of such a matter, the space on an examination form calling for this information may be left blank.

(4) The Bureau has no direct power over the manner in which a physician fills out a medical certificate. It is thought we should accept medical certificates with a physician's facsimile signature rubber stamped. Where the typewriter or a printed rubber stamp is used, it is thought we should recognize that as a signature. However, pre-printed signatures appearing on the forms are unacceptable since this practice would open the door for unauthorized examinations.

(5) In the case of the doctor's certificate required by this section, the precise language set forth must be used, but format may vary with the individual form. The form making physical examinations and recording findings is merely a recommended form and does not have to be followed in every detail.

(6) The rules requiring physical examination of drivers provide that such examinations must be made by licensed doctors of medicine or osteopathy. Motor carriers may not accept physical examinations made by a chiropractic physician to meet the requirements of the rules.

j. Section 391.45—Persons Who Must Be Medically Examined and Certified.

The question of whether or not a driver should undergo a complete physical examination before returning to work after a minor illness has been raised repeatedly. This section states that before being allowed to return to work, a driver, whose ability to perform his normal duties has been impaired by a physical or mental injury or disease, "should be physically examined upon his return to work." The actual need for a "complete" examination in such cases would depend to a great extent upon the nature and degree of the injury or illness. This would leave some discretionary power to the carrier and/or the physician involved.

k. Section 391.47—Conflict of Medical Evaluations.

(1) In a case where two medical examiners disagree about whether a person is physically qualified to drive, it is not necessary for the disagreement to be submitted to the Director, BMCS, for resolution.

(2) It is recommended that the opinion of a third physician, preferably one who specializes in the field in which the medical condition arose, be sought, and that all possible efforts for informal resolution of the disagreement on a local level be made first. If the disagreement cannot be resolved informally, either

party may submit all available information about the case to the BMCS for determination.

(3) The question has also been raised as to a driver's status during the process of resolving a conflict of medical examinations. If the carrier does not accept the medical examiner's certificate for the potential driver, the carrier may not permit him to drive until the dispute about his qualifications has been resolved in his favor.

(4) During the evaluation of certain cases, interested parties have requested copies of documents concerning those cases. The Freedom of Information Act, 5 U.S.C. 552(b), requires all Federal agencies to make their records "promptly available" to any person who may request them. There are, however, a number of statutory exceptions to this rule. Departmental directives implementing the Act say that we must disclose records, even when they are or may be covered by one of the exceptions, unless a substantial policy would be served by withholding them. However, in certain cases, it would appear wise to invoke the exceptions of the Act. Disclosure of certain "intra-agency memorandums" could possibly result in injury to the persons involved.

(5) If a medical conflict is resolved in a driver's favor, this finding, can in no way be interpreted to mean that it is a guarantee of employment. This matter would be one of an employer-employee nature.

1. Section 391.49—Waiver of Certain Physical Defects.

(1) Waivers are issued only for loss of a foot, a leg, a hand, an arm, or an impairment of their use, or other structural defect or limitation as set forth in Section 391.49(b) (1) and (2).

(2) Waivers are not issued for the following physical impairments:

- a. Vision—391.49(b) (10).
- b. Diabetes—391.49(b) (3).
- c. Epilepsy—391.49(b) (8).
- d. Hearing—391.49(b) (11).
- e. Heart Disease—391.49(b) (4).
- f. Respiratory Dysfunction—391.49(b) (5).
- g. High Blood Pressure—391.49(b) (6).
- h. Rheumatic, Arthritic, Orthopedic, Muscular, Neuromuscular, or Vascular Disease—391.49(b) (7).
- i. Mental, Nervous, Organic or Functional Disease—391.49(b) (9).
- j. Drugs—391.49.
- k. Alcoholism—391.49(b) (13).

Drivers with these impairments should not be referred to the Washington Office for a waiver.

(3) Waivers granted are valid only for a specified driver, who drives for a specified carrier, in a specified territory, with a specified type of equipment. A waiver, as provided in this Section, is not valid for the transportation of passengers for hire, or the transportation of hazardous materials of such a quantity as to require placarding.

6. Files and records.

It has been determined that no interpretation of this section is necessary.

7. Limited exemptions.

a. Section 391.61—Drivers Who Were Regularly Employed Before January 1, 1971.

(1) In order to qualify for the exemption offered by the Section, the driver must be regularly employed, within the meaning of Section 395.2(f) of the Regulations, as of the date he seeks exemption. His employment as of that date must have been continuous for a period which began before January 1, 1971.

(2) If there is a break in continuous employment, the subject driver would not be able to take advantage of this exemption and must be fully qualified.

(3) The Bureau has taken the position that a driver who was regularly employed as of December 31, 1970, and who is absent from work under normal circumstances for a brief period of time thereafter, does not lose his "grandfathered" status as long as the employer continued to treat him as an employee during that period of time, and as long as the driver did not take new employment in the hiatus.

(4) A driver who left in mid-1970 under a leave of absence and returns subsequent to January 1, 1971, must be considered a new employee. The driver was not an employee for a continuous period which began prior to January 1, 1971.

(5) There is no specific time limit under which a driver on furlough or layoff would fail to meet the requirements of a regularly employed driver. A driver is not a regularly employed driver when the continuity of his employment is broken.

(6) If a driver is called into the military service prior to January 1, 1971, upon his return he would be considered as not being a regularly employed driver for a continuous period which began prior to January 1, 1971.

b. Section 391.63—Intermittent, Casual or Occasional Drivers.

A driver who has been laid off by one carrier may drive for another carrier as an intermittent, casual, or occasional driver, if the second carrier complies with the prerequisites for employing a driver on an intermittent, casual, or occasional basis as set forth in this section.

c. Section 391.65—Drivers Furnished by Other Motor Carriers.

(1) Each time the driver is furnished to another motor carrier, the employing motor carrier must furnish the second carrier with a certificate that the driver is fully qualified to drive. Permanent certificates are not permitted. However, a single certificate may be issued for a continuous period during which the driver is in the second carrier's service. In this connection, it should be noted that if the driver is in the second carrier's service for a continuous period of 7 days or more, he may be deemed a regularly employed driver of the second carrier, rather than the carrier who originally furnished him, and the exemptions in Section 391.65 may become applicable. As a general rule, the Bureau would regard a certificate valid on its face for a period exceeding 30 days, as raising a question as to whether or not the driver remained regularly employed in the serv-

ice of the carrier that issued it.

(2) A regularly employed driver of one carrier who is on vacation may be employed as a driver for another carrier during that period. The driver may be employed without undergoing full qualification if all requirements of Section 391.65 are fulfilled (i.e., the carrier must obtain a certificate from the regular employer that the driver is fully qualified and must obtain and retain a copy of the driver's medical examiner's certificate). Alternatively, the carrier may take steps necessary to qualify the driver as if he were entering into that carrier's service on a regular basis.

(3) A motor carrier may furnish the certificate of qualification required by Section 391.65(a) (2) as a part of other documents, such as a lease and interchange agreement. The motor carrier may stamp or preprint the certificate of qualification as part of any other document, provided the motor carrier that uses the driver retains a copy of the certificate in its files for 3 years. The document must be dated and signed by a duly authorized representative of the regularly employing motor carrier.

CHAPTER VII—PART 392—DRIVING OF MOTOR VEHICLES

Par.

1. General.
2. Driving of Vehicles.
3. Stopped Vehicles.
4. Use of Lighted Lamps and Reflectors.
5. Accidents and License Revocations.
6. Fuel Precautions.
7. Prohibited Practices.

1. General.

a. Section 392.2—Applicable Operating Rules—Since this rule is contained in Part 392 and not among the "General" regulations in Part 390, the Bureau takes the position that it was intended to relate to State and local driving laws and regulations roughly comparable to those in Part 392, including safe loading, but not to include State laws and regulations relating to other matters.

b. Section 392.5—Intoxicating Liquor—A question has been raised regarding the consumption of alcohol by a driver before going on duty, and also while he is at a lunch break, etc.

(1) This section specifically prohibits a driver from consuming an alcoholic beverage, regardless of alcohol content, for a period of 4 hours before reporting for duty. It should also be noted that the regulations state that a driver shall not be under the influence of such an intoxicant while he is on duty. Therefore, even though a driver may have consumed alcohol more than 4 hours before going on duty, he may still be under its influence, and hence, would be in violation if he went on duty or operated a commercial vehicle in such a situation. It also follows that the motor carrier who required or permitted this subject driver to go on duty or drive, would also be in violation of the Motor Carrier Safety Regulations.

(2) The intent of this section is to prohibit the use of any driver on whom can be detected the odor of alcohol or

who has actually been observed drinking alcoholic beverages.

(3) The prohibition against carrying alcoholic beverages in Section 392.5 is not applicable to a driver who is using a company vehicle for personal reasons while off duty. For example an owner-operator using his own vehicle in an off-duty capacity, or a driver using a company vehicle for transportation to a motel, home, or restaurant, and returning to the same terminal from which he departed when he went off-duty would not be subject to this section. (10-74)

c. *Section 392.9—Safe Loading*—Motor carriers may determine compliance under circumstances of the shipper's loading and sealing the trailer by arranging for supervision of loading to the extent necessary for determining compliance. Also, in interchange of such vehicles, the receiving carrier might obtain notation on connecting line freight bill that lading was properly loaded and, if necessary, obtain approval to break the seal to permit inspection.

d. *Section 392.9a—Corrective Lenses to be Worn*—Aphasic drivers (drivers who have an absence of the eye's crystalline lens) are not necessarily precluded from certification. The use of contact lenses is permissible, and in aphasic drivers they may prosthetically replace the natural lens. Such drivers may qualify provided they meet the minimum standards set forth by Section 391.41 (b) (10), with contact lenses or contact lenses and glasses, and provided they carry a spare lens or set of lenses when driving.

e. *Section 392.9b—Hearing Aid to be Worn*—Drivers who use hearing aids may be qualified, provided they meet the minimum standards set forth by Section 391.41 (b) (11), and provided they carry a spare power cell when driving.

2. *Driving of vehicles.*

No interpretation necessary.

3. *Stopped vehicles.*

Section 392.25 is interpreted to prohibit the use of any flame-producing emergency signal for protecting any motor vehicle equipped with temperature control equipment using compressed gas as a motor fuel.

4. *Use of lighted lamps and reflectors.*

No interpretation necessary.

5. *Accidents and license revocations.*

No interpretation necessary.

6. *Fuel precautions.*

No interpretation necessary.

7. *Prohibited practices.*

a. *Section 392.60—Unauthorized Persons Not To Be Transported.*

(1) The test as to when no written authorization is required is conditioned upon the provisions contained in subparagraphs (a), (b), (c) and the concluding paragraph of Section 392.60. The term "other" as used in subparagraph (a) includes persons who, for example, might be employed by the motor vehicle lessor or persons assigned to accompany a shipment for security reasons.

(2) Section 392.60(b) permits the transportation of persons under conditions where danger to life or damage to

property might result from refusal to transport such person or persons.

(3) Inspection of motor vehicles while in operation: Persons appointed in the Bureau of Motor Carrier Safety as mechanical engineers, regional safety officers, safety supervisors, safety compliance investigators, and field safety specialists are authorized to ride on or in any motor vehicle of carriers subject to the safety provisions of the Interstate Commerce Act whenever such action is deemed to be necessary in order to determine the operational characteristics of the vehicle or any equipment thereof with respect to safety of operation or compliance with standards prescribed by law or regulations of the Administration.

b. *Section 392.67—Heater, Flame Producing, on Vehicle in Motion.* Open flame burners on trucks while the vehicles are moving on the highways are held hazardous from the standpoint of fire or explosion. Condition imposed is that such burners would not be used except when the vehicles were at rest off the highway; Biddison, 28 M.C.C. 203; Gibbons, 31 M.S.C. 633. Use of such heaters on moving vehicles is prohibited by Section 392.67.

CHAPTER VIII—PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Par.

- 1 General.
- 2 Lighting Devices, Reflectors, and Electrical Equipment.
- 3 Brakes.
- 4 Glazing and Window Construction.
- 5 Fuel Systems.
- 6 Coupling Devices and Towing Methods.
- 7 Miscellaneous Parts and Accessories.
- 8 Emergency Equipment.

i. *General.*

a. *Approval of Motor Vehicles, Parts and Accessories.* The Bureau policy is not to approve any motor vehicle, part or accessory. Parts and accessories required by the Motor Carrier Safety Regulations and conforming to pertinent requirements may be used on motor vehicles subject to our jurisdiction. Also, non-required devices may be used provided they are not inconsistent with the regulations nor detrimental to the safety of operation of the vehicle.

b. *When is Vehicle Being "Operated?"*

Section 393.1. Where vehicles are "in transit," though stopped, they are being "operated" by the carrier within the meaning of Section 393.1, and equipment deficiencies discovered at such time are violations. Evidence of deficiencies found during inspections at terminals are counter-balanced by the fact that the vehicles were awaiting repairs.

2. *Lighting devices, reflectors, and electrical equipment.*

a. *Advertising signs, electric.* The Motor Carrier Safety Regulations do not prohibit the use of advertising signs on commercial motor vehicles, so long as they do not interfere with lights required by Subpart B—Lighting Devices, Reflectors and Electrical Equipment, of the Motor Carrier Safety Regulations. The Interstate Commerce Commission does have requirements regarding the

use of advertising on motor vehicles operated by common and contract motor carriers.

b. *Identification Lamps—Front.* Sections 393.12(a) and 393.13(a). The exact location of front identification lamps has been made optional. The lights are to be on the vertical center line of the vehicle, and may be on the truck body or cab. Where the body is lower than the cab, the identification lamps would have to be mounted on the cab. No part of the front identification lamps or mountings may be extended below the top of the vehicle windshield.

c. *Identification Lamps—Rear.* The rear identification lamps required by Sections 393.12, 393.14, 393.16 and 393.17 are to be mounted on the vertical center line of the vehicle, and the height has been made optional so long as the visibility requirements are met.

d. *Identification Lamps—Spacing.*

(1) The spacing for identification lamps is not specified. The lamps should be spaced at equal distances from each other, with one lamp on the vertical center line of the vehicle and the other two, one on each side at equal distances.

(2) The Motor Carrier Safety Regulations set forth certain safety requirements for motor carriers engaged in interstate or foreign commerce. The Federal Motor Vehicle Safety Standards set forth requirements for the manufacturers of new motor vehicles for use within the United States. Motor Vehicle Safety Standard No. 108 requires the use of three amber identification lamps grouped in a horizontal row, with lamp centers spaced not less than 6 inches, nor more than 12 inches, apart, and mounted as close as practicable to the vertical centerline of trucks over 80 inches wide.

e. *Reflectors, Rear of Truck Tractors.* Section 393.13(b). There is an apparent contradiction between the text of Section 393.13(b) of the Motor Carrier Safety Regulations and the illustration. However, where there is a discrepancy between the text of a regulation and illustrations, the language of the regulation governs. Placement of the reflectors on the rear end of the truck tractor locates them "on the rear" as specified in the rule, and is therefore permissible. The fact that the reflectors are shown in the illustration as being on the rear of the cab does not mean that they must be so placed, though this location is also permissible.

f. *Lighting Requirements, Mobile Homes.*

(1) Mobile homes which constitute the commodity being transported or having one or more sets of wheels on the roadway during the course of transportation, will constitute a driveway-towaway operation. Lighting devices are required as specified in Section 393.17. Section 393.25(a) provides that lighting devices required on motor vehicles being transported in driveway-towaway operations may be temporarily mounted on the vehicle.

(2) House trailers are considered to be "trailers" in both the Federal Motor Vehicle Safety Standards and the Motor

Carrier Safety Regulations. The lighting necessary for all such new vehicles is described in Motor Vehicle Safety Standard No. 108, and for such vehicles in interstate commerce, in Section 393.17 of the Motor Carrier Safety Regulations (movement of a house trailer is generally considered to be a driveaway-towaway operation). These lamps, reflective devices, etc., need not be permanently applied to vehicles of this type.

g. Lighting Requirements—Large Containers.

(1) We find no essential difference between large containers and other pieces of lading of the same size. Therefore, the Motor Carrier Safety Regulations do not require the application of lights to containers which are lading upon properly lighted trailer or truck bodies. In cases where the container assumes the structural requirements of the trailer body, being, while on the road, the trailer body rather than lading on a trailer, all relevant requirements of the regulations must be met by this "trailer."

(2) Concerning requirements for side marker lights and reflectors when two 20-foot units are concerned. "When coupleable containers and chassis are operated in coupled condition, red side marker lamps on rear of lead unit to be de-energized." "With respect to reflectors, the red reflector on the rear of the lead unit must be covered."

h. Lighting Requirements—Wrecked Vehicles. "In our opinion, interstate operation wherein a wrecker is pulling a tractor would be considered a driveaway-towaway operation, and would have to be equipped with the lighting devices specified in Section 393.17 of the regulations. The lighting devices would have to be operable or they would serve no useful purpose." Lighting devices are permitted by Section 393.25(a) to be temporarily mounted on motor vehicles being transported in driveaway-towaway operations.

1. Turn Signal Systems.

(1) Section 393.19. The turn signal system must be capable of flashing simultaneously in both the "on" and "off" positions of the ignition switch. If the vehicle has a three-position switch, and the turn signals can be flashed simultaneously as required when the switch is in either of the two positions, and the ignition is on when the switch is in one of the positions, and off when the switch is in the other position, the arrangement is considered to be in compliance with Section 393.19. The type of switch to be used to cause the turn signals to flash simultaneously is not specified; therefore, a key operated switch could be used, provided the system operates as required with the ignition turned on or off.

(2) We have taken the position in all instances that red lights on the front of motor vehicles are prohibited by Section 393.25(e). Also, we have taken the position that flashing lights are prohibited on all vehicles except those for which Section 393.25(f) contains specific exemptions.

(3) Where vehicles have no ignition

switches, as with Diesel engines, this requirement applies with the equivalent control (for stopping the engine) in either the running or the stopped position. Section 393.19. The rule recites, "Every motor vehicle," but the switches need not be installed on the trailer. The switches on the towing unit serve the purpose with respect to trailers.

(4) If the application of the brakes will cause the hazard warning system to cease flashing, the vehicle does not comply with the requirements of Section 393.19 of the Motor Carrier Safety Regulations. This section requires that the vehicular hazard warning system be capable of flashing at all times, with the ignition of the vehicle turned on or off. Section 392.22 and 392.23 contain the requirements for use of turn signals as emergency signals on disabled or parked motor vehicles.

(5) The requirements of Section 393.19 are applicable to all motor vehicles being operated under the jurisdiction of this Administration, without regard to the type of engine on the vehicle. The intent of the regulation is that all motor vehicles shall have the turn signal system so arranged that it can flash simultaneously when the vehicle engine is running and when the vehicle engine is stopped. We realize that diesel engines do not have ignition systems such as used with gasoline engines. However, this does not exempt them from the requirements of Section 393.19. If the turn signals on the vehicles will flash simultaneously only with the key turned in one position, then it would not comply with the requirements of Section 393.19. The turn signal system has to be capable of flashing with the key in either the on or off position.

j. Clearance Lamps—Section 393.20.

(1) The intended location of clearance lamps is stated to be such as to indicate the extreme width and height of the motor vehicle. "... except that clearance lamps on truck-tractors shall be so located as to indicate the extreme width of the truck-tractor cab." The quoted language indicates the width of the cab to be of greater importance than the height with respect to clearance lamp location. In the case of the truck-tractors of basic cab-forward design, the entire body structure, including the housings extended to the right of the cab itself, can be considered to be a part of the cab or body of the vehicle. The fact that the driver's enclosure and other housings are separate structures is not important when considering clearance lamp locations. Therefore, location of truck-tractor clearance lamps at opposite sides of the principal body or housing of the vehicle is deemed compliance with this section. Location of the clearance lamps at the upper corners of the driver's enclosure will also be deemed as compliance. (Note: The opinion involved location of clearance lamps on truck-tractors having driver's enclosure on left side and engine compartment on right side of vehicle.)

(2) It is our opinion that the intent of the regulation is met if the clearance

lamps are located either on the truck-tractor cab, as shown in Section 393.13, or on the sleeper berth portion of the truck-tractor cab, as shown in Section 393.20, sleeper berth detachable or not, regardless of which type truck-tractor is involved. Successful enforcement through the courts would be so doubtful that we are taking the position that the clearance lamps may be in either position as long as installed in one of the positions described.

(3) Section 393.20 of the regulations requires that clearance lamps shall be mounted so as to indicate the extreme width of the motor vehicle, or, in the case of a truck-tractor, the extreme width of the truck-tractor cab.

(4) The only lights that are required to be located at the top of trailers are the front and rear clearance lamps. The side marker lamps and the rest of the lights required on the rear of the trailer may be located at the lower portion of the trailer. As an alternative, if the three identification lamps required on the rear of trailers are located on top, then the rear clearance lamps may be located at ornamental height.

k. Combination Lighting Devices—Section 393.22.

(1) Combination clearance and side-marker lamps are permitted by Section 393.22, provided the requirements of each light are met at the same time. It is possible to have a combination stop, tail, and turn signal lamp.

(2) Section 393.22 permits combining two or more lighting devices into one shell or housing, provided the requirements for each are met at the same time. A dual-filament bulb may be used, one filament serving as the tail lamp light source, and the other filament as the light source for the turn signal (flashing) and stop lamps.

(3) Section 393.22(c) prohibits combining clearance lamps with any tail lamp or identification lamp. Therefore, three lights equally spaced on a truck-tractor cab could not be used as clearance lamps and the three identification lamps.

l. Requirements for Head Lamps. This Administration's Motor Carrier Safety Regulations require trucks and buses operating under our jurisdiction to have a headlighting system that will provide an upper and lower distribution of light selectable at the driver's will. The regulations also permit the use of auxiliary road-lighting lamps, and these lamps are considered to be a part of the headlighting system. The auxiliary road-lighting lamps may be used in lieu of head lamps under conditions making their use advisable, if there is at least one lamp on each side of the vehicle.

m. Requirements for Lamps Other Than Head Lamps.

(1) **Mounting.** (a) Lamps may be mounted in desirable positions on brackets of adequate strength where the brackets themselves are permanently and securely mounted. The bracket must be of such character as to keep the lamps firmly in position, and if any flexible elements are used, the arrangement of

parts must be such as always to return to the same position as after deflection. The standards set forth in Section 393.25 (c) include a vibration test which is expected to be especially severe on certain flexible mountings.

(b) A dromedary is a truck and must be lighted as required in Section 393.12, if over 80 inches in width. Rear lights, except tail lights may be mounted on the cargo compartment, but tail lights must mark the actual rear of the vehicle. Similarly, it is suggested that the rear side-marker lights and reflectors be mounted on the frame, so as to indicate the length of the vehicle.

(2) *Visibility—Section 393.25(b)*. This rule requires that lamps, "shall be so mounted as to be capable of being seen at all distances between 500 feet and 50 feet, etc." It is clear on careful reading of the quoted language that the visibility requirement does not apply, insofar as mounting of the lamps is concerned, at distances closer than 50 feet or farther than 500 feet from the lamps. Thus, an observer could be unable to see any of the lamps named in the rule at distances closer than 50 feet because of obstructions between himself and the lamps, but this fact in itself would not constitute a violation of the rule. There should, however, be no point at any distance between 50 feet and 500 feet from the nearest such lamp, at which an observer would fail to see at least one such lamp because of any obstruction on the vehicle or any other peculiarity of the mounting. Apart from mountings, the visibility of the lamps is covered by Section 393.25(c) and its reference to SAE Standards, compliance with which will assure that the lamps be seen at much greater distances than 500 feet under favorable conditions.

(3) *Certification and Marking—Section 393.25(d)*. The exact location of the certification markings is not specified; however, the markings are to be visible when the device is mounted on the vehicle. The size of lettering or marking is not specified.

(4) *Lighting Devices to Be Steady-Burning*. (a) Section 393.25(f) requires all exterior lighting devices to be steady-burning with certain exceptions. The section does not prohibit the use of turn signals to give vehicular traffic hazard warning signals as required by Section 392.22 and 392.23.

(b) Sections 392.22 and 392.23 restrict the use of flashing lights to stopped and disabled vehicles. The regulations do not prohibit the use of the 4-way flasher signals by buses stopped at passenger stops along the highway, or when stopped at railroad crossings in compliance with Section 392.10.

(c) We have taken the position in all instances that red lights on the front of motor vehicles are prohibited by Section 393.25(e). Also, we have taken the position that flashing lights are prohibited on all vehicles except those for which Section 393.25(f) contains specific exemptions.

(5) *Stop Lamp Operation—Section 393.25(g)*.

(a) In accordance with Section 393.25(g), stop lamps must be actuated upon application of any of the service brakes, with no exceptions contained therein for daylight hours. Section 392.30(a) does not mean that lights do not have to be operable during daylight hours. To substantiate our position in this matter, we will quote from 64 M.C.C. 405, pages 422-423, as follows: "Another issue raised at the hearing and made the subject of one of the Bureau's exceptions is whether the failure of a vehicle to have lights in working order when inspected at a terminal or en route during the day is a violation of the Motor Carrier Safety Regulations. Respondent is persuaded that vehicle lights need only to be working during darkness, and that a failure to have them in working order during the day is not a violation of any regulation. Section 398.2 of the regulations provides: 'Every motor carrier shall systematically inspect and maintain, or cause to be systematically maintained, all motor vehicles subject to its control, and the accessories required by Part 393 of this subchapter (including lights) to be mounted thereon, to insure that such motor vehicles and accessories are in safe and proper operating condition.' Also, Section 392.7 of the regulations provides: 'No motor vehicle shall be driven unless the driver thereof shall have satisfied himself that the following parts and accessories are in good working order: Lighting devices and reflectors . . .' Thus, the conclusion is inescapable that lights on any vehicle in operation should be in operating condition during the daylight hours, as well as night, and this makes good sense, for any other rule might serve to excuse the operation without proper lights of a vehicle which was unavoidably detained and kept on the highway after dark."

(b) The exact location of the stop and tail lights required on the rear of tractors by Section 393.13(b) is not specified. We see no reason to object to mounting these lights on the rear of the truck-tractor cab. We believe there is no problem in the lights being a few feet ahead of the extreme rear of the truck-tractor.

n. Requirements for Reflectors.

(1) *Mounting—393.26(a)*. This section contains specifications for height of reflectors, but not the exact location on the vehicle. The diagrams used in the regulations are for illustrative purposes only. They should not be considered as showing the exact location of the lighting devices, as in some instances location is optional.

(2) *Retroreflective surfaces (Front of Vehicle)—Section 393.26(e)(4)*. Red retroreflective signs may not be used on the front of motor vehicles as Section 393.26(e)(4) prohibits the use of any red color on the front of any motor vehicle, except for display of markings or placards required by Section 177.823.

(3) In our opinion, license plates with red retroreflective surfaces are permitted by Section 393.26(e)(5), even though Section 392.26(4)(4) states that no red

color shall be used on the front of any motor vehicle. The above opinion is based on the fact that the size of license plates and their location on the vehicles is such that any red color would not be associated with any lighting device or reflector.

o. *Wiring Specifications—Section 393.27*. Explosion proof wiring and fixtures are not required by the Motor Carrier Safety Regulations, or Explosives and Other Dangerous Articles Regulations. The wiring specifications for all motor vehicles under the Commission's jurisdiction are set forth in Section 393.27. This section requires that the wiring conform to the requirements in the SAE Standards for "Insulated Cable" as found in the 1952 edition of the SAE Handbook.

p. *Wiring to be Protected—Section 393.28*. Frame channels of motor vehicles do not constitute a metallic sheath or tube, as specified in Section 393.28 of the Regulations. To be acceptable such sheath or tube should enclose the wires throughout their circumference. In the absence of the sheath or tube mentioned in the rule, the group of wires must be protected by non-metallic tape, braid, or other covering.

q. Battery Return Grounds.

(1) Section 393.29 does not require that any electrical system be grounded. It does require, however, that where grounds are used they be readily accessible, and that the contact surfaces of all electrical connections be free of non-conductive materials.

(2) The preferred grounding is by means of one of the contacts in the detachable connection required by rule 393.32, though grounding by this means is not specifically required. If this means is used, the ground connection should be complete from the plug contacts to the frame or body of each of the vehicles. If all electrical parts of a trailer are grounded to the trailer body, and the body is of all metal construction, a ground connection to the frame is not needed. If the trailer body is made of wood or other non-conducting material, the grounding on that trailer must perforce be to an electrically conductive part, such as a steel frame. On power units, however, the main battery ground is always made to the vehicle frame, because it must carry the heavy current demanded by the engine starter (except where non-electrical starters are used). The ground connection from the plug contact must then be complete to the vehicle frame, although a metal cab or other structure can, of course, be part of the connection. Where headlamps, clearance lamps, and other electrical equipment is grounded to parts other than the frame, such parts must be adequately grounded to the frame if satisfactory operation is expected.

(3) If grounding is not done by use of one of the contacts in the detachable electrical connection, then electrically conductive contact between the vehicles in a combination must be depended on for this purpose. If such contact is limited to that between upper and lower halves of the conventional fifth wheel,

which is lubricated, then the lubricant should be made electrically conductive, such as by admixture of graphite or other electrically conductive material. If it is found necessary to use a ground wire on a fifth wheel (lower half), it should be attached to the hinge place and to the vehicle frame. If the parts concerned are in electrical contact, however, such a wire is not needed.

(4) If it is found necessary to use a ground wire between the upper and lower halves of the fifth wheel, or otherwise between the vehicles of a combination, that wire should be a part of the cable required by rule 393.32, as above discussed.

(5) It is suggested that in road checks first attention to the electrical system be given to the tail lamp. With all required lamps lighted and the engine running fast enough (fast idle) for the generator to maintain regulated electrical voltage, the white or clear light for lighting the registration plate on the trailer should be clear white, in which case the ground connections can be assumed to be in satisfactory condition, however made. If this light is tinged with yellow or red, there is undoubtedly a poor connection in the circuit of this lamp, which poor connection may or may not be the ground. A poor ground connection between power unit and trailer will, of course, affect all trailer lamps alike.

r. *Overload Protective Devices—Section 393.31.* Semitrailers and full trailers need not have overload protective devices when protection of trailer circuits is provided on towing vehicles. Circuit breaker is required only when head lamp circuit is protected in common with one or more other circuits. Circuit breaker, if required, must be automatic reset type.

s. *Detachable Electrical Connections—Section 393.22.* The regulations do not require that connections between vehicles be made with connectors and receptacles. Thus, it may be found preferable to make detachable electrical connections by using cable terminals attached to fixed posts or terminals as provided in Section 393.33, instead of using the more common connector designed to be fitted into a receptacle.

t. *Wiring, Installation—Section 393.33.* The language "all detachable wiring, except temporary wiring connections for driveaway-towaway operations, shall be attached to posts or terminals by means of suitable cable terminals," is not to be construed as to require the use of posts or terminals and cable terminals on all detachable wiring. The intent of this language is that where posts or terminals are used for the purpose of attaching or removing detachable wiring, the intent of this language is that where posts or terminals are used for the purpose of attaching or removing detachable wiring, the wiring shall not be merely wrapped or tied to the posts or terminals, with or without nuts or other clamping devices to act on the wire itself, but the ends of the detachable wires shall be provided with cable terminals or lugs suitable for use with the posts or terminals to which attachment is made.

3. Brakes.

a. *Required Brake Systems—Section 393.40.*

(1) The advantages of engine brakes are appreciated by the Federal Highway Administration and we have no objection to their use, provided there is no decrease in the safety of operation of the motor vehicles on which they are used. Engine brakes can offer advantages in braking the drive wheels of those diesel-powered trucks and truck-tractors for which they are available. However, we feel that proper commercial vehicle braking can best be assured for all types of vehicles by the proper design, use and maintenance of the vehicle service, emergency and parking brake systems, as required in the regulations.

(2) Will the specified emergency systems still be required for air brake systems on trucks (the current Regulation has provision for trailer systems that is not changed) on or after January 1, 1973, in the event the effective date on FMVSS-121 is extended?

Our regulations will require emergency brake systems on and after July 1, 1973, even though Federal Motor Vehicle Safety Standard 121 has been extended to September 1, 1974.

(3) Since a revision to FMVSS-105 (based on NHTSA Docket 70-27) has not been issued, trucks with hydraulic brakes have not had to be equipped with emergency systems. Does this mean that an emergency system must be introduced after January 1, 1973, as an interim design between today's hydraulic brake system and that expected to be part of a revised FMVSS-105?

Vehicles equipped with hydraulic brakes will have to be equipped with an emergency brake system on or after July 1, 1973, even though Federal Motor Vehicle Safety Standard 105 has not been made applicable to vehicles other than passenger cars.

(4) Does the statement, " * * * three controls may not be combined" as used here mean the control valves for the three brake systems: (1) are not to use a single point and method of actuation, or (2) are not to be part of the same interconnected piping or plumbing system?

The intent of the requirements in Section 393.40(b)(2)(ii) is that the devices used to apply or release the three different brake systems may not be combined. In other words, the device to apply and release the parking and emergency brake systems could be the same, however, it could not be used to apply the service brakes.

(5) What components are understood to constitute, " * * * the operating mechanism * * * ?"

The words "operating mechanism" mean the device used to apply any of the required brake systems.

(6) May we conclude that components common to the service brake system, the parking brake system and the emergency brake system are excluded from " * * * the operating mechanism * * * ?"; e.g., shoes, drums, brake chamber, cam, cam shaft, slack adjuster, etc., for sys-

tems which require each wheel to furnish part of the emergency brake effectiveness.

You are correct in your conclusions that the intent of the wording in Section 393.40(c) was to exclude foundation brake components. In this regard, the language used in the amended regulations is substantially identical to the wording of the prior rule.

(7) Section 393.40 does not state what type of an emergency brake system vehicles have to be equipped with. Therefore, a driveline brake could be used as an emergency brake system, provided it could comply with the requirements of Section 393.52.

b. *Parking Brake—Section 393.41.*

(1) Section 393.41(a). Parking brakes intended to be used in compliance with this section are not required to be capable of stopping the motor vehicle. Parking brakes are intended to hold and maintain a vehicle stationary, under the conditions specified, once it has been stopped and parked.

(2) A chock is not a brake within the meaning of the regulations.

(3) The park position of a hydro-matic transmission cannot be used as a parking brake in compliance with Section 393.41. The park position of the transmission is only a locking device intended to lock the transmission.

(4) Release of Parking Brakes—Section 393.41(c). Section 393.41 does not prohibit the provision of means for releasing spring brakes for purposes of towing disabled vehicles in emergency situation and to perform necessary brake repairs. While releasing of brakes by any means available for purposes of towing disabled vehicles or for brake repairs is necessary, we must emphasize the provisions of Section 393.41(c) which require that under operating conditions the brakes must be so made and maintained that they cannot be released unless adequate energy is available upon release of such brake or brakes to make immediate further application with the required effectiveness.

(5) *Parking Brakes v. Service Brakes—Section 393.41.* The regulations specifically avoid calling parking brakes "emergency brakes" since they are not intended to be used in case of emergency, but are intended to keep the vehicle stationary. Nor should service brakes be used as parking brakes. It is impractical and, in fact, unsafe to use the ordinary braking mechanism relying upon air pressure to hold the system, as a parking brake, since we have reports of hundreds of accidents caused by such reliance upon the air brake system when parking. It is permissible for parking brakes to use the same shoes or bands as the service brakes.

(6) Section 393.2 of the Motor Carrier Safety Regulations provides that additional equipment may be used on motor vehicles subject to our jurisdiction, provided it is not inconsistent with, or prohibited by, the regulations, and if that equipment does not decrease the safety of operation of the motor vehicles on which it is installed. Therefore, the use

of any parking brake using air pressure, fluid pressure, or electrical energy as a supplemental parking brake would not violate Section 393.41, if the vehicle is also equipped with a parking brake that meets the requirement of the cited section and as long as the operation of the required brake system is not impaired by the supplemental brake.

(7) The Motor Carrier Safety Regulations are operational requirements. This means that the operator must assure himself that the parking brake is adequate to hold the vehicle or combination on any grade on which it is operated subject to certain conditions. If the operator chooses not to operate a vehicle on certain grades, because, for example, he uses the vehicle entirely on the highway, he would not need a parking brake capable of holding on grades off the highway.

(8) If a parking brake would not hold the vehicle from moving in a reverse direction, it would not comply with the requirements as it must be capable of holding a motor vehicle from moving in either the forward or reverse direction after the vehicle has come to a stop.

(9) Section 393.41 requires parking brakes to be of such character that they will remain in the applied condition despite exhaustion of any source of energy or leakage of any kind. Parking brake systems dependent on air pressure to keep the brakes applied do not comply with the regulations.

c. Brakes Required on All Wheels—Section 393.42.

(1) Section 393.42(a). A semitrailer equipped with an auxiliary front axle (dolly) is defined in Section 390.7 as a full trailer. Section 393.42(a), therefore, applies to semitrailers converted to full trailers by the addition of dollies, as well as to full trailers initially designed as such.

(2) Section 393.42 requires every motor vehicle to have brakes acting in all wheels, with stated exceptions. One of the exceptions, as related to vehicles being towed in a driveway-towaway operation, says, in part, "... only such brakes ... need be operative as may be necessary to insure compliance with * * * Section 393.52." In practical effect, the quoted language requires sufficient amount of the towed vehicle brakes to be operative to assure compliance with Section 393.52. It does not provide an exception to Section 393.71, regarding coupling devices and towing methods. Section 393.71 requires, as a condition of allowing a full-mounted vehicle to be carried on a double-saddle-mounted vehicle, that the double-saddle-mounted vehicle have effective brakes acting on the wheels on the road, without regard to exceptions otherwise provided in Section 393.42. The rule applies even though it may be proven that the combination can conform to Section 393.52 without the brakes so required.

(3) The retractable axle on the semitrailer will have to be equipped with brakes when the wheels are in contact with the roadway and the vehicle is used in transportation in interstate and/or

foreign commerce. Section 393.42 requires that every motor vehicle be equipped with brakes acting on all wheels with certain exceptions. There is an exception for trailers having a gross weight of 3,000 pounds or less.

(4) Section 393.42 of the regulations requires brakes acting on all wheels of trailers with a gross weight of over 3,000 pounds. Section 393.43(d) requires that: "Every trailer required to be equipped with brakes shall be equipped with brakes of such character as to be applied automatically and promptly upon breakaway from the towing vehicle * * *". Neither the safety chains or cables requirement of Section 393.70(f), nor the brake performance requirements of Section 393.52, offer exemption from the requirements of Section 393.42 and Section 393.52.

d. Breakaway and Emergency Braking—Section 393.43

(1) Section 393.43(a)—Brakes on towing vehicle. This section does not require the use of "tractor protection valves" as such, though it does require that trucks and truck-tractors, if used to tow a trailer equipped with brakes, be equipped with a means for providing that in case of breakaway of such trailer, the service brakes on the towing vehicle will be sufficiently operative to stop the vehicle. This regulation does not require braking power in the service line of a truck or truck-tractor in the event of a breakaway. Also, the means of applying the service brakes on the towing vehicle in event of a breakaway is not specified. In view of the above facts, we see no reason why spring activated service brakes of sufficient strength to stop the towing vehicle could not be used to comply with the towing vehicle breakaway requirements of Section 393.43(a).

(2) Section 393.43(b)—Air Pressure. This rule, prescribed in 67 M.C.C. 405, requires, in part, that trucks and truck-tractors equipped with air brakes, when used to tow other vehicles with full air brakes, in operations other than driveway or towaway, shall be equipped with two means of activating the emergency features of the trailer brakes, one manual and the other automatic. The rule further provides that, "In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means."

(a) The quoted language of the cited rule does not forbid such an arrangement of automatic and manual means that use or misuse of the manual means can change the pressure at which the automatic means shall function, so long as that pressure remains within the prescribed limits of 20 and 45 pounds per square inch. If the automatic means operates at relatively high pressure, not over 45 pounds per square inch, and manipulation of the manual means lowers the pressure to a value not below 20 pounds per square inch, at which value the automatic means operates despite the manipulation, this requirement is met.

(b) All field personnel are cautioned to this effect. Lowering of the pressure

at which the automatic means operates, but not below 20 pounds per square inch, is not to be considered as preventing operation of the automatic means, as mentioned in the underscored portion of the rule as above quoted.

(3) Section 393.43(d)—Brakes on Towed Vehicles. The regulations define a semitrailer equipped with a dolly as a full trailer. They require such a vehicle, with certain exceptions, to have brakes acting on all wheels, and Section 393.43(a) further requires it to have "brakes of such character as to be applied automatically and promptly upon breakaway from the towing vehicle, and * * * to maintain application of the brakes on the trailer in such a case for at least 15 minutes." Since Section 393.43(a) does not specify what minimum number of brakes must apply automatically or state any exception, the requirement is considered to apply alike to all axles of all trailers.

(a) If such a full trailer separated from the towing vehicle at the tongue or pintle, automatic braking could be provided by connecting the dolly brakes to the emergency relay valve on the original semitrailer in the same manner as those on the rear axle. However, if separation occurred at the dolly fifth wheel, the brake line between dolly and semitrailer would be torn apart. This would prevent the required automatic brake application on the semitrailer. It would, therefore, not be in compliance with the regulations.

(b) If the dolly brakes were connected into the emergency relay valve or air system on the towing vehicle, separation at the tongue or pintle would prevent the required automatic application of the dolly brakes. This would also not be in compliance with the regulations.

(c) We must conclude that although the regulations do not specifically state that each dolly must have an emergency relay valve and an air tank, or equivalent means to accomplish automatic braking on the dolly itself, such means must be provided on each dolly.

(4) The breakaway and emergency braking requirements are to be found in Section 393.43 of the Motor Carrier Safety Regulations. The requirements for brakes on towed vehicles are set forth in paragraphs (d) and (e) of the cited section. The cited section permits the use of devices other than "relay emergency valves" as long as the regulatory requirements are met. Also, we see no reason to believe that spring actuated brakes could not be used to provide the emergency feature of trailer brakes, if adequate for the purpose intended and provided all the requirements of the subject section are met.

e. Front Brake Line, Protection—Section 393.44.

(1) Section 393.44 has been interpreted as requiring the brakes on the rear wheels of buses to be capable of being applied with full effectiveness in an emergency. We see no reason to believe that spring brakes could not be used to comply with Section 393.44, provided they are capable of applying brakes on rear wheels with full effectiveness, de-

spite damage to the front brake lines as specified in the cited section. Of course, all requirements of this section would have to be complied with.

f. Brake Tubing and Hose, Adequacy—Section 393.45.

(1) This Administration has no requirements for the copper tubing used in air brake systems, except that such tubing must be designed and constructed of proper material and so installed as to insure proper continued functioning, sufficiently long and flexible to accommodate without damage all formal motions of parts to which it is attached, and suitably secured against chafing, kinking or other mechanical damage.

(2) The type of tubing to be used in hydraulic brake systems is not specified. Copper or steel tubing may be used, provided it is designed and constructed for such use.

(3) The wall thickness for copper tubing is not specified in the regulations.

(4) The regulations do not specify the type of tubing to be used on motor vehicles. Therefore, aluminum tubing could be used provided it is satisfactory for the purpose intended.

(5) We have studied in detail the 1965 SAE Standard J40a, Automotive Brake Hose, and we find that the 1965 Standard is the same as, or more, restrictive than the 1952 Standard. We find the major difference in the two Standards is that the 1965 Standard includes more types of hose. Therefore, hose manufactured in accordance with the 1965 Standard would be deemed to comply with the Administration's requirements.

g. Brake Tubing and Hose Connections—Section 393.46. This Administration's regulations do not specify what type of tubing fittings shall be used in motor vehicle brake systems. Compression type or flare type fittings may be used, provided they are adequate to meet the requirements of Section 393.46.

h. Brake Lining—Section 393.47. We have not set up specifications for minimum thickness of brake lining to comply with the requirements of Section 393.47. It is assumed new vehicles will have been equipped with brake lining adequate to comply with the cited section. As to motor vehicles which have been in service, it is our opinion that bonded brake lining should be replaced, if when measured at the thinnest point, it is less than 15 percent of the original thickness, or 1/32 inch, whichever is greater. Riveted or bolted brake lining should be replaced when worn to within 1/64 inch of any rivet or bolt head.

i. Brakes to be Operative—Section 393.48.

(1) In our opinion, 3-axle truck or truck-tractors which have the brakes disconnected on the steerable axle should not be placed out-of-service. However 3-axle trucks or truck-tractors equipped with front wheel brakes do not comply with the requirements of Section 393.48 if the front wheel brakes are not operating. Vehicles should be cited on the Vehicle Inspection form as not meeting the requirements of 393.48 if the front wheel brakes are disconnected.

(2) The Bureau's position regarding surge brakes has been that they did not comply with the requirements of Section 393.48 of the Motor Carrier Safety Regulations. The cited section requires, in part, that all brakes with which motor vehicles are required to be equipped shall be operative at all times. A surge brake which is only operative under certain preset conditions would not be in compliance with this requirement. In other words, surge brakes, in general, are only operative when the vehicles are moving in the forward direction.

J. Single Valve to Operate All Brakes—Section 393.49.

(1) In the case of electric brakes, a rheostat or other electrical control is considered to be the equivalent of the "one application valve."

(2) A surge brake would comply with the requirements of Section 393.49 as it specifically states that the brake system shall be so arranged that one application valve shall, when applied, operate all of the service brakes on the motor vehicle or combination of motor vehicles. When the service brakes on a power unit towing a vehicle with surge brakes are applied, the brakes on both vehicles would be applied. The power unit brakes would be applied by its application valve and the surge brakes on the towed vehicle by the overrunning effect.

k. Reservoirs Required—Section 393.50. The regulations do not contain specific design requirements for air reservoirs. It is assumed that vehicle manufacturers will use air reservoirs that are suitable for the purpose intended. We understand that most manufacturers use reservoirs that comply with the SAE Standard J10a.

l. Warning Devices and Gauges—Section 393.51.

(1) Section 393.51(a) has been reworded so as to be explicit in what is required as a warning device. The specific type of warning device required for various brake systems is specified in Section 393.51 (b) through (e).

(2) If the driveline parking brake is to be used as the emergency brake system on motor vehicles which have a single hydraulic brake system, then a warning signal is not required. Warning devices are not required on such motor vehicles because the driver will be given ample warning of system failure by the movement and feel of the brake pedal.

(3) Vehicles other than passenger cars equipped with hydraulic brakes will need warning devices on and after July 1, 1973. The warning devices will be required in both the hydraulic circuit as well as the air or vacuum portion of the brake system.

(4) The regulations do not specify how the warning system shall be designed. Therefore, if a switch actuated by a stroke indicator will meet all of the applicable requirements this would be satisfactory.

(5) For vehicles with both air and hydraulic brakes, warning devices will be required for both portions of the system. That is, the hydraulic circuit would have

to have a warning signal and also the air circuit.

(6) Pressure gauges are required for all motor vehicles utilizing compressed air in the brake system in any manner. Therefore, air mechanical, air hydraulic and air assist hydraulic brake systems would have to be equipped with an air pressure gauge. Vacuum gauges are required for vacuum assist hydraulic brake systems and vacuum mechanical brake systems.

(7) The exemptions have been restated in Section 393.51(g) and it has been rewritten in its entirety for clarity. Two axle property carrying vehicles which were manufactured before July 1, 1973, or have a manufacturer's gross vehicle rating of 10,000 pounds or less, are not required to have warning devices or gauges.

m. Brake Performance—Section 393.52.

(1) Tractors operated singly would have to meet the requirements of paragraph (b) (3) of Section 393.52(d).

(2) In determining whether combination vehicles comply with the requirements of Section 393.52, the emergency brake system on both the power unit and towed vehicles would be actuated to determine whether it could stop in the distances specified.

(3) We would expect that vehicles being operated over the highways would not weigh more than what the various States permit. However, if they are overloaded and were checked by members of our Bureau of Motor Carrier Safety's staff, then they would have to be capable of stopping within the distances specified in Section 393.52.

(a) The gross weight of the vehicles is the combined weight of the motor vehicle and its cargo. In other words, the gross weight of a vehicle or combination would be the weight indicated when the vehicle is weighed on portable or stationary scales.

(b) At the present time, we do not plan on disabling a portion of the service brake system to determine the effectiveness of the emergency brake system.

4. Glazing and window construction.

a. Glazing Materials—Section 393.60.

(1) This section of the regulations does not specifically forbid the use of "tempered glass" in motor vehicles. If tempered glass can be made to conform to the requirements for Grade 2 glass in the American Standards Association Code Z26.1-1950, it may be used anywhere in the motor vehicle, except windshields. Certain minimum escape means must be provided, however, which if glazed, must be either of push-out type or be glazed with laminated safety glass. This requirement applies to windows in both buses and other vehicles as specified in Section 393.61.

(2) We have studied in detail the 1966 American Standards Code Z26.1, "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways." We find that the 1966 Code is the same as, or more restrictive,

than the 1964 Code. The major differences in the two Codes is that the 1966 Code includes more types of glazing materials. Therefore, we see no reason to object to the use of glazing material manufactured in accordance with the 1966 Code, and in our opinion, it would be used in compliance with this Administration's regulations.

(3) **Windshield Marking**—Section 393.60(a). It appears some carriers have alleged that marking need not appear on windshields cut from large pieces of suitable glass, because the markings remain on that portion of the glass not used in the windshields. Section 393.60 requires glazing material comply with ASA Code Z26.1-1950. Section 6 of that Code contains the language, " * * * any section of safety glazing material cut from a piece of safety glazing material marked by the manufacturer as above indicated, shall be marked with the same words, designations, characters, and numerals as the piece from which it was cut." It is thus clear that the required markings are to be reproduced as necessary so as to appear on the finished windshield or other pieces of glass actually in use.

(4) **Windshield Condition**. Laminated glazing material is the only type of material that may be used in motor vehicle windshields at the present time. This laminated glazing material is made of two pieces of glass with a piece of plastic or filler material between the pieces of glass. A crack $\frac{1}{4}$ inch wide in a windshield may be one where both pieces of glass are cracked and the distance between the cracks is $\frac{1}{4}$ inch.

(5) **Windshield glass discoloration** exceeding $\frac{1}{4}$ inch in width at cracks is considered to be a defect forbidden by the subject rule, unless it can be covered by a $\frac{3}{4}$ inch disc as mentioned in Section 393.63(b)(3). The rule literally forbids any discoloration in the area specified, except coloring or tinting applied in manufacture for glare reduction, and except such damaged areas $\frac{3}{4}$ inch in diameter or smaller, as provided for in Item 3. Where a crack results in discoloration not over $\frac{1}{4}$ inch wide, however, the discoloration can be considered as part of the crack, and is not forbidden.

(6) **Use of Vision Reducing Matter**—Section 393.60(c). The Administration, when promulgating this regulation, recognized the fact that it would create problems for various manufacturers and also various States and municipalities where their regulations conflict with that of the Administration. However, the Administration found it necessary, in the interest of public safety, to cut to the very minimum any vision reducing matter on windshields.

b. **Windshield Construction**—Section 393.61.

(1) This rule does not refer to the tilt of the windshield, but refers to the angle for testing. For example, using the side windows, the ellipse of the type shown should be contained within the window either when the long axis is parallel to the ground, or when the ellipse is rotated to any angle up to 45 degrees. A window longer vertically than

horizontally, which would require that a person obtain exit from the window by twisting on his side, is not wanted.

(2) **Tractor cabs** are not required to have two doors. However, they are required to have on each side a window of prescribed minimum area, either of laminated safety glass or the push-out type.

(3) **Bus Windows (Push-Out Tests)**—Section 393.61(b). The test for this requirement is to strike the window with the palms of the hands to see if the window will push out. This should be done cautiously at first with gradually increased effort. Windows which are adequate will push, but without too much effort. If the glass breaks before the window pushes out, this is a sure sign of failure under the test. The regulations do not recognize rear exit doors as substitutes for escape windows on either new or old buses.

(4) **Bus Windows—Minimum Escape Area**—Section 393.61(b). The total area of all windows counted for compliance with this section must equal or exceed 67 square inches times the number of seated people, including the driver, the bus is designed to carry. Neither the windshield nor any window not complying with this section as to dimensions, or not laminated or of the push-out type, is to be counted. The windows need not open in the same sense as windows are opened for ventilation in order to be counted as escape windows. Dependence is not to be placed on ordinary opening of windows for escape purposes, because some windows may become jammed in the event of an accident so as to make opening impossible.

(5) "Free opening resulting from the opening of a push-out type window" refers to the emergency opening by pushing out, and not to ordinary opening for ventilation.

(6) **Laminated safety glass windows** are counted in the minimum escape area if of the prescribed minimum dimension, because it has been found that such glass can be broken with comparatively little effort, with few, if any, fragments, and that when broken out as for escape for a motor vehicle, the glass hangs together and falls from the sash substantially in one piece. Laminated safety glass, therefore, is considered to be push-out glass of itself, unless so installed in the vehicle as to negate this feature.

(7) Section 393.61(b) states that every bus, except buses having a seating capacity of eight or less persons, shall have, in addition to the area provided by the windshield, adequate means of escape for passengers through windows. It is our opinion, therefore, that although the door provides in excess of 67 square inches escape opening, it is not a "window." In order to comply, the window area must meet the requirements of Section 393.61(b).

(8) **Bus Windows, Driveway-Towaway**—Section 393.61(b). This section is not applicable to buses being moved in driveway-towaway operation, since this section relates only to those times when there are passengers aboard.

(9) **School Bus Windows**—Section 393.60(b). Neither the general provisions of the Safety Regulations, nor the specific provisions of any part of the sections of Subpart D, Part 393, contain any language which would exempt school buses from the window construction requirements. Section 393.61(c) does provide an option: Pushout windows are required unless the windows are glazed with laminated safety glass in size sufficient to meet the requirements of paragraph (b).

c. **Window Obstructions**—Section 393.62. This section is not applicable to buses moved in driveway-towaway operations, since this section relates only to those times when there are passengers aboard.

5. Fuel Systems.

a. **All Fuel Systems**—Section 393.65.

(1) **Fuel for Refrigerating Equipment**—Section 393.65(a). This section is applicable to tanks containing fuel for the operation of refrigerating equipment. In the absence of a front axle of conventional type, the frame cross members to which links are attached for keeping the front wheels of the vehicle in position, is considered to be the practical equivalent of a front axle, with Section 393.65(b)(2) requiring that the fuel tank not extend forward beyond that cross member.

(2) **Gravity or Syphon Feed Prohibited**—Section 393.65(d). The installation of a fuel pump between the fuel tank and the carburetor or injector is considered as a means of complying with this section if the fuel pump is such that when operating in its normal manner, the fuel will flow to the carburetor or injector by action of the fuel pump and not by action of gravity. The fuel pump must not assist gravity to induce the flow, but must be the sole impelling force. Without a submerged fuel pump, a tank entirely satisfactory in itself could be installed in a high enough location to permit syphon feed of the fuel directly to the carburetor or injector. This would be a violation of Section 393.65(d), but the fault would lie in the installation, and not the tank itself. Similarly, a tank with a submerged pump could be satisfactory in itself, but used in an installation not conforming to DOT requirements.

(3) **Selector Valves**—Section 393.65(e). Motor vehicles equipped with a selector valve for fuel feed from two or more tanks, must have the selector valve installed in either of two ways: (1) It must be in normal reach of the driver, so that he can readily operate it without taking his eyes from the road or moving from his customary driving position, or (2) It must be in such position that the driver must stop the vehicle and leave his seat in order to operate the valve. Where such a valve operates by remote control, it is not necessary for the driver to reach the valve itself. The valve may be located in any desired place, but the control for the valve must conform to the requirements above mentioned.

(4) **Excess Flow Valve**—Section 393.65(g). This section does not of necessity require that an excess flow valve be

used. Fuel systems having submerged pumps in the gasoline tanks to supply the engine with fuel under pressure from such pumps, are in compliance with this regulation if provided with means by which the pump is stopped automatically in the event of engine stoppage.

b. Liquid Fuel Systems.

(1) Gasoline tanks made of non-metallic material suitable for the purpose and fabricated without joints in the tank body, do not have to comply with the requirements of Section 393.67(c)(1). However, all other applicable requirements of Section 393.67 must be complied with.

(2) Fittings—Section 393.67(c)(2). The type of threads that flanges and spuds are to have is not specified. Therefore, flanges and spuds may have straight pipe threads. Of course, any fitting that is installed in the flanges or spuds will have to have threads that comply with Section 393.67(c)(3).

(3) Threads—Section 393.67(c)(3). Straight (non-taped) threads may be used with flanged fittings using suitable gaskets.

(4) Drains and Bottom Fittings—Section 393.67(c)(4). The intention of this section was to distinguish drains of petcock type and similar fittings from flanges of similar structures securely fastened by welding or studs to the main portion of the tank.

(5) Liquid Fuel Tank Identity Markings. The use of a letter will not serve as a company's name as the manufacturer's identity required by Section 393.67(f). The code letter would identify to a customer, but it would not be a means of identification to the final user of the tank.

(6) Liquid Fuel Tank Tests, Drop Test on Fill Pipe—Section 393.67(e). This Section applies to both saddle-type and conventional sid-mounted tanks. If, in the drop test or other impact, it can be bent or crushed without rupture of itself or associated seam or parts, and without leakage, the fill pipe drop test requirement will be met.

(7) Safety Vent Test—Section 393.67(d)(1). A motor carrier should protect itself by inquiring of the vendor as to whether or not the tank complies with the specifications, and could further assure itself of such compliance by examining the certification required by Section 393.67(f).

(8) Combination labels or name plates showing compliance with DOT requirements as well as those of Underwriters Laboratories, may be used. It is the responsibility of the manufacturer, rather than of Underwriters Laboratories, to see that such labels or plates are placed only on such tanks as do, in fact, comply with DOT requirements.

c. Liquefied Petroleum Gas Fuel Systems—Section 393.69. Where a compressed gas, such as butane, is used as a fuel for the propulsion of a motor vehicle, the container must comply with the Explosives and Other Dangerous Articles Regulations if it is readily detachable and is removed for the purpose of refilling. If the container is a permanent part of the

vehicle and firmly attached, it is not subject to those regulations, but only to the Motor Carrier Safety Regulations. (See 49 CFR 171.8(f)(2) and 49 CFR 393.69)

6. Coupling devices and towing methods.

a. Fifth Wheel Mounting—Section 393.70(a).

(1) In the absence of manufacturer's recommendations, it is suggested that the size of the U-bolts to be used fit the notches or holes provided for them. Holes drilled in the frame should be at, or near, horizontal center line of frame channel web so as not to appreciably decrease the strength of that part.

(a) Fifth wheels may be welded directly to the frame, provided the welding will give security at least equivalent to that of proper size U-bolts. Fifth wheel installation must be done in such a manner that the frame will not be cracked, warped, or deformed. Low-temperature welding material should be used. U-bolts of welded construction are prohibited.

(b) A history of the development of Section 393.71(j)(2) and (k)(1) indicates that the intent of the regulations was to specify the minimum diameter and minimum cross-sectional areas of U-bolts. Whenever the size of a bolt is specified in a regulation or any specification, it should and generally does, mean the nominal size or outside diameter.

b. Fifth Wheel Locking—Section 393.70(c). This section is satisfied if, after coupling it is necessary for the driver to either get out of his cab to make a manual release or to operate a positive release mechanism from his position in the cab.

c. Safety Chains—Section 393.70(f).

(1) The term "stay chains or cables" refers to chains or cables so applied as to prevent separation of towed and towing vehicles in the event of failure or inadvertent disconnection of the coupling devices.

(2) The two chains or cables required need not be separated pieces of material, so long as the material is used in such a manner as not to reduce its strength in either of the plies extending to the full trailer frame or axle. We recommend ordinary U-bolt cable clips not be used next to the forward thimble. Clamps having shaped to fit both parts of the cable should be used.

(3) The attachment of the safety chains or cables to one point on the towing vehicles is permissible. The chains or cables are not permitted to be attached to the pintle hook.

(4) Safety Chains (Pole Trailers)—Section 393.70(f) does not require safety chains on pole trailers.

d. Location of Lower Half of Fifth Wheel—Section 393.70(g). We believe that this section cannot be interpreted to prohibit all fifth wheel locations to the rear of the center line of the axle.

7. Miscellaneous parts and accessories.

a. Tires—Section 393.75
(1) It is permissible to use recapped tires on semitrailers. It is permissible to use recapped tires on front wheels of trucks or truck-tractors. Retreaded tires

may be used on the front wheels of trucks.

(2) Section 393.75(a) is considered to prohibit the use of regrooved, recapped or retreaded tires on the front wheels of buses.

b. Sleeper Berths—Section 393.76

(1) This section is not applicable to sleeper berth arrangements to be used by authorized riders who are not drivers, such as guards or messengers.

(2) If the sleeper compartment is mounted back of the vehicle cab and not made a part of the cab itself, it must have at least two means of ready exit. This section allows a sleeper berth to be used with only one means of exit if it is located within the cab of the vehicle. It is considered to be within the cab if, in fact, it is within an addition to the cab, which is made a part of the cab by suitable remodeling. An opening of suitable size has to be provided between the original cab and the addition.

(3) Sleeper berths in the cargo space of a motor vehicle shall be completely and securely compartmentalized from the remainder of the cargo space. No sleeper berth shall be installed in or on any semitrailer or full trailer other than house trailers.

(4) Section 393.76(e) requires some means for introducing outside air into sleeper berths. The above opinion is based on the wording of the subject section. It is apparent from the wording of Section 393.76(e) that some means for allowing outside air to enter the sleeper berth is required. The number of vents is not specified in Section 393.76(e). Therefore, we see no reason to object to the use of only one, provided it is adequate for the purpose.

(5) The mere fact that a truck is of the tilt-cab type would not preclude the installation of a sleeper berth in the cargo compartment of the truck. However, the installation would have to be such that all of the requirements of Section 393.76 are complied with. The sleeper berth would be securely fixed in relation to the cab when the cab is in proper position for operation of the vehicle over the highways.

(6) Section 393.76 does not state how the sleeper berth is to be separated from the passenger compartment. However, it appears to us that if a relief driver is to get proper rest, there has to be some means of separating the sleeper berth from the passenger compartment. If a solid partition is used, the two exits, one on each side of the vehicle, has to be provided, and also means of communication with the driver.

(7) Sleeper Berths—Buses. The requirements of Section 393.76(h) are not applicable to sleeper berths installed in buses. The section specifically states the requirements apply to berths installed in or on any truck or truck-tractor. However, sleeper berths on buses have to meet the dimensional requirements of Section 393.76(d) and the measurements are to be made on the center line of the longitudinal axis.

c. Heater—Section 393.77.

(1) Section 393.77(c)(14)—A controlled method of regulating the flow of combustion air is considered to be satisfied if the air intake holes have been so designed and made in size, location, and number as to make it impossible for the outershell of the heater to become hot enough to char or scorch readily combustible materials in contact with it, and the construction has been verified by suitable tests on regular production heaters.

(2) The fuel system for an engine pre-heater will have to comply with the requirements contained in Section 393.69 which requires that motor vehicles using liquefied petroleum gas for any purpose to be equipped with a fuel system meeting the requirements contained therein. The device will have to be provided with an exhaust system that complies with the requirements contained in Section 393.83 of the regulations.

(3) We understand that the catalytic cargo heater utilizes an oxidation process to produce heat. The oxidation process used in the catalytic type cargo heater is considered the practical equivalent of combustion as mentioned in Section 393.77(c)(9). The heater is therefore, considered not to conform to the rule, because the combustion or oxidation apparatus is to be used inside the trailer.

d. *Defrosting Device*—Section 393.79. We cannot require a blower connected to the vent in the windshield if the arrangement of the vehicle is such that condensation does not actually collect, the arrangement being considered "other means" of preventing condensation. While this section exempts driveway-towaway operations, Section 392.14 restricts speed and use of vehicles when visibility is bad.

e. *Rear Vision Mirrors*—Section 393.80. The regulations do not specify the size or kind of mirrors to be used on motor vehicles. Convex mirrors do exaggerate the apparent distance between a driver and a following vehicle. They also exaggerate the apparent rate at which the following vehicle is overtaking, making it easier for the driver using such a mirror to know whether his vehicle is being overtaken. This fact, plus the fact that the convex mirror gives the driver a wider view of the road at the rear than does a flat mirror of the same size, should make the convex mirror preferable.

f. *Exhaust System Location*—Section 393.83. Operation with a burst muffler is a violation of this section. When a muffler is burst, a substantial part of the exhaust gases is then discharged through the damaged portion of the muffler and not at the location specified in Section 393.83.

g. *Protection Against Shifting Cargo*—Section 393.100–393.106.

(1) It is advisable to place the load on the vehicle as close to the header board as possible. If the load is placed against the header board, there will be no impact, and the force on the header board caused by a one "g" stop is the amount by which the weight of the load exceeds the friction and other resistance to motion of the load. The examples of cargo,

such as beams, pipes, etc., are only examples intended to indicate types of material which would shift upon rapid deceleration or accident. Lumber, especially dressed lumber, is as likely to shift upon rapid deceleration or accident as the other items cited.

(2) The term "similar devices" has reference to devices similar in strength and function, though not necessarily in appearance and construction, as header boards. The requirement of Section 393.106 has been interpreted as being met by a network of chains or cables of sufficient strength properly secured to the vehicle to prevent forward movement of the cargo. The cited rule also has been interpreted as requiring that there be no openings in the "header boards or similar devices" through which the lading being transported can pass. The requirement for "header boards or similar devices of sufficient strength to prevent shifting and penetration of the driver's cab," is, as stated in Section 393.106, in addition to secure fastening and bracing of the load.

(3) A literal interpretation of the words, "Every motor vehicle carrying cargo" might require the header board to be attached to the vehicle on which the cargo is loaded. However, the load would not "be likely to result in penetration or crushing of the driver's compartment", if an adequate header board were suitably attached to the vehicle carrying the driver. Header boards or similar devices may, within practical limitations, be applied to either the towing vehicle (back of cab) or the vehicle actually carrying the lading. It must be remembered that the farther the header board or other device is placed ahead of the lading, the greater must be its strength to afford adequate protection, because of the impact developed in the event of shifting.

h. *Rear End Protection*—Section 393.86.

(1) Tail lift gate so constructed and attached to a vehicle that its location and position of its parts when folded or retracted for traveling are such as to comply with the term "devices serving similar purposes" will be deemed to comply insofar as the lateral extent fulfills the dimensional requirements. It is suggested that if the lift tail gate, when in traveling position with the vehicle unladen, is more than 30 inches above ground, a suitable bumper or bumper section might be attached to the lift tail gate itself in such manner as to comply with the 30-inch height requirement and to retract when the lift gate is opened into operative position. Where the lift gate, frame and other parts of the vehicle do not meet dimensional requirements of this section, additional bumper sections must be attached.

(2) The axles, tires, and other parts of the vehicle are considered to serve the purpose of rear end protection, if they are substantially constructed and if they are within the dimensional limitations prescribed by this section.

i. *Buses, Aisle Seats*—Section 393.91. The width of the clear aisle to be left by

the automatic folding of the permissible aisle seats is not specified. Ten and one-half inch width of aisle at knee height is adequate for normal passengers to pass through. Aisle seats, if used, must be so designed and installed as to automatically fold and leave a clear aisle when they are unoccupied. Folding seats are not considered to be automatic, within the meaning of the rule, if their folding must be done purposefully.

j. *Seat Belts*—Section 393.93.

(1) Section 393.93 of the Motor Carrier Safety Regulations does not preclude the use of removable seat belts, provided the seat belts themselves meet the applicable Motor Vehicle Safety Standards. In addition, the seat belt anchorage must meet the requirements of Motor Vehicle Safety Standard 210.

(2) Section 393.93(b)(1) specifically states that belts must be installed . . . at the right front outboard seat, if the vehicle has one. The reasoning behind this requirement was that occupants of these seats should be afforded the same level of protection as a braked driver. There are many situations in which installation of belts, only during those times when the seat is occupied, may be a desirable alternate requirement. However, the present language of the regulations does not permit this interpretation.

(3) Section 393.93(b)(1) of the Motor Carrier Safety Regulations states that trucks or truck tractors ". . . must be equipped with a Type I or Type II seat belt assembly . . . installed at the driver's seat and at the right front outboard seat, if the vehicle has one . . ." Therefore, the only options available to motor carriers are to either install removable right front seats and seat belt assemblies or, if the right front seats are permanent, to install removable seat belt assemblies. Installation of right front seats and seat belt assemblies is not mandatory. However, if a seat is permanently installed, seat belt assembly must be available for that seat.

8. *Emergency equipment.*
a. *Fire Extinguishers.*

(1) Tests. The regulations do not specifically require that carbon dioxide fire extinguisher cylinders be tested at 5 year intervals, that requirement being applicable only to cylinders that are transported as property in interstate commerce, and not applicable to those being carried on vehicles for immediate use if needed. Some fire extinguishers utilize containers of gases under pressure. The regulations of this Administration do not require retesting of such cylinders merely because of their being carried for use on vehicles in interstate commerce. E&ODA regulations are pertinent to transportation of filled cylinders as lading. They define a compressed gas as any material or mixture having in the container an absolute pressure exceeding 40 pounds per square inch at 70 degrees F, or 104 pounds per square inch, or both. Generally, containers of such materials are not to be refilled for shipment as lading if the most recent test date on the container is five years old.

Retesting before refilling is then required. Special provisions for some fire extinguisher cylinders are found in Section 173.310 of these regulations.

(2) In Kit. The regulations do not prohibit the mounting of a fire extinguisher within a kit provided it is securely mounted in a bracket. The kit should not be locked and the lid should be in such condition as to permit its opening by hand without the use of tools or other aid. The section does not prohibit mounting a fire extinguisher on the outside of a box containing other safety equipment. The fire extinguisher does not have to be attached to the cab of the motor vehicle, however, it has to be in a more readily accessible for use.

(3) Emergency equipment kit must be securely mounted on the vehicle, in the cab or some other location, and be readily accessible for use. This could be done by bolting the kit to the vehicle, or it could be done by placing a framework to set the kit in so that it would not slide around the vehicle. Either method would comply with the requirement of Section 393.95(a) insofar as secure mounting is concerned.

(4) The visual inspection requirement has been interpreted as being met by fire extinguishers employing a metallic seal to keep the charge under pressure if the seal is readily accessible for inspection without the use of tools. Fire extinguishers having the operating mechanism sealed with a wire or other means would not comply with the requirement for visual inspection. Breaking a seal of this type would only indicate that the operating mechanism had been manipulated. Also weighing a fire extinguisher to determine whether it is charged is not considered a means of visual inspection.

(5) If vehicles are equipped with fire extinguishers that comply with Section 393.95(a), then additional fire extinguishers could be on the vehicles, and not be equipped with a pressure gauge or other means of visual inspection.

(6) We understand that there are three basic types of hand portable fire extinguishers which can be used to comply with the requirements of Section 393.95(a) of the Motor Carrier Safety Regulations, as amended. These three types are the cartridge and stored pressure types of dry chemical units, and carbon dioxide extinguishers. Since the cited section does not specify the exact type of extinguisher to be used, the three types mentioned, along with any other type capable of meeting the specific requirements, could be used.

(7) Insofar as visual inspection requirements are concerned, this can be accomplished in several different ways. Different types of extinguishers may require different methods of visual inspection. We will describe separately some of the methods we believe can be used for various types of extinguishers.

(a) The stored pressure type dry chemical units can be inspected in two different ways, depending upon whether a gauge or similar device is used to indicate the charge pressure, or if a metallic seal is used to keep the charge under pressure. Where a gauge is provided, it

can be read to determine if the extinguisher is fully charged. If a metallic seal is used to keep the charge under pressure, inspection of the seal, provided it is readily accessible without the use of tools, has been interpreted as meeting the visual inspection requirement.

(b) We understand that some extinguishers have a cartridge of compressed gas to expel the dry chemical extinguishing agent. In cases such as this, the visual requirements could be met if the cartridge were readily removable without the use of tools to determine if the metallic seal had been punctured, and a means were provided for determining whether the extinguisher was fully charged with the extinguishing agent.

(c) The carbon dioxide type of extinguisher presents more of a problem in the visual inspection requirement area. In our opinion, such extinguishers would have to employ either a gauge capable of registering the amount of pressure or a metallic seal. If these two methods are not appropriate, then consideration would have to be given to allowing some other means of determining whether the type of extinguisher was fully charged.

(8) Section 392.8 of the regulations requires a driver to satisfy himself that the emergency equipment required by Section 393.95 and 393.96 is in place and ready for use. In the case of fire extinguishers, we believe that this requirement would be complied with if the driver determines that the extinguisher is on the vehicle and whether it is charged by the methods cited above.

b. *Tire Chains—Section 393.95(d)*. This section requires "tire chains" without an alternative for other types of traction devices such as snow tires. Devices that are not "tire chains" in the commonly used sense of the words, are not acceptable for compliance with this section. Loop type chains are not recognized as meeting the requirements of this section.

c. *Warning Devices for Stopped Vehicles—Section 393.95(f)*. Flares (pot torches), fuseses, oil lanterns, or any signal produced by a flame shall not be carried on any motor vehicle transporting explosives, Class A or Class B; any tank motor vehicle used for the transportation of flammable liquids or flammable compressed gas, whether loaded or empty; or any motor vehicle using compressed gas as a motor fuel; but in lieu of such flares or fuseses, three electric lanterns or three red emergency reflectors shall be carried. Flame-type signals may not be carried on a vehicle using flammable compressed gas as fuel for motors of refrigerating units or heating devices. If such gas is used in a heating device, but no motor of any kind on the vehicle is fueled by such gas, it is recommended that flame producing signals not be carried, but the language of this section would not permit enforcement.

d. *Requirements for Red Flags—Section 393.95(k)*.

(1) Red cloth flag standards which will not stand upright unless pushed or driven into place, do not meet the requirements of this section.

(2) Further revision to Section 393.95 (i) (5) is not contemplated at the present time. The present Sections 393.95(i) and (k) require red emergency reflectors designed to serve as flag standards to have the flags attached when the device is subjected to the 40 mph wind test. Flags are required to have standards adequate to maintain them in an upright position. We believe the flags need to be as effective as the red emergency reflectors, and for that reason should be attached in the 40 mph wind test.

e. *Buses, Additional Emergency Equipment—Section 393.96*. There is no contradiction between the requirements of Section 393.96(c)(1) and 393.96(c)(7). The language of Section 393.96(c)(1), which mentions the kit as being "heavy duty 10-unit type or larger" refers to the size of the kit, rather than the contents since the contents are listed elsewhere according to whether the kit is unit type or commercial type. A unit type kit of "10-unit type or larger," containing the eight items (nine packages) specified in "A-Unit Type Kit" in Section 393.96(c)(7) would be considered to fulfill the requirements of the section.

CHAPTER IX—PART 394 RECORDING AND REPORTING OF ACCIDENTS

Par.

- Intrastate Accidents.
- Service and Tow Vehicle.
- Accidents at Terminals.
- Intermittent Operations.
- "Death to Any Person".
- "Injury to Any Person".
- "Property Damage".
- "Which Involves a Motor Vehicle".
- "Involving a Motor Vehicle".
- Preparation of Accident Reports.
- Use of Vehicle by Driver.
- Collision with Debris.
- Damaged Vehicle—Parked.
- Vehicle Operated on Own Property.
- Place of Accident Occurrence.

1. *Intrastate accidents.*

a. Intrastate accidents must be reported by all motor carriers (except private carriers engaged wholly in farm-to-market agricultural transportation as defined in Section 394.5); engaged in interstate, foreign, or intrastate commerce operations of a motor carrier who is subject to the Department of Transportation Act, resulting in—the death of a human being; or bodily injury to a person who, as a result, receives medical treatment away from the scene of an accident; or total property damage aggregating \$2,000.00 or more, using the same reporting form requirements as for interstate accidents. The above interpretation requires that carriers report accidents which occur not only during intrastate movements which precede, follow, or come between interstate movements, but also intrastate movements which are entirely independent of interstate movements, including those involving particular vehicles of the carrier which are used exclusively in intrastate commerce. Carriers who do not at any time engage in transportation in interstate or foreign commerce are not required to report accidents.

b. This does not constitute an attempt by the Administration to interfere in any

way with the exclusive power of the States to regulate intrastate commerce. Rather, it is a means adopted by the Administration to keep itself informed of the general accident records of motor carriers subject to its jurisdiction in order to better carry out its duties in regard to interstate and foreign commerce. That the Administration's broad power of inquiry under the Act includes the power to require the reporting of intrastate accidents and to inspect carrier records relating thereto, would seem reasonably clear from such decisions as *Interstate Commerce Commission v. Goodrich Transit*, 224 U.S. 194 (upholding the Commission's power to require inclusion of intrastate operations in Part I annual reports), and *U.S. v. Clyde S. Co.*, 29 F. 2d 742 (upholding power to inspect all records of carriers). The close relation between safety in intrastate operations and safety in interstate operations of carriers has been recognized by the courts in such cases as *Schechter v. U.S.*, 295 U.S. 495, and *Southern Ry. Co. v. U.S.*, 222 U.S. 20. L-21843, January 27, 1958.

2. Service and tow vehicle.

Accidents are reportable when occurring during the operation of a service vehicle of a motor carrier in connection with the servicing or towing of one of the carrier's vehicles, or during the towing of a motor carrier's vehicle by any other vehicle, whether or not owned or operated by the carrier. If the towing vehicle is subject to DOT regulations, that carrier will also file an accident report.

3. Accidents at terminals.

Accidents at terminals involving no vehicles are not reportable. If vehicles loaded with goods are damaged by a terminal fire, the damage to vehicle and cargo is reportable. The destruction of each such vehicle constitutes a reportable accident.

4. Intermittent operations.

Where a carrier operates mainly in intrastate commerce, but once or twice a month performs interstate operations, it must maintain a register of all accidents which are "reportable," both interstate and intrastate.

5. "Death to any person."

"Death to any person" is any fatality resulting from an accident including both immediate death at the time of the accident and subsequent death from injuries suffered in the accident occurring within 30 days after a reportable accident.

a. The term includes death from carbon monoxide or other poisoning, from burning, or from a cause other than a natural cause.

b. Death from a natural cause, such as a heart attack, if not caused by an accident, is not reportable. If death from a natural cause results in an accident, as in losing control of the vehicle, it is reportable.

6. "Injury to any person."

A motor vehicle accident injury is any nonfatal bodily harm received in a motor vehicle accident, i.e., bodily injury to a person who, as a result, receives medical treatment away from the scene of the accident.

7. "Property damage."

"Property damage" is the dollar damage to any and all vehicles, cargoes and other kinds of property, directly or indirectly resulting from the accident. The term includes only physical damage to property, and does not take into consideration indemnification for any cause, or cost of litigation. It is expected that carriers' estimates of damage will not vary too greatly from the actual damage.

8. "Which involves a motor vehicle."

This phrase refers to any motor vehicle which, at the time of the accident, is owned and operated, or leased and operated, by a motor carrier which conducts operations in interstate or foreign commerce.

a. In the case of a leased vehicle, the operating carrier, not the owner of the vehicle, is required to make a report.

b. *Stolen Vehicle.* Where an accident happens during the theft of a vehicle, it should be reported when it comes to the carrier's attention. After the theft is completed and the stolen vehicle is unloaded, sold, or put to other use, it would then cease to be "operated by" the carrier.

c. *Unauthorized Pleasure Jaunt.* Where a loaded vehicle is diverted from the carrier's business to go on an unauthorized pleasure jaunt, an accident then occurring is reportable whether the carrier's driver is driving or someone who is a stranger to the carrier.

9. "Involving a motor vehicle".

A motor vehicle is deemed not to be "involved," where a filling station mechanic broke his thumb while changing a tire on a carrier's vehicle.

10. Preparation of accident reports.

Reports of accidents should be prepared by carrier, not by insurance company, in order that carrier shall be fully acquainted with the circumstances of each accident.

11. Use of vehicle by driver.

A "bobtail" tractor (without trailer attached) owned by a leased driver, being used for his own purpose, is involved in an accident meeting all other reporting criteria is reportable based on the fact that the motor carrier is responsible for the vehicle during the term of the lease arrangement. The purpose of the accident reporting requirement is to enable the Bureau to obtain information as to the cause of commercial vehicle accidents. There is no relation between reportability of the accident and the liability involved. The Bureau will take cognizance of the fact that the vehicle was being operated by the driver for his own personal use without permission of the motor carrier.

12. Collision with debris.

A collision occurred between two vehicles both commercial motor carriers, the third vehicle, operated by another commercial motor carrier strikes the

debris. The vehicle striking the debris is involved in the original collision. In other words, this is all one accident.

13. Damaged vehicle—parked.

A trailer is spotted at a shipper's dock, loaded and picked up the following day by a driver, at this time damages to the trailer are found. This incident is reportable, however, under Item 11A indicate "NO DRIVER."

14. Vehicles operated on own property.

An occurrence meeting all other reporting criteria, involving a private truck operated in the confines of private property, is reportable providing the vehicle involved is one normally used in over-the-road service and not a vehicle used in yard work only, such as a yard jockey.

15. Place of reportable accident occurrence.

A U.S. motor carrier is involved in a reportable accident in Canada or Mexico, or a Canadian or Mexican motor carrier's vehicle is involved in a reportable accident in the United States; providing these carriers are involved in interstate or foreign commerce, both instances would require the filing of accident reports, as required by Part 394 of the Motor Carrier Safety Regulations.

CHAPTER X—PART 395 HOURS OF SERVICE OF DRIVERS

Para.

1. Compliance—Section 395.1.
2. Definitions—Section 395.2.
3. Maximum Driving and On-Duty Time—Section 395.3.
4. Travel Time—Section 395.7.
5. Drivers' Daily Logs—Section 395.8.
6. Emergency Conditions—Section 395.11.

1. Compliance—Section 395.1.

a. *Canadian Operations Into U.S. Border Compounds.* Although the Bureau does have jurisdiction over that portion of the operations conducted in the United States, the Bureau has not elected to exercise its jurisdiction, and will not, unless and until, circumstances indicate the need for further control in U.S. Border Compounds. The operations solely into U.S. Border Compounds is at present an insignificant part of the total safety regulatory problem.

b. *Use of Company Trucks for Personal Reasons.* When a driver is relieved from work and all responsibility for performing work, time spent traveling to and from his place of employment is considered off-duty. The type of conveyance used between the terminal and his home, restaurant, etc., would not alter the situation. However, if the driver who used a company tractor for transportation home, and is called by the employing carrier at home, and is dispatched from his home, the driver would be on-duty from the time he leaves home.

c. *Drivers of Trip-Lease Equipment.* Logs must be obtained and retained by the carrier.

2. Definitions—Section 395.2.

(1) A driver transported by automobile from a point of breakdown to a terminal may log the travel time to the terminal as off-duty if he is given 8 hours off-duty upon reaching the terminal.

(2) If the same driver, upon reaching the terminal was dispatched on another run, the time traveling from point of breakdown to terminal would be logged as "on-duty" not driving.

b. *Meal Stops—Charter Bus Movements.* Issuance of Interpretation 70-1 was not meant to neutralize or liberalize the hours of service rules. As stated in the interpretation, a driver should log meal stops or other routine stops while enroute to a destination as on-duty time except under limited circumstances. The interpretation deals solely with the characterization of *meal stops* or *other routine stops* while a driver is enroute. This interpretation, therefore, would not be applicable where the driver is relieved for extended periods of time, e.g. charter bus movements.

c. *Communication with Driver During 8-Hour Off-Duty Rest Period.* There is no provision in the safety regulations that prohibits a motor carrier from communicating with a driver during his off-duty period for the purpose of notifying him when to report for work. However, the driver may not be required to begin driving duties prior to the expiration of his 8-hour off duty period.

d. *Duty Status While Waiting.* The fact that a driver is paid for a certain period of time does not always establish that he was on duty during that period even though it may be a good indication that he was on duty. A driver may be relieved of duty at a foreign terminal or at his home terminal when waiting for bills, equipment, break down of equipment, yet being paid for time waiting. Generally, it would be necessary for the driver to be notified that he is relieved from duty for a specific predetermined period, and that the driver have a suitable facility available for rest and relaxation during that period.

e. *On-Duty (Non-Transportation Work for Carrier).*

(1) Driver painting a motor vehicle or performing for his carrier-employer other tasks not related to transportation, must show the time spent as "on-duty" in his driver's log. The term "work" as used in Section 395.2(a) of the regulations is not limited to employment related to transportation.

(2) When a driver drives, or performs duties other than driving, for a motor carrier, after having been on duty for 60 hours in any 7 consecutive days, or 70 hours in any 8 consecutive days, he is in violation of the Hours of Service Regulations.

CHAPTER XI—PART 396

INSPECTION AND MAINTENANCE

Par.

- 1 Inspection and Maintenance Program.
- 2 Leased Equipment—Location of Records.
- 3 Tire Piles.
- 4 Preservation of Records by Private Carriers.
- 5 Traller Breakaway Valve.
- 6 Imminently Hazardous.
- 7 Vehicle Condition Report by Driver.
- 8 Driveaway—Towaway Operations.

1. *Inspection and maintenance program.*

a. The Department of Transportation requirements for inspection and maintenance of motor vehicles are to be found in Part 396 of the regulations. The inspection and maintenance program that a motor carrier uses will depend upon the operation he is performing. The period of time between motor vehicle inspections may be determined on a mileage basis or a weekly basis. The exact elapsed mileage or time is left to the discretion of the carrier, but the program must be systematic.

b. Requirements for parts and accessories necessary for safe operation of motor vehicles and inspection and maintenance are to be found in Parts 393 and 396, respectively, of the Motor Carrier Safety Regulations. Vehicles used in interstate and foreign commerce are required to be equipped with the parts and accessories specified and to be inspected and maintained in accordance with the regulations. The requirements are to be complied with by all equipment operated under our jurisdiction, whether it is new or used.

2. *Leased equipment—location of records.*

a. *Section 396.2*—It does not matter whether the lessee-carrier or the equipment lessor performs the inspection and maintenance work required by Part 396 of the Motor Carrier Safety Regulations. The carrier must, however, either itself inspect, maintain and keep suitable records, or arrange for a third party to do it, or specify in the lease contract that inspection and maintenance work be done by the lessor.

b. If the lessor does the inspection and maintenance at its garage in the same city or immediate area in which the particular operations of the lessee-carrier are based, the records of inspection and maintenance may be kept at that garage, provided they are available to the DOT inspectors during normal business hours upon request made to the carrier. It is the carrier's duty to check periodically to assure that inspection and maintenance are properly done and that the required records are being kept. Though the work and record keeping may be done by another, the carrier cannot shift its responsibility to see that this is done in accordance with the regulations.

c. The Motor Carrier Safety Regulations do not require inspection and maintenance records to be kept at the carrier's principal place of business. Therefore, it would be appropriate for the carrier to keep such records at locations where they have been given permission to keep required safety records, such as driver's daily logs. However, because of the nature of inspection and maintenance records, we believe it would be more appropriate for the carrier to keep these records at the terminal out of which their vehicle operates and where preventive maintenance is performed. If duplicate records are not maintained, records kept at locations other than the principal place of business would be of greater value to the carrier in assuring vehicles were properly inspected and maintained. If a safety survey was per-

formed by members of our field staff, records at the outlying locations could be brought into the carrier's principal place of business upon request of our personnel.

3. *Tire piles.*

Section 396.2. It would be satisfactory for carriers to show on their inspection and maintenance records ply ratings, instead of the number of piles.

4. *Preservation of records by private carriers.*

Section 396.2. The ICC regulations governing the preservation of records do not apply to private carriers. Therefore, a private carrier may be required to retain systematic inspection and maintenance records for each motor vehicle controlled by it only for the period during which such vehicle is subject to its control.

5. *Trailer breakaway valve.*

Trailer breakaway valve, in common with other parts of the brake air system, is contemplated as being included in the regulations requiring periodic inspection and maintenance of vehicles. Ordinarily, the breakaway valve is tested every time the towing vehicle is separated from the trailer. There are, of course, some vehicle combinations which are not frequently separated and the breakaway brakes thereon are rarely operated and should be checked periodically as part of the inspection and maintenance requirements.

6. *Imminently hazardous.*

a. Motor vehicles with inoperative generators and starting motors would be hazardous to operate. It would be hazardous to drive motor vehicles with these parts inoperative. Regarding generators, there can be no doubt about a vehicle with an inoperative generator being hazardous. This fact is quite obvious since the batteries would become discharged in a very short time. This would result in the vehicle being without lights and could cause the vehicle to stop if electrical energy was required to keep the engine running. Also, a vehicle with an inoperative starting motor would be hazardous. This opinion is based on the fact that a vehicle could be stalled at an inopportune time or place on the highway. If the starting motor was inoperative, the engine would not be started and in that way the vehicle would become a traffic hazard.

b. *Section 396.5(c)(2).*

(1) The movement of a vehicle placed out of service may only be made in a manner by which the defects or defect for which it was placed out of service would not constitute a hazard while it is being moved. The towing of any such vehicle is construed as operating the unit and, therefore, is not permissible in any case where such movement would result in a violation of the Motor Carrier Safety Regulations.

(2) For example, if the steering of a power unit is defective and the towing vehicle lifts the front wheels of the unit off the road so the defective steering does not constitute a hazard, the out of service vehicle may be towed to a place of repair. If, however, the defect still con-

stitutes a hazard, e.g., a cracked rear wheel which is not lifted from the ground in the towing, the movement of the out of service vehicle is improper and will be forbidden. Of course, any vehicle placed out of service may be entirely placed on another vehicle and removed to a place of repair provided the hauling vehicle is in full compliance with all of the safety requirements.

7. Vehicle condition report by driver.

a. Two Driver Operation—In two driver operations, only one vehicle condition report must be prepared covering each day's tour of duty that a vehicle is operated. Both drivers must sign this report. Should the driver or co-driver disagree as to the content of the report, each should prepare a vehicle condition report. The motor carrier may require each driver to prepare such a report, if desired.

b. Tour of Duty—The term "tour of duty" was primarily designed for drivers who operate more than one vehicle during a day. They must turn in a report on each vehicle at the time they are through driving it. If a driver is on a trip of several days duration, he must make a report at the end of each day's work.

c. Number of Vehicles.

(1) The term "operating more than one vehicle" is intended to mean all motor vehicles, including those in commercial zone or intrastate operations. Therefore, if a motor carrier operates only one motor vehicle in interstate commerce, plus one or more additional vehicles in other operations, the driver of the motor vehicle operated in interstate commerce must be required to prepare a daily vehicle condition report.

(2) A motor carrier having one tractor and using it in conjunction with the operation of several trailers is required to maintain records for all of the vehicles. In the operation of a single tractor-semitrailer combination, Section 390.1 interprets such a vehicle as a "motor vehicle" and that for such a combination no reports need be kept.

d. Trip Lease—Section 396.7—Such report must be obtained and retained by the carrier as to trip-leased vehicles.

8. Driveaway-towaway operations.

Every motor carrier, with respect to motor vehicles engaged in driveaway-towaway operations, shall comply with this section (Inspection), in addition to Section 396.1 and 396.7, inclusive, except that the driver's "vehicle condition report" required by Section 396.7 shall not be required for any vehicle which is part of the shipment being delivered. Before the beginning of any driveaway-towaway operation of motor vehicles in combination, the motor carrier shall make a careful inspection and test to ascertain that the tow-bar or saddle-mount connections are properly secured to the towed and towing vehicles, that they function adequately without cramping or binding of any of the parts, and that the towed motor vehicle follows substantially in the path of the towing vehicle without whipping or swerving. Every motor carrier shall maintain practices to insure that following completion of any trip in drive-

away-towaway operation of motor vehicles in combination, and before they are used again, the tow-bars and saddle-mounts are disassembled and inspected for worn, bent, cracked, broken, or missing parts. Before reuse, suitable repairs or replacements shall be made of any defective parts and the devices shall be properly reassembled.

Par.

- 1 Application of Regulations.
- 2 Nurse Tanks.
- 3 Attendance and Surveillance of Motor Vehicles.
- 4 Parking.
- 5 Routes.

1. Application of regulations.

The Motor Carrier Safety Regulations apply: (a) To intrastate shipments when transported in the vehicles operated by interstate motor carriers; (b) To vehicles and drivers thereof, transporting interstate and intrastate shipments commingled in a vehicle and; (c) To the intrastate operations of an interstate motor carrier when hazardous materials are transported in intrastate commerce. The regulations also apply to divisions of the corporation. This would not be true of wholly owned subsidiary companies unless the parent corporation management exercises control over the day-to-day management of the subsidiaries' motor carrier operators.

2. Nurse tanks.

a. Nurse tanks are subject to the regulations when pulled by a carrier. When a farmer performs the transportation, application of the regulations would depend on whether or not the farmer operates the tank in interstate commerce on public highways.

b. Ammonia applicators used in the field would not be subject to the regulations since they do not further the transportation of the commodity. However, if the applicator is used in a dual role as applicator and nurse tank, then the operations of the carrier would be used to determine application of the regulations.

3. Attendance and surveillance of motor vehicles.

a. **Attendance**—Parking an explosive-laden vehicle within 100 feet of a cafe in an attempt to meet the attendance provisions of Section 397.5(a) would result in a violation of Section 397.7(a) (3). Therefore, the question whether or not the vehicle is attended would be immaterial.

b. **Qualified Representative**—The regulations do not specify who may be a qualified representative; they state only that the person must meet the provisions of Section 397.5(d) (2). If a fuel stop operator meets those criteria, is actually in attendance, and the vehicle is parked more than 300 feet from the service building, then the vehicle can be considered attended by the fuel stop operator as the carrier's representative. To qualify, however, the fuel stop operator would have to forego most, if not all, of his normal activities as a fuel stop operator while attending the vehicle. If all the

conditions described above are met, the drivers could log their time as "off duty" to the extent outlined in Interpretation 70-1.

c. Safe Haven.

(1) A safe haven may be located either on a Federal installation, including a military base, or on civilian property. In the first instance, the Federal military department operating the installation would be the *competent authority*. The official or the office on that installation having the responsibility of making the decision would be determined by the operating directives of the particular department.

(2) When the proposed safe haven is on civilian property, the *competent governmental authority* would be that civilian authority which has jurisdiction over the area. In many cases, more than one level of government may be involved, such as the city, county, State or independent authority. For this reason, we would have to consider each situation individually on its own facts. Any of the civilian authorities may, of course, seek assistance from the military.

(3) The definition found in Section 397.5(d) (3) purposely is void of any specific guidelines or criteria. In the original notice proposing to amend Part 397, we advocated a design-oriented definition, specifying the area must be surrounded by hills, timber or other features to deflect shock waves from an explosion. However, comments in response to the notice indicated that the proposed definition was too restrictive and too inflexible. Therefore, it was decided that the selection of safe havens should properly be a decision of the "competent governmental authorities" having jurisdiction over the area.

(4) A truck stop may be considered a "safe haven" if it is so designated by local or State governmental authorities. The definition in Part 397.5(d) (3) simply states "an area," with no exceptions. The Notice proposing to amend Part 397 contained specific requirements for an area to qualify as a "safe haven." It would be difficult to write specific requirements that would be workable over the entire country, however, and it was decided that governmental authorities, who would be familiar with their respective geographic areas and population densities, could designate these areas. There is a possibility that local governments could be wrongfully influenced by certain outside parties in their designation of "safe havens." However, we felt that, because of the potential hazards involved, the local authorities would make sound and safe decisions and would not be influenced by selfish pressure groups.

4. Parking.

a. The word "or" between subparagraphs 397.7(a) (2) and 397.7(a) (3) requires that both subparagraphs be fully complied with. Advising the owner of the property as to the nature of the explosives does not lessen the danger to the owner or other persons that may occupy the property.

b. **Notice of Proposed Rule Making to Amend Part 397.**

(1) In the Notice of Proposed Rule Making to amend Part 397, it was proposed in Section 397.7(a)(3) to allow a "15 minute period" during which time the vehicle could be parked within the 300 foot parameter. This provision was to allow for pick-up and delivery operations. Comments from the industry indicated that the 15-minute limit would be too restrictive. Several commenters suggested a 30-45 minute period. In order to provide a workable and flexible solution, it was decided to incorporate the provision "except for brief periods" to accommodate pickup and delivery operation of various time intervals, and other necessary stops in route.

(2) In view of the foregoing, it is our formal interpretation that parking a vehicle containing Class A or Class B explosives closer than 300 feet to buildings, dwellings, etc., "for periods up to 1 hour for a driver to eat" would not be permitted under the provisions of Section 397.7(a)(3). Parking at fueling facilities to obtain fuel, etc., or at a carrier's terminal for brief periods would be considered a necessity of operation.

5. Routes.

Section 397.9(a) is not meant to preclude the use of expressways or major thoroughfares to make deliveries within a populated area. We realized that in many instances a more circuitous route may present greater hazards due to increased exposure. However, in those situations where a vehicle is passing through a populated or congested area, use of a beltway or other bypass would be considered the appropriate route, regardless of the additional economic burden.

CHAPTER XIII—PART 298—TRANSPORTATION OF MIGRANT WORKERS

Par.

- 1 General.
- 2 Jurisdiction.
- 3 Application of Regulations.

1. General.

Regulations governing the transportation of migrant workers are contained in 49 CFR 398, otherwise known as Part 398 of the Motor Carrier Safety Regulations. They are published in a separate booklet from the other Parts of the Motor Carrier Safety Regulations. Because of lack of demand, these regulations have not been reprinted since the transfer of functions from the Interstate Commerce Commission. Therefore, the booklet in use still identifies them as being regulations of the Interstate Commerce Commission, and the section numbers are in the 198 series, rather than the 398 series now assigned.

2. Jurisdiction.

a. Common carriers of migrant workers are subject to the full and complete Motor Carrier Safety Regulations (Parts 390-396), rather than the Migrant Worker Regulations (Part 398). Y-7260, February 19, 1957.

b. All portions of a preplanned itinerary, including short hauls between camp and work site, or to a new camp site, are subject to the Administration's jurisdiction to the extent described in Public Law 939. Y-7450, September 4, 1957.

c. Contract and private carriers of Migrant Workers (except when transporting members of their own family) are subject to the regulations in Part 398. Y-7260, February 19, 1957.

3. Application of regulations

a. Except as specified in Part 398, the provisions of Parts 390-397 do not apply to the transportation of migrant workers by other than common carrier.

b. The booklet of Migrant Workers Regulations contains the text and drawings of the lighting regulations of Part 193 as they existed in 1957. Accordingly, no enforcement action for violation of the present lighting regulations should be considered until the booklet is reprinted. S-3011, June 27, 1961.

c. Buses are not subject to the glazing or escape window provisions of Part 393, Subpart D, the fuel system requirements of Subpart E, or the emergency equipment requirements beyond those specified in Section 398.4(f). ICC OM 3-14.

CHAPTER XIV—PARTS 171 THRU 178—REGULATIONS FOR TRANSPORTATION OF HAZARDOUS MATERIALS

Par.

- 1 General.
- 2 Definitions.
- 3 Shipper Regulations.
- 4 Carriers by Rail Freight.
- 5 Shipments by Public Highway.

1. General.

a. *Regulations Where Contained*—Regulations governing the transportation of hazardous materials are contained in the following publications which are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at prevailing prices:

(1) Code of Federal Regulations, Title 49—Transportation, Parts 100-199 (contains pipeline regulations and packaging, marking and labeling requirements for rail, highway and air transportation).

(2) Code of Federal Regulations, Title 46—Shipping, Parts 146-149 (contains the U.S. Coast Guard Regulations for transportation by water).

(3) Federal Aviation Administration Regulations, Vol. VI (contains the regulations for air transportation).

(4) Code of Federal Regulations, Title 49, Transportation, Parts 390-397, Motor Safety Regulations.

b. *Penalties*—Under the Transportation of Explosives Act as amended September 6, 1960 (Formerly the Explosives and Combustibles Act), Title 18, Chapter 39, U.S. Code, heavy penalties are provided for violations of regulations prescribed thereunder by common contract or private carriers by motor vehicle. (Formerly only common carriers were subject to the explosives regulations by Part II of the Interstate Commerce Act, and as to such carriers only the penalties in Section 222(a) of that Act formerly applied). By order of July 28, 1961, in Docket No. 3666 (Order No. 46), Ex Parte No. MC-13 and Ex Parte No. MC-3, the explosives regulations insofar as they relate to contract and private carriers and to shippers, were prescribed under the Transportation of Explosives Act (18

U.S.C. 834) so that the situation is now the same in respect to all types of carriers.

c. *Intrastate Operations*—The Hazardous Materials Regulations apply: (a) To intrastate shipments when transportation in the vehicles operated by interstate motor carriers; (b) To vehicles and drivers thereof, transporting interstate and intrastate shipments co-mingled in a vehicle, and; (c) To the intrastate operations of an interstate motor carrier when hazardous materials are transported in intrastate commerce. The regulations also apply to divisions of corporations. This would not be true of wholly owned subsidiary companies unless the parent corporation management exercises control over the day-to-day management of the subsidiaries' motor carrier operations.

d. *Foreign Shipments*—The transportation of explosives between points in the United States and points in foreign countries is subject generally to the hazardous materials regulations insofar as the transportation is performed in the United States. Shipments which are packed, marked, labeled and loaded in conformity with the requirements of the Board of Transport Commissioners for Canada are acceptable for transportation in the United States. The same is true as to specification containers. See Section 173.8 and 177.805. This special treatment is afforded because Canada has adopted for application in its country, regulations identical with those of the Department of Transportation, and revises its regulations in accordance with amendments and revisions made by DOT.

e. *Applicability, Military Installation and Port Area*—The motor carrier service in the United States in connection with the Navy shipments of explosives entirely within the reservation, is not subject to regulation under Part II. Nor does it appear that the explosives regulations of this Administration are applicable to such motor transportation in view of Section 171.12(b) and Section 177.804(b).

f. *The U.S. Army is not a private carrier*, and hence, is not subject to the explosives regulations when transporting its munitions and other commodities in its own vehicles.

g. *The Bureau of Explosives is Not a Government Agency*—It is an organization established by rail carriers. In Title 18, U.S. Code, Section 834, there is a reference made to the Bureau of Explosives and the Administration is authorized to consult with this Bureau in establishing the regulations and to use the services of that Bureau. A proposal to change the regulations, however, may come to the Administration from any source.

h. *Physicians transporting radium*, or other radioactive materials in their private automobiles for treatment of their patients, are considered not to be private carriers within the intent of Part II of the Act, and not to be subject to the Hazardous Materials Regulations when so transporting.

i. *Liquefied Petroleum Gas in House Trailers*.

(1) A tank containing such gas installed on a house trailer used only for living quarters or for touring and not in connection with a business, need not comply with the Federal Highway Administration Regulations. However, if suppliers of the gas refuse to fill such containers because they do not comply, that is a matter over which we have no jurisdiction.

(2) Recent regulations issued by this Department require that all cylinders containing hazardous materials must be labeled as to the class of hazardous materials contained in the cylinder. The purpose of this change is to assure that fire fighting and other emergency personnel are aware of the contents of the cylinders and could take necessary precautions in accident situations. (On shipments of compressed gases classified as flammable or non-flammable, shippers have a choice between the label prescribed by the regulations or a label prescribed by the Compressed Gas Association in CGA Pamphlet C-7, Appendix A, but only when the compressed gas is transported by private carriers or offered to a contract carrier).

(3) The regulations do permit proprietary information to appear to the right of the CGA diamond-shaped label. These regulations, however, apply to cylinders which are shipped in interstate or foreign commerce and would not apply to cylinders when used with a recreational vehicle, unless required by State law. Since the proprietary or advertising information on the sticker is not required, that part may be removed.

j. Explosives—Bracing and Blocking.

(1) There is no specific requirement in the regulations relating to methods of bracing or blocking shipments of explosives. Section 392.9 of the safety regulations might well be used to prohibit dangerous loading practices.

(2) It was intentional that no specific methods of bracing or blocking were required. The transportation of explosives utilizes so many types of motor vehicles and consists of the transportation of so many different explosives both by type and nature of the container, that no feasible method was devised for specifying loading and bracing. The problems of the railroads are somewhat simplified by the standardized cars which provide for simplified blocking and bracing.

k. State Regulations vs. Federal Regulations—As a general rule, it is our view that State safety requirements for the transportation of hazardous materials are not preempted by the Hazardous Materials Regulations, unless the State's rule conflicts with the Federal Regulations or unless compliance with the State's rule tends to undermine the safety objective that the Federal requirement seeks to achieve.

*2. Definitions.

a. Definition of Package.

Section 171.8(j), "Package" means the packaging plus its content of hazardous materials as presented for transportation. However, when a container is the cargo-carrying body of the conveyance used for the transportation of hazardous materials, it is not considered to

be a package, but part of a transport vehicle as defined in 171.8(1)(c).

3. Shipper regulations.

a. Jurisdiction—The Department's regulatory jurisdiction over the transportation of hazardous materials is set forth in Title 18, United States Code, Section 831-835. As noted in Section 834(a), the Department's regulations are binding upon all carriers engaged in interstate or foreign commerce transporting explosives or other dangerous articles, and upon all shippers making these shipments via any carrier engaged in such commerce. Thus, it is the nature of the carrier involved that is the significant factor. If an interstate carrier is being used, the Department's jurisdiction extends to shippers of intrastate or interstate shipments of hazardous materials.

b. Hazardous Materials Violations—Proof of Knowledge—On June 1, 1971, the Supreme Court of the United States decided in favor of the United States, by a 6-3 vote, the *United States vs. International Minerals and Chemical Corporation*. The basic import of this case is that we can maintain a successful prosecution of Hazardous Materials Regulations without having to plead or prove that the defendant had actual knowledge of the regulations at the time he committed the violation. We must, though, plead and prove that the defendant knowingly shipped and/or transported a hazardous material in interstate commerce. The Supreme Court Syllabus of the case reads as follows:

"Appellee was charged by information with shipping sulfuric and hydrofluosilicic acids in interstate commerce and that 'did knowingly fail to show on the shipping papers the required classification of said property to wit, Corrosive Liquid, in violation of 49 CFR 173.437,' issued pursuant to U.S.C. § 834(a). Section 834(f) provides that whoever 'knowingly violates any such regulation' shall be fined and imprisoned. The District Court dismissed the information holding that it did not charge a 'knowing violation' of the regulation. Held: The statute does not signal an exception to the general rule that ignorance of the law is excuse. The word 'knowingly' in the statute pertains to knowledge of the facts, and where, as here, dangerous products are involved, the probability of regulation is so great that anyone who is aware that he is in possession of or dealing with them must be presumed to be aware of the regulation."

c. Shipper's Signature on Certification.

(1) Section 173.430 of the Hazardous Materials Regulations required a shipper to sign the certification that the commodity is properly marked, packaged, labeled, etc. The question has been asked "Does this section require a shipper to sign the certification in addition to signing the paper?"

(2) Chief Counsel had advised that a shipper's signature on a shipping document constitutes certification of all information contained on that document.

d. Definition of Bottle—The common industry term "bottle" means a container having a round neck of relatively smaller

diameter than the body and an opening capable of holding a closure for retention of the contents. The cross section of the bottle may be round, oval, oblong, or a combination of these. Generally, it is made of glass, but also may be of polyethylene or other plastics, earthenware, metal, etc. Specifically, it is a narrow-necked container as compared with a jar, or wide-mouth container.

e. Cryogenic Materials—At the present time, the regulations do not define cryogenic materials. In general terms, cryogenics are materials that are maintained at low temperatures to reduce vapor pressure. If the cryogenic material is not flammable, corrosive, poisonous or an oxidizer and the pressure within the container does not meet the definition of a compressed gas, then the material is not subject to the Hazardous Materials Regulations.

f. Labels on Small Packaging Containing Hazardous Materials—A label with two corners of its diamond shape extending past the corners of a box onto the side panels would not be considered in compliance with the labeling display requirements of the Hazardous Materials Regulations. A label which does not appear full size on a panel of a box containing hazardous materials is not in compliance with the Department of Transportation's Regulations.

g. Testing of Chlorine Cargo Tank Angle Valves (Section 173.33(g)(10))—If the loading interval exceeds one week, the required testing must be performed before each loading. This interpretation is based on the original intent of the rule wherein the Department intended to grant relief from testing before each loading occurred on a regular and relatively frequent schedule, and from what would otherwise be a requirement to test even though transportation does not take place, a position which does not appear to be reasonable in this case.

h. Specification 44P Plastic Bags—178.241-4—We are of the opinion that the specification does not preclude provision for "breathing" of the bag. In fact, if the specification were interpreted to require a completely sealed bag, that portion of the test requirements in 178.241-4, describing the test results would have no meaning. Note that "passing the test means doing so without 'sifting' or 'rupture'." This definitely implies that sifting without rupture is a possibility. This could only occur if the bag "breathes." Notwithstanding this interpretation, the bag must pass the tests "without sifting" with the product to be shipped in the bag. Also, during transportation there must be no significant release of the hazardous materials to the environment.

*i. Exemptions—Section 173.132(b).

(1) It has been asked if a shipper can take advantage of only part of an exemption or must he use all provisions in the exemption. The exemption in question is found in Section 173.132(b). If the shipment is exempt from specification packaging requirements and the shipper uses a specification container, there would not be a violation. If he marks the package with the commodity name, even though exempt from this re-

quirement, there would not be a violation.

(2) Labeling presents a different situation. Section 173.404(b) specifically prescribes that labels must not be applied to packages containing articles which are exempted from the labeling requirements. Thus, applying a label to a package which meets a labeling exemption would be a violation of Section 173.404(b). However, if the package is destined for shipment by air or for export, then the shipper is permitted to label during land transportation to meet the FAA requirements or those of the importing country. Also, within Section 173.132(b) in a specific reference to rail-express shipments, which states labels must be applied if the inside container is over 1-quart capacity.

*j. *Packaged Electrolyte—Section 173.260(e)*.

(1) The term "other hazardous materials," as used in Section 173.260(e) (2) (1), does not include electrolyte or corrosive battery fluid. Electrolyte and corrosive battery fluid are hazardous materials whether they are in an electric storage battery or in separate containers.

(2) The exemption does not eliminate the necessity to placard the vehicle when it contains more than 1,000 pounds of electrolyte, that is 1,000 pounds of electrolyte over and above the gross weight of the batteries. For example, a vehicle containing 8,000 pounds of wet batteries and 800 pounds of electrolyte does not have to be placarded. But if the vehicle contained 800 pounds of wet batteries and 1,200 pounds of electrolyte the vehicle would be placarded corrosive since the amount of electrolyte exceeds 1,000 pounds.

(3) As an example of when the exemption would not apply, if a vehicle contained 800 pounds of wet batteries and 800 pounds of compressed gas the vehicle would be placarded "Dangerous" since the batteries are now loaded with "other hazardous materials," and would be included when totaling the amount of hazardous materials on the vehicle for purposes of placarding.

*k. *Labels*.

(1) Several questions have been raised concerning the new labels required after January 1, 1975. One question specifically asked for the correct color combination for the poison labels. Section 173.414, which prescribes the poisonous materials labels, contains the phrase "... each 'Poison Label' except for size must be as shown." Compare that phrase to Section 173.409, which reads "Each 'Flammable Liquid' label except for size and color must be as shown." Also, included in Section 173.409 is a subparagraph (a) (1) which specifies the color for the flammable liquid label. Since Section 173.414 (Poison labels) does not contain a similar reference to color requirements, the color for the poisonous materials labels is "as shown" in the FEDERAL REGISTER, that is black and white. The same holds true for the "Corrosive" label, Section 173.417, and the "Empty" label, Section 173.420.

(2) It was also asked if the commodity name could be printed on the warning labels. None of the labels authorized

under HM-8 except the radioactive materials labels, has a space provided for the name of the commodity. If a shipper desires to print the commodity or any other information on the label, it must be outside the solid line border of the label. See Section 173.404(e).

*l. *Carload and Truckload Shipments—173.400(a) (1)*—A label is not required on military ammunition shipped by, for, or to, the U.S. Department of Defense when in carload or truckload shipments if the shipment is loaded and unloaded by the shipper, or the Department of Defense. In order to use this exemption the military ammunition must be all or part of a single shipment in a rail car or motor vehicle. Section 173.400(a) (1)

*m. *Compressed gas Section 173.301(b)*—A container of compressed gas may not be shipped unless it was charged by the owner or by some one who had the owner's consent. There is no further regulation relating to further evidence of ownership in addition to the assertion by a person that the cylinder is his property. The regulation does place some onus on a dealer who fills such a device but as to what extent the regulation requires him to be certain of ownership would be the test of reasonableness. We would think that the certificate would protect the dealer if he had no other reason to believe actual ownership was in some other person or company. For example, if one purporting it to be his, tendered a cylinder to a dealer for refilling and shipment which was stamped or impressed with a notation "Property of Dow Chemical Company," we would think the dealer would ship such a cylinder at his own risk. On the other hand, if the cylinder was unmarked we feel that the dealer having no other reason to discredit the certificate would be protected.

4. *Carriers by rail freight*.

Section 174.560(a) has been interpreted to apply alike to private rail sidings and to carrier's rail sidings, and to forbid delivery of tank cars containing flammable liquids having flash points of 80 degrees or below to parties not having sidings equipped for piping the liquids direct to permanent storage facilities adequate to receive the contents of the cars. However, a court decision holds that rules made by this Administration under the Act apply only to secure safety in transit (Davis vs. Gosset [1923], 118 S.E. 773, affirmed Gosset vs. Davis [1924], 124 S.E. 529). If the consignee has a siding equipped for piping contents of tank cars into storage tanks, such cars may be delivered to it, even though the contents of such cars are not unloaded into such tanks. The Regulations do not forbid loading of tank motor vehicles direct from tank cars.

5. *Shipments by public highway*.

a. *Port Area Exemption*—Section 177.803(b) and 177.804(b) provide exemptions from parts of the regulations for such transportation by motor vehicles as may be necessary to effect certain transfer of import and export shipments "within the same port area (including

contiguous harbors)." There has been no interpretation of the quoted language, but somewhat similar language in Section 303(g) of the Act, relating to water carriers, has been interpreted and certain harbor areas delineated. See *Thames River Line Inc.*, 250 I.C.C. 245 and 49 Code of Federal Regulations, Part 303, as to New York Harbor. In the interest of uniformity, the port areas mentioned in the Hazardous Materials Regulations will be considered coextensive with the harbor areas outlined under Section 303(g) of the Act. (1-23549, April 1, 1952)

b. *Cargo Tank Specifications*—Cargo tank specifications in Part 173 of the regulations must be observed by motor carriers, although Part 173 is titled "Regulations Applying to Shippers." See Section 177.812 of the regulations. (L-20615, August 6, 1948)

c. *Placards, When No Labels Required*—In some instances, both labeling and placarding requirements as well are inapplicable, as where, for example, the regulations state "not subject to Parts 170-189 of this Chapter." (1-23356, February 14, 1952)

d. *Placards, Tank Motor Vehicles (Compressed Gas Tubes, Sign or Lettering Required)*—Section 177.823(b). A vehicle consisting of a number of compressed gas tubes banded together and permanently installed on a flatbed trailer would constitute a cargo tank motor vehicle under the definition of Section 171.8(e) and (f). Therefore, the sign of lettering required is that for a cargo tank specified in Section 177.823(b).

e. *Placards, When Removal is Required*—Section 177.823(d). When a vehicle is not carrying material which would require it to be placarded, then such placards are not permitted on the vehicle. The purpose of a placard is to warn persons that vehicle contains a dangerous cargo. If vehicles were to be so marked whether or not they contained a dangerous cargo, then much of the benefit of the placard is lost. (BMCS, September 4, 1968)

*f. *Placarding "Exempt Shipments"*.

Q. Must a carrier placard a vehicle when loaded with 5,000 pounds of "exempt shipments" which are labeled?

A. It is our opinion that the carrier has an option. Since the shipment is exempted from Part 177, except 177.817, the carrier need not placard. On the other hand, since the placarding requirements in 177.823 are based on the weight of the shipment without reference to labels applied, then the carrier could apply placards if he so desired.

g. *Placarding on Multi-Compartment Cargo Tanks*.

(1) Paragraph (b)(1) of Section 177.823 of Title 49, CFR, requires every tank motor vehicle or tank trailer used for the transportation of any explosive or other dangerous article, regardless of quantity or whether loaded or empty, to be marked or placarded in accordance with the regulations. However, Paragraph (b)(1) contains a proviso stating that no such marking or placarding shall be displayed during such time as the mo-

tor vehicle or trailer is laden only with a commodity not classified as a dangerous article.

(2) Paragraph (d) reinforces the proviso in Paragraph (b)(1) by requiring the removal of any marking or placard from a motor vehicle when that motor vehicle does not contain the article for which the marking is required.

(3) We believe, however, that in the interest of safety, the words "laden only" in the exception to Paragraph (b)(1) should be interpreted to mean laden fully with a commodity not classified as a dangerous article. A multi-compartmented cargo tank with an empty compartment previously used to transport a flammable liquid, contains sufficient residue from the flammable liquid to warrant the continued placarding of the cargo tank. Thus, when operating multi-compartmented cargo tanks with one or more empty compartments previously containing flammable liquids, the placard "Flammable" would be the proper marking.

h. Loading and Storage Chart (Combination Vehicles)—The test of Section 177.848 of the regulations refers to the loading and storage of certain classes of dangerous articles "together" and such articles are not considered to be loaded together unless they are in the same motor vehicle. Where one class is in a truck and the other in a trailer attached thereto, they are not considered as "together." This is verified by some of the footnotes to this section containing words "in the same vehicle" or "in the same motor vehicle."

i. Loading and Storage Chart (Intermixing Flammable Liquids) Section 177.848—There are no rules in our Explosives and Other Dangerous Articles Regulations covering this subject. The specification for cargo tanks requires that where double bulkheads are provided that the space between such bulkheads be equipped with vents and drains. The purpose of this was to prevent intermixing due to a leaking bulkhead, of different classes of flammable liquids in adjacent compartments.

j. Foodstuffs Load With Poisons—Section 177.841(e) of the Hazardous Materials Regulations reads: "Materials marked as or known to be poison (Class A or B) must not be transported in the same vehicle with material which is marked or known to be foodstuffs, feeds, or any other edible materials intended for consumption by humans or animals (Emphasis added)." This section has been interpreted to include drugs or medicine intended for oral consumption. Thus, such drugs or medicine may not be transported in the same vehicle with poisons, Class A or B.

k. Suitable Storage—Hazardous Materials in Transit—Section 177.853(b)—A motor carrier terminal may be considered suitable storage for hazardous materials provided a specific area is designated for the hazardous material and the area is designed or constructed to provide adequate safeguards to protect the material and carrier personnel. Such safeguards should include

as a minimum protection from (1) theft or vandalism; (2) heat or other extreme temperature variations; (3) damage by fork lifts or other mechanical devices; (4) exposure to carrier personnel and office facilities; and (5) the posting of signs to indicate that the area contains hazardous materials. Carriers must also recognize the restrictions in Section 177.848 pertaining to loading and storage of hazardous materials.

1. Test Dates on Cargo Tanks.

(1) New cargo tank vehicles are required to have the original test date marked on the metal certification plate attached to the tank.

(2) To require the "V" and "H" (together with the appropriate dates) on new cargo tank vehicles would be needless application.

(3) The marking specified in Section 177.824(h) are required in conjunction with the retesting and inspection of cargo tank vehicles as specified in the cited section and not on new cargo tank vehicles.

m. Hazardous Materials Incident Reports—Jurisdiction.

(1) Does the Department of Transportation or the Department of Labor under the Occupational Health and Safety Act have jurisdiction over the reporting of accidents or incidents which occur at loading or unloading work areas? A DOT regulation which imposes a comprehensive incident reporting scheme, including loading and unloading work area, does not necessarily preclude the Department of Labor, under the Occupational Health and Safety Act, from exercising similar reporting requirements over the same work area.

(2) The Occupational Safety and Health Act provides: "Nothing in this Act shall apply to working conditions of employees with respect to which other Federal agencies . . . exercise statutory authority to prescribe or enforce standards or regulations affecting occupational standards or health."

(3) Notice that, in order to preempt the Labor Department from issuing and enforcing an accident reporting requirement with respect to a particular place of work, the Department of Transportation would have to do two things: (1) exercise its statutory authority over the workplace; and (2) prescribe or enforce standards or regulations affecting occupational safety or health with respect to that workplace. It is clear that the former requirement is met by the issuance of DOT accident reporting regulations. However, it is doubtful whether a mere requirement for the reporting of accidents or incidents occurring at a particular location constitutes the issuance or enforcement of standards or regulations affecting occupational safety or health.

(4) In short, carriers may have to file Labor Department accident reports as well as Department of Transportation incident reports on accidents occurring at unloading sites. As a general rule, an agency's jurisdiction to require reports and otherwise seek information about a situation is not necessarily coincidental

with its authority to promulgate substantive rules pertaining to that situation; the power to inquire is usually substantially broader than the power to regulate.

n. Hazardous Materials Incident Reports—Reporting Criteria for Tank Carriers

(1) Q. How many gallons must the spill or release consist of?

A. A carrier must report any unintentional release of hazardous materials. This does not include release that are normal occurrences such as spills from hoses during normal disconnections. Included would be mechanical and human failures resulting in overflows, releases from broken delivery hoses, etc. There is no way to give a quantitative response to this question since each case must be evaluated on its facts.

(2) Q. Who reports when a spill happens at a loading rack owned by another company?

A. Regardless of ownership, the carrier involved must report the spill.

(3) Q. Does the tank include storage tanks (underground and above ground) or just the transport tank?

A. The requirement is a carrier responsibility and only spills involving carrier equipment or related to the activities of the carrier must be reported by the carrier. Therefore, if the storage tank spills because the carrier has overfilled the storage tank, the carrier must report. If there is a spill from a storage tank because of a malfunctioning of the storage tank unrelated to the activities of the carrier, the carrier does not have to report.

(4) Q. Would the rupture of a hose be included in the reporting?

A. A rupture in a hose used to load or unload must be reported.

(5) Q. What is the procedure in the event that a tank trailer, laden with hazardous materials, is properly "spotted" at a consignee facility and leakage occurs (which may or may not involve death, injury or property damage), and no carrier representative is at the site? (This incident may not be reported to the carrier officials within the 15-day reporting requirement time limit).

A. The regulations require reporting "within 15 days of the date of discovery." The Department interprets this requirement as meaning discovery by the carrier, although obviously there is no need for a carrier representative to personally observe the leakage in order for him to be considered to have "discovered" the leakage. Thus, the 15-day period begins to run from the day the carrier becomes aware of the unintentional release.

(6) Q. Many carriers "automatically" send employees, involved in a hazardous material incident, to the hospital. This is done whether or not personal injury is evident to avoid complications in various statewide workman's compensation agreements. In the event that the employee is found not to have suffered injury, does this constitute hospitalization? Are there any guidelines that might be used to determine hospitalization?

A. Section 171.15 requires an immediate telephonic report when, among other

things, "a person receives injuries requiring his hospitalization." For the purposes of this section, hospitalization means formal admission to a hospital, as evidenced by the records of the hospital.

(7) Q. With regard to DOT Form 5800.1, where on that report is the carrier to note that loss of hazardous product resulted from a collision?

A. The actual nature of the package failure which released the hazardous materials should be described in Item F, "Nature of Packaging Failure." The fact that the package failure may have been due to a collision should be carefully noted in Item H—"Remarks."

(8) Q. Am I required to enter the date of the last test or visual inspection of a cargo tank in Item 29B of DOT Form 5800.1?

A. Yes. Report the last visual inspection date for a cargo tank other than one constructed in accordance with specification MC 330 or MC 331. Report the last test date for those two specifications. If there has been no visual inspection or retesting performed since new construction, enter the original test date entered on the metal certification plate affixed to the tank.

0. Heaters in Cargo Compartment with Hazardous Materials Section 177.834.

(1) Regarding catalytic heaters utilizing an oxidation process to produce heat, it is our understanding that the oxidation process occurs at approximately 750 degrees F. This temperature is substantially higher than the auto-ignition temperature of some of the flammable materials listed generically in paragraph 177.834(1) of the pertinent regulations. A few examples with auto-ignition temperature in degrees F., are carbon disulfides, 257; gasoline, 495; and petroleum ether, 475. The auto-ignition temperature of any material is the lowest temperature at which the material, or its vapors, mixed with or in the presence of air, will ignite without spark or flame.

(2) The oxidation process used in the catalytic type cargo heater is considered the practical equivalent of combustion as mentioned in the cited rule. The heater is therefore considered not to conform to the rule, because the combustion or oxidation apparatus is to be used inside the trailer.

D. Oxygen Supplies on Buses—177.870 (b).—Under the Hazardous Materials Regulations bus operators can permit bus passengers who must use oxygen for health reasons to take cylinders of oxygen with them on the buses. Section 177.870(b) of the Hazardous Materials Regulations prohibits the carrying of hazardous material on buses unless no other practicable means of transportation is available. The terms practicable and available must be construed in a realistic sense, so that a person cannot travel without carrying oxygen may be accompanied by a cylinder.

[FR Doc.75-29263 Filed 10-30-75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 277 (Sub-No. 1)]

PART 1124—REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY RAILROAD PASSENGER SERVICE

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of October, 1975.

It appearing, That by report and order dated December 7, 1973, the Commission, pursuant to section 801 of the Rail Passenger Service Act, adopted regulations governing the adequacy of intercity rail passenger service, 49 CFR 1124.1 *et seq.*; that by order dated January 6, 1975, the Commission reopened this proceeding on its own motion to restate regulation 2 (d); and that by order dated March 27, 1975, the Commission further modified the restated regulation 2(d);

It further appearing, That the public notice requirement of regulation 2(d) may be insufficiently conducive to prompting public response to exemption petitions filed pursuant to the regulation; that the public notice requirement of the regulation should be restated so as to encourage greater response; that such restatement constitutes a procedural rule change within the exception to section 553(b) of the Administrative Procedure Act, so that notice or hearing of the proposed restatement is not required, and good cause appearing therefor;

It is ordered, That this proceeding be, and it is hereby, reopened for the purpose of rewording section 2(b) of regulation 2(d) of the Commission's Adequacy of Service Regulations; and that section 2(b) of regulation 2(d), 49 CFR 1124.2 (d), be, and it is hereby, amended to read as set forth below.

It is further ordered, That this order shall be effective on the date it is served; and

It is further ordered, That notice of this order shall be given to the general public by filing a copy with the Office of the Secretary of the Commission, and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

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

Section 1124.2(d) is revised to read as follows:

§ 1124.2 Regulations regarding applicability, exemptions, and effective date.

(d) Notice shall be given to the public by posting a copy of the following announcement, reproduced on a placard of at least 8½" by 11" in dimensions, with

lettering at least 3/16" in size, except that the words "NOTICE TO PASSENGERS" must be in letters at least 1" high, in a conspicuous location in every train car and station to be affected by the exemption. The announcement shall read as follows:

NOTICE TO PASSENGERS

(Name of Carrier) has requested the Interstate Commerce Commission to exempt its (name of train or station) from Regulation (No.). If the exemption is granted, (state in plain language the practical effect of such exemption).

If you are opposed to this request, write to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, by (a date at least 30 days after posting of notice).

[FR Doc.75-29273 Filed 10-30-75;8:45 am]

Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one additional position of Special Assistant to the Secretary is excepted under Schedule C.

Effective on October 31, 1975.

Section 213.3394(a)(2) is revised as set out below:

§ 213.3394 Department of Transportation.

(a) Office of the Secretary. * * *

(2) Three Special Assistants to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1964-68, Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-29273 Filed 10-30-75;8:45 am]

Title 7—Agriculture

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

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Expenses of the Prune Administrative Committee and the Rate of Assessment for 1975-76 Crop Year

Notice was published in the August 21, 1975, issue of the FEDERAL REGISTER (40 FR 38164) regarding expenses of the Prune Administrative Committee and the rate of assessment for the 1975-76 crop year under §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricul-

tural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Interested persons were given until September 15, 1975, in which to submit written data, views, or arguments with respect to the proposal. None were received.

The proposal was based on a unanimous recommendation of the Prune Administrative Committee. Expenses of the Committee for the 1975-76 crop year were proposed at \$225,000. Also, the assessment rate was proposed to be \$1.67 per ton of assessable prunes.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Prune Administrative Committee, and other available information, it is found that the expenses of the Prune Administrative Committee and the rate of assessment for the crop year beginning August 1, 1975, shall be as hereinafter set forth.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all salable prunes handled by handlers as the first handlers thereof; and (2) the current crop year began on August 1, 1975, and the rate of assessment hereinafter fixed will automatically apply to all such prunes beginning with that date.

The expenses and assessment rate as set forth in new § 993.326 are as follows:

§ 993.326 Expenses of the Prune Administrative Committee and rate of assessment for the 1975-76 crop year.

(a) *Expenses.* Expenses in the amount of \$225,000 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1975, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 993.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at \$1.67 per ton of salable prunes handled by him as the first handler thereof.

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

Dated: October 28, 1975.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc. 75-29364 Filed 10-30-75; 8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Miscellaneous Amendments to Chapter

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Public Law 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1, miscellaneous amendments, as set forth hereinafter, are prescribed in Parts 223, 238, 243, 264, 299, 316a, 343c and 499 of Chapter I of Title 8 of the Code of Federal Regulations.

Under existing § 223.2, American consular officers in Venezuela do not have authority to grant extensions of the validity of reentry permits. An application for extension of a reentry permit by a resident alien of the United States temporarily in Venezuela shall be submitted to the office of this Service having jurisdiction over the applicant's place of residence in the United States. Increasing numbers of resident aliens of the United States are temporarily in Venezuela as a result of transfers of personnel of American companies to their branch offices there. Most of the applicants for reentry permit extensions seek Embassy assistance to provide information on preparing applications and to expedite return from Service offices. In view of the time spent by the Embassy on liaison between the applicants and the Service offices to which applications are submitted, and in an effort to assist applicants in obtaining extensions more readily, the first sentence of § 223.2 is being amended to authorize American consular officers in Venezuela to grant extensions of the validity of reentry permits to resident aliens of the United States temporarily in Venezuela.

In accordance with the provisions of section 238(a) of the Immigration and Nationality Act and 8 CFR 238.1, an agreement has been entered into between the Regional Commissioner, Northeast Regional Office, of the Immigration and Naturalization Service and American Airlines, Inc., a transportation line operating to ports of foreign contiguous territory or adjacent islands and the United States, for the entry and inspection of aliens coming to the United States through Bermuda. In Part 238, § 238.2 (b) (2) is, therefore, amended by adding "American Airlines, Inc.", to the listing of signatory lines.

In accordance with the provisions of section 238(d) of the Immigration and Nationality Act, an agreement has been entered into between the Commissioner of Immigration and Naturalization and Lloyd Aereo Boliviano S.A., a transportation line operating to ports of the United States, to guarantee the passage through

the United States in immediate and continuous transit of aliens destined to foreign countries. In Part 238, § 238.3(b) is, therefore, amended by adding "Lloyd Aereo Boliviano S.A." to the listing of signatory lines.

Agreements for preinspection at Montreal and at Toronto, Canada, of flights of Transair Limited destined to the United States, have been entered into between that line and the Commissioner of Immigration and Naturalization pursuant to sections 103 and 238(b) of the Immigration and Nationality Act. Accordingly, § 238.4 is amended by adding "Transair Limited" to the listing of transportation lines which have entered into agreements for the preinspection of their passengers and crews at the designated places outside the United States.

Current § 243.4 requires that an alien who has filed with this Service a request for a stay of deportation shall be furnished written notification of the decision thereon. Section 103.3(a) provides that whenever a formal application is denied, the written notification shall set forth the specific reasons for the denial. Accordingly, for the purpose of clarity, the third sentence of § 243.4 is being amended to specifically provide that the written notification of denial of an alien's request for a stay of deportation shall include the reasons for the denial.

Existing § 264.1(c) provides that application may be made by an alien lawfully admitted for permanent residence for replacement of an Alien Registration Receipt Card, Form I-151, in lieu of one lost, mutilated or destroyed. In order to insure that an applicant for the replacement of Form I-151 is the same person who received the original Form I-151, § 264.1(c) is being amended to provide that the application for replacement of a lost or destroyed Form I-151 shall be accompanied by a completed fingerprint card. An editorial amendment is also made to change "United Arab Republic" to read "Arab Republic of Egypt".

A number of immigration forms have been revised and now reflect more recent edition dates, an existing form has been cancelled, and a new form has been created. Accordingly, the listings of forms in §§ 299.1 and 499.1 are amended to reflect the deletion, addition, and current revision dates of the specified forms.

On August 19, 1975, and September 30, 1975, it was determined that Humboldt State University (School of Natural Resources, Wildlife Management Department) and the Rockefeller Foundation, respectively, are American institutions of research for the purpose of preserving residence in the United States for naturalization. Accordingly, in Part 316a, § 316a.2 is amended by adding Humboldt State University and the Rockefeller Foundation to the listing therein of American institutions of research.

In Part 343c, § 343c.1 provides that an application for certification of a natu-

realization record of any court, or of a certificate of naturalization, repatriation, or citizenship under section 343(e) of the Immigration and Nationality Act shall be made on Form N-585. Form N-585 is now obsolete, having been replaced by Form G-641. Accordingly, § 343c.1 is amended by substituting the words "Form G-641" in lieu of "Form N-585".

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 223—REENTRY PERMITS

1. In § 223.2, the first sentence is amended by deleting therefrom the parenthetical phrase "(except Venezuela)". As revised, § 223.2 reads as follows:

§ 223.2 Extensions.

An application for extension of a reentry permit shall be submitted on Form I-131 prior to the expiration of the reentry permit's validity to the office having jurisdiction over the applicant's place of residence in the United States, or to the immigration officer stationed outside the United States having jurisdiction over the place where the applicant is temporarily sojourning, or to an American consular officer in South America, in those areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), in Australia, New Zealand, Bulgaria, Czechoslovakia, Hungary, Iceland, Poland, Romania, the Union of Soviet Socialist Republics, Yugoslavia, Iran, Iraq, Jordan, Saudi Arabia, Syrian Arab Republic, Yemen, Aden, Kuwait, United Arab Emirates, and in Africa (including the Arab Republic of Egypt) when the applicant is temporarily sojourning in one of the aforementioned places. A reentry permit extension application mailed during the permit's validity is considered as timely submitted, even though received by a Service or consular office after the permit's validity has expired. If the extension application is granted, the permit will be noted to show the extension and returned to the applicant; if denied, the applicant shall be notified of the decision, and the permit returned to him if the remaining period of its validity permits its use for return to the United States. No appeal shall lie from a decision denying an application for extension of a reentry permit.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.2 [Amended]

2. In § 238.2 *Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands*, the listing of transportation lines in subparagraph (b) (2) *Bermuda* is amended by adding thereto in alphabetical sequence the fol-

lowing transportation line: "American Airlines, Inc."

§ 238.3 [Amended]

3. In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by adding thereto in alphabetical sequence the following transportation line: "Lloyd Aereo Boliviano S.A."

§ 238.4 [Amended]

4. In § 238.4 *Preinspection outside the United States*, the listing of transportation lines under "At Montreal" and under "At Toronto" are amended by adding thereto in alphabetical sequence: "Transair Limited".

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

5. In § 243.4, the third sentence is amended. As revised, § 243.4 reads as follows:

§ 243.4 Stay of deportation.

Any request by an alien under a final administrative order of deportation for a stay of deportation, except a request for withholding of deportation pursuant to section 243(h) of the Act, shall be filed on Form I-246 with the district director having jurisdiction over the place where the alien is at the time of filing. The district director, in his discretion, may grant a stay of deportation for such time and under such conditions as he may deem appropriate. Written notice of the disposition of the alien's request shall be served upon him and any notice of denial shall include specific reasons therefor; however, neither the making of the request nor the failure to receive notice of disposition of the request shall relieve the alien from strict compliance with any outstanding notice to surrender for deportation. Denial by the district director of a request for a stay is not appealable but such denial shall not preclude the Board from granting a stay in connection with a motion to reopen or a motion to reconsider as provided in Part 3 of this chapter, nor shall such denial preclude the special inquiry officer, in his discretion, from granting a stay in connection with, and pending his determination of, a motion to reopen or a motion to reconsider a case falling within his jurisdiction pursuant to § 242.22 of this chapter, and also pending an appeal from such determination.

PART 264—REGISTRATION AND FINGER-PRINTING OF ALIENS IN THE UNITED STATES

6. In § 264.1(c), a new sentence is added between the existing seventh and eighth sentences thereof, and the eleventh sentence is revised. As revised, § 264.1(c) reads as follows:

§ 264.1 Registration and fingerprinting.

(c) *Replacement of registration.* Any alien whose evidence of registration has been lost, mutilated, or destroyed, shall immediately apply for new evidence thereof. Application by a nonimmigrant

crewman for replacement of Form I-184, Alien Crewmen Landing Permit and Identification Card, shall be made on Form I-174. Application for replacement of Form I-185, Nonresident Alien Canadian Border Crossing Card, shall be made on Form I-175. Application for replacement of Form I-186, Nonresident Alien Mexican Border Crossing Card, shall be made on Form I-190. Application for replacement of Form I-94, Arrival-Departure Record, or Form I-95, Crewman's Landing Permit, shall be made on Form I-102, except that a new Form I-94 may be issued in lieu of one lost, mutilated, or destroyed without application therefor, when the alien is an applicant for extension of his temporary stay or change of nonimmigrant classification. Application by an alien lawfully admitted for permanent residence for Form I-151, Alien Registration Receipt Card, in lieu of one lost, mutilated, or destroyed, or who requests issuance of such card in a name which has been changed after registration by order of any court of competent jurisdiction or by marriage, or whose Form I-151 was never received and application is made more than one year after the date of his admission for permanent residence or adjustment to permanent resident status, shall be made on Form I-90 accompanied by the fee required by § 103.7 (b) of this chapter, two photographs, unless the requirement for such photographs has been waived by the district director in his discretion because of hardship to an applicant who is confined due to age or physical infirmity, and, when issuance of Form I-151 is desired in a changed name, by appropriate documentary evidence of such change.

Any Form I-151 in the applicant's possession must also be submitted with the application. When an application is made for replacement of a Form I-151 alleged to have been lost or destroyed, the application must be accompanied by a completed fingerprint card (Form FD-259). An application on Form I-90, with two photographs but without fee, is required for issuance of Form I-151 in the case of a lawful permanent resident who surrenders evidence of registration on other than Form I-151; who establishes within one year after admission for permanent residence or adjustment to permanent resident status that such form was not received by him, if the form has not been returned to the issuing Service office; who is the holder of a Form I-151 which is in poor condition because of improper lamination and surrenders such form, or in the case of an alien who has attained the age of 14 and is seeking to be registered and fingerprinted pursuant to section 262(b) of the Act and who surrenders evidence of registration previously issued to him. No application or fee is required if Form I-151 has been returned to the issuing office and is in the applicant's file. An application by an alien within the United States for replacement of evidence of registration shall be submitted to the Service office having jurisdiction over the applicant's place of residence in the United States. An alien lawfully admitted for perma-

ment residence who is outside the United States shall submit his application for a new Form I-151 in person or through an American consular officer to the Service officer stationed outside the United States having jurisdiction over the place where the applicant is temporarily sojourning or, if physically present in the area of jurisdiction of the following consular officers directly to such a consular officer in South America (except Venezuela), in areas of Asia lying to the east of the western borders of Afghanistan and Pakistan (but not including Hong Kong and adjacent islands, Taiwan, Japan, Okinawa, Korea, and the Philippines), in Australia, New Zealand, Bulgaria, Czechoslovakia, Hungary, Iceland, Rumania, the Union of Soviet Socialist Republics, Iran, Iraq, Jordan, Saudi Arabia, Syrian Arab Republic, Yemen, Aden, Kuwait, and in Africa (including the Arab Republic of Egypt).

An application filed abroad will be forwarded to the district director having jurisdiction over the alien's place of residence in the United States and, if the application is approved, Form I-151 will be transmitted to the Service officer stationed outside the United States or the American consular officer for delivery to the applicant. An alien who files application Form I-90 may be required, as a matter of discretion, to appear in person before an immigration officer prior to adjudication of the application and be interrogated under oath concerning his eligibility for issuance of Form I-151 as evidence of his registration. If the applicant is outside the United States, such interrogation may be conducted by an immigration officer or a consular officer. The decision on an application for replacement of evidence of registration shall be made by the district director having jurisdiction over the alien's place of residence in the United States. No appeal shall lie from the decision of the district director denying the application.

PART 299—IMMIGRATION FORMS

In § 299.1, the listing of forms is amended to reflect the deletion of the reference to Form N-585, which has been cancelled, the addition in alphabetical and numerical sequence of Form G-641, and the current edition dates of the following forms:

§ 299.1 Prescribed forms.

Form No.	Title and description
G-28 (9-27-75)	Notice of Entry of Appearance as Attorney or Representative.
G-641 (3-1-75)	Application for Verification of Information from Immigration and Naturalization Records.
I-90 (4-1-75)	Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-151.

Form No.	Title and description
I-131 (5-1-75)	Application for Issuance or Extension of Permit to Reenter the United States.
I-191 (9-27-75)	Application for Advance Permission to Return to Unrelinquished Domicile.
I-221S (4-1-75)	Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien.
I-243 (9-27-75)	Application for Removal.
I-410 (5-1-75)	Receipt for Crew List.
I-539 (4-1-75)	Application to Extend Time of Temporary Stay.
I-570 (4-1-75)	Application for Issuance or Extension of Refugee Travel Document.
MA 7-50 (4-70)	Application for Alien Employment Certification. (Part I—Statement of Qualifications of Aliens (MA 7-50A)) (Part II—Job Offer for Alien Employment (MA 7-50B))
SW-434 (7-1-73)	Mexican Border Visitors Permit.

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.2 [Amended]

8. In § 316a.2 *American institutions of research*, the listing of research institutions is amended by adding thereto in alphabetical sequence the following institutions: "Humboldt State University, School of Natural Resources, Wildlife Management Department" and "Rockefeller Foundation".

PART 343c—CERTIFICATION FROM RECORDS

9. Section 343c.1 is amended by substituting the words "Form G-641" in lieu of "Form N-585". As revised, § 343c.1 reads as follows:

§ 343c.1 Application for certification of naturalization record of court or certificate of naturalization or citizenship.

An application for certification of a naturalization record of any court, or of any part thereof, or of any certificate of naturalization, repatriation, or citizenship, under section 343(e) of the Act for use in complying with any statute, Federal or State, or in any judicial proceeding, shall be made on Form G-641.

PART 499—NATIONALITY FORMS

10. In § 499.1, the listing of forms is amended to reflect the deletion of the reference to Form N-585, which has been cancelled, and the addition in alphabetical and numerical sequence of Form G-641, to read in pertinent part as follows:

§ 499.1 Prescribed forms.

Form No.	Title and description
G-641 (3-1-75)	Application for Verification of Information from Immigration and Naturalization Records.
I-138 (11-5-70)	Subpoena.
N-580 (4-3-61)	Application for a Certificate of Naturalization or Repatriation (under sec. 343(a) of the Immigration and Nationality Act or 12th Subdivision, Sec. 4 of the Act of June 29, 1906).
N-600 (11-1-74)	Application for Certificate of Citizenship.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 223.2 confers a benefit on the persons affected thereby; the amendments to §§ 236.2, 238.3 and 238.4 add transportation lines to the listings; the amendments to §§ 243.4 and 264.1(c) relate to agency procedure; the amendments to § 316.2 add institutions of research to the listing; and the amendments to §§ 299.1, 343c.1 and 499.1 are editorial in nature.

Effective date. The amendments made in this order shall become effective on the date October 31, 1975.

(5 U.S.C. 552 (80 Stat. 383); as amended by Pub. L. 93-502 (88 Stat. 1561); sec. 103 Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103))

Dated: October 24, 1975.

L. F. CHAPMAN, JR.,
Commissioner of
Immigration and Naturalization.

[FR Doc. 75-29272 Filed 10-30-75; 8:45 am]

Title 9—Animals and Animal Products
CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Extension of Effective Date

FR Doc. 75-29030 appearing on page 50099 in the issue for Tuesday, October 28, 1975, inadvertently appeared in the Proposed Rules section. It should appear in the Rules and Regulations section with the heading as above.

Title 9 continued on page 50719.

Title 10—Energy
CHAPTER I—NUCLEAR REGULATORY COMMISSION

Clarifying and Corrective Amendments to Chapter

Notice is hereby given of the Amendment of the Nuclear Regulatory Commission's regulations in 10 CFR Parts 0, 20, 30, and 70 which are of a minor nature.

The amendments of Part 70 make an editorial change to clarify the definition of "random error" in § 70.57(a) (5), and correct the spelling of "unidirectional" in § 70.57(a) (6).

The amendments of Parts 0 and 20 make minor corrections and editorial changes in §§ 0.735-28(i), 0.735-30(m), 0.735-40(e), and 20.407(a) (3).

The amendment of Part 30 amends § 30.32(a) to require that Form NRC-313, "Application for Byproduct Material License" be filed in duplicate with the Director of Nuclear Material Safety and Safeguards.

Because these amendments relate solely to corrections and minor matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary, and for making the amendments effective October 31, 1975.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 0, 20, 30, and 70 are published as a document subject to codification.

PART 0—CONDUCT OF EMPLOYEES

§ 0.735-28 [Amended]

1. Section 0.735-28(i) is amended by changing the term "AEC Manual" to read "NRC Manual".

§ 0.735-30 [Amended]

2. Section 0.735-30(m) is amended by correcting the word "delect" to read "delect" and paragraph 0.735-30(o) is amended by correcting the word "multilating" to read "mutilating".

§ 0.735-40 [Amended]

3. Section 0.735-40(e) is amended by changing the words "no employee shall accept a fee" to "no employee shall accept a fee".

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

§ 20.407 [Amended]

4. Section 20.407(a) (3) is amended by inserting a comma between the words "processing" and "fabrication".

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

5. Section 30.32 is amended by changing the first sentence of paragraph (a) to read as follows:

§ 30.32 Application for specific licenses.

(a) Applications for specific licenses should be filed in duplicate on Form NRC-313, "Application for Byproduct Material License," with the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. * * *

PART 70—SPECIAL NUCLEAR MATERIAL

6. Paragraph 70.57(a) (5) is amended to read as follows:

§ 70.57 Measurement control program for special nuclear materials control and accounting.¹

(a) As used in this section:

(5) "Random error" refers to the variation encountered in all measurement work, characterized by the random occurrence of both positive and negative deviations from a mean value.

§ 70.57 [Amended]

7. Paragraph 70.57(a) (6) is amended by correcting the word "unidirectional" to read "unidirectional".

Effective date. These amendments become effective on October 31, 1975.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Secs. 201, 301, Pub. L. 93-433, 88 Stat. 1242, 88 Stat. 1248 (42 U.S.C. 5841, 5871))

Dated at Bethesda, Maryland this 21st day of October 1975.

FOR THE NUCLEAR REGULATORY COMMISSION,
LEE V. GOSSICK,

*Executive Director
for Operations.*

[FR Doc. 75-29141 Filed 10-30-75; 8:45 am]

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

An Occupational Exposure Limit for Radon-222 and Its Use When Uranium Ore Dust is Present

On June 24, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 22428) proposed amendments of 10 CFR Part 20 of its regulations. The main purpose of the amendments was to lower the limit on occupational exposure to airborne radon-222 and its daughters to one-third of that currently permitted. The proposed limit is in agreement with guidance to Federal agencies issued by the Environmental Protection Agency and with the recommendations of the International Commission on Radiological Protection (ICRP) and the National Council on Radiation Protection and Measurements (NCRP).

Another important purpose of the amendments was to change the uranium ore dust provision in paragraph 4 of the Note to Appendix B of Part 20. Currently, concentrations of radon-222 and its daughters need not be considered if the uranium concentration is held within the permissible limit given in paragraph 4. The proposed amendments would require consideration of radon-222 and its short-lived daughters in addition to uranium. When paragraph 4 was adopted the Atomic Energy Commission staff believed that if uranium concentrations were adequately controlled, concentrations of radon and its daughters would be far below the applicable limits. Subsequent measurements in uranium mills have shown concentrations of radon and its daughters to be higher than was expected.

Six public comments on the proposed amendments were received. None of these comments objected to its two main purposes. Two important issues were raised, however. It was questioned whether the limit on radon daughter exposure was expressed in the best way. It was also suggested that the proposed concentration value for radon daughters should have been even lower.

The proposed amendments expressed limits on radon daughters in an unconventional way—in microcuries of alpha activity of radon daughters per milliliter. This approach had the advantage of using units of microcuries per milliliter as is done for all other nuclides in Appendix B. Also it places a limit directly on radon daughters, which cause far more alpha particle exposure than the radon itself.

There are two common ways to represent radon and radon daughters limits. One is to specify a limit on radon-222 itself. If radon concentrations are held below this limit, exposure from both radon and its daughters will be within permissible levels. The other is to express a limit on daughters in terms of "working levels." (A "working level" is generally defined as any combination of short-lived radon daughters in one liter of air, without regard to the degree of equilibrium, that will result in the ultimate emission of 1.3×10^5 MeV of alpha particle energy.)

If the radon daughter concentrations are held below the limit, then exposure from both the radon and its daughters will be within permissible levels.

The Commission has decided to express its limits on exposure to radon and its daughters in both conventional ways instead of in the manner proposed in the FEDERAL REGISTER notice of June 24, 1974. Table I of Appendix B has been amended to change the radon-222 concentration to 3×10^{-6} microcuries per milliliter. This is one-third the value formerly in effect. A new footnote gives an alternate limit of one-third "working level" for radon daughters. The two values are equivalent when the daughters are in equilibrium with the radon-222. The licensee may use whichever value he prefers.

A chart in § 20.5(b) relating radon concentration to radon daughter alpha activity has been deleted. The chart is no longer necessary since measurements of radon daughter alpha activity ("working levels") are now acceptable for the purpose of Appendix B of Part 20.

A chart in the proposed amendments which gave alpha activities at several times after counting is not incorporated in the effective amendments. That chart was based on the modified Kusnetz method for determining "working levels." Instead the Commission will allow any generally acceptable measurement technique for determining "working levels." Among such acceptable techniques currently available are the Kusnetz method, the modified Kusnetz method, the Tsivoglou method, integrating alpha monitoring, and instant working level meter techniques.

The Environmental Protection Agency in its comments on the proposed rule said that the limit should be at a level "as low as practicable" for uranium mills. The NRC fully supports the "as low as practicable" concept. It is Commission policy that uranium mills, in addition to meeting the individual limits in Appendix B of Part 20, should operate in a manner consistent with that objective. However, the need for specific numerical guidance on "as low as practicable" (or "as low as reasonably achievable") is a separate matter, the further consideration of which should not delay the implementation of the present amendments. The application of the "as low as reasonably achievable" concept also does not remove the necessity for individual exposure limits in Appendix B of Part 20.

Another commentator suggested lowering the proposed radon limit by an additional factor of ten. He did not believe the proposed values contained a margin of safety. The Commission does not believe the limit on radon and its daughters need be lower than originally proposed. Extensive studies of uranium miners here and abroad have shown no statistically significant excess of lung cancers in miners receiving radon daughter exposures of 120 "working level" months or less.¹ At the limit herein adopted by the Commission it would take 30 years to get an exposure of 120 "working level" months. Among source material licensees radon is found in significant quantities only in certain parts of uranium mills where a few specific processes are carried out. Thus, although permissible, a cumulative exposure of a mill worker to 120 working level months is highly unlikely. Nevertheless, the Commission will periodically review the limit on radon as more data on mortality among workers exposed to radon become available.

Another comment was that the value in Table II (the effluent limit) should also be lowered. The Table II effluent limit for radon-222 is beyond the scope of these amendments which consider only occupational exposures. Effluent limitation standards are under study by the NRC staff.

One comment said that the ore dust limit in paragraph 4 of the Note to Appendix B is based on an incorrect premise on the behavior of thorium-230 in the lung and is therefore invalid. The question of the behavior of thorium-230 in the lung is being studied by the Commission. If it is concluded that a change in paragraph 4 of the Note to Appendix B is called for, another amendment will be proposed.

Another comment suggested annual averaging for radon-222 rather than quarterly averaging as was proposed. The reason given was that the official Environmental Protection Agency guidance gave an annual limit, and that the Commission should not be more restrictive than the officially recommended limit.

¹ A "working level" month is defined as exposure to radon daughter concentrations of one "working level" for 170 hours, the usual number of working hours in a month.

The Commission agrees that limits on radon exposure may be based on an annual average.

A change was made in the ore dust limit in paragraph 4 of the Note. Its applicability was ended at radium-226 instead of extending down the decay chain to lead-210 and its daughters. While it could be argued the thorium-230 and radium-226 in ore dust remain with uranium in the air, this argument is not completely correct for nuclides in the decay chain beyond radon-222, a noble gas. Lead-210 and its daughters may not be bound to the ore dust particles. Because of its high diffusivity, radon is likely to escape the ore dust. Its decay products, therefore, may not be bound to the uranium ore. As a result of this change, separate measurements of the concentration of airborne radionuclides beyond radon-222 are now required. The requirement for separate measurements for lead-210 and its daughters has been made without opportunity for public comment. The Commission has found such opportunity for comment unnecessary since the amendment will not have a significant impact because the concentrations of lead-210 and its daughters in mills are presently far below Part 20 limits.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974 and sections 552 and 553 of title 5 of the United States Code, the following amendments of Title 10, Chapter I, Code of Federal Regulations, Part 20 are published as a document subject to codification.

§ 20.5 [Amended]

1. Paragraph (b) of § 20.5 is deleted.
2. In Appendix B of Part 20, the line for "Isotope" Rn 222 listed under the "Element" Radon (86) is amended to read as follows:

Isotope	Col. 1, air (microcurie per milliliter)	Col. 2, water (microcurie per milliliter)
Rn 222 ¹	3x10 ⁻⁴	

Isotope	Col. 1, air (microcurie per milliliter)	Col. 2, water (microcurie per milliliter)
Rn 222 ¹	3x10 ⁻⁴	

3. Footnote 3 to Appendix B is renumbered footnote 4 and the number "3" following the symbol "S" after the isotopes U 234, U 235, U 238, and U natural is changed to "4."

4. A new footnote 3 is added to Appendix B of Part 20 to read as follows:

¹ These radon concentrations are appropriate for protection from radon-222 combined with its short-lived daughters. Alternatively, the value in Table I may be replaced by one-third (1/3) "working level." (A "working level" is defined as any combination of short-lived radon-222 daughters, polonium-218, lead-214, bismuth-214 and polonium-214, in one liter of air, without regard to the degree

of equilibrium, that will result in the ultimate emission of 1.3 x 10⁵ MeV of alpha particle energy.) The Table II value may be replaced by one-thirtieth (1/30) of a "working level." The limit on radon-222 concentrations in restricted areas may be based on an annual average.

5. The first sentence of paragraph 4 of the Note to Appendix B is revised to read as follows:

4. If a mixture of radionuclides consists of uranium and its daughters in ore dust prior to chemical separation of the uranium from the ore, the values specified below may be used for uranium and its daughters through radium-226, instead of those from paragraphs 1, 2, or 3 above.

Effective date: The foregoing amendments become effective on January 29, 1976.

(Secs. 161(b) and (1), 183, Pub. Law 83-703, 68 Stat. 948, 954 (42 U.S.C. 2201 (b) and (1), 2233); Sec. 201(f), Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C. this 24th day of October 1975.

For the Nuclear Regulatory Commission,

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-29242 Filed 10-30-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 15122; Amdt. 39-2413]

PART 39—AIRWORTHINESS DIRECTIVES

Aer Pegaso M100S and Caram M200 Gliders

There have been reports of cracks being found in the aileron spar to the right of the central hinge on Aer Pegaso M100S and Caram M200 gliders which could result in structural failure of the aileron and loss of control. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to require periodic inspections of the aileron spar on Aer Pegaso M100S and Caram M200 gliders for cracks and reinforcement of the aileron if necessary.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AER PEGASO AND CARAM. Applies to Aer Pegaso M100S gliders, all serial numbers, and

Carmam M200 gliders, except serial number 45 and subsequent, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent possible structural failure of alleron spars accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, and, thereafter, at intervals not to exceed 20 hours' time in service from the last inspection, visually inspect the alleron spar to the right of the central hinge for cracks.

(b) If a crack is found during an inspection required by paragraph (a) of this AD, before further flight, reinforce the affected area with plates made of 1.5 mm thick birch plywood of aeronautical quality in accordance with Carmam Drawing, titled "Modification Alleron Central Part" dated April 12, 1968, or an FAA-approved equivalent.

(c) Upon incorporation of the reinforcement specified in paragraph (b) of this AD, the inspections required by paragraph (a) of this AD may be discontinued.

This amendment becomes effective November 14, 1975.

Issued in Washington, D.C., on October 23, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-29266 Filed 10-30-75;8:45 am]

[Docket No. 15123; Amdt. 39-2414]

PART 39—AIRWORTHINESS DIRECTIVES

Alexander Schleicher Segelflugzeugbau Ka2B, 6, 6B, 6BR, 6C, 6CR; K7, K8, AS-K13 Gliders

There have been loose glue joints detected at the elevator rib No. 1 to the nose skin on both elevator halves on certain Alexander Schleicher gliders that could result in structural failure of the elevator and loss of elevator control. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to require inspection of the elevator glue joints and regluing, as necessary, on Alexander Schleicher Ka Series, K7, K8, and AS-K13 gliders.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ALEXANDER SCHLEICHER SEGELFLUGZEUGBAU. Applies to Ka2B, Ka6, Ka6B, Ka6BR, Ka6C, Ka6CR, K7, K8, and AS-K13 gliders. All serial numbers, certificated in all categories.

Compliance is required as indicated. To prevent structural failure of the elevator and loss of elevator control accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, remove the elevator from the glider and visually inspect the glue joint between nose rib No. 1 and the nose plywood skin on both elevator halves by probing with a small penknife.

(b) If insufficient glue adhesion is determined in accordance with good aeronautical practices, before further flight, remove elevator rib No. 1 in its entirety, prepare for new glue joint by roughing the surfaces to be glued, reinstall rib No. 1 by regluing, and cover joints between rib No. 1 and nose skin with fabric to protect joint against moisture.

This amendment becomes effective November 14, 1975.

Issued in Washington, D.C. on October 23, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-29267 Filed 10-30-75;8:45 am]

[Docket No. 75-NW-30-AD; Amendment 39-2410]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39-1456 (37 FR 41248), AD 72-12-1, as amended by Amendment 39-2026 (39 FR 41248), and Amendment 39-2353 (40 FR 37207), requires inspections of the P/N 65-23366 main landing gear downlock torque shafts on Boeing Model 727 series airplanes. After issuing Amendment 39-2353, the FAA became aware that the amendment did not make clear the intended initial compliance time for inspection of affected torque shafts. Therefore, the AD is being amended to correct this error.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), section 39.13 of the Federal Aviation Regulations, Amendment 39-1456 (37 FR 11235), AD 72-12-1, as amended by Amendment 39-2026 (39 FR 41248) and Amendment 39-2353 (40 FR 37207), is amended by striking out the words "this AD" (two places) from paragraph (a), and inserting the word "Amendment 39-2353" (two places) in place thereof.

This amendment becomes effective December 4, 1975.

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

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

Issued in Seattle, Washington, October 22, 1975.

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

[FR Doc.75-29264 Filed 10-30-75;8:45 am]

[Docket No. 15121; Amdt. 39-2412]

PART 39—AIRWORTHINESS DIRECTIVES

Scheibe Flugzeugbau GmbH SF 27A Gliders

Cracks have been found in the welded area of the elevator actuating lever of the elevator drive shaft in the Scheibe SF 27A glider that could result in failure of the lever and loss of elevator control. Since this condition is likely to exist or develop in other gliders of the same type design, an airworthiness directive is being issued to require an inspection for cracks, repair, as necessary, and modification of the welded area of the elevator actuating lever of the elevator drive shaft on Scheibe SF 27A gliders.

Since this situation requires immediate adoption of this regulation, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SCHLEIBER FLUGZEUGBAU GmbH. Applies to SF 27A gliders, serial numbers 6001 to 6105 inclusive, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent failure of the welded area of the elevator actuating lever of the elevator driveshaft, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, inspect the welded area of the elevator actuating lever of the elevator drive shaft for cracks in accordance with No. 1 of the Action paragraph of Scheibe Flugzeugbau Technical Note No. 257-1/74, translation dated 26 June, 1975, or an FAA-approved equivalent.

(b) If cracks are found, before further flight, repair the weld and modify the elevator drive shaft by applying a new reinforcing plate in accordance with No. 2 of the Action paragraph of Scheibe Flugzeugbau Technical Note No. 257-1/74, translation dated 26 June, 1975, or an FAA-approved equivalent.

(c) If no cracks are found, within the next 100 hours' time in service after the effective date of this AD, modify the elevator drive shaft by applying a new reinforcing plate in accordance with No. 2 of the Action paragraph of Scheibe Flugzeugbau Technical Note No. 257-1/74 translation dated June 26, 1975, or an FAA-approved equivalent.

This amendment becomes effective November 14, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

Issued in Washington, D.C. on October 16, 1975.

[FR Doc.75-29265 Filed 10-30-75;8:45 am]

[Docket No. 12782; Amdt. No. 121-125]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT**Ground Proximity Warning Systems**

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to establish procedures for the granting of an extension of the December 1, 1975, compliance date of § 121.360 for installation of a ground proximity warning system on each large turbine-powered airplane used in operations under Part 121 to any operator that can show that an extension is warranted.

After December 1, 1975, § 121.360 prohibits, with certain specified exceptions, the operation of a large turbine-powered airplane unless it is equipped with a ground proximity warning system that meets the performance and environmental standards of TSO-C92 or incorporates TSO-approved ground proximity warning equipment.

The Air Transport Association of America (ATA) has petitioned the FAA to extend the compliance date of § 121.360 for those operators that request an extension for a period of time not to extend beyond June 1, 1976. The ATA states that delays in certification programs, together with delays in equipment delivery by some manufacturers of ground proximity warning systems, have caused some ATA member airlines to foresee difficulties in meeting the December 1, 1975, date for compliance with the first four modes of the system. The ATA points out in its petition that questionnaires to all member airlines have resulted in responses that indicated that only 78.5% of the total fleets of ATA member airlines will have the first four modes installed, as required, by December 1, 1975.

The ATA points out that extension of the compliance date is in the public interest in that it will avoid grounding of aircraft and its attendant penalties both to the airlines and to the public, and recommends that procedures for granting limited extensions on an individual basis be established as soon as possible. A secondary benefit that would accrue to certificate holders to whom extensions were granted, ATA asserts, is that it could permit concurrent installation of all five modes and thereby "lessen the need for removal of aircraft from service, potentially reduce the need for dual certification testing, and simplify crew-training procedures."

The FAA's review of the matter indicates that there are a sufficient number of Part 121 certificate holders and other operators subject to Part 121 that will be unable to meet the December 1, 1975, compliance date due to circumstances beyond their control to justify the establishment of a procedure for the granting of extensions where appropriate. The FAA believes that amendment to the regulation to provide for individual extensions of the compliance date, but not beyond June 1, 1976, is justified and that

the FAA Director, Flight Standards Service, should be authorized to grant those extensions. Extensions will be granted in those cases where the petitioner can show that its inability to comply by the December 1, 1975, compliance date is due to circumstances beyond its control, and it has submitted, by December 1, 1975, a schedule for compliance, acceptable to the Director, indicating that the equipment will be installed at the earliest practicable date.

In view of the imminence of the present effective date and since this amendment imposes no additional burden on any person, I find that notice and public procedure thereon are impracticable and unnecessary, and that good cause exists for making this amendment effective in less than 30 days.

This amendment is issued under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective November 1, 1975, by amending paragraph (a) and by adding a new paragraph (h) to § 121.360 to read as follows:

§ 121.360 Ground proximity warning systems.

(a) Except as provided in paragraphs (b) and (h) of this section, after December 1, 1975, no person may operate a large turbine-powered airplane unless it is equipped with a ground proximity warning system that meets the performance and environmental standards of TSO-C92 or incorporates TSO-approved ground proximity warning equipment.

(h) A certificate holder may obtain an extension of the December 1, 1975, compliance date specified in paragraph (a) of this section, but not beyond June 1, 1976, from the Director, Flight Standards Service if, before December 1, 1975—

(1) It shows that due to circumstances beyond its control it cannot comply by that date; and

(2) It has submitted by that date a schedule for compliance, acceptable to the Director, indicating that the system will be installed at the earliest practicable date.

Issued in Washington, D.C., on October 28, 1975.

JAMES E. DOW,
Acting Administrator.

[FR Doc.75-29381 Filed 10-30-75;8:45 am]

Title 15—Commerce and Foreign Trade**CHAPTER II—NATIONAL BUREAU OF STANDARDS, DEPARTMENT OF COMMERCE****PART 256—RESEARCH ASSOCIATE PROGRAM****Technical Amendments**

The following changes are made in Part 256:

§ 256.2 [Amended]

1. In view of a policy decision no longer to collect certain overhead expenses from the Sponsors of Research Associates, § 256.2 is amended to eliminate reference to former policy in this regard by deleting the final sentence thereof.

2. Because of a change in the name of the office administering the Research Associate Program, § 256.6 is revised to read as follows:

§ 256.6 Information concerning the Research Associate Program.

Information concerning the Research Associate Program may be obtained from the Industrial Liaison Officer, National Bureau of Standards, Washington, D.C. 20234.

(27 Stat. 395, 31 Stat. 1039; 20 U.S.C. 91)

Effective date. The first change is a statement of policy and, in view of the formalistic nature of the second change, good cause is found that these changes shall become effective on October 31, 1975.

ERNEST AMBLER,
Acting Director.

OCTOBER 24, 1975.

[FR Doc.75-29322 Filed 10-30-75;8:45 am]

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE**PART 371—GENERAL LICENSES****Exemption From Shipper's Export Declaration Filing Requirement**

The *Foreign Trade Statistics Regulations* of the Bureau of the Census have been changed to exempt from the Shipper's Export Declaration requirements certain shipments made under General License RCS. A parallel revision is being made in the *Export Administration Regulations*, which will remove the requirement for Shipper's Export Declarations for exports under General License RCS when aircraft parts, equipment, and supplies are being shipped by U.S. airlines to their installations abroad for use in their aircraft operations. It should be noted that "fuel" is not included in this exemption.

Effective date of action: October 28, 1975.

Accordingly, Part 371 of the *Export Administration Regulations* (15 CFR Part 371) is amended by revising § 371.12 (b) (4), (c) (4), and (d) as follows:

§ 371.12 General License RCS; shipments to U.S. or Canadian vessels, planes, and airline installations or agents.

(b) * * *

(4) Shipped as cargo for which a Shipper's Export Declaration is filed with the carrier, or for which the Declaration is exempted by the provisions of § 372.12 (d).

(c) * * *

(4) Shipped as cargo for which a Shipper's Export Declaration is filed with the

carrier, or for which the Declaration is exempted by the provisions of § 372.12 (d).

(d) *Applicable commodities.* This general license applies to the commodities listed below. A Shipper's Export Declaration is not required when any of these commodities, other than fuel, is exported by U.S. airlines to their own installations, aircraft, and agents abroad for use in their aircraft operations.

(1) Fuel (except when listed in a Supplement to Part 377 as being under short supply control);

(2) Deck, engine, and steward department stores, provisions, and supplies;

(3) Medical and surgical supplies;

(4) Food stores;

(5) Slop chest articles;

(6) Saloon stores or supplies; and

(7) Equipment and spare parts.

FAUER H. MEYER,
Director,

Office of Export Administration.

[FR Doc. 75-29293 Filed 10-30-75; 8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 9025]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

American Tractor Trailer Training, Inc.,
et al.

Subpart—Advertising falsely or misleadingly; § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15-30 Connections or arrangements with others; 13.15-195 Nature; 13.15-225 Personnel or staff; 13.15-250 Qualifications and abilities; § 13.55 Demand, business or other opportunities; § 13.60 Earnings and profits; § 13.105 Individual's special selection or situation; § 13.115 Jobs and employment service; § 13.143 Opportunities; § 13.160 Promotional sales plans; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-45 Maintain records; 13.533-45(c) Complaints; 13.533-65 Release of general, specific, or contractual restrictions, requirements, or restraints. Subpart—Delaying or withholding corrections, adjustments or action owed; § 13.675 Delaying or withholding corrections, adjustments or action owed. Subpart—Failing to maintain records; § 13.1051 Failing to maintain records; 13.1051-20 Adequate. Subpart—Furnishing means and instrumentalities of misrepresentation or deception; § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections; § 13.1395 Connections and arrangements with others; § 13.1490 Nature; § 13.1520 Personnel or staff; § 13.1535 Qualifica-

tions.—Goods; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1663 Individual's special selection or situation; § 13.1685 Nature; § 13.1697 Opportunities in product or service; § 13.1730 Results; § 13.1740 Scientific or other relevant facts.—Promotional Sales Plans; § 13.1830 Promotional sales plans. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1870 Nature; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of American Tractor Trailer Training, Inc., a corporation; American Tractor Trailer Training School, Inc., a corporation; and Charles R. Schwab, individually and as an officer of said corporations.

Consent order requiring an East Hartford, Conn., truck driving school and its wholly-owned subsidiary in Foxboro, Mass., among other things to cease using unfair and deceptive sales tactics in promoting their services.

The Final Order, including further order requiring report of compliance therewith, is as follows: ¹

FINAL ORDER

The Administrative Law Judge filed his Initial Decision in this matter on July 28, 1975, finding respondents to have engaged in the acts and practices as alleged in the complaint and entering a Cease-and-Desist Order against respondents. That Initial Decision was entered after the default of respondents in filing an answer to the complaint and to the Administrative Law Judge's subsequent Order Providing For Reconsideration Of Default If Answer Is Filed by July 9, 1975. A copy of the Initial Decision and Order was served on the respondents American Tractor Trailer Training, Inc. and Charles R. Schwab on August 14, 1975 and respondent American Tractor Trailer Training School, Inc., on August 18, 1975. No appeal was taken from the Initial Decision.

The Commission having now determined that the matter should not be placed on its own docket for review, and that the Initial Decision should become effective as provided in § 3.51(a) of the Commission's Rules of Practice.

It is ordered, That the Initial Decision and Order contained therein shall become effective on September 17, 1975; and

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this Order, file with the Commission a written report, signed by the respondents, setting forth in detail the manner and form in which they have complied with this Order.

¹ Copies of the Complaint, Appendices, Initial Decision and Final Order, filed with the original document.

INITIAL DECISION

ORDER

I

It is ordered, That respondents American Tractor Trailer Training, Inc., American Tractor Trailer Training School, Inc., corporations, their successors and assigns, and their officers, and Charles R. Schwab, individually and as an officer of said corporations, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study, training or instruction in the field of truck driving or any other subject, trade or vocation, or of any other product or service in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing orally, visually, in writing or in any other manner, directly or by implication, that:

(a) Respondents operate, represent or are affiliated with trucking companies, employers of truck drivers, or any industry for which enrollees of any course are being trained; or misrepresenting, in any manner, the nature of respondents' business.

(b) Employment is being offered when the purpose of such offer is to obtain leads to prospective purchasers of such training courses.

(c) Respondents have been requested by trucking companies or any other business or organization to train persons for specific jobs; or misrepresenting, in any manner, respondents' connection or affiliation with any industry or any member thereof.

(d) Graduates of said courses will be qualified thereby for employment as truck drivers without further training or experience.

(e) There is a need or demand of any size, proportion or magnitude for persons completing any of the courses offered by the respondents, or otherwise representing that opportunities for employment, or opportunities of any size, figure or number are available to such persons, or that persons completing said courses will or may earn any specified amount of money, or otherwise representing by any means the prospective earnings of such persons except as hereafter provided in Paragraph 8 of the Order.

(f) Respondents or others provide a placement service which will or may secure a job for graduates of said courses.

(g) Graduates of said courses are assured of placement in the positions for which they have been trained; or representing that graduates of said courses will easily attain employment or that said courses are effective in preparing or qualifying any graduate for employment.

(h) Any person engaged in the promotion, offering for sale, sale, distribution or other use of said courses is a trained admissions counselor or vocational counselor; or misrepresenting the training, experience, title, qualifications or status

of such person or the import or meaning of any advice given by or any other statement made by any such person.

(i) Respondents accept only qualified candidates for enrollment in said courses.

(j) Said courses provide a minimum of 20 hours of road-driving instruction, when such representations do not accurately disclose the actual number of hours of behind-the-wheel road-driving instruction furnished to enrollees; or misrepresenting, in any manner, the number of actual hours of behind-the-wheel road-driving instruction furnished to enrollees.

2. Placing advertisements in "Help Wanted" columns, or failing to specify, clearly and conspicuously, as a condition to the publication of classified advertisements seeking leads to prospective purchasers, that such advertisements be published only in the education, instruction or similar columns of classified advertising.

3. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any truck driver training course offered by respondents, the following information:

(a) The title "IMPORTANT INFORMATION" printed in ten (10) point bold face type across the top of the form.

(b) Paragraphs providing the following information:

(1) Many employers of truck drivers prescribe a minimum age of twenty-one (21) years for drivers.

(2) Many employers of truck drivers give preferential consideration in hiring to driver-applicants who are twenty-five (25) years of age.

(3) Many employers of truck drivers give preferential consideration in hiring to driver-applicants with actual truck-driving experience.

4. Failing to disclose, clearly and conspicuously, in advertisements, in catalogs, brochures and on letterheads, that respondents' business is solely and exclusively that of a private school, not affiliated with any members of the trucking industry or any member of any other industry.

5. Failing to keep adequate records which may be inspected by Commission staff members upon reasonable notice which substantiate the data and information required to be disclosed by Paragraph 6 of this Order and prescribed in Appendix A hereto.

6. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any course of instruction offered by respondents, the following information in the format prescribed in Appendix A and for a base period designated as described in Appendix B hereto:

(1) The number and percentage of enrollees who have failed to complete their course of instruction, such percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(2) The placement rate, ratio or percentage for enrollees and graduates, and also the numbers upon which such rates,

ratios or percentages are based; such rate or percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(3) The salary range of respondents' graduates as to the same graduates used to compute the placement percentage in (2) above; and

(4) A list of firms or employers which are currently hiring graduates of said courses in substantial numbers and in the positions for which such graduates have been trained, and the number of such graduates hired, as to the same graduates used to compute the placement percentage in (2) above.

Provided, however, this Paragraph shall be inapplicable to any school newly established by respondents in a metropolitan area or county, whichever is larger, where they previously did not operate a school, or to any course newly introduced by respondents, until such time as the new school or course has been in operation for the base period established pursuant to Appendix B as prescribed in this Paragraph. However, during such period the following statement, and no other, shall be made in lieu of the Appendix A Disclosure Form required by this Paragraph:

DISCLOSURE NOTICE

This school [or course, as the case may be] has not been in operation long enough to indicate what, if any, actual employment or salary may result upon graduation from this school [course].

7. (a) Contracting for the sale of any course of instruction in the form of a sales contract or any other agreement which does not contain in immediate proximity to the space reserved in the contract for the signature of the prospective enrollee in bold face type of a minimum size of ten (10) points, a statement in the following form:

"You, the prospective enrollee, may cancel this transaction at any time prior to midnight of the tenth business day after the date of this transaction. See attached notice of cancellation form for an explanation of this right."

(b) Failing to furnish each prospective enrollee, at the time he signs the sales contract or otherwise agrees to enroll in a course of instruction offered by respondents, a complete form in duplicate, which shall be attached to the contract or agreement, and easily detachable, and which shall contain in ten (10) point bold face type the following information and statements:

NOTICE OF CANCELLATION

(enter date of transaction)

(date)

You may cancel this transaction, without any penalty or obligation, within ten (10) business days from the above date. If you cancel, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within ten (10) business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may, if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within twenty (20) days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for payment for said goods.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to [Name of seller], at [address of seller's place of business] not later than midnight of _____

(date)

I hereby cancel this transaction.

(date)

(Buyer's signature)

(c) Failing to orally inform each prospective enrollee of his right to cancel at the time he signs a contract or agreement for the sale of any course of instruction.

(d) Misrepresenting in any manner the prospective enrollee's right to cancel.

(e) Failing or refusing to honor any valid notice of cancellation by a prospective enrollee and within ten (10) business days after the receipt of such notice, to: (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by respondents; (iii) cancel and return any negotiable instrument executed by the prospective enrollee in connection with the contract or sale.

(f) During the cancellation period described herein, respondents shall not initiate contacts with such contracting persons other than contacts permitted by this paragraph.

8. Making any representations of any kind whatsoever, which are not already proscribed by other provisions of this Order, in connection with the advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of truckdriver training or any other course offered to the public in any field in commerce, for which respondents have no reasonable basis prior to the making or dissemination thereof.

9. Furnishing or otherwise placing in the hands of others the means and instrumentalities by and through which the public may be misled or deceived in the manner, or by the acts and practices prohibited by this Order.

It is further ordered, That:

(a) Respondents herein deliver, by registered mail, a copy of this Decision and Order to each of their present and future franchisees, licensees, employees, sales representatives, agents, solicitors, brokers, independent contractors or to any other person who promotes, offers for sale, sells or distributes any course

of instruction included within the scope of this Order.

(b) Respondents herein provide each person or entity so described in subparagraph (a) of this Paragraph with a form returnable to the respondents clearly stating his or her intention to be bound by and to conform his or her business practices to the requirements of this Order; retain said statement during the period said person or entity is so engaged; and make said statement available to the Commission's staff for inspection and copying upon request.

(c) Respondents herein inform each person or entity described in subparagraph (a) of this Paragraph that the respondents will not use or engage or will terminate the use or engagement of any such party, unless such party agrees to and does file notice with the respondents that he or she will be bound by the provisions contained in this Order.

(d) If such party as described in subparagraph (a) of this Paragraph will not agree to file the notice set forth in subparagraph (b) above with the respondents and be bound by the provisions of this Order, the respondents shall not use or engage or continue the use or engagement of such party to promote, offer for sale, sell or distribute any course of instruction included within the scope of this Order.

(e) Respondents herein inform the persons or entities described in subparagraph (a) above that the respondents are obligated by this Order to discontinue dealing with or to terminate the use or engagement of persons or entities who continue on their own the deceptive acts or practices prohibited by this Order.

(f) Respondents herein institute a program of continuing surveillance adequate to reveal whether the business practices of each said person or entity described in subparagraph (a) above conform to the requirements of this Order.

(g) Respondents herein discontinue dealing with or terminate the use or engagement of any person described in subparagraph (a) above, who continues on his or her own any act or practice prohibited by this Order as revealed by the aforesaid program of surveillance.

(h) Respondents herein maintain files containing all inquiries or complaints from any source relating to acts or practices prohibited by this Order, for a period of two years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

It is further ordered, That respondents herein present to each interested applicant or prospective student, immediately prior to the commencement of any interview or sales presentation, during which the purchase of or enrollment in any course of instruction offered by respondents herein is discussed or solicited, a 5" x 7" card containing only the following language:

YOU WILL BE TALKING TO A SALESPERSON

It is further ordered, That respondent corporations shall forthwith distribute a copy of this Order to each of their operating divisions.

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

It is further ordered, That the individual respondent, Charles R. Schwab, promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

The Initial Decision Order was issued, July 28, 1975.

The Final Order was issued by the Commission, September 17, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-29255 Filed 10-30-75; 8:45 am]

[Docket 8975]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Rosenthal Chevrolet Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.70 Fictitious or misleading guarantees; § 13.135 Nature of product or service; § 13.140 Old, reclaimed or reused product being new; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 Guarantees; § 13.1685 Nature; § 13.1695 Old, secondhand, reclaimed or reconstructed as new; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 Prices; 13.1882-10 Additional prices unmentioned. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of Rosenthal Chevrolet Co., a corporation, and Robert M. Rosenthal and Harry Rosenthal, individually and as officers of said corporation.

Consent order requiring an Arlington, Va., new and used car dealership, among other things to cease misrepresenting that any vehicle is new when it has been used in any manner other than the limited use necessary in moving or road testing it prior to delivery to the customer. Further, the com-

plaint is dismissed as to individual respondent Robert M. Rosenthal.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

ORDER

It is ordered, That respondents Rosenthal Chevrolet Co., a corporation, its successors and assigns and its officers, and Harry Rosenthal, individually and as an officer of said corporation, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution, service and repair of new and used motor vehicles, or any other products or services, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, orally or in writing, directly or by implication, that any vehicle is new when it has been used in any manner other than the limited use necessary in moving or road testing a new vehicle prior to delivery of such vehicle to the customer.

2. Offering for sale or selling any vehicle of the current or previous model year, which has been used in any manner, other than the limited use referred to in paragraph 1. above, without orally disclosing, prior to any sales presentation the nature and extent of such previous use of said vehicle.

3. Advertising any vehicle of the current or the previous model year which has been used in any manner, other than the limited use referred to in paragraph 1. above, without clearly and conspicuously disclosing in any and all advertising thereof the nature of such previous use of said vehicle.

4. Displaying, offering for sale or selling any vehicle of the current or the previous model year which has been used in any manner, other than the limited use referred to in paragraph 1. above, without clearly and conspicuously disclosing by decal or sticker affixed to the inside of the side window containing the manufacturer's suggested retail price or "Monroney sticker", or if space is not available thereon, in close proximity thereto, so as to be clearly visible, the nature of such previous use of said vehicle. Said decal or sticker shall also contain the following statement: "For Exact Mileage, See Odometer".

5. Misrepresenting, orally or in writing, directly or by implication, the nature or extent of previous use or condition of any vehicle displayed, offered for sale or sold.

6. Representing, orally or in writing, directly or by implication, that any of their motor vehicles are warranted, unless the nature and extent of the warranty, the identity of the warrantor and the manner in which the warrantor will perform are clearly and conspicuously disclosed; misrepresenting, in any man-

¹ Copies of the Complaint, Decision and Order, filed with the original document.

ner, the terms, conditions and extent of any warranty.

7. Falling to disclose both orally and in writing, prior to the signing of the completed retail order for a used motor vehicle, and in any and all advertising of such vehicles, the precise amount of handling and service charges which will be added to the cost of respondents' used motor vehicles.

It is further ordered. That respondent Robert M. Rosenthal be dismissed from the complaint as an individual and named officer of the corporate respondent.

It is further ordered: (a) That respondents shall forthwith distribute a copy of this order to each of their operating divisions;

(b) That respondents deliver a copy of this order to cease and desist to all present and future personnel engaged in the offering for sale, or sale, of any motor vehicle, and in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person;

(c) That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order;

(d) That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

(e) That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission September 30, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc. 75-29256 Filed 10-30-75; 8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 33-5631]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority; Director of the Division of Corporation Finance

The Commission today announced an amendment to its regulations governing

delegation of authority to authorized members of the Commission's staff to take action in questions presented in requests for waiver from certain filing requirements under the Securities Act of 1933 (the "Act"). Rule 437 of the Act (17 CFR 230.437) provides for the application by a registrant to the Commission to dispense with any written consent of an expert pursuant to Section 7 thereof. Such application must be supported by an affidavit establishing that the obtaining of such consent is impracticable or involves undue hardship on the registrant. The application must be filed, and the Commission's consent must be obtained prior to the effective date of the relevant registration statement.

Given the need for prompt action in such requests and otherwise to expedite the operations of the Commission in this area, the Commission has determined that authority should be delegated to the Director of the Division of Corporation Finance to act, on behalf of the Commission, on applications filed pursuant to Rule 437.

17 CFR Part 200 is amended by adding paragraph (a) (8) to § 200.30-1 as follows:

§ 200.30-1 Delegation of Authority to Director of Division of Corporation Finance.

(a) * * *

(8) To act on applications to dispense with any written consents of an expert pursuant to Rule 437 (§ 230.437 of this chapter).

The Commission finds that the foregoing action relates solely to agency organization, procedure or practice and that notice and procedures under 5 U.S.C. 553 are unnecessary. Accordingly, the foregoing action, which was taken pursuant to Public Law 87-592, 76 Stat. 394, and to section 4 of the Securities Exchange Act of 1934, becomes effective October 22, 1975.

(Pub. L. 87-592, 76 Stat. 394); (Sec. 4, 48 Stat. 885; sec. 1106(a), 63 Stat. 972 (15 U.S.C. 78d(b))).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 22, 1975.

[FR Doc. 75-29361 Filed 10-30-75; 8:45 am]

[Rel. No. IC-8999]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Reduction in 18 Month Reserve Requirements for Contractual Plans

On August 29, 1975 the Securities and Exchange Commission published notice (ICA Rel. No. 8913, 40 FR 42757, September 16, 1975) that it had under consideration proposed amendments to Rule 27d-1 [17 CFR 270.27d-1] under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.] ("the Act"), which would reduce the reserve requirements for front-end load periodic payment plan

certificates subject to Section 27(d) [15 U.S.C. 80a-27(d)] of the Act by approximately 50%.¹ The Commission has considered all of the comments received and has determined to adopt the amendments as proposed pursuant to its authority under Section 27(d) of the Act. That section permits the Commission to issue rules and regulations applicable to depositors or principal underwriters specifying such reserve requirements as it deems necessary or appropriate in order for such depositors or principal underwriters to carry out the obligations to refund sales charges required by Section 27(d).

Specifically, the amendments revise paragraphs (c) and (d) of Rule 27d-1. Paragraph (c) formerly required that the depositor or principal underwriter of a periodic payment plan certificate governed by Section 27(d) deposit into a segregated trust account 45% of that portion of the sales load which is in excess of 15% of the payment. For 50% front-end load contractual plans these deposits generally apply to the first 13 monthly payments. Under the amendment to paragraph (c) the requirement that 45% of the excess sales load be deposited will apply only to the first 6 monthly payments. This change will apply to periodic payment plans issued during the 18 months prior to the effective date of the amendment as well as to plans issued after the effective date.

Paragraph (d) of Rule 27d-1 formerly required that a minimum balance equal to 35% of the total refundable sales load on the payments made on 50% front-end load certificates be maintained in the segregated trust account. Under the amendment to paragraph (d) the minimum balance which must be maintained has been reduced to 15% of the total refundable sales load. These reduced reserve requirements will also apply to plans issued during the 18 months prior to the effective date of the amendment.

It should be noted that paragraph (f) of Rule 27d-1 does not permit withdrawals from the segregated trust account (other than withdrawals to pay refunds pursuant to Sections 27(d) and 27(f) [15 U.S.C. 80a-27(f)] of the Act) if such withdrawals reduce the reserves below 130% of the minimum balance required by paragraph (d) of the rule. Thus, although depositors or principal underwriters could withdraw amounts from the segregated trust account after this amendment becomes effective, the balance remaining may not be less than 130% of the minimum reserve of 15% of the total refundable sales load.

The Commission will continue to monitor data on the sales, persistency and refund experience of front-end load contractual plans which are filed by sponsors of these plans on Form N-27D-2 in order to determine whether further adjustments in Rule 27d-1 become necessary.

¹The reserve requirements for "spread load" periodic payment plans governed by Section 27(h) [15 U.S.C. 80a-27(h)] would not be affected by this amendment.

RULES AND REGULATIONS

Commission action.

In § 270.27d-1 paragraphs (c) and (d) are revised to read as follows:

§ 270.27d-1 Reserve requirements for principal underwriters and depositors to carry out the obligations to refund charges required by section 27(d) and section 27(f) of the Act.

(c) For every periodic payment plan certificate governed by Section 27(d), the depositor or principal underwriter shall deposit into the segregated trust account not less than 45 percent of the excess sales load on each of the first six monthly payments or their equivalent.

(d) For all periodic payment plan certificates governed by Section 27(d) which have not been surrendered in accordance with their terms, and for which the depositor or principal underwriter may be liable for the refund of any sales load, the depositor or principal underwriter shall maintain in the segregated trust account an amount equal to not less than 15% of the total refundable sales load on the payments made on those certificates. The depositor or principal underwriter shall also maintain in the segregated trust account such additional amounts as the Commission by order may require for the depositor or principal underwriter to carry out refund obligations pursuant to Sections 27(d) and 27(f) of the Act.

This amendment will become effective on December 15, 1975.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 22, 1975.

[FR Doc.75-29362 Filed 10-30-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 230—EXTERNAL PROGRAMS

Minority Business Enterprise in Federal-Aid Highway Construction

● **Purpose.** The purpose of the regulations in this subpart is to set forth rules intended to promote increased participation by minority business enterprises in Federal-aid highway construction activity. ●

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

Issued on: October 22, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

The following Subpart B of Part 230 is added to 23 CFR Chapter I:

Subpart B—Minority Business Enterprise in Federal-Aid Highway Construction

Sec.

- 230.201 Purpose.
- 230.203 Definitions.
- 230.205 Policy.
- 230.207 Action by State Highway Agencies.
- 230.209 Reports.

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48(b).

Subpart B—Minority Business Enterprise in Federal-Aid Highway Construction

§ 230.201 Purpose.

The purpose of the regulations in this subpart is to obtain increased participation by minority business firms in Federal-aid highway construction activity.

§ 230.203 Definitions.

(a) "Minority business enterprises" means a business at least 50 percent of which is owned by minority group members or, in the case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purpose of this definition "minority group members" are Negroes, Spanish-speaking American persons, American Orientals, American Indians, American Eskimos, and American Aleuts.

(b) "State highway agency" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" is considered equivalent to "State highway agency" if the context so implies.

§ 230.205 Policy.

Based on the provisions of Executive Order 11625, dated October 13, 1971, it is the policy of the Federal Highway Administration (FHWA) to promote increased participation of minority business enterprises in Federal-aid highway construction programs.

§ 230.207 Action by state highway agencies.

(a) State highway agencies and FHWA division administrators shall review and evaluate the State highway agencies' prequalification and licensing requirements for Federal-aid highway construction contracts to assure that unreasonably complex, costly or difficult requirements are not utilized. Specific attention shall be given to minimum contract dollar value requirements for prequalification or licensing based on qualifications.

(b) The State highway agencies shall take affirmative action to increase the participation of minority business firms in Federal-aid highway construction. This affirmative action shall include the following:

(1) Seek out, identify, and compile a list of minority business firms that wish to participate in the Federal-aid highway construction program and distribute the list to all prime contractors taking out

contract proposals on Federal-aid projects. Minority and other firms shall be provided with an opportunity to obtain identification of general contractors who have taken out contract proposals, unless disclosure of such information is prohibited by State law.

(2) Include appropriate provisions in the advertised specifications for Federal-aid contracts requiring bidders to submit certifications stating whether or not they intend to subcontract a portion of the work and, if so, that they have taken affirmative action to seek out and consider minority business enterprises as potential subcontractors. The provisions shall specify that each bidder intending to subcontract part of the contract work shall make contact with potential minority business enterprise subcontractors¹ to affirmatively solicit their interest, capability, and prices and shall document the results of such contacts. A bidder's failure to submit this certification or submission of a false certification shall render his bid nonresponsive.

(3) Include appropriate provisions in Federal-aid contracts to assure that prime contractors requesting permission to subcontract part of the contract work take the affirmative actions required of bidders in paragraph (b)(2) of this section if they have not done so during the bidding stage. These provisions shall specify that no subletting will be approved unless the prime contractor demonstrates he has taken such affirmative actions.

(4) Include contract provisions in Federal-aid construction contracts requiring the contractor to designate a liaison officer who will administer the contractor's minority business enterprise program.

§ 230.209 Reports.

Minority business contract and subcontract awards are to be reported quarterly on revised Form FHWA 1405 (October, 1974).

Effective date: These regulations take effect on December 1, 1975, for contracts for projects authorized for advertising by the Division Administrator on or after that date.

[FR Doc.75-29262 Filed 10-30-75;8:45 am]

Title 24—Housing

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

[Docket No. FI-543]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Cottage Grove, Minnesota

The Federal Insurance Administrator, in accordance with Section 110 of the

¹ Potential minority business enterprise subcontractors will be identified in the State highway agency's current list of interested firms or from other appropriate sources.

Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Cottage Grove, Minnesota, under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 7516-80th Street, Cottage Grove, Minnesota 55106.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Mississippi River.....	Gray Cloud Trail.....	607	From end of Gray Cloud Trail to 100 ft west of intersection with dirt road.
	Burlington Northern RR.	606	Starts 750 ft southeast of sewage disposal and spans (going east) 400 ft.
	Burlington Northern RR.	606	Starts 3,500 ft east of waste disposal ponds and spans (going east) 375 ft.
Moors Lake Channel..	Geneva Ave., South.....	608	From corporate limits to 425 ft south of corporate limits.
	Gray Cloud Trail.....	607	From 1,500 ft north of intersection with Geneva Ave., south to intersection with Geneva Ave.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting
Federal Insurance Administrator.

[FR Doc.75-29277 Filed 10-30-75;8:45 am]

[Docket No. FI-529]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for the City of Lamesa, Texas

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Lamesa, Texas, under § 1917.9 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the city must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to Section 1917.9(a), the Administrator has resolved the appeals presented by the community. Therefore, publication of this notice is in compliance with Section 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 310 South Main Street, Lamesa, Texas.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one-percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Sulfur Springs Draw	Avenue S.....	2948.7	180	50
	Hillside Dr.....	2948.4	220	180
	1st St.....	2947.8	280	100
	South 2d St.....	2942.8	325	200
	Avenue O.....	2941.0	330	110
	Avenue N.....	2940.6	320	120
	Avenue M.....	2940.4	310	125
	Avenue L.....	2940.0	300	140
	Avenue K.....	2939.8	220	210
	Byran Ave.....	2939.6	60	120
	South 9th St.....	2936.5	1 270	430
	Houston Ave.....	2935.0	110	320
Playa Lake (9th St.)	North 9th St.....	2977.0	2 530	2 10
	Houston Ave.....	2977.0	4 340	1 80
Playa Lake (22d St. and Lynn Ave.)	North 22d St.....	2991.0	4 600	
	North 24th St.....	2991.0	4 400	

¹ Measured along South 10th St.

² Measured east from Houston Ave.

³ Measured west from Houston Ave.

⁴ Measured south from center of 9th St.

⁵ Measured north from center of 9th St.

⁶ Measured east from center of North 22d St. and Lynn Ave. intersection.

⁷ Measured east from center of North 24th St. and Lynn Ave. intersection.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: October 15, 1975.

J. ROBERT HUNTER,

Acting

Federal Insurance Administrator.

[FR Doc.75-29280 Filed 10-30-75;8:45 am]

[Docket No. FI-279]

PART 1920—PROCEDURE FOR MAP CORRECTION

Town of Hamden, Connecticut; Letter of Map Amendment

On January 4, 1974, in 39 FR 1984, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Town of Hamden, Connecticut, as an eligible community and included Map No. H 090078 08, which indicates that the three structures known as Plant No. 2, the V.U.P. Building, and the Main Office Building, on land in Hamden, Connecticut, as recorded on Map No. 3080 in Map File No. 580, in the office of the Town Clerk of Hamden, Connecticut, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above mentioned structures are not within the Special Flood Hazard Area. Accordingly, effective January 16, 1974, Map No. H 090078 08 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969

(33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,

Acting Federal

Insurance Administrator.

[FR Doc.75-29281 Filed 10-30-75;8:45 am]

[Docket No. FI-239]

PART 1920—PROCEDURE FOR MAP CORRECTION

The Village of Lindenhurst, Illinois; Letter of Map Amendment

On April 11, 1974, in 39 FR 13147, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Lindenhurst, Illinois, as an eligible community and included Map No. H 170379 01 which indicates that Lot 13, Block 194, Unit 24, being 2204 East Lake Shore Drive, Lindenhurst, Illinois, as recorded in Plat Book 39, Page 26 in the office of the Recorder of Lake County, Illinois, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above property is not within the Special Flood Hazard Area. Accordingly, effective April 5, 1974, Map No. H 170379 01 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Adminis-

trator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,

Acting

Federal Insurance Administrator.

[FR Doc.75-29282 Filed 10-30-75;8:45 am]

[Docket No. FI-446]

PART 1920—PROCEDURE FOR MAP CORRECTION

City of Shreveport, Louisiana; Letter of Map Amendment

On January 13, 1975, in 40 FR 2427, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Shreveport, Louisiana, as an eligible community and included Map No. H 220036 28, which indicates that the existing structure on Lot 40, The Meadow Subdivision Unit No. 1, Shreveport, Louisiana, as recorded in Book 1500, Page 19, of the records of Caddo Parish, Louisiana, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the structure on the above mentioned property is not within the Special Flood Hazard Area. Accordingly, effective January 3, 1975, Map No. H 220036 28 is hereby corrected to reflect that the above structure is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,

Acting

Federal Insurance Administrator.

[FR Doc.75-29283 Filed 10-30-75;8:45 am]

Title 29—Labor

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS, DEPARTMENT OF LABOR

PART 202—REPRESENTATION PROCEEDINGS

Procedures for Consolidation of Existing Exclusively Recognized Units Under Section 10(a) of Executive Order 11838

On August 21, 1975, notice of amendments to 29 CFR Part 202 was published in the FEDERAL REGISTER (40 FR 36576), proposing to grant both an agency and a labor organization equal rights to initiate unilaterally the procedures for consolidation of existing exclusively recognized units where bilateral agreement was not possible. Interested persons were given to

September 22, 1975, to offer data, views or comments regarding the proposed regulations.

After consideration of all relevant comments received and matter presented, and pursuant to the authority of Executive Order 11491, as amended by Executive Orders 11616, 11636, 11838, and Secretary's Order No. 11-72, I hereby adopt, without change, the proposed regulations as set forth below, and to hereby correct a typographic error in Part 202 of Chapter II of Title 29, as follows:

PART 202—REPRESENTATION PROCEEDINGS

1. The table of contents is amended by revising the title of § 202.2 as follows:

Sec.	Contents of petition; procedures for national consultation rights and for consolidation of existing exclusively recognized units filing and service of petition; challenges to petition.
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2. Section 202.1 is revised as follows:

§ 202.1 Who may file petitions.

(f) A petition to consolidate existing exclusively recognized units may be filed by a labor organization(s), or by an activity(ies) or agency.

3. Section 202.2 is revised as follows:

§ 202.2 Contents of petition; procedures for national consultation rights and for consolidation of existing exclusively recognized units filing and service of petition; challenges to petition.

(h) *Petition and procedures for consolidation of existing exclusively recognized units.* (1) Action to be taken before filing a petition to consolidate existing exclusively recognized units:

(i) A request in writing must be served by a labor organization or by two or more labor organizations jointly within a single agency, on an activity(ies) or agency, or must be served by an activity(ies) or agency on a labor organization(s), requesting the consolidation of existing exclusively recognized units represented by the labor organization(s).

(ii) The request shall contain a clear and concise description of the existing exclusively recognized units sought to be consolidated and whether the labor organization(s), activity(ies) or agency involved desire(s) the consolidation with or without an election.

(2) When and where a petition to consolidate existing exclusively recognized units may be filed:

(i) If the labor organization(s), activity(ies) or agency involved reject(s) in writing or fails to respond to the requested consolidation of units within thirty (30) days after the service of the request, the labor organization(s), activity(ies) or agency involved may file a petition to consolidate existing exclu-

sively recognized units. The petition must be filed with the Area Director for the area where the headquarters of the activity or agency of the proposed consolidated unit is located: *Provided, however,* That where a petition to consolidate existing exclusively recognized units involves two or more activities, such petition may be filed with the Area Director for the area where the headquarters of any of the activities involved is located.

(ii) If there is a bilateral agreement to consolidate existing exclusively recognized units, the labor organization(s), activity(ies) or agency involved, may individually or jointly file a petition for an election in the proposed unit with the appropriate Area Director as set forth in paragraph (h) (2) (i) of this section.

(iii) If the labor organization(s), activity(ies) or agency involved bilaterally agree to consolidate existing exclusively recognized units without an election, they shall file jointly a petition to consolidate such units without an election with the appropriate Area Director as set forth in paragraph (h) (2) (i) of this section.

(3) A petition to consolidate existing exclusively recognized units shall contain the information required by paragraph (a) of this section, except subparagraphs (2), (3), (6), and (9) and shall set forth:

(i) A description of the proposed consolidated unit claimed to be appropriate for the purpose of exclusive representation. Such description shall indicate generally the geographic locations and the classifications of employees sought to be included and those sought to be excluded and the approximate number of employees in the consolidated unit claimed to be appropriate for the purpose of exclusive recognition;

(ii) A description of each existing exclusively recognized unit encompassed by the petition, the dates of recognition or certification, the name(s) and address(es) of the exclusively recognized labor organization(s) involved, and the approximate number of employees in each unit;

(iii) A statement that a request to consolidate existing exclusively recognized units has been served on the labor organization(s) activity(ies) or agency involved and the date of the service of such request;

(iv) A statement as appropriate:

(A) That the labor organization(s), activity(ies) or agency involved agree to consolidate existing exclusively recognized units without an election;

(B) That the labor organization(s), activity(ies) or agency involved desire(s) the Assistant Secretary to hold an election on the issue of the proposed consolidation;

(C) That the labor organization(s), activity(ies) or agency involved has rejected or has failed to respond to the request to consolidate together with the date of the service of the written rejection, if any;

(D) The name(s) of the labor organization(s), activity(ies) or agency involved that should appear on the certification on consolidation of units, if such a certificate is issued.

(4) The following govern petitions filed under this paragraph:

(i) Upon the request of the Area Director, after the filing of a petition to consolidate existing exclusively recognized units, the activity(ies) or agency involved shall post copies of a notice to all employees in places where notices are normally posted affecting the employees in the exclusively recognized units involved in the proceeding.

(ii) Such notice shall set forth, as appropriate:

(A) The name(s) of petitioner(s).
(B) The description of the proposed consolidated unit.

(C) A statement that a petition for an election in the proposed unit has been filed, or, in the event there is a bilateral agreement to consolidate without an election, a statement that if, within ten (10) days from the date of posting of such notice, thirty (30%) percent or more of the employees in the proposed consolidated unit have notified the Area Director in writing that they desire the Assistant Secretary to hold an election on the issue of the proposed consolidation, such an election will be supervised by the Area Director.

(5) The notice shall remain posted for a period of ten (10) days. It shall be posted conspicuously and shall not be covered by other material, altered or defaced.

(6) The Area Director shall make such investigation as he deems necessary. Thereafter, the Assistant Regional Director shall issue and serve on the labor organization(s) and activity(ies) or agency involved a report and findings with respect to the petition to consolidate existing exclusively recognized units. The labor organizations, activity(ies) or agency involved or a labor organization granted intervention pursuant to § 202.5(e), may obtain a review of such report and findings pursuant to § 202.6(d). If no request for review is filed, or if one is filed and denied, the Assistant Regional Director shall take such action as may be appropriate, which may include causing the Area Director to issue a certification on consolidation of units; *Provided, however,* That where the Assistant Regional Director approves, or causes the Area Director to approve, a withdrawal request, or determines to supervise an election; or to issue a notice of hearing, no such report and findings need be issued and such action shall not be subject to review by the Assistant Secretary. The Assistant Regional Director, if appropriate, may cause a notice of hearing to be issued where substantial factual issues exist warranting a hearing. Hearings shall be conducted by Hearing Officers in accordance with §§ 202.8 through 202.16.

(7) Agreement for Unit Consolidation Election: (i) Where an election is appropriate because the petitioner(s) or thirty (30%) percent of the affected employees desire the Assistant Secretary to hold an election on the consolidation issue, the labor organization(s), activity(ies) or agency involved must sign an agreement providing for such an election on a form prescribed by the Assistant

Secretary. The agreement shall be filed with the appropriate Area Director.

(ii) The labor organization(s), activity(ies) or agency involved shall agree on the eligibility period for participation in the election, the date(s), hour(s) and place(s) of the election and other related election procedures. In the event that they cannot agree, the Area Director, acting on behalf of the Assistant Secretary, shall decide these matters.

(iii) If the Area Director approves the agreement, the election by secret ballot shall be conducted by the activity(ies) or agency, as appropriate, under the supervision of the Area Director, in accordance with §§ 202.17 (a), (b), (c), and (f), 202.18, 202.19, and 202.20. There shall be no runoff elections.

(8) Upon the issuance of a certification on consolidation of units, the terms and conditions of existing agreements covering those units embodied in the consolidation shall remain in effect, except as mutually agreed by the parties, until a new agreement covering the consolidated unit becomes effective.

In 40 FR at page 19988, § 202.20 (f), insert in line 7 the number "6" in between "§ 202" and "(d)". As revised § 202.20 (f) reads as follows:

(f) Any party aggrieved by the findings of an Assistant Regional Director with respect to objections to an election or challenged ballots, may obtain a review of such action by the Assistant Secretary by following the procedure set forth in § 202.6(d) of this chapter: *Provided, however,* That a determination by the Assistant Regional Director to issue a notice of hearing shall not be subject to review by the Assistant Secretary.

Since the effect of this amendment is to correct a policy interpretation within the meaning of 5 U.S.C. 553(d) (2) and also relieves a restriction within the meaning of 5 U.S.C. 553(d) (1) by permitting an agency to initiate unilaterally the procedures for consolidation of existing exclusively recognized units where bilateral agreement was not possible, this rule shall be effective October 31, 1975.

Signed at Washington, D.C. this 28th day of October, 1975.

PAUL J. FASSER, JR.,
Assistant Secretary of Labor
for Labor-Management Relations.

[FR Doc. 75-29341 Filed 10-30-75; 8:45 am]

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

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Iowa Plan; Level of Federal Enforcement

1. *Background.* Part 1954 of Title 29, Code of Federal Regulations, sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been

approved under section 18(e) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, Federal enforcement authority will not be exercised as to occupational safety and health issues covered under a State plan where a State is operational. A State is determined to be operational under § 1954.3(b) of this chapter when it has provided for the following requirements: enacted enabling legislation, approved State standards, a sufficient number of qualified enforcement personnel, and provisions for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth the Federal-State responsibility is to be published in the FEDERAL REGISTER.

2. *Notice of Iowa operational agreement.* (a) In accordance with the provisions of § 1954.3 of this chapter, notice is hereby given that it has been determined that Iowa has met the following conditions for operational status:

(1) Enactment of the Iowa Occupational Safety and Health Act of 1972 (Iowa Senate File 1218—Chapter 88 of the Iowa Code) (hereinafter referred to as the Iowa Act) which became effective as of July 1, 1972; and was amended by Senate File 92, which became effective on July 1, 1975.

(2) Promulgation under the Iowa Act of general industry and construction standards by the Iowa Bureau of Labor on July 1, 1972, and updated on August 30, 1974, April 7, 1975, and July 1, 1975. The maritime standards of 29 CFR 1910.13 through 1910.16 are excluded as Iowa has chosen not to assume jurisdiction over maritime or longshoring activities covered by those standards. The general industry and construction standards were found in the professional judgment of the Assistant Regional Director to be identical to the Federal standards in 29 CFR Part 1910 and 29 CFR Part 1926, and to provide overall protection equal to the comparable Federal standards in such issues.

(3) A sufficient number of qualified safety and health personnel employed under an approved merit system, that is, twenty-one (21) safety inspectors and three (3) health inspectors as of July 1, 1975.

(4) Operation since June 1, 1973, of a review and appeals system before the Iowa State Review Commission providing the mechanism for employers and employees to contest enforcement actions and/or abatement dates. The appeals are processed by the Commission

under legislation effective on July 1, 1972.

(5) State enforcement since July 20, 1973, of the State standards described in (2) above, by the Iowa Bureau of Labor, and monitoring of this enforcement program under Subpart C of 29 CFR Part 1954, including three semi-annual evaluations, covering the period from July 1, 1973, to December 31, 1974.

(b) In addition, the State has provided under its plan for:

(1) Notification to employers and employees of rights and responsibilities under the State Act by requiring the display (starting August 1, 1975) of an approved State poster in workplaces covered by the plan.

(2) Occupational accident and illness recordkeeping and reporting by employers covered under the plan;

(3) Responding to complaints filed with the Iowa Bureau of Labor for violations of the prohibition against discrimination by employers against employees for exercising their rights under the State Act (§ 10.3).

(4) Assurance of the rights of employers and employees and their representatives consistent with the provisions of the Federal Act and its implementing regulations;

(5) Coverage of State and local Government employees in a manner designed to be ultimately as effective as the protection provided for private employees. Pursuant to this finding, an agreement effective July 1, 1975, and incorporated as part of the Iowa plan has been entered into between Jerry L. Addy, Commissioner of the Iowa Bureau of Labor, and J. A. Reiding, Assistant Regional Director for Occupational Safety and Health of the U.S. Department of Labor, providing that Federal enforcement activity under section 18(e) of the Act will not be initiated after August 1, 1975 with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926 wherever Iowa occupational safety and health standards are in effect and operational.

Under the agreement Federal responsibility under the Act will continue to be exercised, among other things, with regard to complaints about violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement of standards promulgated under the Act subsequent to the agreement where necessary to protect employees, as in the case of standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), until such time as the State shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; enforcement of Federal standards in the maritime and longshoring issues covered by 29 CFR 1910.13 through 1910.16, which issues have been specifically excluded from coverage under the plan; inspections of bridge construction projects on structures spanning the Mississippi and Missouri Rivers between the State of Iowa and other States; and investigations and inspections for the purpose of evaluat-

ing the State plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The agreement is subject to revision or termination by the Assistant Secretary of Labor for Occupational Safety and Health upon substantial failure by the State to comply with any of its provisions, or when the results of evaluation under 29 CFR Part 1954 reveal that State operations covered by the agreement fall in a substantial manner to be at least as effective as the Federal program.

In accordance with this agreement and effective as of August 1, 1975, Subpart J of 29 CFR Part 1952 is hereby amended as set forth below.

Section 1952.162 is revised to read as follows:

§ 1952.162 Level of Federal enforcement.

Pursuant to §§ 1902.20(b)(1)(III) and 1954.3 of this chapter under which an agreement has been entered into with Iowa, effective July 1, 1975, and based on a determination that Iowa is operational in issues covered by the Iowa occupational safety and health plan, discretionary Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) will not be initiated with regard to Federal occupational safety and health standards in issues covered under 29 CFR Part 1910 and 29 CFR Part 1926. The U.S. Department of Labor will continue to exercise authority, among other things, with regard to: complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(e) of the Act (29 U.S.C. 660(e)); Federal standards promulgated subsequent to the agreement where necessary to protect employees, as in the case of temporary emergency standards promulgated under section 6(c) of the Act (29 U.S.C. 655(c)), in the issues covered under the plan and the agreement until such time as Iowa shall have adopted equivalent standards in accordance with Subpart C of 29 CFR Part 1953; standards in 29 CFR 1910.13 through 1910.16, which issues have been specifically excluded from coverage under the Iowa plan; inspections of bridge construction projects on structures spanning the Mississippi and Missouri Rivers between the State of Iowa and other States; and investigations and inspections for the purpose of the evaluation of the Iowa plan under section 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)). The Assistant Regional Director for Occupational Safety and Health will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667 (e)) whenever, and to the degree, necessary to assure occupational safety and health protection to employees in Iowa. (Secs. 8(g)(2), 18, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C., this 28th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc. 75-29344 Filed 10-30-75; 8:45 am]

Title 31—Money and Finance: Treasury
SUBTITLE A—OFFICE OF THE SECRETARY
OF THE TREASURY

PART 9—EFFECTS OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Miscellaneous Amendments

Treasury Department regulations under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), regarding investigations to determine the effects on the national security of imports of any article, are hereby amended to implement section 127(d) of the Trade Act of 1974, approved January 3, 1975 (Pub. L. 93-618; 88 Stat. 1993) and to update certain provisions.

Section 127(d)(3) of the Trade Act of 1974 amended section 232 of the Trade Expansion Act of 1962 to require the Secretary of the Treasury to investigate and determine whether any article is being imported in such quantities or under such circumstances so as to threaten to impair the national security and, within one year after receiving an application of an interested party requesting the investigation or otherwise beginning an investigation, to report his findings and recommendations for action or inaction to the President. In making this investigation, the Secretary of the Treasury is required to consult with the Secretary of Defense, the Secretary of Commerce, and any other appropriate officer of the United States. To reflect these changes, section 9.3(b) and 9.7(e) of the regulations (31 CFR 9.3(b), 9.7(e)) are being amended.

Section 127(d)(3) of the Trade Act of 1974 also authorizes the Secretary of the Treasury, if he determines it appropriate, to hold public hearings so that interested parties can present information and advice relevant to a national security investigation. Section 9.7 of the regulations is being amended to reflect this change.

The regulations are also being amended to update the title of the Assistant Secretary of the Treasury (Enforcement, Operations, and Tariff Affairs) to conform with Treasury Department Order 190 (Revision 10). Further, section 9.6 of the regulations (31 CFR 9.6) is being amended to conform with existing law and agency procedure and practice for determining whether information submitted for an investigation will be treated as confidential. Section 9.9 of the regulations (31 CFR 9.9) is being revised to provide that reports of the findings of investigations will be published in the FEDERAL REGISTER, rather than providing that notice of the publication of reports will be published in the FEDERAL REGISTER.

1. The authority section of 31 CFR Part 9 is amended to read as follows:

AUTHORITY: (Sec. 232; as amended, 76 Stat. 877, 80 Stat. 369 (19 U.S.C. 1862); 5 U.S.C. 301; Reorganization Plan No. 1 of 1973; and E. O. 11725, dated June 27, 1973 (38 FR 17175).

2. Section 9.2 is revised to read as follows:

§ 9.2 Definitions.

As used herein, "Secretary" means the Secretary of the Treasury and "Assistant Secretary" means the Assistant Secretary of the Treasury (Enforcement, Operations, and Tariff Affairs).

3. Section 9.3(b) is revised to read as follows:

(b) The Secretary shall report the findings of his investigation under subsection (a) of this section with respect to the effect of the importation of such article in such quantities or under such circumstances upon the national security and, based on such findings, his recommendation for action or inaction to the President within one year after receiving an application from an interested party or otherwise beginning an investigation under this section.

4. Section 9.5(a) is revised to read as follows:

(a) Applications shall be in writing. Twenty-five copies shall be filed by mail with the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, Washington D.C. 20220.

5. Section 9.6 is revised to read as follows:

§ 9.6 Confidential information.

Information submitted in confidence which the Assistant Secretary determines would disclose trade secrets and commercial or financial information obtained from a person and privileged, within the meaning of 5 U.S.C. 552 and 31 CFR Part 1, will be accorded confidential treatment. All information submitted in confidence must be on separate pages marked "Business Confidential."

6. Sections 9.7(b), (c), (d), and (f) (5) are revised to read as follows:

§ 9.7 Conduct of investigation.

(b) If the Assistant Secretary determines that it is appropriate to hold public hearings or otherwise afford interested parties an opportunity to present information and advice relevant to an investigation, he shall issue a public notice which shall be published in the FEDERAL REGISTER. Such notice shall include a statement of the time, place and nature of any public hearing or shall solicit from any interested party written comments, opinions, or data relative to the investigation, to be submitted to the Assistant Secretary within

the time period specified in the notice. Rebuttal to material so submitted may be filed with the Assistant Secretary within such time as is specified in the public notice. All data, comments and opinions shall be submitted with 25 copies.

(c) All applications filed and all comments, opinions, and data submitted pursuant to paragraph (b) of this section, except information determined to be confidential as provided in § 9.6, will be available for inspection and copying at the Office of the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, in Washington, D.C. The Assistant Secretary will maintain a roster of persons who have submitted materials.

(e) The Assistant Secretary or his delegate shall, in the course of the investigation, seek information or advice from, and consult with, the Secretary of Defense, the Secretary of Commerce, or their delegates, and any other appropriate officer of the United States as the Assistant Secretary shall determine.

(5) The hearing will be stenographically reported. The Assistant Secretary will not cause transcripts of the record of the hearing to be distributed to the interested parties, but a transcript may be inspected at the Office of the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, in Washington, D.C., or purchased from the reporter.

7. Section 9.9 is revised to read as follows:

§ 9.9 Report.

A report will be made and published in the FEDERAL REGISTER upon the disposition of each request, application or motion under § 9.3 of this part. Copies of the report will be available at the Office of the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury.

Inasmuch as these amendments merely conform these regulations to the Trade Act of 1974, agency management and organization, existing administrative procedure or practice, and require no public initiative, notice and public procedure is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. These amendments will be effective October 31, 1975.

Dated: October 22, 1975.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.
[FR Doc. 75-29271 Filed 10-30-75; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 447-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to the New York State Implementation Plan

On April 8, 1974, the Commissioner of the New York State Department of Environmental Conservation submitted a proposed revision to the New York State Transportation Control Plan for the Genesee-Finger Lakes Intrastate Air Quality Control Region.

The plan which was originally approved by the Administrator on June 22, 1973 provided for the 1975 attainment and subsequent maintenance of the national ambient air quality standard for photochemical oxidants through implementation of: (1) the Federal Motor Vehicle Control Program (FMVCP); (2) the control of industrial process sources; and, (3) the inspection and maintenance of light-duty vehicles.

The revision submitted on April 8, 1974 was subject to State public hearings on March 12, 1974 and contains the following:

(1) an estimate of additional reductions to be obtained in hydrocarbon emissions from process sources due to solvent reformulation and control;

(2) a recalculation of automobile emissions based on an assumption of a greater amount of travel in new vehicles than that which was assumed in the original plan using national driving characteristics; and

(3) a proposal to delete the inspection and maintenance of light-duty vehicles as an element in the control strategy.

The reduction in hydrocarbon emissions from the major process source will not be attained until July 1, 1976. The Administrator believes that this delay from 1975 for attainment of the national standard for photochemical oxidants is justified since an inspection/maintenance program could not be implemented prior to July 1, 1976.

On August 1, 1975 (40 FR 32346) EPA published a notice of proposed rulemaking covering the subject revision to the New York State Transportation Control Plan and solicited public comments on this action. On page 32347 of this notice the total reduction which is predicted to occur as a result of this revision is presented. It is shown that the revision is more than adequate to provide for the attainment and maintenance of the national standard for photochemical oxidants. The Administrator concurs with the State's analysis and agrees that the inspection/maintenance program for light-duty vehicles in this AQCR appears unnecessary. At the close of the public

comment period on August 31, 1975, two comments had been received by the EPA Region II Office.

The first comment received expressed the belief that inspection/maintenance is not a reasonable strategy for reducing pollutant emissions and, therefore, that the revision request should be approved.

The Administrator has determined that the comment does not directly relate to the revision request submitted by the State. The State's decision to delete inspection/maintenance as a control strategy element was based on revised calculations which show that this program is no longer required to provide for the attainment and maintenance of the national standard for photochemical oxidants. The Administrator still believes that inspection/maintenance is a feasible and cost effective program to reduce emissions of carbon monoxide and hydrocarbons.

The second comment points out that the current vehicle turnover rate in the Genesee-Finger Lakes AQCR cannot be extrapolated to future years due to changing gasoline prices, oil shortage fears and Federal safety requirements which make car costs more costly and less desirable. The Administrator has determined that the above factors may significantly affect the rate of vehicle turnover in this AQCR. However, factors such as increased fuel economy and increased reductions in carbon monoxide and hydrocarbon emissions from new vehicles will offset any of the factors raised above.

Effective Date: These revisions will become effective on December 1, 1975.

42 U.S.C. 1857c-5 and 9

JOHN QUARLES,
Acting Administrator.

OCTOBER 24, 1975.

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

1. In § 52.1670, paragraph (c) is amended by revising subparagraph (3) as follows:

§ 52.1670 Identification of plan.

(c) * * *

(3) October 26, 1973, November 27, 1973, January 17, 1974, April 8, 1974, August 29, 1974, October 11, 1974, December 6, 1974, January 27, 1975, February 25, 1975 and May 8, 1975.

[FR Doc. 75-29233 Filed 10-30-75; 8:45 am]

[449-4]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCE

Delegation of Authority to State of Colorado

Pursuant to the delegation of authority for the standards of performance for

eleven categories of new stationary sources (NSPS) to the State of Colorado on August 27, 1975, EPA is today amending 40 CFR 60.4. Address, to reflect this delegation. A Notice announcing this delegation is published today in the FEDERAL REGISTER. The amended § 60.4, which adds the address of the Colorado Air Pollution Control Division to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on August 27, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 111 of the Clean Air Act, as amended, 42 U.S.C. 1857c-6.

Dated: October 22, 1975.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 60.4 paragraph (b) is amended by revising subparagraph (G) to read as follows:

§ 60.4 Address.

(b) * * *

(G)—State of Colorado, Colorado Air Pollution Control Division, 4210 East 11th Avenue, Denver, Colorado 80220.

[FR Doc.75-29234 Filed 10-30-75;8:45 am]

[449-5]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Colorado

Pursuant to the delegation of authority for national emission standards for hazardous air pollutants (NESHAPS) to the State of Colorado on August 27, 1975, EPA is today amending 40 CFR 61.04, Address, to reflect this delegation. A Notice announcing this delegation is published today in the Federal Register. The amended § 61.04, which adds the address of the Colorado Air Pollution Control Division to which all reports, requests, applications, submittals, and communications to the Administrator pursuant to this part must also be addressed, is set forth below.

The Administrator finds good cause for foregoing prior public notice and for making this rulemaking effective immediately in that it is an administrative

change and not one of substantive content. No additional substantive burdens are imposed on the parties affected. The delegation which is reflected by this administrative amendment was effective on August 27, 1975, and it serves no purpose to delay the technical change of this addition of the State address to the Code of Federal Regulations.

This rulemaking is effective immediately, and is issued under the authority of Section 112 of the Clean Air Act, as amended, 42 U.S.C. 1857c-7.

Dated: October 22, 1975.

STANLEY W. LEGRO,
Assistant Administrator
for Enforcement.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.04 paragraph (b) is amended by revising subparagraph (G) to read as follows:

§ 61.04 Address.

(b) * * *

(G)—State of Colorado, Colorado Air Pollution Control Division, 4210 East 11th Avenue, Denver, Colorado 80220.

[FR Doc.75-29237 Filed 10-30-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

[PUBLIC LAND ORDER 5545; I-8770]

IDAHO

Partial Revocation of Executive Order No. 7655

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Executive Order No. 7655 of July 12, 1937, creating the Deer Flat National Wildlife Refuge, is hereby revoked so far as it affects the following described lands:

BOISE MERIDIAN

T. 3 N., R. 3 W.,

Secs. 19 and 20, those portions lying north and west of the centerline of the road right-of-way on the shoreline area of Lake Lowell, designated as the "lower embankment";

Sec. 29, that portion of lots 1 and 3 lying south of the centerline of Lake Shore Drive;

Sec. 30, that portion of lot 11 lying south of the centerline of Lake Shore Drive;

Sec. 32, that portion of lot 1 lying south and west of the centerline of Lake Shore Drive.

T. 2 N., R. 3 W.,

Sec. 2, that portion of lots 5 and 7 and the S½SE¼ of said section lying south of the centerline of Lake Shore Drive;

Sec. 3, that portion of the N½ of said section lying south of the centerline of Lake Shore Drive;

Sec. 12, that portion of the NE¼ of said section lying south of the centerline of Lake Shore Drive.

T. 2 N., R. 2 W.,

Sec. 18, that portion of the NE¼ of said section lying south of the centerline of Lake Shore Drive.

The area described aggregates approximately 175 acres in Canyon County.

2. Except for any private lands which may be involved, the lands described in paragraph 1 above remain withdrawn from all forms of appropriation under the public land laws, including the mining laws, for the Payette-Boise Reclamation Project.

JACK O. HORTON,
Assistant Secretary
of the Interior.

OCTOBER 24, 1975.

[FR Doc.75-29261 Filed 10-30-75;8:45 am]

Title 9—Animals and Animal Products

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

PART 307—FACILITIES FOR INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Overtime or Holiday Inspection Service Schedule of Operations, Billing—Amendment

On October 3, 1975, there were published in the FEDERAL REGISTER (40 FR 45798-45801) amendments to Part 307 of the Federal meat inspection regulations (9 CFR 307), and Part 381 of the poultry products inspection regulations (9 CFR 381) pertaining to overtime and holiday inspection service, schedules of operations, and billings. The amendments were to become effective November 3, 1975.

Since the publication on October 3, additional information has become available which requires consideration and a reassessment of certain provisions of the regulations which pertain to the limitation on the number of hours inspectors may be engaged per shift in the performance of duty (§§ 307.4(e) and 381.37(e)) and to the authority of the Administrator to designate, in the case of small operations, the hours of the day and the days of the week during which operations requiring inspection may be conducted (§§ 307.4(f) and 381.37(f)). Therefore, such provisions are being deleted so that further evaluation and assessment may be made, as follows:

§ 307.4 [Amended]

1. Section 307.4 is amended by deleting paragraphs (e) and (f).

§ 381.37 [Amended]

2. Section 381.37 is amended by deleting paragraphs (e) and (f).

Effective date: November 3, 1975.

Done at Washington, D.C., this 30th day of October, 1975.

J. M. HEJL,
Acting Administrator, Animal
and Plant Health Inspection
Service.

[FR Doc.75-29625 Filed 10-30-75;12:18 pm]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

ADJUSTED GROSS INCOME

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR: T, Washington, D.C. 20224, by December 8, 1975. Pursuant to 26 CFR 601.601 (b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, persons submitting written comments should not include therein material that they consider to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Commissioner by December 8, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains amendments to the Income Tax Regulations (26 CFR Part 1) in order to conform the regulations under section 62 of the Internal Revenue Code of 1954 to the provisions of section 6 of the Act of October 26, 1974 (88 Stat. 1457).

Section 62 was amended by the addition of paragraph (11) (which should be

properly designated as paragraph (12)) which provides that amounts forfeited as a result of a premature withdrawal of funds from a time savings account or similar deposit are to be deducted from gross income in arriving at adjusted gross income. These regulations are effective for taxable years beginning after December 31, 1972.

Proposed amendments to the regulations. In view of the foregoing, such regulations are amended as follows:

Paragraph 1. Section 1.62 is amended by adding paragraphs (10), (11), and (11) [(12)] and by revising the historical note. These added and revised provisions read as follows:

§ 1.62 Statutory provisions; deductions from adjusted gross income.

Sec. 62. *Adjusted gross income defined.* For purposes of this subtitle, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

(10) *Retirement savings.* The deduction allowed by section 219 (relating to deduction for certain retirement savings).

(11) *Certain portion of lump-sum distributions from pension plans taxed under section 402(e).* The deduction allowed by section 402(e)(3).

(11) [(12)] *Penalties forfeited because of premature withdrawal of funds from time savings accounts or deposits.* The deductions allowed by section 165 for losses incurred in any transaction entered into for profit, though not connected with a trade or business [.] to the extent that such losses include amounts forfeited to a bank, mutual savings bank, savings and loan association, building and loan association, cooperative bank or homestead association as a penalty for premature withdrawal of funds from a time savings account, certificate of deposit, or similar class of deposit.

[Sec. 62 as amended by sec. 7(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828); sec. 213(b), Rev. Act 1964 (78 Stat. 52); sec. 531(b) Tax Reform Act 1969 (83 Stat. 655); secs. 2002(a)(2) and 2005(c)(9), Employee Retirement Income Security Act 1974 (88 Stat. 959, 992); sec. 6 (a) Act of Oct. 26, 1974 (Pub. L. 93-483, 88 Stat. 1458)]

Par. 2. Section 1.62-1(c) is amended by adding at the end thereof paragraphs (14) and (15). The added provisions to read as follows:

§ 1.62-1 Deductions from adjusted gross income.

(c) * * *

(14) [Reserved]

(15) For taxable years beginning after December 31, 1972, the deduction allowed by section 165 for losses incurred in any transaction entered into for profit

though not connected with a trade or business, to the extent that such losses include amounts forfeited to a bank, mutual savings bank, savings and loan association, building and loan association, cooperative bank or homestead association as a penalty for premature withdrawal of funds from a time savings account, certificate of deposit or similar class of deposit.

[FR Doc. 75-29366 Filed 10-30-75; 9:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 209]

PERMITS FOR ACTIVITIES IN NAVIGABLE WATERS OR OCEAN WATERS

On July 25, 1975, the Department of the Army, acting through the Corps of Engineers, published in the FEDERAL REGISTER (40 FR 31320) an interim final regulation which prescribes the policies, practice, and procedures to be followed in the processing of Department of the Army permits for activities in navigable or ocean waters, including the discharge of dredged or fill material in navigable waters. Interim final regulations were published in order to begin immediately to implement a permit program under Section 404 of the Federal Water Pollution Control Act (FWPCA) Amendments of 1972 in those waters which are to be included in the Corps regulatory jurisdiction pursuant to the order of the United States District Court for the District of Columbia in *Natural Resources Defense Council (NRDC) v. Calloway et al* Civil No. 74-1242. Notwithstanding the fact that the regulation became effective on July 25, 1975, the public was provided an additional comment period of 90 days for submitting comments on any of the provisions contained in the interim final regulation.

Subsequent to July 25, 1975, the Administrator of the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 41292), September 5, 1975, interim final guidelines, pursuant to Section 404(b) of the FWPCA. The guidelines are applicable to all activities involving the discharge of dredged or fill material in navigable waters and are to be considered in evaluating such applications for Department of the Army permits submitted in accordance with 33 CFR 209.120, "Permits for Activities in Navigable Waters or Ocean Waters," FEDERAL REGISTER (40 FR 31320), July 25, 1975. While the guidelines became effective upon publication, the public was provided an additional

comment period of 90 days from September 5, 1975, for submitting comments on the provisions contained therein.

During the month of September the Corps of Engineers conducted public hearings at four locations: Annapolis, Maryland; San Bruno, California; Baton Rouge, Louisiana; and Omaha, Nebraska. The purpose of these hearings was to receive verbal and written comments from the public-at-large in order to provide responsive public input in the Federal regulatory process. The period for public input to the hearing records has been terminated.

During the months of October and continuing into November, the Corps of Engineers District and Division Offices have scheduled public information meetings to further publicize the new regulatory jurisdictional areas, procedures, and EPA guidelines in order to fully inform the public. As a result of these efforts, the Chief of Engineers is continuing to receive substantive comments at an increasing rate from an informed public.

In view of the large number of informational meetings yet to be conducted throughout the country during the month of November and substantive public responses expected to be received as a result of these meetings, as well as the direct interrelationship between the Department of the Army Corps of Engineers Regulatory Program and EPA published Section 404(b) guidelines, the comment period established in 40 FR 31320 is hereby extended to December 5, 1975.

All comments received by December 5, 1975, will be reviewed and evaluated by the Corps of Engineers in determining possible and feasible future revisions to the July 25, 1975, interim final regulation.

All comments, suggestions, or objections to these regulations (40 FR 31320) should be submitted in writing to the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, ATTN: DAEN-CWO-N.

Dated: October 23, 1975.

KENNETH E. MCINTYRE,
Brigadier General, U.S.A.,
Deputy Director of Civil Works.

[FR Doc.75-29444 Filed 10-30-75; 8:45 am]

DEPARTMENT OF THE INTERIOR
Bureau of Land Management
[43 CFR Subpart 2912]
RECREATION AND PUBLIC PURPOSES ACT

Processing and Disposal of Solid Waste

The purpose of this amendment is to provide regulations for use by the Bureau of Land Management in complying with section 211 of the Solid Waste Disposal Act as amended (42 U.S.C. 3254e); E. O. 11752; and to insure compliance with Environmental Protection Agency guidelines by lessees of public lands under the jurisdiction of the Bureau of Land Management for purposes of disposal of solid waste.

In accordance with the Department's policy on public participation in rule-making (36 FR 8336), interested parties

may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C., 20240 until December 1, 1975.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Public Affairs, Bureau of Land Management, Room 5625, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

It is hereby determined that the publication of this amendment is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In 43 CFR Chapter II, subpart 2912 is amended by adding §§ 2912.3 through 2912.3-3 to read as follows:

§ 2912.3 Leases for solid waste disposal sites.

§ 2912.3-1 Requirement.

Compliance with *Guidelines for the Thermal Processing of Solid Wastes, Guidelines for the Land Disposal of Solid Waste, and Regulations for the Acceptance of Certain Pesticides and Recommended Procedures for the Disposal and Storage of Pesticides and Pesticide Containers*, as promulgated by the Environmental Protection Agency, is required under leases issued for purposes of disposal of solid waste. Each such lease shall contain provisions to insure compliance.

§ 2912.3-2 References.

(a) *Guidelines for the Thermal Processing of Solid Wastes* are contained in 40 CFR 240 (39 FR 29328-29338).

(b) *Guidelines for the Land Disposal of Solid Waste* are contained in 40 CFR 241 (39 FR 29328-29338).

(c) *Regulations for the Acceptance of Certain Pesticides and Recommended Procedures for the Disposal and Storage of Pesticides and Pesticide Containers* are contained in 40 CFR 165 (39 FR 15236-15241).

§ 2912.3-3 Procedures.

(a) All new leases shall contain express stipulations requiring compliance with the above referenced guidelines. Leases and respective plans of development and management already in existence without such specific stipulations shall be amended to require compliance with the above guidelines by lessees. In all cases, the lease must stipulate that failure to comply with the guidelines shall constitute sufficient grounds for cancellation of the lease.

(b) Lease applicants shall include in the plan of development and management detailed descriptions of the methods and procedures that will be employed to achieve compliance with the above guidelines. The recommended procedures in the guidelines must be followed unless the applicant demonstrates in the plan of development and management that specified alternative procedures will in-

sure compliance with the requirements of the guidelines.

(c) Determinations as to how such compliance in meeting the requirements of the above guidelines shall occur are to be made by the authorized officer of the Bureau of Land Management.

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 23, 1975.

[FR Doc.75-29260 Filed 10-30-75; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Proposed Rulemaking With Respect to Approval of Expenses and Rate of Assessment for 1975-76 Fiscal Period

This notice invites written comment relative to the proposed expenses of \$160,500 and rate of assessment of \$0.0045 per standard packed box of fruit to support the activities of the Growers Administrative Committee for the 1975-76 fiscal period under Marketing Order No. 905.

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses that area reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1975, through July 31, 1976, will amount to \$160,500.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at \$0.0045 per standard packed box of fruit.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 17, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 28, 1975.

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

[FR Doc.75-29363 Filed 10-30-75; 8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 298]

FEDERAL SHIP MORTGAGE AND LOAN INSURANCE

Notice of Rulemaking

Notice is hereby given that Part 298 of Title 46 of the Code of Federal Regulations governing the Federal Ship Financing Program under Title XI of the Merchant Marine Act, 1936, as amended, is amended. One amendment to Part 298 increases the filing fee from \$100 to \$1000, and conditions any commitment to guarantee obligations to finance vessel construction, reconstruction or reconditioning upon the receipt by the Secretary of Commerce of the investigation fee, which is due at the time the letter commitment to guarantee is issued. Other amendments to Part 298 require (1) the payment of a fee of \$3000 (in addition to the original investigation fee) to process any change, which in the opinion of the Secretary is substantial, after a commitment to guarantee has been issued but does not require substantial changes in documentation, and (2) the payment of an additional fee in the amount of 50 percent of the original investigation fee, but not to exceed \$50,000, where substantial changes in documentation are required.

Part 298 of 46 CFR is amended, effective October 31, 1975, to read as follows:

1. Paragraph (d) and (f) of § 298.3 is revised to read as follows:

§ 298.3 Applications.

(d) *Investigation fee.* Each application must be accompanied by payment pursuant to Section 1104(e) of the act in the amount of \$1,000, which payment shall be retained by the Secretary irrespective of the final disposition of the application. At the time the letter Commitment to Guarantee Obligations is issued, the applicant shall pay to the Secretary such additional amount or amounts, less the \$1,000 filing fee previously paid, as the Secretary may deem reasonable for the investigation of the application, for the appraisal of properties offered as security, for the issuance of commitments, and for the inspection of such properties during construction, reconstruction or reconditioning: Provided, that such charges shall not aggregate more than one half of one per centum of the maximum principal amount of the guarantee. No commitment to guarantee obligations shall be considered to have been issued without the receipt by the Secretary of the amounts due under this section.

(f) *Amendment of application.* (1) An amendment to an application for the guarantee of obligations under Title XI of the act may be made to the Secretary, Maritime Administration.

(2) An amendment made prior to the review of the documentation of a transaction by the Maritime Administration which represents, in the opinion of the Secretary, a substantial change to an ap-

plication which has received a Commitment to Guarantee Obligations shall be subject to a charge in the amount of \$3,000, which will be applied to cover the cost of processing the amendment to the application. "Substantial changes" would include, but not necessarily be limited to, changes from an ownership application to a sale and leaseback, drastic alteration of vessel design, large cost increases, or other changes that affect the basic economics of the project.

(3) An amendment which involves, in the opinion of the Secretary, substantial changes in the documentation of a transaction subsequent to the review of such documentation by the Maritime Administration shall be subject to a charge equal to one half of the investigation fee charged pursuant to Section 298.3(d), but not to exceed \$50,000. "Substantial changes" would include, but not necessarily be limited to, a basic change in the structure of the financing such as a change from ownership to a sale and lease arrangement or substantial change in the parties resulting in a basic change affecting the credit risk of the financing. Changes in the ordinary course of documentation such as cost changes, assignments, simple substitutions of parties not affecting the basic credit or structure of the transaction and other similar changes shall not be construed as a "substantial change".

§ 298.3 [Removed]

2. Paragraph (g) of § 298.3 is deleted. (Secs. 204(b) and 1109, Merchant Marine Act, 1936, as amended (46 USC 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 842) as amended by Pub. L. 91-469 (84 Stat. 1036), and Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973))

Dated: October 23, 1975.

By order of the Assistant Secretary for Maritime Affairs.

(Catalog of Federal Domestic Assistance Program No. 11.502 Federal Ship Financing Guarantees (Title XI MMA-1936)).

JAMES S. DAWSON, JR.,
Secretary,

[FR Doc. 75-29219 Filed 10-30-75; 8:45 am]

HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 1917]

Federal Insurance Administration

[Docket No. FI-740]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Town of South Bethany, Delaware

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234, 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the Town of South Bethany.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Offices, South Bethany, Delaware 19930.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert F. Terrill, P.O. Box 25, South Bethany, Delaware 19930. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or January 23, 1975, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)
Atlantic Ocean	Shoreline to 77 ft inland	14	Not applicable.
	77 ft inland to inland side of U.S. 14	6-14	Do.
	Inland side of U.S. 14	6	Do.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2580, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting
Federal Insurance Administrator.

[FR Doc. 75-29275 Filed 10-30-75; 8:45 am]

[Docket No. FI-739]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the County of Sussex, Delaware

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of

1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the County of Sussex.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the County must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information show-

ing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Sussex County Courthouse, Georgetown, Delaware 19947.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Oliver E. Hill, P.O. Box 507, Georgetown, Delaware 19947. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or January 29, 1975, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet)
Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay.	State Route 24.....	6	Entire road, 100 ft south of Unity Branch to 400 ft north of Unity Branch.
Atlantic Ocean, Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay.	State Route 14.....	7	Entire road, from Dewey Beach to 600 ft southwest of Cottonpatch Hill.
Do.....	Long Neck Rd.....	6	Entire road, 5,000 ft west of Roman T Pond to 8,000 ft west of Roman T Pond.
Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay.	State Route 5.....	6	Entire road, 200 ft northwest of Indian River to 1,200 ft northwest of Indian River.
Do.....	Piney Neck Rd.....	6	Road from Indian River to 3,100 ft southwest of Indian River.
Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay, storm tides.	State Route 26.....	6	Road from west bank of Vines Creek to 700 ft east of the west bank of Vines Creek.
Atlantic Ocean, Indian River Bay, Rehoboth Bay, Indian River, Little Assawoman Bay, storm tides.	State Route 14.....	7	Road from northern Bethany Beach corporate limits to 3,800 ft north of northern Bethany Beach corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 14, 1975.

J. ROBERT HUNTER,
Acting
Federal Insurance Administrator.

[FR Doc.75-29276 Filed 10-30-75; 6:45 am]

[Docket No. FI-737]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determination for the Town of East Hampton, Suffolk County, New York

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128,

and 24 CFR Part 1917 (§ 1917.4(a)) hereby gives notice of his proposed determinations of flood elevations for the Town of East Hampton.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the City Hall, 159 Pantigo Road, East Hampton.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Supervisor Judith Hope, 159 Pantigo Road, East Hampton. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or January 29, 1976, whichever is the later.

The proposed 100-year Flood Elevations are:

PROPOSED RULES

Source of flooding	Location	Elevation (feet above mean sea level)	Width in feet from shoreline to 100-yr flood boundary	
Gardiners Bay.....	Along Boetwick Creek.....	8	50 to 1,000.	
	Along Cherry Hill Pond.....	8	200 to 1,800.	
	Captain Kidd Hollow.....	8	125.	
	Along Home Pond.....	8	450 to 3,000.	
	Along Little Pond.....	8	150 to 2,150.	
	Along Gains Pond.....	8	200 to 900.	
	Along Airport Pond.....	8	225 to 1,250.	
	Along Great Pond.....	8	550 to 2,300.	
	Cartwright Island.....	8	All of Island.	
	Lafayete Landing.....	8	200.	
	Brook Landing.....	8	300.	
	Along Sammys Beach.....	8	550 to 2,100.	
	Hog Creek Point.....	8	175.	
	Hog Creek.....	8	5,800.	
	Fireplace Road.....	8	500.	
	Along Gerard Park.....	8	950 to 1,300.	
	Along Acabonse Harbor.....	8	900 to 5,000.	
	Along East Harbor.....	8	2,900 to 5,200.	
	Barnshole Rd.....	8	1,750.	
	North-West Landing Rd (extended).....	8	4,500.	
	Block Island Sound.....	At Whale Hill.....	8	175.
		Along Tobacco Lot Pond.....	8	200 to 4,650.
		Rocky Point.....	8	100.
Along Fort Pond.....		8	1,200 to 5,800.	
Culloden Point.....		8	100.	
3-Mile Harbor.....	Hands Creek Landing.....	8	300 to 400.	
	Copeces Lane (extended).....	8	550.	
Napeague Bay.....	Abrams Landing.....	8	100.	
	Laxy Point Rd.....	8	2,400.	
Lake Montauk.....	Along West Lake Dr.....	8	75 to 575.	
	Along East Lake Dr.....	8	100 to 550.	
Atlantic Ocean.....	Indian Well Plain Highway (Amagansett Beach).....	11	1,725.	
	Hedges Lane (extended).....	11	1,100.	
	Marine Blvd.....	11	2,250.	
	Beach Hampton.....	11	1,975.	
	Intersection of Napeague Meadow Rd and Highway 27.....	11	2,550 (to Napeague Harbor).	
	Along Napeague Beach.....	11	125 to 400.	
	Along Walmscott Pond.....	11	450 to 3,900.	
Along Georgia Pond.....	11	800 to 6,500.		

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2630, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting

Federal Insurance Administrator.

[FR Doc. 75-29278 Filed 10-30-75; 8:45 am]

[Docket No. FI-738]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Proposed Flood Elevation Determinations for the Township of Tredyffrin, Pennsylvania

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (§ 1917.4(a)), hereby gives notice of his proposed de-

terminations of flood elevations for the Township of Tredyffrin.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township of Tredyffrin must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at 973 Old Lancaster Road, Berwyn, Pennsylvania 19312.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify the Township Manager, Mr. Norman Mawby. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or January 29, 1975, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Trent Creek	Upstream, Golph Rd.	112.5	270	140
	Upstream, Richards Rd.	113.5	290	160
	Upstream, Glenhardt Rd.	115	110	210
	Downstream, Pennsylvania Turnpike	122.5	70	45
	Upstream, Pennsylvania Turnpike	125.5	280	285
	Upstream, Thomas Rd.	133	80	180
	Upstream, Walker Rd.	152	150	230
	Downstream, U.S. Route 202	187	370	120
	Upstream, Reading RR.	188	85	45
	Upstream, Coldstream Dr.	195	190	80
Tributary No. 1	Downstream, Contentment Lane	217.5	40	30
	Downstream, Pennsylvania Turnpike	119	110	270
Tributary No. 2	Upstream, Pennsylvania Turnpike	122.5	480	400
	Downstream, U.S. Route 202	174	80	40
Little Valley Creek	Downstream, Mill Rd.	149	750	150
	Downstream, West Swedesford Rd.	160.5	500	120
	Upstream, North Valley Rd.	191	40	80
	Downstream, U.S. Route 202	206	400	380
	Upstream, U.S. Route 202	210	220	900
	Reading RR.	222	200	100
	Cedar Hollow Rd.	225	140	95
	Matthews Rd.	224.5	310	90
	Upstream, Yellow Springs Rd.	108.5	100	70
	Upstream, Wilson Rd.	115	100	140
Valley Creek	Downstream, Pennsylvania Turnpike	120	240	290
	Upstream, Pennsylvania Turnpike	125	115	320
	Upstream, Mill Rd.	139.5	90	120
	Upstream, Le Boutillier Rd.	151	270	230
	Upstream, North Valley Rd.	160.5	140	250
	Upstream, Reading RR.	190.4	140	310
	Upstream, Church Rd.	198	90	75

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 15, 1975.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.75-29279 Filed 10-30-75; 8:45 am]

DEPARTMENT OF
TRANSPORTATION

Coast Guard

[CGD 75-175]

[46 CFR Part 401]

GREAT LAKES PILOTAGE RATES

Proposed Increase

The Coast Guard is considering amending Title 46 Code of Federal Regulations by increasing existing basic rates for Great Lakes Pilotage by 25%.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments regarding the proposal to the Commandant (G-CMC), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name and address and organization, if any, identify the notice number (CGD 75-175) and give reasons for any recommended change in the proposal. Copies of all written comments received will be available for examination in Room 8234, Department of Transportation, 400 Seventh Street S.W., Washington, D.C. All written comments received on or before December 1, 1975 will be fully considered before final action is taken on this proposal.

No public hearing is contemplated at this time. A public hearing may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person raising a genuine issue and desiring an opportunity to comment orally at a public hearing.

Great Lakes Pilotage rates were increased September 1, 1974 as published August 29, 1974 (39 FR 31529). The impact of inflation on the U.S. pilot associations has eroded pilot compensation and increased the operating expenses of the pilotage pools. This problem has been compounded by a decline of foreign vessel traffic into the Great Lakes in recent years, necessitating a rate revision at this time.

It is proposed to change the method for determining rates in District 1 from a point to point basis to a mileage charge. This change would facilitate the computation of the charge for partial trips over the various segments of District 1. The basic rates would be increased 25% under this mileage charge the same as it would be under the existing method of determining rates.

The Coast Guard is also considering the introduction of a \$100 charge for the services the pilot provides in docking and undocking a vessel in the designated waters. While this concept of a docking/undocking charge in designated waters is not a part of the proposed rate increase, the Coast Guard would appreciate comments regarding a docking/undocking charge in designated waters. After review of the comments and further study by the Coast Guard, a docking/undocking charge may be included in the rate increase.

In consideration of the foregoing, it is proposed that Part 401 of Title 46 of the Code of Federal Regulations be amended as follows:

1. By revising § 401.405 to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under § 401.420, the following basic rates shall be payable for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300.

(a) District 1:

(1) For passage through the District or any part thereof, \$4.60 for each statute mile plus \$58.75 for each lock transited but with a minimum basic rate of \$131.25 and a maximum basic rate for a through trip of \$577.50.

(2) For a moorage in any harbor \$197.50.

(b) District 2:

(1) Passage through the Welland Canal or any part thereof, \$16.25 for each statute mile plus \$58.75 for each lock transited but with a minimum basic rate of \$197.50 and a maximum basic rate for a through trip of \$728.75. When U.S. pilots are changed at Lock 7 on a through trip, the basic rates are apportioned as follows:

(i) Between northerly limits and Lock 7 \$363.75.

(ii) Between Lock 7 and southerly limits \$363.75.

(2) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereto as far as the northerly limit of the district \$583.75. When U.S. pilots are changed at Detroit/Windsor on a through trip, the basic rates are apportioned as follows:

(i) Between Southeast Shoal or any point on Lake Erie west thereof and Detroit/Windsor \$242.50.

(ii) Between Detroit/Windsor and the northerly limits \$341.25.

(3) Between Southeast Shoal and any point on Lake Erie west of Southeast Shoal and any point on the Detroit River \$335.

(4) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River \$335.

(5) Between points on Lake Erie west of Southeast Shoal \$197.50.

(6) Between points on the Detroit River \$197.50.

(7) Between any point on the Detroit River and any point on the St. Clair River or its approaches as far as the northerly limit of the District \$440.

(8) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District \$242.50.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario \$525.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario, or any point in Sault Ste. Marie, Ontario, other than the Algoma Steel Corporation Wharf \$440.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario including the Algoma Steel Corporation Wharf, or Sault Ste. Marie, Michigan \$197.50.

(4) For a move in any harbor \$197.50.

2. By revising § 401.410 to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the basic rates to be paid by a ship that has a U.S. registered pilot on board in the undesignated waters shall be:

In Lake Ontario.....	\$105
In Lake Erie.....	157.50
In Lakes Huron and Michigan.....	105
In Lake Superior.....	98.75

for each 6 hour period or part thereof that the U.S. pilot is on board, plus \$100 for each time the U.S. pilot performs the docking or undocking of the ship.

(b) When in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, or between Port Colborne and Southeast Shoal, and the master of the ship plans to utilize an appropriate certificate in lieu of the services of the U.S. pilot, the ship shall pick up or discharge the U.S. pilot at the Cleveland pilot boat. No charge is to be made for the transit between Southeast Shoal and the Cleveland pilot boat or between the Cleveland pilot boat and Southeast Shoal unless the services of the U.S. pilot are utilized.

3. By revising § 401.420 to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When, in designated or undesignated waters, the passage of a ship is interrupted for the purpose of loading or discharging cargo or for any reason and the services of the U.S. pilot are retained during such interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of \$16.25 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of \$262.50 for each 24-hour period of such interruption. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the 1st day of December and ending on the 8th day of the following April. Additionally, no charge shall be made for any interruption if the total interruption is ended during the 6-hour period for which a charge has been made under § 401.410.

(b) When, in designated or undesignated waters, the departure or move of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than 1 hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, the ship shall pay an additional charge calculated on a basic rate of \$16.25 for each hour or part of an hour after the first hour of such delay, with a maximum basic rate of \$262.50 for each 24-hour period of such delay.

(c) When, in designated or undesignated waters, a U.S. pilot reports for duty as ordered and the order is canceled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of \$98.75.

(2) If the cancellation is more than 1 hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, a further charge calculated on a basic rate of \$16.25 for each hour or part of an hour after the first hour, with a maximum basic rate of \$262.50 for each 24-hour period of such cancellation.

4. By revising § 401.428 to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point.

If a U.S. pilot is carried beyond his normal change point or is unable to board at his normal boarding place the U.S. pilot shall be paid at the rate of \$100 per day or part thereof, plus reasonable travel expenses to or from his base. These charges are not applicable if the ship utilizes the services of the U.S. pilot beyond his normal change point and the ship is billed for those services. The change point to which this section applies are designated in § 401.450.

(Sec. 4 and sec. 5, 74 Stat. 260 (46 USC 216b, 216c); sec. 6(a) (4), 80 Stat. 937, as amended (49 USC 1655(a) (4); 49 CFR 1.46(a))

Dated: October 24, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard
Chief, Office of Merchant
Marine Safety.

[FR Doc. 75-29298 Filed 10-30-75; 8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 15120]

AIRWORTHINESS DIRECTIVES

**Societe Nationale Industrielle Aerospatiale
Alouette III Helicopter Models SE 3160
and SA 316B**

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Alouette III SE. 3160 and SA316B helicopters incorporating Houdaille AV4S2 hydraulic dampers in the directional control system. It has been reported that binding of the AV4S2 hydraulic dampers causes discontinuities in the control force required for tail rotor directional control and thereby jeopardizes safe operation. Since this condition is likely to exist or develop in other helicopters of the same type design, the proposed airworthiness directive would require either replacement or modification of the AV4S2 damper.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket

number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before December 1, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (formerly SUD AVIATION). Applies to Alouette III Helicopter Models SE3160 and SA316B, certificated in all categories.

Compliance is required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished in accordance with Alouette Service Bulletin No. 05.38, as revised June 14, 1971.

To prevent possible binding of the tail rotor directional control, either replace the Houdaille type AV4S2 hydraulic damper with type AV4S3, or modify the type AV4S2 hydraulic damper by incorporating Houdaille Kit 10.338, in accordance with subparagraph 1C(2)(b) of Alouette Service Bulletin 05.38 as revised June 14, 1971, or equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, A.P.O. New York, N.Y. 09667.

Issued in Washington, D.C., on October 16, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 75-29268 Filed 10-30-75; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-NE-29]

ALTERATION OF TRANSITION AREA

Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Portland, Maine, Transition Area to include additional airspace east of Pease Air Force Base, N.H. Coincident with the amendment, Warning Area W-103 would be reduced in size.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Execu-

tive Park, Burlington, Mass. 01803. All communications received on or before December 1, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 809 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The proposed amendment would extend the eastern boundary of the Portland, Maine, 1,200-foot transition area to encompass airspace now contained within Warning Area W-103 between its western edge and longitude 70°25'00"W. Concurrently, the western boundary of Warning Area W-103 would be relocated at longitude 70°25'00"W.

In consideration of the foregoing, it is proposed to amend § 71.181 by re-describing the Portland, Maine, Transition Area, to read as follows:

PORTLAND, MAINE, TRANSPORTATION AREA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Center (latitude 43°38'50"N., longitude 70°18'30"W.) of Portland International Jetport; within 4.5 miles south and 9.5 miles north of the Portland ILS localizer west course, extending from the OM to 18.5 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°59'00"N., longitude 69°16'00"W., thence to latitude 43°50'00"N., longitude 69°18'00"W., to latitude 43°44'00"N., longitude 69°19'42"W., to latitude 43°41'00"N., longitude 69°30'00"W.; to latitude 43°30'00"N., longitude 70°06'00"W., to latitude 43°18'15"N., longitude 70°25'00"W., to latitude 42°43'15"N., longitude 70°25'00"W., to latitude 42°41'20"N., longitude 70°30'15"W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°44'25"N., longitude 70°37'15"W., to latitude 42°53'00"N., longitude 71°05'00"W., to latitude 43°45'00"N., longitude 71°09'00"W., to latitude 44°06'00"N., longitude 70°43'00"W., to latitude 44°02'05"N., longitude 70°37'30"W., to latitude 44°13'30"N., longitude 70°11'30"W., to latitude 44°12'00"N., longitude 70°10'00"W., to latitude 44°05'00"N., longitude 70°23'00"W., to latitude 43°55'00"N., longitude 70°28'00"W., to latitude 43°50'00"N., longitude 70°12'00"W., to latitude 44°03'00"N., longitude 70°06'00"W., to latitude 44°09'00"N., longitude 69°57'0"W., thence counterclockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine, VOR to latitude 44°09'00"N., longitude 69°39'00"W., thence to the point of beginning.

Extending the Portland, Maine Transition Area as proposed would permit Pease Air Force Base to use a vectoring altitude of 1,500 feet to a greater distance east of the field. This option is not presently available because it would require flight within W-103.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9585) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 24, 1975.

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

[FR Doc. 75-29269 Filed 10-30-75; 8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR-289; Docket 28434]

**PASSENGER REVENUE AND TRAFFIC DATA
BY TYPE OF FARE**

Proposed Rulemaking

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 241 of the Economic Regulations (14 CFR Part 241) which would require the monthly submission of passenger revenue and traffic data by type of fare for the 48-State operations of the domestic trunks as part of the CAB Form 41 report.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the proposed amendments are set forth in the Proposed Rule. The amendments are proposed under authority of sections 204 (a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766, as amended; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before December 1, 1975, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., upon receipt thereof.

Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address indicated above, without the necessity of filing additional copies thereof.

Dated: October 24, 1975.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

In this rulemaking proceeding, the Board is proposing to require the trunk carriers to report, on a 48-State basis, revenue passenger miles, passenger revenue, passenger yield, revenue passenger enplanements, and average trip length for various categories of full-fare and discount-fare traffic. The Board has tentatively concluded that the reports should be submitted on a monthly basis, thirty days after the end of the month.

At the present time, traffic and revenue data are not broken down between full fare and discount fare in the Form 41 reports. However, it is important that the Board have information of this sort to exercise its regulatory responsibilities under the Act. First, in Phase 5 of the Domestic Passenger-Fare Investigation, the Board adopted the policy that the overall fare level should be computed on a hypothetical full normal-fare basis—i.e., as if discount fares not based on costs savings were not a part of the fare structure. In order to monitor the domestic fare level in light of this policy, the Board needs traffic and revenue data broken down between full-fare and discount-fare services. In addition, with respect to individual types of discount fares, the

¹As explained below, the primary purpose of this rule is to supplant the reporting of similar data in Docket 21866-5. Those reports are confined to the 48-State operations of the domestic trunks, and, in our judgment, it is appropriate to so restrict the scope of this rulemaking.

Board often finds it desirable to require the carriers to file monthly reports showing the traffic and revenue from the fare in order to monitor the results of the particular discount fare and its impact upon carrier operations.

At the present, the only sources of traffic and revenue data by class of fare are monthly reports submitted in the Phase 5 docket, and other reporting requirements imposed from time to time by Board orders relating to specific types of discount fares. Experience has demonstrated the difficulties of relying on these sources: the information is often not filed in a timely fashion, is incomplete at times, and is not compiled on a consistent basis by the various carriers. Obviously, these difficulties impair the usefulness of the data.

Accordingly, we are proposing to add a new schedule P-13, Passenger Revenue and Traffic Data by Type of Fare—48 States, to provide the necessary information in the Form 41 reports. By regularizing the reporting of these data and

specifying a consistent basis on which to report the data, the resulting reports should be more useful to the Board and all other users of this information. At the same time, since the data required by the proposed rule are essentially the same as the data now required to be reported elsewhere, the burden on the carriers of complying with this rule should be minimal.²

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. Amend Section 22—General Reporting Instructions—as follows:

A. By adding to the "List of Schedules in CAB Form 41 Report" in paragraph (a), new schedule P-13, "Passenger Revenue and Traffic Data by Type of Fare—48 States" the revised list in pertinent part to read:

² If the proposed rule is finalized, we will issue an appropriate order terminating the Phase 5 reporting requirement.

List of schedules in CAB Form 41 Report

Schedule No.	Schedule title	Filing frequency
P-12(a)	Fuel consumption by type of service and specific operational markets	Do.
P-13	Passenger revenue and traffic data by type of fare—48 States	Do.
T-1	Traffic and capacity statistics by class of service	Do.

B. By adding to the list of "Due Dates of Schedules in CAB Form 41 Report" in paragraph (a) new schedule P-13 as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due date ¹	Schedule Nos.
Jan. 20	P-12, P-12(a).
Jan. 30	B-1, P-1(a), P-13, T-1, T-2, T-3, T-7, T-41.
Feb. 10 ²	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b), T-6.
Feb. 20	P-12, P-12(a).
Mar. 1	B-1, P-1(a), P-13, T-1, T-7.
Mar. 20	P-12, P-12(a).
Mar. 30	A-2, B-1, B-41, B-43, B-44, B-46, P-1(a), P-13, G-41, G-42, G-43, G-44, T-1, T-7.
Apr. 20	P-12, P-12(a).
Apr. 30	B-1, P-1(a), P-13, T-1, T-2, T-3, T-7.
May 10	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b), T-6.
May 20	P-12, P-12(a).
May 30	B-1, P-1(a), P-13, T-1, T-7.
June 20	P-12, P-12(a).
June 30	B-1, P-1(a), P-13, T-1, T-7.
July 20	P-12, P-12(a).
July 30	B-1, P-1(a), P-13, T-1, T-2, T-3, T-7.
Aug. 10	A, A-1, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b), T-6.
Aug. 20	P-12, P-12(a).
Aug. 30	B-1, P-1(a), P-13, T-1, T-7.
Sept. 20	P-12, P-12(a).
Sept. 30	B-1, P-1(a), P-13, T-1, T-7.
Oct. 20	P-12, P-12(a).
Oct. 30	B-1, P-1(a), P-13, T-1, T-2, T-3, T-7, T-41.
Nov. 10	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, P-11(a), P-11(b), T-6.
Nov. 20	P-12, P-12(a).
Nov. 30	B-1, P-1(a), P-13, T-1, T-7.
Dec. 20	P-12, P-12(a).
Dec. 30	B-1, P-1(a), P-13, T-1, T-7.

¹ Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following work day.

² B and P reporting dates are extended to Mar. 30, if preliminary schedules are filed at the Board by Feb. 10.

2. Amend Section 24—Profit and Loss Elements—by inserting, following the reporting instructions for schedule P-12 (a), reporting instructions for new schedule P-13, to read as follows:

SCHEDULE P-13—PASSENGER REVENUE AND TRAFFIC DATA BY TYPE OF FARE—48 STATES

(a) This schedule shall be filed monthly by all domestic trunk air carriers.³

(b) A single copy (original only) of this schedule shall be filed to report revenue and traffic data by type of fare on a 48-State basis as a supplement to the domestic entity report.

(c) The appropriate data required in columns 2 through 6 shall be reported for each type of fare listed in column 1. Data shall also be separately identified and reported on this schedule for (1) any other type of fare reported on line 10 amounting to five percent or more of total revenue passenger-miles; and (2) any fare for which monthly reports are specifically required by Board order.

(d) Column 2 shall report the total revenue passenger-miles for each fare category on a 48-State basis.

(e) Column 3 shall report the total passenger revenue for each fare category on a 48-State basis.

(f) Column 4 shall report the revenue passenger yield for each fare category determined by dividing the amounts reported in column 3 by the related amounts reported in column 2.

(g) Column 5 shall report the number of revenue passenger enplanements for each fare category on a 48-State basis.

(h) Column 6 shall report the average trip length for each fare category determined by dividing the amounts reported in column 2 by the related amounts reported in column 5.

3. Amend CAB Form 41 by adding new schedule P-13, as shown in Exhibit A.⁴

[FR Doc. 75-29331 Filed 10-30-75; 8:41 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1207]

SWIMMING POOL SLIDES

Proposed Safety Standard; Correction

The purpose of this notice is to correct the proposed consumer product safety standard for swimming pool slides, which was published for comment in the FEDERAL REGISTER of September 15, 1975 (40 FR 42562) pursuant to section 7(f) of the Consumer Product Safety Act (15 U.S.C. 2056(f)). The Consumer Product Safety Commission also invites public comment on the correction.

The correction would add to the proposed standard table 3, which is referred to in § 1207.6(a) (iii) of the proposal but was inadvertently omitted when the proposed standard was published in the

³ A definition of trunk air carrier for purposes of Part 241 was recently proposed in EDR-286, July 15, 1975. If the rule proposed herein is finalized prior to the completion of that proceeding, we will incorporate herein the definition of trunk air carriers there proposed.

⁴ Filed as part of the original document.

FEDERAL REGISTER for comment. Table 3 includes the dimensions that are to serve as the minimum distance of water that should be maintained in front of the exit of the slide.

The figures proposed in table 3 are those that the Commission intended to publish in the September 15, 1975 FEDERAL REGISTER in which the swimming pool slide standard was proposed. The figures are taken from the recommended standard submitted by the offeror as subsequently modified by the offeror in a telephone conversation with the Commission's staff. The figures originally submitted by the offeror carried the notation that they were based on preliminary data. The Commission believes interested persons should have an opportunity to comment on the contents of table 3.

It is intended that table 3 will appear in any final standard issued for swimming pool slides and will take effect at the same time as the remainder of the standard. (The effective date for the swimming pool slide standard has been proposed to be 180 days after it is issued in the FEDERAL REGISTER). In order to ensure that the entire standard, including table 3 will be issued and effective at the same time; because the issue presented in the correction is narrow; and because the proposed standard presented the question of what would be the minimum distance to be maintained in front of the exist of the slide, the Commission is allowing only 10 days for comment on table 3.

A full discussion of the background of the consideration of the proposed standard on swimming pool slides by the Commission, the unreasonable risks of injury associated with swimming pool slides, the development of the standard by the offeror (The National Swimming Pool Institute), the estimated economic impact of the standard, and the environ-

mental effects associated with the issuance of the standard is included in the FEDERAL REGISTER notice of September 15, 1975, which is incorporated by reference in this proposal.

Therefore, pursuant to provisions of the Consumer Product Safety Act (section 7(f)), Pub. L. 92-573, 86 Stat. 1215; 15 U.S.C. 2056(f)), the Commission proposes that title 16, Chapters II, subchapter B, be corrected by adding to part 1207 table 3 as follows:

TABLE 3

A feet	A feet +0.5 ft	B feet +0.5 ft	C feet +.06 ft
3	.....	5	8
4	.....	6	9
5	.....	7	10
6	.....	7	10.5
6.5	.....	8	11
7	8.5	.....	13
8	8.5	.....	13
9	8.5	.....	13.5
10	8.5	.....	14
11	8.5	.....	14
11-15	9	.....	15

Interested persons are invited to submit on or before November 10, 1975, written comments regarding proposed table 3. Only comments concerning proposed table 3 will be considered.

Any person interested in making an oral presentation of data, views, or arguments concerning the figures included in table 3, in addition to or in lieu of making written comments, will be given the opportunity to do so on Monday, November 10, 1975 at 10:00 A.M. on the sixth floor at 1750 K Street NW., Washington, D.C. Comments are to be limited to a discussion of the figures in table 3 and each presentation will be limited to a maximum of 15 minutes. The "Procedural Regulations for Oral Presentations Concerning Proposed Consumer Product Safety Rules," 16 CFR 1109 (40 FR 48122) will govern the proceedings.

Written submissions and any accompanying data or materials should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments and other relevant material may be seen in and copies may be obtained from, the Office of the Secretary, 10th floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: October 29, 1975.

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

[FR Doc.75-29501 Filed 10-30-75; 8:45 am]

FEDERAL ELECTION COMMISSION

[11 CFR Parts 130, 131, 132, 133]

[Notice 1975-69]

PRESIDENTIAL PRIMARY MATCHING
FUND REGULATIONS

Site for Hearings

Hearings on proposed regulations covering Presidential Primary Matching Funds, published at 40 FR 47688 on October 9, 1975, to be held on November 4 and 5, 1975, as announced on October 17, 1975, will be held in the Federal Election Commission meeting room, 5th Floor, 1325 K Street, NW., Washington, D.C. 20463, beginning at 10 a.m., both days. Questions regarding the hearings should be directed to Office of the General Counsel, (202) 382-5657.

Approved: October 28, 1975.

NEIL STAEBLER,
Vice Chairman for the
Federal Election Commission.

[FR Doc.75-29320 Filed 10-30-75; 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.

[Public Notice]

DEPARTMENT OF STATE

AGREEMENT ON THE IMPORTATION OF EDUCATIONAL, SCIENTIFIC AND CULTURAL MATERIALS; PROPOSED PROTOCOLS

Availability of Proposed Protocol

The Department of State hereby gives notice that the United Nations Educational, Scientific and Cultural Organization (UNESCO) has proposed a protocol to the Agreement on the Importation of Educational, Scientific and Cultural Materials (Florence Agreement). The Florence Agreement facilitates the international flow of publications, objects of artistic and scientific interest and other materials of information by exempting a specific list of materials from customs duties and certain other importation charges among the 68 contracting nations. The proposed protocol suggests extending the Agreement to cover several additional categories of educational, scientific and cultural materials.

The annotated proposal has been made available to member countries for consideration. The Department of State will submit comments to UNESCO by December 15, 1975 for review at a special inter-governmental meeting in March 1976. Any interested party may obtain a copy of the annotated proposal from Carol M. Owens, Executive Secretary, Government Advisory Committee on International Book and Library Programs, Bureau of Educational and Cultural Affairs (CU/ACS), Department of State, Room 420, 515-22nd Street, N.W., Washington, D.C. 20520 ((202) 632-2841) and submit comments on the proposal to the same office on or before December 1, 1975.

[SEAL] CAROL M. OWENS,
Executive Secretary Government
Advisory Committee on
International Book and Library
Programs.

OCTOBER 23, 1975.

[FR Doc.75-29297 Filed 10-30-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD Meeting

OCTOBER 28, 1975.

The USAF Scientific Advisory Board Science and Technology Advisory Group, Air Force Systems Command, will hold meetings on November 20, 1975 from

8:30 a.m. to 5 p.m. and November 21, 1975 from 8:30 a.m. to 2 p.m., at Kirtland Air Force Base, New Mexico in Conference Room #1, Building 497.

The Group will receive classified briefings and hold classified discussions on selected Air Force Weapons Laboratory programs.

The meetings concern matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.75-29303 Filed 10-30-75;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD Meeting

OCTOBER 28, 1975.

The USAF Scientific Advisory Board Aeronautical Systems Division Advisory Group, Air Force Systems Command, will hold a meeting on November 25, 1975 from 8:30 a.m. to 5:30 p.m. at the Aeronautical Systems Division, Wright-Patterson Air Force Base, Ohio.

The Group will conduct a classified review of the proposed X-24C Hypersonic Research Program.

The meeting concerns matters listed in section 552(b) of Title 5, United States Code, specifically subparagraph (1) thereof, and that accordingly the meeting will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc.75-29216 Filed 10-30-75;8:45 am]

Office of the Secretary

DEFENSE SYSTEMS MANAGEMENT SCHOOL

Notice of Board of Visitors Meeting

A meeting of the Board of Visitors of the Defense Systems Management School will be held in Building 202, Fort Belvoir, VA on Wednesday, November 19, 1975, from 8:30 a.m. until 4:30 p.m. The agenda will include reports on the DSMS expansion plans, status reports on the Intermediate and Executive Management Courses, and discussion of educational policies and methods. The meet-

ing is open to the public with limitations on space available for observers requiring allocation on a first-come, first-served basis. Persons desiring to attend should call the school (664-1314) to reserve space as far in advance as possible.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptrol-
ler).

OCTOBER 28, 1975.

[FR Doc.75-29274 Filed 10-30-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL Notice

Notice is hereby given that the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet Tuesday and Wednesday, November 18 and 19, 1975, in Washington, D.C. The morning session Tuesday the 18th is scheduled to convene promptly at 9 a.m., in the 13th Floor Conference Room at LEAA Headquarters, 33 Indiana Avenue, NW., Washington, D.C. Tuesday afternoon's session will convene at 1 p.m. in the First Floor Briefing and Conference Center, opposite Room No. 1313, at the Main Department of Justice Building, Washington, D.C. Wednesday's sessions will run from 9 a.m. to 12 Noon, and from 1 p.m. to 5 p.m., in the Main Justice Briefing and Conference Center. The meeting will be open to the public. Council members and public observers wishing to attend this meeting should enter the Department of Justice Building through the 10th and Constitution Avenue, NW. entrance.

The purpose of this meeting is to review the Council's accomplishments of the past year; to discuss recommendations for goals and objectives for the coming year; and to review the draft report of the recommendations of the Private Security Task Force to the National Advisory Committee on Criminal Justice Standards and Goals.

For further information, please contact: Mr. John Marshall, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531. 202/376-3687.

GERALD H. YAMADA,
Attorney-Advisor
Office of General Counsel.

[FR Doc.75-29380 Filed 10-30-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

NORTHERN TONTO APACHE TRIBE

Plan for the Use and Distribution of Northern Tonto Apache Judgment Funds Awarded in Docket 22-J Before the Indian Claims Commission

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commission of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (P.L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of October 31, 1972, 86 Stat. 1498, in satisfaction of the award granted to the Northern Tonto Apache Tribe in Indian Claims Commission Docket 22-J. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated May 7, 1975, and was received (as recorded in the Congressional Record) by the House of Representatives on May 12, 1975, and by the Senate on May 15, 1975. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on September 5, 1975, as provided by Section 5 of the 1973 Act, *supra*.

The plan reads as follows:

"The funds appropriated by the Act of October 31, 1972, 86 Stat. 1498, in satisfaction of the judgment awarded to the Northern Tonto Apache Indians in Docket 22-J before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

"The Secretary of the Interior (hereinafter 'Secretary') shall divide the funds between the Yavapai-Apache Community of Camp Verde, Arizona (hereinafter 'Camp Verde Community'), and the Yavapai-Tonto Apache Community of Payson, Arizona (hereinafter 'Payson Community'), on the basis of 88 percent for the Camp Verde Community and 12 percent for the Payson Community.

CAMP VERDE COMMUNITY

The Secretary shall make a per capita distribution of eighty (80) percent of the Camp Verde Community's share of the funds in a sum as equal as possible to each member of the Camp Verde Community who was born on or prior to and is living on the effective date of this plan.

The Camp Verde Community shall utilize sixteen (16) percent of its share of the funds for economic development programs such as land acquisition, tribal farms, and matching funds for economic development programs, subject to the approval of the Secretary.

Four (4) percent of the Camp Verde share of the funds shall be used for community development and tribal government purposes, including such programs as alcoholic rehabilitation, geriatric care,

and tribal government operations, subject to the approval of the Secretary.

PAYSON COMMUNITY

Forty (40) percent of the Payson Community's share of the funds shall be utilized in an investment and development program, the terms of which shall be subject to the approval of the Secretary.

Twenty-five (25) percent of the Payson Community's share of the funds shall be invested as a community development fund, and shall be utilized by the tribal council for the operation of the tribal government, for the establishment of general governmental services to members of the tribe and to assist in financing community facilities for tribal members, such as a community building, a library, recreation facilities and education facilities not otherwise available to members. Such programs shall be submitted in an annual budget subject to the approval of the Secretary.

The Secretary shall make a per capita distribution of twenty-five (25) percent of the Payson Community's share of the funds in a sum as equal as possible to each member of the Payson Community who was born on or prior to and is living on the effective date of this plan.

Ten (10) percent of the Payson Community's share of the funds shall be deposited in an interest-bearing account to the credit of the Payson Community, in a depository specified by the tribal council for the purpose of operating a tribal burial program and/or the interest derived from an investment of these funds may be applied to a secured life insurance program for members of the tribe.

GENERAL

Within 60 days of the effective date of this plan (or in the case of Payson, within 60 days of the effective date of this plan or of the approval date of the tribal constitution if the constitution has not been approved on the effective date of the plan) Camp Verde and Payson shall prepare and post or cause to be posted copies of the proposed tribal membership rolls for a period of 30 days, during which time any person may appeal the inclusion or omission of any name on or from the roll. The deadline for filing appeals will be midnight of the last day of said 30-day period. Appeals shall be handled in accordance with procedures established under 25 CFR 42—Enrollment Appeals.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be placed in individual Indian money (IIM) accounts and handled under 25 CFR 104.5. The per capita shares belonging to minors shall be deposited to their credit in IIM accounts at interest and administered in accordance with 25 CFR 104.4. Should it be subsequently determined that the funds are to be invested pursuant to a trust, minors who will have reached the age of 18 years within six months after the establishment of the trust shall have their funds retained at interest in IIM accounts and

paid to them upon attaining their majority, except for minors who at the age of majority are found to be legally incompetent, in which case the funds shall be handled in accordance with 25 CFR 104.5. The remaining funds of all other minors shall be redeposited to their credit pursuant to the trust and disbursed for their benefit pursuant to the provisions of the trust.

Minors upon reaching the age of 18 may elect to have their funds retained at interest in an IIM account subject to their use pursuant to 25 CFR 104.3. Per capita payments of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D."

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc. 75-29259 Filed 10-30-75; 8:45 am]

OGLALA SIOUX INDIAN TRIBE, PINE RIDGE RESERVATION, SOUTH DAKOTA

Transfer of Federally Owned Lands

OCTOBER 21, 1975.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

On August 11, 1975, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93-599 dated January 2, 1975 (88 Stat. 1954), the below-described property was transferred by the Administrator of General Services to the Secretary of the Interior, without reimbursement, to be held in trust for the benefit and use of the Oglala Sioux Tribe, Pine Ridge Reservation, South Dakota:

SIXTH PRINCIPAL MERIDIAN

NEBRASKA.

T. 35 N., R. 45 W.,

Sec. 24, lots 1, 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

SOUTH DAKOTA

T. 35 N., R. 45 W.,

Sec. 11, W $\frac{1}{2}$ NW $\frac{1}{4}$.

Sec. 12, Beginning at the SE $\frac{1}{4}$ corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence West along the South line a distance of 429.7 feet; thence turn right 99°10' in a northerly direction 362.5 feet; thence turn right 72°30' and run in an easterly direction 256.1 feet; thence turn left 16°40' and run in an easterly direction 130.9 feet; thence turn right 115°00' and run south a distance of 450.3 feet to the point of beginning.

Sec. 14, N $\frac{1}{2}$.

T. 36 N., R. 45 W.,

Sec. 5, N $\frac{1}{2}$ SW $\frac{1}{4}$.

T. 36 N., R. 47 W.,

Sec. 23, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 37 N., R. 42 W.,

Sec. 17, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 37 N., R. 46 W.,

Sec. 8, N $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$.

T. 38 N., R. 46 W.,

Sec. 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 7, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 39 N., R. 44 W.,

Sec. 31, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 39 N., R. 46 W.,

Sec. 24, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 40 N., R. 37 W.,
Sec. 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Sec. 30, lot 4.
T. 42 N., R. 47 W.,
Sec. 3, lots 1 and 2.
Sec. 27, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 43 N., R. 47 W.,
Sec. 27, lots 1, 2, 3, 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
Sec. 34, E $\frac{1}{2}$,
containing 1,622.40 acres, more or less.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Oglala Sioux Tribe. Appropriate notation will be made in the land records of the Bureau of Indian Affairs.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-29257 Filed 10-30-75;8:45 am]

**PYRAMID LAKE PAIUTE
RESERVATION, NEVADA**

**Amendment to Ordinance No. 9 Regulating
the Sale and Possession of Intoxicating
Beverages**

OCTOBER 15, 1975.

"The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9)."

"This notice is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2."

I certify that the following Amendment of Ordinance No. 9 regulating the sale and possession of intoxicating beverages on the Pyramid Lake Paiute Reservation, Nevada was adopted on May 9, 1975 by the Pyramid Lake Tribal Council which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

An Ordinance, pursuant to Section 1161, Title 18, United States Code, regulating the sale and possession of intoxicating beverages on and within the Pyramid Lake Paiute Reservation, Nevada, which amends and supersedes Ordinance No. 9, dated September 4, 1959, of the Pyramid Lake Paiute Tribe.

Be it enacted by the Tribal Council of Pyramid Lake Paiute Reservation, Nevada, that the sale, introduction, and possession of intoxicating beverages shall be lawful within the exterior boundaries of the Pyramid Lake Paiute Reservation. Provided, that such introduction, sale, and possession is in conformity with the laws of the State of Nevada, and in accordance with the following:

Section 1.

(a) It shall be unlawful for any person to sell intoxicating beverages on and within the Pyramid Lake Paiute Reservation, Nevada without first obtaining a valid State and County license as required by law or County Ordinance, and a valid license issued by the Pyramid Lake Paiute Tribal Council.

(b) Such tribal license will authorize the holder thereof to sell alcoholic beverages at retail in packages, or by the drink for consumption on the premises.

(c) Such tribal license shall set forth the location and description of the building and premises where such sales may be made and for which said license is issued.

(d) Such tribal license shall be displayed in a conspicuous place within the building or room where such alcoholic beverages are sold.

(e) Such tribal license shall not be issued until a valid State or County license is obtained and will then be issued for a yearly period concurrent with the State and/or County license. The license fee will be paid in advance and fees shall be set at the discretion of the Tribe through appropriate resolutions.

Section 2.

(a) No person shall sell, deliver, or give away an alcoholic beverage to any person actually or apparently under the influence of alcoholic beverages.

(b) No person shall sell, give away, or otherwise furnish any alcoholic beverages to any person under the age of twenty-one (21) years, or leave or deposit any such alcoholic beverages in any place with the intent that same shall be procured by any person under the age of twenty-one (21) years.

PENALTY:

Any Indian who violates any of the provisions of this ordinance shall be deemed guilty of an offense and upon conviction thereof shall be punished by a fine of not more than \$300, or be sentenced to imprisonment for not more than 150 days, or both such fine and imprisonment, and/or suspension or revocation of his or her license. When any provision of this ordinance is violated by a non-Indian, he or she shall be referred to the State and/or Federal authorities for prosecution under applicable law, including without limitation Section 1154, Title 18, United States Code, if applicable, and his or her license may be suspended or revoked and prosecuted under any applicable tribal laws.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.75-29258 Filed 10-30-75;8:45 am]

[Tentative Sale #46]

**WESTERN GULF OF ALASKA OUTER
CONTINENTAL SHELF**

**Call for Nominations of and Comments on
Areas for Oil and Gas Leasing**

OCTOBER 22, 1975.

Pursuant to the authority prescribed in 43 CFR 3301.3 (1974), nominations are hereby requested for areas in the Western Gulf of Alaska Outer Continental Shelf (OCS) for possible oil and gas leasing, under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343 (1970)). Nominations will be considered for any or all of the following mapped areas located offshore Kodiak Island beginning at the intersection of the three mile line and the west line of Block 583, found on OCS Official Protection Diagram No. 5-4; thence north to the NW corner of Block 368; thence east to the NW corner of

Block 370; thence north to the NW corner of Block 282; thence east to the NW corner of Block 285; thence north to the NW corner of Block 241; thence east to the NW corner of Block 243; thence north to the NW corner of Block 199; thence east to the NW corner of Block 200; thence north to the NW corner of Block 112; thence east to the NW corner of Block 119; thence north to the NW corner of Block 955, found on OCS Official Protraction Diagram NO 5-2; thence east to the NW corner of Block 957; thence north to the NW corner of Block 869; thence east to the NW corner of Block 871; thence north to the NW corner of Block 827; thence east to the NW corner of Block 828; thence north to the NW corner of Block 784; thence east to the NW corner of Block 761, found on OCS Official Protraction Diagram NO 6-1; thence north to the NW corner of Block 673; thence east to the NW corner of Block 677; thence north to the NW corner of Block 545; thence east to the NE corner of Block 568; thence south to the SE corner of Block 744; thence west to the SE corner of Block 740; thence south to the SE corner of Block 873; thence west to the SE corner of Block 870.

Thence south to the SE corner of Block 958; thence west to the SE corner of Block 956; thence south to the SE corner of Block 516, found on OSC official Protraction Diagram NO 6-3; thence west to the SE corner of Block 509; thence south to the SE corner of Block 861; thence west to the SE corner of Block 858; thence south to the SE corner of Block 990; thence west to the SW corner of Block 985; thence north to the NW corner of Block 809; thence west to the NE corner of Block 829, found on OCS Official Protraction Diagram NO 5-4; thence south to the SE corner of Block 126, found on OCS Official Protraction Diagram NO 5-6; thence west to the SE corner of Block 122; thence south to the SE corner of Block 430; thence west to the SE corner of Block 427; thence south to the SE corner of Block 691, thence west to the SE corner of Block 685; thence south to the SE corner of Block 905; thence west to the SE corner of Block 899; thence south to the SE corner of Block 459, found on OCS Official Protraction Diagram NO 5-8; thence west to the SE corner of Block 447; thence south to the SE corner of Block 579; thence west to the SE corner of Block 613, found on OCS Official Protraction Diagram NO 5-7; thence south to the SE corner of Block 701; thence west to the SE corner of Block 698; thence south to the SE corner of Block 786; thence west to the SE corner of Block 784; thence south to the SE corner of Block 916; thence west to the SE corner of Block 912; thence south to the SE corner of Block 1000; thence west to the SE corner of Block 988; thence south to the SE corner of Block 108, found on OCS Official Protraction Diagram NN 5-1; thence west to the SE corner of Block 106; thence south to the SE corner of Block 238; thence west to the SE corner of Block 235; thence south

to the SE corner of Block 411; thence west to the SW corner of Block 432, found on OCS Official Protraction Diagram NN 4-2; thence north to the NW corner of Block 652, found on OCS Official Protraction Diagram NO 4-8; thence east to the NW corner of Block 627, found on OCS Official Protraction Diagram NO 5-7; thence north to the NW corner of Block 319; thence east to the NW corner of Block 322; thence north to NW corner of Block 146; thence east to the NW corner of Block 148; thence north to the NW corner of Block 676, found on OCS Official Protraction Diagram NO 5-5; thence east to the three mile line; thence following the three mile line around the southern and eastern sides of Kodiak Island to the point of beginning.

OCS OFFICIAL PROTRACTION DIAGRAMS

- | | |
|-----------|------------|
| 1. NN 4-2 | 7. NO 5-6 |
| 2. NN 5-1 | 8. NO 5-7 |
| 3. NO 4-8 | 9. NO 5-8 |
| 4. NO 5-2 | 10. NO 6-1 |
| 5. NO 5-4 | 11. NO 6-8 |
| 6. NO 5-5 | |

These protraction diagrams may be purchased for \$2.00 each from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 "A" Street, Anchorage, Alaska. All nominations must be described in accordance with the Outer Continental Shelf Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block may be nominated. Although, individual company nominations are considered to be privileged and confidential information, the names of persons or entities submitting nominations or comments will be of public record.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests the identification of particular tracts recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values and environmental concerns. Particular geological, environmental, biological, archaeological, socio-economic or other information which might bear upon potential leasing and development of particular tracts is requested where available. Information on these subjects will be used in the preliminary selection of tracts which precedes any final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, States and local governments; industry; universities; research institutes; environmental organizations; and members of the general public. Comments may be submitted on blocks or portions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make a

preliminary selection of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347 (1970)), and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments should be submitted not later than December 29, 1975, in envelopes labeled "Nominations of Tracts for Leasing on the Outer Continental Shelf—Western Gulf of Alaska" 99510 and to the Manager, Alaska Outer Continental Shelf—Western Gulf of Alaska, as appropriate. They must be submitted to the Director, Bureau of Land Management, Attention: 720, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Area Oil and Gas Supervisor, Geological Survey, P.O. Box 259, Anchorage, Alaska 99510 and to the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 "A" Street, Anchorage, Alaska.

This call for nominations and comments does not in any way commit the Department to leasing in the Western Gulf of Alaska. It is an information gathering component of the Department's leasing procedure.

Final selection of tracts for competitive bidding will be made only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

FRANK A. EDWARDS,
Acting Associate Director,
Bureau of Land Management.

Approved: October 24, 1975.

ROYSTON C. HUGHES,
Assistant Secretary
of the Interior.

[FR Doc.75-29249 Filed 10-30-75;8:45 am]

Bureau of Land Management

ALASKA

Notice of Hearing

OCTOBER 17, 1975.

Notice is hereby given that the Anchorage District Advisory Board of the Bureau of Land Management will meet at the Anchorage District Office, 4700 East 72nd Avenue, 9 a.m., November 14 and 15, 1975.

Three topics will be presented to the board members to inform them of current policy and programs. They are easements, off-road vehicle regulation and planning efforts in the Illamna Lake area.

The meeting will be open to the public. Time will be made available for statements by members of the public at

10 a.m. Saturday, November 15. Such statements should be limited to matters set forth in the agenda. Those wishing to make an oral statement on an agenda topic should notify the district manager, Bureau of Land Management, 4700 East 72nd Avenue, Anchorage, Alaska 99501 by November 13, 1975. Further information concerning the meeting may be obtained from Mrs. Joette Storm, Public Affairs Officer, Bureau of Land Management, 4700 East Avenue, 344-9661.

RICHARD L. THOMPSON,
Acting State Director.

[FR Doc.75-28899 Filed 10-31-75;8:45 am]

SUSANVILLE DISTRICT MULTIPLE USE ADVISORY BOARD

Correction

In FR Doc. 75-28425, regarding the Susanville District Multiple Use Advisory Board, Susanville, California, appearing on page 49376 in the issue of Wednesday, October 22, 1975 the dates of the meeting have been changed from November 18 and 19, 1975 to December 4 and 5, 1975.

HERMAN KAST,
Acting District Manager.

[FR Doc.75-29321 Filed 10-30-75;8:45 am]

[CA 2388]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

OCTOBER 24, 1975.

The Forest Service, United States Department of Agriculture, has filed an application, serial number California 2388, for the withdrawal of the public lands described below, from appropriation under the mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws, subject to valid existing rights, for addition to the Foresthill Administrative Site, Tahoe National Forest.

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 14 N., R. 10 E.,

Sec. 25, portion of lot 4.

The area described aggregates 5.2 acres in Placer County, California.

The applicant wishes to use the area as expansion for the Forest Service Trailer Court to meet the future housing needs at the Foresthill Administrative Site.

On or before December 3, 1975, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room EE-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will

also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs; to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's; to eliminate lands needed for purposes more essential than the applicant's; and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

WALTER F. HOLMES,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-29308 Filed 10-30-75;8:45 am]

[NM 26805]

NEW MEXICO
Application

OCTOBER 21, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for one 4½ inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 29 N., R. 5 W.,
Sec. 15, SE¼NE¼.

This pipeline will convey natural gas across .185 miles of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief Branch of Lands and
Minerals Operations.

[FR Doc.75-29309 Filed 10-30-75;8:45 am]

[NM 26820]

NEW MEXICO
Application

OCTOBER 21, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat.

576), Southern Union Gas Company has applied for one 4 inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 27 N., R. 12 W.,
Sec. 12, NW¼NE¼.

This pipeline will convey natural gas across .039 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.75-29310 Filed 10-30-75;8:45 am]

[NM 26798, 26799]

NEW MEXICO
Applications

OCTOBER 21, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW
MEXICO

T. 26 N., R. 6 W.,
Sec. 25, S½SW¼.
T. 31 N., R. 10 W.,
Sec. 20, Lot 4.

These pipelines will convey natural gas across .229 miles of national resource lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief Branch of Lands and
Minerals Operations.

[FR Doc.75-29311 Filed 10-30-75;8:45 am]

[NM 26797]

NEW MEXICO
Application

OCTOBER 23, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by

the Act of November 16, 1973 (87 Stat. 576), Shell Pipeline Corporation has applied for a cathodic protection unit right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW
MEXICO

T. 26 S., R. 37 E.,
Sec. 4, SW¼NW¼.

This cathodic protection unit will occupy .0085 acre of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-29312 Filed 10-30-75;8:45 am]

[NM 26806, 26808]

NEW MEXICO
Applications

OCTOBER 23, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 5 W.,
Sec. 21, W½SW¼;
Sec. 28, W½NW¼ and NW¼SW¼;
Sec. 29, E½NE¼ and NE¼SE¼.
T. 31 N., R. 6 W.,
Sec. 25, SE¼SW¼;
Sec. 36, E½NW¼.

These pipelines will convey natural gas across 2.018 miles of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.75-29313 Filed 10-30-75;8:45 am]

[NM 26807]

NEW MEXICO
Application

OCTOBER 23, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by

the Act of November 16, 1973 (87 Stat. 576). El Paso Natural Gas Company has applied for two 4½ inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO
T. 20 S., R. 28 E.,
Sec. 6, SW¼, NE¼, and W¼ SE¼.

These pipelines will convey natural gas across 609 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
*Acting Chief, Branch of Lands
and Mineral Operations.*

[FR Doc. 75-29314 Filed 10-30-75; 8:45 am]

[INT DES 75-56]

NORTH UMPQUA CANYON MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a Draft Environmental Statement for a resource management plan for a part of the North Umpqua Canyon in Douglas County, Oregon.

The statement considers a comprehensive resource management plan for the public lands within delineated boundaries of the North Umpqua River Canyon. It discusses the environmental impacts of such actions as road building, timber management, and recreation development and alternative management proposals.

Copies of the statement are available from the BLM District Manager, 777 Garden Valley Blvd., Roseburg, Oregon 97470.

Comments concerning the environmental statement and impacts should be addressed to the District Manager, Bureau of Land Management, Roseburg District Office, 777 Garden Valley Blvd., Roseburg, Oregon 97470. These comments must be submitted on or before December 15, 1975, for consideration in the final statement.

Dated: October 24, 1975.

STANLEY D. DOREMUS,
*Deputy Assistant
Secretary of the Interior.*

[FR Doc. 75-29317 Filed 10-30-75; 8:45 am]

[Utah—31281]

UTAH Application

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of

1920, as amended (30 U.S.C. 185), the Mesa Pipeline Company has applied for a gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN

T. 16 S., R. 24 E.,
Secs. 2, 3, 10, 11, 12, 13.

The gas pipeline will join an existing right-of-way and extend northwesterly thence northeasterly to ARCO. State 2-1 and ARCO. State 2-2.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

WILLIAM G. LEAVELL,
Associate State Director.

OCTOBER 24, 1972.

[FR Doc. 75-29315 Filed 10-30-75; 8:45 am]

RESTRICTED JOINT BIDDERS

List

Pursuant to the authority vested in the Director of the Bureau of Land Management by the provisions of 43 CFR 3302.3-2, the following companies shall be restricted from bidding jointly with any other company on the same list during the bidding period November 1, 1975 through April 30, 1976:

Amoco Production Company
BP Alaska Exploration, Incorporated
Chevron Oil Company
Exxon Corporation
Gulf Oil Corporation
Mobil Oil Corporation
Shell Oil Company
Standard Oil Company of California
Texaco, Incorporated

CURT BERKLUND,
Director, Bureau of Land Management.

OCTOBER 29, 1975.

[FR Doc. 75-29413 Filed 10-30-75; 8:45 am]

Fish and Wildlife Service ENDANGERED SPECIES PERMIT Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Mr. Dale Myron Becker, 4732 South 77 Avenue (#5), Ralston, Nebraska 68127.

 DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)	
		<input type="checkbox"/> IMPORT OR EXPORT LICENSE	<input checked="" type="checkbox"/> PERMIT
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.	
Dale Myron Becker, 4732 South 77 Ave / #5) Ralston, NE 68127 402-331-9238		To amend Banding Permit 20608 to allow banding of eagle and/or other endangered species that have been rehabilitated and are ready for release.	
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION	
<input checked="" type="checkbox"/> MR. <input type="checkbox"/> MRS. <input type="checkbox"/> MISS <input type="checkbox"/> MS.	HEIGHT 6'4"	WEIGHT 250	
DATE OF BIRTH 3/16/51	COLOR HAIR Brown	COLOR EYES Hazel	
PHONE NUMBER WHERE EMPLOYED 402-733-8401	SOCIAL SECURITY NUMBER 485-66-7113		
OCCUPATION Area Supervisor, Omaha Zoo		NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.	
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT		IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED	
Henry Doorly Zoo Riverview Park Omaha, NE 68107			
6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED		7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? (If yes, list license or permit number)	
Nebraska & Iowa		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Henry Doorly Zoo holds a Fish & Wildlife Permit	
		8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? (If yes, list jurisdictions and type of documents)	
		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF		10. DESIRED EFFECTIVE DATE	11. DURATION NEEDED
		7/1/75	one year
12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.			
CERTIFICATION			
I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.			
SIGNATURE (In ink)		DATE	
Dale Myron Becker		6-11-75	
3-200 10/76		107-110-01	

ATTACHMENT TO APPLICATION FOR PERMISSION TO BAND BALD AND GOLDEN EAGLES AND ENDANGERED SPECIES OF RAPTORS

1. Northern Bald Eagle—*Haliaeetus leucocephalus alascanensis*, North American Golden Eagle—*Aquila chrysaetos canadensis*, North American Peregrine Falcon—*Falco peregrinus anatum*, Arctic Peregrine Falcon—*Falco peregrinus tundrius*.

2. The birds to be covered by this permit are birds which would be received sick, injured, or debilitated. When such birds were rehabilitated and ready for release, they would be banded and released. Also, three and possibly four Northern Bald Eagles are nearly ready for release. These are the only birds presently being held that might be affected by this application and attachment.

3. Not applicable.

4. The birds mentioned above were received in a run-down condition and have since been rehabilitated and readied for release. Any other birds received would be sick, injured, or debilitated birds. This application and attachment strictly pertains to birds received under those circumstances only.

5. The birds would be housed at facilities of the Henry Doorly Zoo at 10 & Deerpark Blvd in Omaha, NE. Facilities include a pen 30' x 33' x 18' and an enclosed room 12' x 20' x 12'.

6. I.

II. Care for these birds would be offered by the two staff veterinarians, both of which have had considerable experience in the field of raptor rehabilitation. Also two members of the professional staff. Their combined experience includes approximately eight years of involvement with captive raptors and raptor rehabilitation programs.

III. As I mentioned before, the program that we are participating in is predominately a rehabilitation program. Through the advice of the U.S. Fish & Wildlife Service Agent here in Omaha, non-releasable birds are sent to institutions that could possibly utilize them in captive propagation or captive research programs.

IV. Not applicable.

V. I have enclosed the information as complete as possible with this attachment. The

Zoo's records are quite accurate and complete for the individual birds treated in the last year and a half under the rehabilitation program now being carried on. Before that time I was not involved with the records kept on the birds.

7. Copy of Fish & Wildlife Permit.

8. The sole reason for the application for this permit is to attempt to band raptors that are received sick, injured, or debilitated, rehabilitated, and released. The birds that I am asking authorization to band are listed in Item 1 of this attachment.

I feel that all birds that are rehabilitated and released should be banded. Returns of these bands to the U.S. Fish & Wildlife Service can help us all to understand something of raptor movements plus it can perhaps help me to determine if and how our rehabilitation procedures could be improved.

I feel that any and all rehabilitated birds which are releasable should be released unless they are already being used in captive propagation programs, captive research programs, or their safety could be jeopardized by such release.

Northern bald eagle—Haliaeetus leucocephalus alascanis

ISIS No.	Sex	Acquisition date	Comments	Removal	Date
3005	0.1	(¹)			
818	1.0	May 29, 1970	Has scars over eyes and around cere.		
		Dec. 15, 1970	Immature—wing amputated.	Death	Mar. 20, 1971
		Feb. 5, 1971		Released	Mar. 29, 1972
		Mar. 12, 1972		do	Mar. 17, 1972
2132	1.0	Oct. 31, 1974	Immature—very weak	do	Apr. 14, 1975
	1.0	Mar. 25, 1975		Death	Mar. 27, 1975
2203	1.0	Mar. 27, 1975			
2204	1.0	do			
2206	1.0	do			
2207	1.0	Mar. 29, 1975	Poisoned.	Death	Mar. 31, 1975
2208	0.1	do	do	do	Mar. 29, 1975
2215	1.0	Apr. 10, 1975	Shotgun blast.		
2216	1.0	Apr. 11, 1975		Shipped to Graham	(¹)
2217	0.1	do		Death	Apr. 12, 1975
2218	0.1	do		do	Do.

¹ Not available.

North American golden eagle—Aquila chrysaetos canadensis

ISIS No.	Sex	Acquisition date	Comments	Removal	Date
0.0.1		(¹)		Shipped to Iowa University	Apr. 29, 1973
1.0		(¹)		Death	July 7, 1974
0.0.1		(¹)		do	Nov. 25, 1974
3003	1.0	(¹)	Blind in right eye.		
0.0.1		Jan. 10, 1971		(¹)	(¹)
1666	0.1	Feb. 3, 1973		Shipped to University of Missouri.	(¹)
1745	0.0.1	June 21, 1973		do	(¹)
	1.0	do	Immature	Released	Apr. 14, 1975
1872	0.0.1	Jan. 11, 1974	Leg tag No. 4	Shipped to University of Missouri.	(¹)
1883	0.1	Feb. 8, 1974		Death	Aug. 12, 1974
1903	0.0.1	Feb. 27, 1974		(¹)	(¹)
2136	0.1	Nov. 5, 1974	Very weak	Released	Apr. 14, 1975
2144	1.0	Dec. 2, 1974	Caught in coyote trap.		

¹ Not available.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 1, 1975.

Dated: October 28, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement,
U.S. Fish and Wildlife Service.

[FR Doc. 75-29204 Filed 10-30-75; 8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed

to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Mr. Ricardo La Mar,
1301 NW. 101 Street,
Miami, Florida 33147.

9 October 1975.

Mr. MARSHALL I. STINNETT,
U.S. Department of the Interior
P.O. Box 19183
Washington, D.C. 20240

Attention: Mr. Hester, Permit Section.
This letter is my request to obtain an "Endangered Wildlife" permit to purchase pheasants at the U.S.A. (Interstate) with propagational purpose and intention to sell the reproduction to qualified game-breeders only.

GENERAL INFORMATION & CERTIFICATION
AS REQUIRED BY 13.12

Name, Ricardo La Mar; Address, 1301 N.W. 101 Street—Miami, Florida 33147; Phone No. (305) 693-9497; Date of Birth, November 20, 1938; Height, 5'8", Weight, 185 lbs., Color of Hair, Black; Color of Eyes, Brown; Sex, Male.
3. Is not applicable.

4. Location where the permitted activity is to be conducted—U.S.A.

5. List of sellers:
L & L Pheasantry, Dept. G, East Mountain Road, Hogsins, R.D. No. 2, Pennsylvania 17938, Phone: (717) 682-9437.

Green Pheasantry, Rt. 3, Denver, Penn. 17517.
Thomas J. Sims, 3169 McConkendale Road, Caledonia, N.Y. 14423.

Charles Kamm, Rt. 1, Box 87, Courtland, Minn. 56021.

Clayton Burkey, Rd. 1, Box 11, Loretto, Penn. 15940.

MACK, 600 E. River Road, Rochester, N.Y. 14633, Phone: (716) 473-8963.

Dr. D. A. Christensen, Route 1, Box 3, Kendrick, Idaho 83532.

Ed Benhard, Reardan, Washington 99029, Phone: (509) 796-3274.

Don Meisner, Box 187, Salem, N.H., Phone: (603) 898-7782.

George Jelinek, 1510 Morrice Road, Owosso, Michigan 48867, Phone: (517) 723-4037.

Don Zold, 21260 260th SE, Maple Valley, Washington 98038.

Whispering Pines Gamebird Farm, Boom Road, Saco, Maine 04072.

6. Is not Applicable.

7. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter E of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to criminal penalties of 18 USC 1001.

RICARDO LA MAR.

THE COMMON AND SCIENTIFIC NAMES OF THE SPECIES SOUGHT TO BE COVERED BY THE PERMIT, AS WELL AS THE NUMBER, AGE AND SEX OF SUCH SPECIES, ARE:

1 Pair—Male & Female, Common name: Pheasants, Bar-Tailed, Scientific name: *Syrnaticus Humias*, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Pheasants, Blyth's Tragopan, Scientific name: *Tragopan Blythii*, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Pheasants Brown-Eared, Scientific name: *Crosspition-Manichurium*, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Cabot's Tragopan, Scientific name: *Tragopan Caboti*, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Pheasant Edward's, Scientific name: *Lophura Eduardsi*, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Pheasant Mikado, Scientific name: *Syrnaticus Mikado*, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Pheasant Imperial, Scientific name: *Lophura Imperialis*, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Pheasant Swinhoe's, Scientific name: *Lophura Swinhoei*, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Wester-Tragopan, Scientific name: *Tragopan Melanocephalus*, Age: Under 1 year of age.

1 Pair—Male & Female, Common name: Palawan Peacock, Scientific name: *Polyplectron Emphanum*, Age: Under 1 year of age.

At the time of this application, the wildlife sought to be covered by this permit has already been born in captivity.

The wildlife sought to be covered by this permit will be maintained at: 1301 NW. 101 Street, Miami, Florida 33147, and will be cared for by myself.

I will be willingful to participate in a cooperative breeding program, and to maintain or contribute data to a studbook.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: October 24, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement,
U.S. Fish and Wildlife Service.

[FR Doc. 75-29295 Filed 10-30-75; 8:45 am]

ENDANGERED SPECIES PERMITS

Notice of Official Action

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications received under section 10 of the Endangered Species Act of 1973, 16 U.S.C. 1539. Each permit was issued only after it was determined that it was applied for in good faith; that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973.

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

MAY 28, 1975 (40 FR 23093-94)

Applicant: Idaho Cooperative Wildlife Research Unit, College of Forestry, Wildlife and Range Science, University of Idaho, Moscow, Idaho 83843.

Official Action: Issued permit July 16, 1975: "May import and transplant 15 Whooping Crane eggs per year from Wood Buffalo Park, Northwest Territories, Canada, to Grays Lake National Wildlife Refuge, Idaho."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

APRIL 21, 1975 (40 FR 17607-8-9-10-11)

Applicant: Director, Texas Parks and Wildlife Department, John H. Reagan Building, Austin, Texas 78701.

Official Action: Issued permit July 17, 1975, to conduct scientific research, and/or salvage dead or injured specimens, as specifically described in permit, on the following endangered species:

Arctic Falcons (*Falco peregrinus tundrius*)
American Peregrine Falcons (*Falco peregrinus anatum*)
Red-Cockaded Woodpeckers (*Dendrocopos borealis*)
Southern Bald Eagle (*Haliaeetus lk. leucocephalus*)
Black-Footed Ferret (*Mustela nigripes*)
American Alligator (*Alligator mississippiensis*)
Houston Toad (*Bufo houstonensis*)
Red Wolf (*Canis rufus*)
Attwater's Prairie Chicken (*Tympanuchus cupido attwateri*)

Comanche Springs Pupfish (*Cyprinodon elegans*)
Fountain Darter (*Etheostoma fonticola*)
Brown Pelican (*Pelecanus occidentalis*)
Eskimo Curlew (*Numenius borealis*)
Ivory-Billed Woodpecker (*Campephilus principalis*)
Mexican Duck (*Anas diazi*)
Ocelot (*Felis pardalis*)
Atlantic Ridley Turtle (*Lepidochelys kempi*)
Texas Blind Salamander (*Typhlomolge rathbuni*)
Clear Creek Gambusia (*Gambusia heterochir*)
Pecos Gambusia (*Gambusia nobilis*)
Big Bend Gambusia (*Gambusia gaigei*)
West Indian Manatee (*Trichechus manatus*)
Hawksbill Turtle (*Eretmochelys imbricata*)
Leatherback Turtle (*Dermochelys coriacea*)
Blue Whale (*Balaenoptera musculus*)
Finback Whale (*Balaenoptera physalus*)
Right Whale (*Eubalaena spp.*)
perm Whale (*Physeter catodon*)
Bachman's Warbler (*Vermivora bachmani*)

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

MAY 29, 1975 (40 FR 23341-42-43)

Applicant: Mr. Maeton C. Freel, Jr., 738-4th Street, Apt. 104, Santa Monica, California 90403.

Official Action: Issued permit July 18, 1975: "May conduct scientific research on endangered species encountered in the course of off-shore surveys of marine mammals and migratory sea-birds."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

MAY 21, 1975 (40 FR 22153-54)

Applicant: Jacob M. Valentine, Jr., U.S. Fish and Wildlife Service, University of Southwestern Louisiana, Lafayette, Louisiana 70501.

Official Action: Issued permit July 21, 1975: "May take a maximum of six (6) Mississippi Sandhill Crane (*Grus canadensis pulla*) eggs each year in Jackson County, Mississippi, and ship or carry them to Patuxent Wildlife Research Center, Laurel, Maryland, for propagation purposes."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

MAY 30, 1975 (40 FR 23483-84)

Applicant: Bureau of Land Management, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

Official Action: Issued permit July 21, 1975: "May conduct scientific research on Greenback Cutthroat Trout (*Salmo clarki stomias*), Humpback Chub (*Gila cypha*), and Colorado Squawfish (*Ptychocheilus luctus*)."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

MAY 13, 1975 (40 FR 20832-33)

Applicant: Ralph W. Schreiber, Ph. D., Department of Biology, University of South Florida, Tampa, Florida 33620.

Official Action: Issued permit July 21, 1975: "May capture, band, and immediately release Brown Pelicans (*Pelecanus occidentalis*), for scientific study."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, MAY 30, 1975 (40 FR 23487-88)

Applicant: William Albert Burnham, Peregrine Fund, Cornell University, 1424 Northeast Frontage Road, Fort Collins, Colorado 80521.

Official Action: Issued permit July 21, 1975: "May band and immediately return to the nest Peregrine Falcon nestlings (*Falco peregrinus anatum*) and (*Falco peregrinus tundrius*). May band captive bred peregrine falcons and migrating peregrine falcons as permitted by your Federal Birds Marking and Salvage permit."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, JUNE 11, 1975 (40 FR 24931-32)

Applicant: Director, National Zoological Park, The Smithsonian Institution, Washington, D.C. 20009.

Official Action: Issued permit July 23, 1975: "Permittee may import 28 White-Winged Rock Powl (*Picathartes gymnocephalus*)."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

APRIL 29, 1975 (40 FR 18571-72)

Applicant: Dr. Royal Dallas Suttikus, Systematic & Environmental Biology Laboratory, Tulane University, Belle Chasse, Louisiana 70037.

Official Action: Issued permit July 25, 1975: "May collect from the Colorado River 25 specimens each of Humpback Chub (*Gila cypha*), Colorado River Squawfish (*Ptychocheilus luctus*), and Woundfin (*Plagophorus argentissimus*), and transport them to Tulane University."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

MAY 30, 1975 (40 FR 23486-87)

Applicant: Director, Denver Wildlife Research Center, U.S. Fish and Wildlife Service, Building 16, Federal Center, Denver, Colorado 80225.

Official Action: Issued permit July 28, 1975: "May conduct scientific research on the Brown Pelican."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, MAY 29, 1975 (40 FR 23343-44)

Applicant: National Park Service, Death Valley National Monument, Death Valley, California 92328, James B. Thompson, Superintendent.

Official Action: Issued permit July 28, 1975: "May conduct scientific research on the Devil's Hole Pupfish (*Cyprinodon diabolis*)."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, JUNE 11, 1975 (40 FR 24932-33-34)

Applicant: President, Philadelphia Zoological Garden, 34th Street & Girard Avenue, Philadelphia, Pennsylvania 19104.

Official Action: Issued permit July 28, 1975: "Permittee may import for propagation four (4) White-Necked Rock Powl (*Picathartes gymnocephalus*)."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, MAY 28, 1975 (40 FR 23095-96-97)

Applicant: T. A. Beckett, III, Magnolia Gardens, Route 4, Charleston, South Carolina 29407.

Official Action: Issued permit July 29, 1975: "May band Brown Pelicans and Red-Cockaded Woodpeckers as permitted by your Federal Bird Marking and Salvage permit. The birds are to be released immediately after banding at the capture site."

NOTICE OF APPLICATION PUBLISHED IN FEDERAL REGISTER, APRIL 8, 1975 (40 FR 15919-20)

Applicant: Mr. Robert Ream, Principal Investigator, Forestry School, University of Montana, Missoula, Montana 59801.

Official Action: Issued permit July 31, 1975: "May conduct scientific research on the

Northern Rocky Mountain Wolf (*Canis lupus irremotus*)."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

JUNE 11, 1975 (40 FR 24935-36)

Applicant: Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520, Dr. Don D. Farst, Director.

Official Action: Issued permit July 31, 1975: "May export from Brownsville, Texas, ten (10) Siberian Tigers (*Panthera tigris altaica*), to 'Africam,' near Puebla, Mexico."

NOTICE OF APPLICATION

PUBLISHED IN FEDERAL REGISTER

JUNE 11, 1975 (40 FR 24934-35)

Applicant: Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Texas 78520, Dr. Don D. Farst, Director.

Official Action: Issued permit July 31, 1975: "May acquire and import two (2) Brown Lemurs (*Lemur macaco fulvus*), from the Jardin Zoologique de Quebec, Canada, for propagation."

Each permit is available for public inspection during normal business hours at the U.S. Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

M-44 Emergency use, August 1975

State	Number of counties	Number of ranches	Number of cattle, sheep, and goats protected	Number of M-44's used
Arizona	3	19	6,415	297
Idaho	1	1	140	15
Montana	18	27	20,081	573
Nevada	1	1	1,000	40
New Mexico	11	27	15,017	894
Oregon	7	34	3,700	257
Texas	26	97	27,148	872
Utah	3	9	11,169	98
Total	70	215	85,226	3,046

One or more coyotes were taken with this device on 76 of the 227 emergency areas, but losses were not necessarily halted in each case. During this month, 124 coyotes were taken by this device. Other species taken with the device during this period include 7 foxes, 1 feral dog, 3 skunks, and 4 raccoons.

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.

OCTOBER 24, 1975.

F. V. SCHMIDT,
Acting Director
U.S. Fish and Wildlife Service.

[FR Doc.75-29316 Filed 10-30-75;8:45 am]

Dated: October 28, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement,
U.S. Fish and Wildlife Service.

[FR Doc.75-29296 Filed 10-30-75;8:45 am]

COYOTE DAMAGE CONTROL: CATTLE, SHEEP AND GOATS

Report on Emergency Use of M-44 Devices During August 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 August. 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, part 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 August 1975 is as follows:

Law 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Brendan T. Byrne that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 8, 1975, for physical losses and July 9, 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 areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 22nd day of October, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-29286 Filed 10-30-75;8:45 am]

Forest Service

CARIBOU NATIONAL FOREST GRAZING ADVISORY BOARD COMMITTEE

Notice of Meeting

The Caribou National Forest Grazing Advisory Board Committee will meet at 1:30 p.m., November 18, 1975, at the Forest Supervisor's Office, 427 North Sixth Street, Pocatello, Idaho.

The purpose of this meeting is to discuss local and national policies concerning the management of the Forests as it relates to Forest grazing permittees. Some subjects that could be discussed are: what implications will more grass-far livestock for market have on demands for Forest grazing; impact of increased phosphate mining activity on grazing allotments; condition of big game winter ranges and trends of game populations; and permittee input needs on planning and implementation of off-road vehicle use on National Forest lands.

The meeting will be open to the public. Persons who wish to attend should notify the Caribou National Forest, P.O. Box 4189, Pocatello, Idaho, 83201, or phone 208-232-1142. Written statements may be filed with the Board before or after the meeting. Public participation will be scheduled following the close of the regular schedule of business.

Dated: October 22, 1975.

ADRIAN E. DALTON,
Forest Supervisor.

[FR Doc.75-24290 Filed 10-30-75;8:45 am.]

Office of the Secretary

SUPERIOR NATIONAL FOREST ADVISORY COMMITTEE

Two-Year Renewal

The Assistant Secretary for Conservation, Research, and Education has re-

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A264]

NEW JERSEY

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching or aquaculture operations have been substantially affected in the following counties in New Jersey as a result of the following natural disasters:

Gloucester—excessive rainfall and wind storm July 10 to 16, 1975.

Hunterdon—excessive rainfall July 1 to 14, 1975.

Monmouth—excessive rainfall and flooding July 14 to 20, 1975.

Warren—excessive rainfall and flooding June 1 to 7, 1975.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public

newed the Superior National Forest Advisory Committee for an additional 2-year period ending September 28, 1977.

This is a local Forest Service advisory committee established by the Secretary of Agriculture on March 30, 1967, to consider and advise the Forest Supervisor on policies, programs, and planning affecting the administration of Forest Service activities in the Superior National Forest, including the Boundary Waters Canoe Area.

The Assistant Secretary has determined that continuation of this committee is necessary and in the public interest in connection with duties imposed on the Department by law. This notice is given in compliance with Public Law 92-463.

J. PAUL BOLDOC,
Deputy Assistant Secretary
for Administration.

OCTOBER 28, 1975.

[FR Doc.75-29288 Filed 10-30-75;8:45 am]

Statistical Reporting Service

MARKETING YEAR CHANGE FOR GRAINS

Notice is hereby given that pursuant to the authority contained in Section 408 (f) of Title IV of the Agricultural Act of 1949, as amended (7 U.S.C. 1428(f)), the U.S. Department of Agriculture (USDA) proposes to change the marketing year for oats, barley, rye, flaxseed and sorghum to June 1 through May 31 in order to more nearly correspond with harvesting schedules in the major producing areas.

These changes will be effective with the marketing year starting June 1, 1976. Presently, the marketing year is July 1 to June 30 for oats, barley, rye and flaxseed and October 1 to September 30 for sorghum. Prompting the intended adjustment is USDA's desire to have the marketing years for these crops match the new June 1 through May 31 wheat marketing year enacted by Congress effective June 1, 1975. The previous marketing year for wheat had been July 1 to June 30.

The Department will continue to publish wheat supply, utilization, price and other data based on the old July 1 through June 30 marketing year until June 1, 1976 when its reports will shift to the new dates.

Prior to changing the marketing years for oats, barley, rye, flaxseed and sorghum, USDA invites interested parties to present in writing their reactions to the proposal to the Director of Agricultural Economics, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all responses must be received no later than December 1, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:30 a.m. to 5 p.m.).

Signed at Washington, D.C. on October 28, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.75-29287 Filed 10-30-75;8:45 am]

Rural Electrification Administration WESTERN FARMERS ELECTRIC COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Western Farmers Electric Cooperative, Inc., P.O. Box 429, Anadarko, Oklahoma 73005. This loan application, together with funds from other sources, includes financing for a 280 MW combined-cycle generating unit at Anadarko, Oklahoma.

Additional information may be secured by request submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited 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 from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to the Assistant Administrator-Electric, at the address given above. Comments must be received on or before December 30, 1975, to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 24th day of October, 1975.

RICHARD F. RICHTER,
Acting Administrator
Rural Electrification Administration.

[FR Doc.75-29365 Filed 10-30-75;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND AD- VISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the

Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9 a.m. to 1 p.m. on Thursday, December 18, 1975, in Dining Rooms A & B, Administration Building, of the National Bureau of Standards, in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal Information Processing Standards.

The public will be permitted to attend, to file written statements, and, to the extent time permits, to present oral statements. Persons planning to attend should notify Robert E. Rountree, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (phone 301-921-3157).

Dated: October 24, 1975.

ERNEST AMBLER,
Acting Director.

[FR Doc.75-29323 Filed 10-30-75;8:45 am]

Office of the Secretary

NEW YORK BIGHT MESA ADVISORY COMMITTEE

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I and Office of Management and Budget Circular A-63 of March 1974, and after consultation with OMB, the Secretary of Commerce has determined that the renewal of the New York Bight MESA (Marine EcoSystems Analysis) Advisory Committee, with a supporting information User Advisory Panel, a supporting Scientific and Technical Advisory Panel, and a supporting Citizen and Industrial Advisory Panel, is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in November 1973, and is being renewed for another two year period. The Committee will continue to collect, analyze and synthesize information on the needs and uses for marine ecosystem information in the New York Bight, on scientific and technical efforts in and related to the Bight and on the concerns and views of citizens and industrial organizations regarding the Bight. The Committee will continue to advise the Administrator of the National Oceanic and Atmospheric Administration (NOAA) on the conduct, content and coordination of the MESA New York Bight Project.

The Committee and each of its Panels will continue with a balanced representation of interests. The New York Bight Project Manager for the NOAA MESA Program will chair the Committee, and a designated NOAA employee will chair each Panel. The Committee will be responsible and report to the Director of NOAA's MESA Program, and will operate in compliance with the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate

committees of the Congress and with the Library of Congress 15 days after the date this notice appears.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Stanley Chanesman, MESA New York Bight Project, Old Biology Building 004, S.U.N.Y., Stony Brook, New York 11794, telephone: (516) 751-7002.

Dated: October 24, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for
Administration.

[FR Doc.75-29367 Filed 10-30-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health
NATIONAL PROFESSIONAL STANDARDS
REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council.

Date and Time: November 17, 1975 (10 a.m. to 5 p.m.), November 18, 1975 (9 a.m. to 1 p.m.).

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, S.W., Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 16A-16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

OCTOBER 28, 1975.

WILLIAM B. MUNIER,
Acting Director, Office of
Professional Standards Review.

[FR Doc.75-29333 Filed 10-30-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Meeting

OCTOBER 24, 1975.

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10 a.m., Friday, November 14, 1975 in the office of the Administrative Conference of the United States, Suite 500, 2120 L Street, N.W., Washington, D.C. 20037.

The Committee will meet to consider Professor Williams' proposed recommendation on hybrid rulemaking, Professor Tomlinson's revised draft report and recommendations on "Publication of Documents in the Federal Register," and Professor Asimow's study and recommendations on the exemption from rulemaking in the Administrative Procedure Act for statements of policy and interpretive rules.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting: any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Emmett J. Gavin (telephone 202-254-7020). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

[FR Doc.75-29419 Filed 10-30-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-10-50; Docket 27573; Agreement C.A.B. 25453]

INTERNATIONAL AIR TRAVEL ASSOCIATION

Order Relating to Specific Commodity Rates

Correction

In FR Doc. 75-28030, appearing at page 48708, in the issue for Friday, October 17, 1975, the third line of the second paragraph was omitted, it should read as follows: "low reflecting reductions from general".

[Order 75-10-51; Docket 28392]

KOREAN AIR LINES CO., LTD.

Order of Investigation and Suspension

Correction

In FR Doc. 75-28031, appearing at page 48708 in the issue for Friday, Octo-

ber 17, 1975, change the seventeenth line, in the third column of page 48709 from "posed rates would still be 213 and 661 per-" to: "posed reductions from present air freight".

ADVISORY COMMITTEE ON PROCEDURAL REFORMS

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Civil Aeronautics Board Advisory Committee on Procedural Reforms will be held at 9:30 a.m. on Saturday, November 15, 1975, in Room 1027 of the Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

The Advisory Committee was established to study the procedural aspects of Civil Aeronautics Board regulation, and to recommend changes designed to reduce cost and delay.

The members of the Advisory Committee are:

Elroy H. Wolff, Chairman

Richard J. Barber	J. Kerwin Rooney
Emory N. Ellis, Jr.	Kelly Rueck
Marvin H. Kusters	Walter D. Scott
Monte Lazarus	Jerrold Scoutt, Jr.
Richard S. Maurer	Robert B. Shapiro
Adrian M.	James Lawrence
McDonough	Smith
Gerard R. Moran	John M. Steadman
Paul S. Quinn	Frank M.
Bert W. Rein	Wozencraft
Reuben B.	
Robertson, III	

The Committee will continue the discussion of the draft reports of the various subcommittees. The subcommittees are: (1) The Board Members; (2) Staff Organization and Functions; (3) Formal Proceedings; (4) Informal Matters; (5) International Matters and (6) Delay. The Committee will also begin discussion of its final report. At the close of the general meeting the subcommittees may continue to meet.

The meeting will be open to the public. Any member of the public may file written statements concerning the matters to be discussed. Oral presentations should be requested in advance.

Persons wishing further information, or wishing to make written or oral presentations should contact Edmund W. Kitch, Executive Director, Civil Aeronautics Board Advisory Committee on Procedural Reforms, Civil Aeronautics Board, Washington, D.C. 20428, telephone 202-382-3216 or 382-7263 (ask for Mr. Campbell).

Minutes of the meeting will be available for public inspection by December 8, 1975, in Room 425 of the Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

[SEAL] EDWIN Z. HOLLAND,
Secretary
Civil Aeronautics Board.

[FR Doc. 75-29327 Filed 10-30-75;8:45 am]

[Docket No. 28319]

**CLEVELAND-TORONTO ROUTE
PROCEEDING****Change of Hearing Room**

Notice is hereby given that the pre-hearing in the above-captioned case (40 FR 44860, September 30, 1975) scheduled to be held in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., commencing at 10 a.m. (local time), Monday, November 10, 1975, has been transferred to Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., at the same time.

Dated at Washington, D.C., October 28, 1975.

[SEAL] **DEE C. BLYTHE,**
Administrative Law Judge.

[FR Doc.75-29328 Filed 10-30-75;8:45 am]

[Docket 28280; Agreement C.A.B. 25476 R-1 and R-2; Order 75-10-100]

**INTERNATIONAL AIR TRANSPORT
ASSOCIATION****Order Relating to Specific Commodity
Rates**

Issued under delegated authority October 23, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers. Regulations between various air carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and were adopted pursuant to unopposed notices to the carriers and promulgated in IATA letter dated October 17, 1975.

Agreement CAB	Specific commodity item No.	Description and rate
254R		
R-1	1567	Cigarettes, 288¢/kg, minimum weight 100 kg, from Bangalore to New York.
R-2	3300	Plumber fittings, 279¢/kg, minimum weight 500 kg, from Bangalore to New York.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, **IT IS ORDERED THAT:** Agreement C.A.B. 25476, R-1 and R-2, is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the **FEDERAL REGISTER.**

[SEAL] **EDWIN Z. HOLLAND,**
Secretary.

[FR Doc.75-29329 Filed 10-30-75;8:45 am]

[Docket 25280; Agreement C.A.B. 25438; Order 75-10-115]

**INTERNATIONAL AIR TRANSPORT
ASSOCIATION****Order Relating to Specific Commodity Rates**

Issued under delegated authority October 28, 1975.

An Agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the 19th meeting of the Joint Specific Commodity Rates Board held in Geneva on March 4-7, 1975 and has been assigned the above C.A.B. agreement number.

This agreement would remove expiry dates from certain specific commodity rates, amend various others to expire March 31, 1976, and cancels certain others in the North/Central Pacific Rate Tables. These represent corrections to the previous Agreement C.A.B. 25071 which was approved by Order 75-5-101.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, **IT IS ORDERED THAT:** Agreement C.A.B. 25438 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL]

EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 75-29330 Filed 10-30-75; 8:45 am]

COMMODITY FUTURES TRADING COMMISSION

FLOOR BROKERS

Notice of Amendment of CFTC Floor Broker Registration Form 2-R

The Commodity Futures Trading Commission ("Commission") has amended its floor broker registration Form 2-R to incorporate the information required by the Privacy Act of 1974, 5 U.S.C. 552a, to advise applicants of certain existing requirements of the regulations under the Commodity Exchange Act ("Act") and to conform question 6 of the application, which deals with disclosure of convictions and injunctions, to the statutory grounds for denial or revocation of registration.

Pursuant to the requirements of the Privacy Act of 1974, Form 2-R has been amended so as, in summary, to inform the applicant that:

a. The information requested on the form is mandatory, except for the social security number, which is voluntary.

b. The information included on the application will be used as a basis for initiating inquiry into the applicant's fitness to engage in the business.

c. The applications will generally be considered a matter of public record; however, supplementary details of a violation/offense provided in response to question 6 may be treated as non-public in appropriate cases.

Because response to question 6 is to be made on a separate attachment, the Commission will be able in appropriate cases to treat these responses as non-public while treating the application itself as a public document in every case. In addition, the applicant may request that other information be kept confidential if he believes it would constitute an unwarranted invasion of his personal privacy or would reveal sensitive business information. Initial non-public or confidential treatment does not, however, preclude the Commission from subsequently disclosing information for purposes for which confidential treatment appears unwarranted, including disclosures to other governmental authorities and disclosures made in connection with Commission investigations and litigations.

Additionally, the instructions on the application were amended so as to inform the applicant that changes, deletions or additions to certain items on the application must be reported to the Commission on CFTC Form 3-R. This requirement is already included in the regulations, but it was felt that the applicant should be made aware of the requirement on the application form itself.

Finally, question 6 on the application, dealing with disclosure of convictions and injunctions, has been expanded to conform more closely to the grounds for denial or revocation of registration which are set forth in the Commodity Exchange Act. The Commission inter-

preted these standards for denial of registration in a release dated July 3, 1975 (see, 40 FR 28125, July 3, 1975).

Because the disclosure requirements of the Privacy Act became effective on September 27, 1975, and must be implemented before Form 2-R may be used, because the Commission must print and distribute copies of application forms to prospective applicants as quickly as possible in order to complete registration prior to December 31, 1975, when all present registrations expire, and because the amendments to question 6 merely conform the substance of that question to the statutory grounds for denial or revocation of registration, the Commission finds that the notice and public procedures specified in 5 U.S.C. 553(b) are impractical and unnecessary and would be contrary to the public interest.

In consideration of the foregoing, the Commission, pursuant to its authority under sections 4f and 8a(5) of the Commodity Exchange Act, amends Form 2-R as described above, effective November 1, 1975. Although the Form is being amended with immediate effect, the Commission wishes to make clear that any comments interested persons may have respecting these amendments to Form 2-R will be welcome. Comments should be mailed to Commodity Futures Trading Commission, 1120 Connecticut Avenue, NW., Washington, D.C. 20036, Attention: CCU.

A copy of revised CFTC Form 2-R, Floor Broker Registration Form, is set forth below.

Issued in Washington, D.C. on October 27, 1975.

WILLIAM T. BAGLEY,
*Chairman, Commodity
Futures Trading Commission.*

NOTICES

COMMODITY FUTURES TRADING COMMISSION	APPLICATION FOR REGISTRATION AS FLOOR BROKER	CFTC FORM 2-R REVISED OCTOBER 1975																											
<p>INSTRUCTIONS: This application should be typewritten or printed in black ink. Send one copy to the nearest regional office of the Commodity Futures Trading Commission and retain a duplicate for your files. All questions must be answered completely and accurately to eliminate delay and assist in prompt handling of the application. If additional space is needed, use an attachment and refer to corresponding item on form. If you have been previously registered with the Commodity Futures Trading Commission or the Commodity Exchange Authority, answers to certain items on this application have been preprinted. Check any preprinted answers for accuracy and completeness. Where preprinted answers are inaccurate or incomplete make changes or additions on the application form; if sufficient space is not available, use an attachment to the form. See that the form is completed, dated, and signed. Subsequent changes, deletions or additions to items 2, 4, 5, and 6 must be reported to the Commission using CFTC Form 3-R. (See Special Notice on Reverse.)</p>																													
<p>Enter Below: 1. NAME 2. BUSINESS ADDRESS (Incl. Rm. No., City, State, and Zip Code)</p>		<p>DATE OF BIRTH (Month, Day & Year)</p>																											
<p>RESIDENCE ADDRESS</p>		<p>PLACE OF BIRTH (City & State or Country)</p>																											
<p>Application is hereby made for registration as floor broker for the calendar year ending December 31, 19____, pursuant to the requirements of the Commodity Exchange Act. Enclosed is remittance in the amount of \$70, payable to the Commodity Futures Trading Commission, to cover the prescribed registration fee.</p>		<p>SOCIAL SECURITY NUMBER (Voluntary Submission - need not be included)</p>																											
<p>3. Regulated commodity exchanges of which you are a member. If membership is pending, so indicate</p>																													
<p>4. Name of each principal clearing member through whom transactions in commodities are cleared for your own accounts, or for any account which you control or in which you have a financial interest. If NONE, check here <input type="checkbox"/></p>																													
<p>5. Name of each principal clearing member for whom you are currently engaged as floor broker. If NONE, check here <input type="checkbox"/></p>																													
<p>6. If an answer to 6(a), 6(b), 6(c), or 6(d) is "yes," provide the details of the violation/offense; date and nature of judgment, decision, verdict or other findings made, and sanction or sentence imposed on an attached sheet if this information has not been previously reported to this Commission or the Commodity Exchange Authority.</p>		<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">YES</th> <th style="width: 25%;">NO</th> </tr> </thead> <tbody> <tr> <td>(a) Have you ever been censured, fined, suspended, expelled, barred, denied membership or registration, accepted an offer of settlement, or otherwise been disciplined by any regulatory body as follows:</td> <td></td> <td></td> </tr> <tr> <td>(1) A commodity or securities exchange or related clearing organization or by a national securities association?</td> <td></td> <td></td> </tr> <tr> <td>(2) The United States Securities and Exchange Commission, the securities commission or equivalent authority of any State?</td> <td></td> <td></td> </tr> <tr> <td>(3) Other regulatory body? (specify)</td> <td></td> <td></td> </tr> <tr> <td>(b) Have you ever been convicted or been found guilty of or pleaded <i>nolo contendere</i> to a felony of any kind or to any offense listed in the attached Commission interpretation relating to the fitness of floor brokers or to any misdemeanor(s) charging misrepresentation, fraud, deceit, theft, embezzlement, conversion or abuse of a fiduciary relationship?</td> <td></td> <td></td> </tr> <tr> <td>(c) Have you been convicted of any violation involving the handling of any commodity or security account for any customer?</td> <td></td> <td></td> </tr> <tr> <td>(d) Have you been the subject of any debarment by an agency of the United States from contracting with the United States?</td> <td></td> <td></td> </tr> <tr> <td>(e) Are you a party to any action, or currently under indictment or have any charge(s) pending, the outcome of which could result in a "yes" answer to any of the preceding questions [6(a) through 6(d)]? If answer to 6(a) is yes, furnish complete details on an attached sheet.</td> <td></td> <td></td> </tr> </tbody> </table>		YES	NO	(a) Have you ever been censured, fined, suspended, expelled, barred, denied membership or registration, accepted an offer of settlement, or otherwise been disciplined by any regulatory body as follows:			(1) A commodity or securities exchange or related clearing organization or by a national securities association?			(2) The United States Securities and Exchange Commission, the securities commission or equivalent authority of any State?			(3) Other regulatory body? (specify)			(b) Have you ever been convicted or been found guilty of or pleaded <i>nolo contendere</i> to a felony of any kind or to any offense listed in the attached Commission interpretation relating to the fitness of floor brokers or to any misdemeanor(s) charging misrepresentation, fraud, deceit, theft, embezzlement, conversion or abuse of a fiduciary relationship?			(c) Have you been convicted of any violation involving the handling of any commodity or security account for any customer?			(d) Have you been the subject of any debarment by an agency of the United States from contracting with the United States?			(e) Are you a party to any action, or currently under indictment or have any charge(s) pending, the outcome of which could result in a "yes" answer to any of the preceding questions [6(a) through 6(d)]? If answer to 6(a) is yes, furnish complete details on an attached sheet.		
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<p>Willful falsification or misrepresentation or willful omission of any material fact required to be stated in this application shall constitute cause for the denial, suspension or revocation of registration and/or prosecution under criminal statutes.</p>																													

CERTIFICATION

I hereby represent that I have read and understand the foregoing statement and that all information contained or incorporated in this application is true and complete.

DATE

APPLICANT'S SIGNATURE

Do not sign as a floor broker for the period covered by this application until you have been notified that you have been registered as a floor broker.

SPECIAL NOTICE

1. This information on this form is being collected pursuant to authority granted in Section 4f(1) of the Commodity Exchange Act [7 U.S.C. § 6f(1)]. Under Section 4e of the Commodity Exchange Act [7 U.S.C. § 6e] it is unlawful for anyone to act as a floor broker without being registered in that capacity with the Commission. The furnishing of all information on this form is mandatory prior to processing of the application for registration, except the social security number, disclosure of which is voluntary.
2. The information being requested is designed to assist the Commission in determining whether the application for registration or renewal thereof should be granted or denied. Information included herein will be used as a basis for initiating an inquiry into the applicant's fitness to engage in the business. Social security numbers, if furnished, will be used only to assist the Commission in identifying applicants and, therefore, in promptly processing applications.
3. The application with the exceptions listed below, is considered by the Commission as a public record and will be available for inspection by any interested person. Copies will be maintained in the public-reference facilities of the Commission's office nearest to the applicant's location.

While the application itself will always be treated as a public document, supplementary details of a violation/offense provided on the attachment thereto in response to question 6 may be treated as non-public in appropriate cases. If the applicant believes that the placing of any other information of this form in the Commission public file would constitute an unwarranted invasion of his personal privacy or would reveal sensitive business information, he may petition the Commission to treat this information as confidential in response to requests under the Freedom of Information Act. The Commission may disclose information which has been classed as non-public or confidential under circumstances in which confidential treatment appears unwarranted, including disclosures to other governmental authorities and disclosures made in connection with Commission investigations and litigation.

4. Forms which have not been prepared and executed in compliance with applicable requirements may be returned as not acceptable for filing. Acceptance of this form shall not constitute any finding that it has been filed as required or that the information submitted is true, current, or complete. Misstatements or omissions of fact may constitute federal criminal violations. [See 18 U.S.C. § 1001 and 7 U.S.C. 13(c)].

[FR Doc. 75-29251 Filed 10-30-75; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION BOOKMATCHES

Extension of the Time for Publishing a Proposed Rule or Withdrawing Notice of Proceeding

The purpose of this notice is to extend by 61 days, or until December 1, 1975, the period in which the Consumer Product Safety Commission must publish in the FEDERAL REGISTER a proposed consumer product safety standard for book-

matches or withdraw the notice of proceeding for development of a standard.

In the FEDERAL REGISTER of September 4, 1974 (39 FR 32050), the Commission commenced a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to bookmatches. On October 24, 1974, the Commission accepted the offer of the American Society for Testing and Materials (ASTM) to develop a recommended standard, and formalized that

agreement on December 30, 1974. A notice was published in the January 7, 1975 FEDERAL REGISTER (40 FR 1298) announcing the Commission's acceptance of the ASTM offer. On February 3, 1975, ASTM submitted a recommended standard and supporting data to the Commission.

Section 7(f) of the Consumer Product Safety Act provides that within 210 days after publication in the FEDERAL REGISTER of a notice of proceeding to develop a consumer product safety standard, the

ENVIRONMENTAL QUALITY COUNCIL

ENVIRONMENTAL IMPACT STATEMENT Availability

Commission must either publish a proposed standard or withdraw the notice of proceeding. The Commission may extend the 210-day period for good cause, by publishing a notice of extension in the FEDERAL REGISTER. In the FEDERAL REGISTER of April 17, 1975 (40 FR 17196), the Commission, for good cause shown, extended the 210-period by 30 days until May 2, 1975. The Commission determined that it needed additional time to properly review the material submitted by the offeror and the analysis of the Commission staff.

In the FEDERAL REGISTER of July 3, 1975 (40 FR 28126) the Commission further extended the 210-day period until October 1, 1975. The Commission found that this additional time was necessary in order to adequately review the more detailed justification that would be submitted by ASTM and to afford the staff an adequate opportunity to address the issue of child-resistant packaging.

ASTM has submitted a detailed justification of its recommended bookmatch standard. The Commission staff has also completed some additional work necessary for the development of requirements for a child-resistant bookmatch cover.

The Commission staff has reviewed the ASTM rationale and has conducted tests of bookmatches in accord with the provisions of the recommended standard. The Commission concludes that additional time is necessary to modify and verify test methods for certain of the ASTM recommended provisions. Additional time is also needed to allow the Commission staff to prepare detailed justification for the child-resistant bookmatch cover requirements.

In addition, the child-resistant bookmatch cover requirements and provisions of the ASTM recommended standard are being integrated into a single comprehensive proposed consumer product safety standard for bookmatch covers.

Accordingly, the Commission, for good cause shown, hereby extends by 61 days, or until December 1, 1975, the time in which the Commission must either publish a proposed consumer product safety standard applicable to bookmatch covers or withdraw its notice of proceeding.

Dated: October 24, 1975.

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

[FR Doc. 75-29289 Filed 10-30-75; 8:45 am]

CHILDREN'S SLEEPWEAR

**Recordkeeping Requirements for Garments
Manufactured on or After May 1, 1975,
From Fabric Manufactured Before May
1, 1975; Policy Statement**

Correction

In FR-Doc. 28466, appearing at page 49538, in the issue for Wednesday, October 22, 1975, in the third column, the title appearing under the signature now reading "Secretary, Consumer Product Safety Commission" should be changed to read "Secretary, Consumer Product Safety Commission".

Environmental impact statements received by the Council on Environmental Quality from October 20 through October 24, 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. (December 15, 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. Powden 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.

RURAL ELECTRIFICATION ADMINISTRATION

Draft

230kV Transmission Lines, Summer Nuclear Plant, Several Counties in S.C., October 21: The statement concerns a loan application by the Central Electric Power Cooperative, Inc., to finance approximately 95 miles of 230kV line from the Summer Nuclear Plant to Newberry and from Varnville to Hilton Head. The project also includes construction of five new substations at Newberry, Varnville, Hilton Head, Batesburg, and Camden plus a 230kV terminal at the existing Blythehead substation. Environmental effects associated with the project involve introducing negative visual impacts into scenic areas, the removal of tall trees, some soil erosion which may affect nearby waterways, minor limitations on land use, and temporary construction effects. (ELR Order No. 51546.)

SOIL CONSERVATION SERVICE

Draft

Upper Petit Jean Watershed, Logan, Scott, and Sebastian Counties, Ark., October 20: Proposed is a project for the purposes of watershed protection, flood prevention, and a municipal and industrial water supply. The project will commit 507 acres of grassland and 535 acres of forest land to 8 flood-water retarding structures and 1 multiple purpose structure. About 13 miles of upland intermittent streams will be permanently inundated by the 9 reservoirs. The project will also require the relocation of 17 families. (ELR Order #51543.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Development, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, (202) 693-6795.

Final

Chevron Oil Co., Dredging Permit, Baldwin County, Ala., October 24: Proposed is the

issuance of a permit to Chevron Oil Company for the dredging of a slip in the Mobile River Delta to accommodate an inland drilling operations. Adverse impacts include the destruction of about 5 acres of swamp, increased noise levels in the vicinity, degradation of the aesthetic quality of the area, and the potential effects of accidental oil spills and blowouts on Mobile Delta and surrounding areas. (Mobile District) Comments made by: DOI, HUD, DOT, USDA, EPA, DOC, and State and local agencies and individuals. (ELR Order #51560.)

Emergency Water Pumping Station, Potomac Estuary, District of Columbia, October 22: Proposed is the construction of a 100MGD emergency raw water intake, an access road, and a temporary earthen-fill bridge 1,100 feet upstream from Chain Bridge. The project is intended to assure an adequate supply of raw water during low flows of the Potomac. Adverse impact will include: the commitment of land; encroachment upon the C and O Canal National Historical Park, with subsequent aesthetic and recreational losses; and potential damage to water quality and life within the Estuary if the intake is used for prolonged periods. (Baltimore District). Comments made by: EPA, DOI, USDA, and State and local agencies. (ELR Order No. 51551.)

Calumet-Sag Channel, Maintenance Dredging, Illinois, October 22: The project involves the maintenance dredging of Calumet-Sag Channel and the Little Calumet River, and the disposal of polluted sediments in land disposal areas. The dredging program is intended to maintain the waterway for commercial traffic. Adverse impact includes temporary increases in water turbidity, and the potential pollution of ground water. (Disposal sites may be lined with clay in order to mitigate the latter effects.) (169 pages.) Comments made by: USDA, DOC, EPA, HEW, HUD, DOI, DOT, and State and local agencies, and individuals. (ELR Order No. 51550.)

Central Maine Power, Wyman Unit No. 4, Maine, October 24: Proposed is the addition of a 600 megawatt electric generating unit to the present plant capacity of 224 MW. The plant would consume approximately 200 million gallons of fuel oil per year, increasing emissions to the earth's atmosphere. The project also entails dredging from Casco Bay and raising of Casco Bay seawater used for cooling 35 degrees F. Marine life will also be entrained in the cooling system. (Waltham District). Comments made by: HUD, DOC, DOI, EPA, HEW, and local agency. (ELR Order No. 51559.)

Galveston Harbor and Channel, Galveston County, Tex., October 23: The statement refers to the proposed continued maintenance of Galveston Harbor and Channel by periodic removal of shoaled materials. Maintenance will be performed with a hopper dredge or contract pipeline dredge with materials disposed of in a designated area in the Gulf of Mexico. Adverse impacts are loss of benthic community in dredge area, and temporary turbidity. Comments made by: EPA, DOC, DOI, AHP, DOT, HUD, HEW, and State and local agencies. (ELR Order #51556.)

Little Creek Water Supply Reservoir, Newport News, James City County, Va., October 23: The statement discusses the city of Newport News' proposal to increase the safe yield of their water supply system by damming Little Creek and creating an impoundment which will store water to be pumped from the Chickahominy River at Walker Dam. The Army Corps portion of the project includes: construction of an earthfill dam; construction of a pumping station; dredging from the stream bed at the dam site; and expansion of the pumping station at Walker Dam. Adverse impacts are the alteration of 916 acres to an aquatic

habitat, displacement of wildlife habitats, and the conversion of 2.5 miles of stream to a lake. (Norfolk District). Comments made by: DOC, DOI, EPA, DOT, AHP, USDA, and State agencies. (ELR Order #51557.)

Due to incomplete distribution of the following statements, Santa Cruz Harbor Maintenance Dredging and Moss Landing Harbor, California, the thirty (30) day review period for the two statements will not begin until October 31, 1975, the date of publication of this notice in the FEDERAL REGISTER.

Final

Santa Cruz Harbor Maintenance Dredging, Santa Cruz County, Calif., September 2: Proposed is the maintenance dredging of the entrance channel to Santa Cruz Harbor, with the disposal of dredge spoil on the beach east of the jetty. There will be increased turbidity and disruption of biota as a result of the actions. (San Francisco District). Comments made by: USDA, DOT, EPA, HEW, DOI, and State and local agencies and one individual. (ELR Order #51312.)

Moss Landing Harbor, California, Calif., September 3: Proposed is the maintenance dredging of the entrance channel and harbor channel at Moss Landing. Dredged spoil will be deposited at the head of the Monterey Canyon at the 60 foot isobath at the end of Sandholdt Pier. Adverse impact will accrue to marine biota. (San Francisco District). Comments made by: USDA, DOC, DOI, HEW, EPA, and State agencies. (ELR Order #51327.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, (202) 692-3227.

Final

Naval Petroleum Reserve No. 4, Zone A, Alaska, October 24: The statement concerns a 3-year project to locate producible oil and natural gas on the 37,000 square mile Naval Petroleum Reserve No. 4 on the North Slope of Alaska. Adverse impacts include: increases in animal mortality rate, irreparable vegetation damage, extensive permafrost damage, serious alterations in drainage patterns, ecological repercussions to endangered species and ecosystems, and reduction in the wilderness qualities of the area. Comments made by: AHP, USDA, DOC, HUD, USCG, EPA, and State agencies and conservation groups. (ELR Order No. 51562.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Final

Redwood Service District, Josephine County, Oreg., October 23: The project as originally proposed by the Redwood Sanitary Sewer Service District would involve construction of a sewerage system to initially serve the eastern half of the service district which has been declared an emergency health hazard area by the Josephine County Health Department. An interceptor would be constructed westerly along the Rogue River to a secondary treatment plant at the west end of the Service District. Effluent would be discharged to the Rogue River. A "no action" alternative and an alternative with a different plant location are included. Comments made by: USDA, USA, DOT, AHP, HUD, and State and local agencies, and individuals. (ELR Order No. 51558.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard P. Hill, Acting Advisor on Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, 202-386-6084.

Final

Mississippi River Transmission Corporation, October 20: The statement describes the projected curtailment of natural gas supply for the Mississippi River Transmission Corporation. Adverse effects include decreased air quality due to increased use of other fossil fuels and economic consequences of the deficiency of natural gas. Comments made by: NRC, HEW, and State and local agencies. (ELR Order No. 51540.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, 202-343-4161.

Draft

Social Security Administration Center, Monterey County, Calif., October 20: The proposed action consists of construction and operation of a Data Operations Center for the Social Security Administration on an 11.71 acre site in Salinas, California. The project will have a negative effect upon air quality due to automobile traffic to and from the facility. Development of the area will also occur unless the general plan for the city is enforced. (ELR Order No. 51541.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel, Director of Environmental Planning, 720 Edney Building, Chattanooga, Tennessee 37401, 615-755-2002.

Draft

Poor Valley Creek State Park, Hawkins County Tenn., October 22: The proposed action is to enter into a cooperative agreement between TVA and the State of Tennessee to develop the Poor Valley Creek embayment of Cherokee Reservoir for use as a state park. The project includes the purchase of 435 acres of privately owned land and 1,468 acres easement from Tennessee Valley Authority, and the construction of a dam across Poor Valley Creek. Approximately 530 acres of land would be permanently inundated and seven families relocated. (ELR Order No. 51552.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-435 Extension (2nd Supplement), Johnson County, Wyandotte, Kans., October 24: The statement is the second draft supplement to the final EIS. Proposed is the addition of 20.5 miles to Interstate 435 loop around Greater Kansas City, a minimum six-lane limited access facility including interchanges and bridge crossings of Kansas and Missouri Rivers. Adverse impacts of the project include the displacement of families and a church and the conversion of pasture and cultivated land to right-of-way. Air and noise pollution will be increased above ambient level. Wildlife habitat will be destroyed. (ELR Order No. 51561.)

USH 61, 151 and STH 35, Mississippi R. to Dickeyville, Grant County, Wisc., October 21: The statement contains alternative improvement proposals for an 8 mile segment of concurrent U.S.H. 61, 151 and S.T.H. 35

between the Mississippi River and Dickeyville, Wisconsin, which will subsequently connect to a new Mississippi River bridge. Any of the alternatives would result in the displacement of families and businesses and the expansion of urban growth. An additional 140 to 240 acres of land will be required for right-of-way. (ELR Order No. 51545.)

Final

Route 15, San Diego, San Diego County, Calif., October 21: Proposed is the conversion of 2.2 miles of 4-lane highway to freeway on SR-15 between IR-805 and 0.5 mile south of IR-8 in the City of San Diego. A wide, depressed freeway design has been selected for the project. Negative impacts include the displacement of about 650 apartment units and homes plus 63 commercial units. Part of the area known as "Park de la Cruz" will be required, displacing a YMCA center. A 4(f) statement is included. Comments made by: DOI, USA, EPA, DOT, HEW, HUD, and State and local agencies, and individuals. (ELR Order No. 51548.)

Service Route 1, Johnson County, Iowa, October 21: The statement considers the proposed widening of two-lane Iowa 1 to four lanes, construction of a median separation, channelization of the intersection with U.S. 6-U.S. 218, and on interchange with proposed Freeway 518. Project length is 2.2 miles. Two businesses and fourteen families will be displaced; an unspecified amount of land will be committed to the action. Wildlife cover will be lost and ground nesting areas disturbed. (24 pages) Comments made by: USDA, DOI, USA, and State, local and private agencies. (ELR Order No. 51544.)

Interstate Highway 90, Minnesota, Fairbault County, Minn., October 22: The statement considers two alternate routes for the construction of a 6-mile section of 4-lane divided I-90 through or around a portion of the Walnut Lake Wildlife Area. The favored alternate which will pass through the Wildlife Area involves constructing a dike and access trail for, and in cooperation with the Minnesota Department of Natural Resources. Adverse effects of the action include loss of agricultural land, hydraulic and wind erosion during construction, loss of wildlife cover, and encroachment on Section 4(f) land from the Walnut Lake Wildlife Area. (54 pages). Comments made by: EPA, HEW, USDA, USA, DOC, and State and local agencies. (ELR Order No. 51553.)

Route 50, Cole County, Missouri County: Cole County, Mo., October 20: The statement refers to the proposed construction of Route 50 in Cole County. The 6 mile project consists of acquiring right-of-way for a 4 lane divided highway including a diamond, a modified diamond and a loop interchange. Adverse impacts are the use of 240 acres of land, and the removal of 11 houses, 1 commercial building, one telephone switching center and 3 sheds. Comments made by: HUD, DOI, USDA, EPA, HEW, DOT, USA, and State and local agencies. (ELR Order No. 51542.)

State Route 6, Tennessee, Tennessee County: Maury County, Tenn., October 21: The statement considers six alternatives for the construction of approximately 15 miles of a four lane divided highway which would serve as a principal connection between the Cities of Mt. Pleasant and Columbia. Adverse effects are the displacement of some residences and businesses as a result of right-of-way acquisition; loss of some natural resources and increases in noise and air pollution. (72 pages). Comments made by: USDA, HUD, DOI, DOT, TVA, HEW, EPA, and State and local agencies, and interest groups. (ELR Order No. 51549.)

URBAN MASS TRANSPORTATION
ADMINISTRATION

Draft

MARTA (Supplement), Georgia, October 21: The supplement concerns changes in the MARTA system at the Vine City Station, Techwood Station, Tucker-North DeKalb Corridor, Candler Park Station, and East Lake Station. Adverse impacts of the action include the acquisition of land and 316 relocations, the demolition of buildings, the disturbance of the Mason Mills Sports Center and Vine City area, now under consideration of nomination to the National Register. Nine acres of hardwood forest at North Decatur Road and seven acres of forested land west of the SCL Railroad at North Durid Hills would be impacted by these changes. (ELR order No. 51547.)

VETERANS ADMINISTRATION

Contact: (For Medical Facilities), Mr. Arthur W. Farmer, Assistant Chief, Medical Director for Administration and Facilities, Veterans Administration, 810 Vermont Avenue N.W., Washington, D.C. 20420. (For Housing), Mr. R. C. Coon, Director, Loan Guarantee Service, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. 202-389-2932.

Final

Added Parking Facilities, VA Hosp., Iowa City, Iowa, October 23: The project will provide a parking structure of three levels for approximately 250 spaces on the existing VA Hospital site, Iowa City, Iowa with structural capacity for a future expansion of an additional 3 levels. There will be demolition of about 24 existing parking spaces, producing a net gain of 476 spaces. Adverse impacts are increased concentration of air pollutants, increased utilization of land and reduction of open space, and general construction disruption. Comments made by: AHP, USDA, HEW, DOI, DOT, EPA, and State, local and private agencies. (ELR order No. 51554.)

GARY L. WIDMAN,
General Counsel.

[FR Doc. 75-29324 Filed 10-30-75; 8:45 am]

ENERGY RESEARCH AND
DEVELOPMENT ADMINISTRATION

NATIONAL PLAN FOR ENERGY RESEARCH,
DEVELOPMENT AND DEMONSTRATION;
NORTHWESTERN REGION

Public Meeting

On Monday, September 22, 1975, the Energy Research and Development Administration published in the FEDERAL REGISTER (40 FR 43565) notice of a series of regional public meetings on the comprehensive national energy research, development and demonstration plan, Creating Energy Choices for the Future (ERDA-48). The September 22, 1975, FEDERAL REGISTER notice set forth the purpose of the meetings and information on the procedures and other pertinent aspects of the meetings.

It is ERDA's intent to establish a constructive dialogue with State, regional and local groups and private citizens on regional energy concerns as affected by the energy research and development plan.

Notice is hereby given that the Northwestern Regional Public Meeting will be held in Seattle, Washington, on Decem-

ber 2-3, 1975, beginning at 9:30 a.m. at the Seattle Center.

Notice of intent to make a presentation should set forth:

1. The name, address, and affiliation, if any, of the participant;
2. A brief indication of the specific issues concerning Federal energy research, development and demonstration that the participant will address; and
3. Where practicable the text of any statement to be presented or a reasonably detailed summary thereof, which will be included in the proceedings of the meeting.

This notice to make a presentation must be received no later than November 15, 1975, to ensure scheduling. Presentations may be limited to 15 minutes or less in length in order to assure all respondents a fair opportunity to present their views.

Notices of intent to make a presentation and requests for additional information should be addressed to Mr. Tom Bauman, Public Information Officer, ERDA Richland Operations Office, Federal Building, Richland, Washington, 99352 (509-942-7451). Copies of Volume I and II of ERDA-48, Creating Energy Choices for the Future, will be available through the above address.

Dated at Washington, D.C., this 29th day of October 1975.

For the Energy Research and Development Administration.

RAYMOND ROMATOWSKI,
Assistant Administrator
for Administration.

[FR Doc. 75-29468 Filed 10-30-75; 8:45 am]

ENVIRONMENTAL PROTECTION
AGENCY

[449-6]

STANDARDS OF PERFORMANCE FOR NEW
STATIONARY SOURCES (NSPS) AND
NATIONAL EMISSION STANDARDS FOR
HAZARDOUS AIR POLLUTANTS (NES-
HAPS)

Notice of Delegation of Authority to State
of Colorado on Behalf of the Colorado Air
Pollution Control Division

On December 23, 1971 (36 FR 24876) and March 8, 1974, (29 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations in 40 CFR Part 60 establishing standards of performance for twelve categories of new stationary sources (NSPS). In addition, on April 6, 1973 (38 FR 8820), pursuant to Section 112 of the Clean Air Act, as amended, the Administrator promulgated in 40 CFR Part 61 national emission standards for three hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) of the Act direct the Administrator to delegate authority to implement and enforce the standards to any State which submits an adequate procedure. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On June 6, 1975, Richard D. Lamm, Governor, State of Colorado, submitted a request on behalf of the Colorado Air Pollution Control Division for delegation of authority to implement and enforce the NSPS and NESHAPS. Included in that request were copies of Colorado Air Pollution Control Commission Regulations 6 and 8; also included were copies of State statutes and authoritative interpretations which provide the State with authority to enforce the NSPS and the NESHAPS. After a thorough review of that request, the Regional Administrator determined that the State procedures and authority were adequate. Pursuant to authority delegated to him by the Administrator, the Regional Administrator notified Governor Lamm on August 27, 1975, that authority to implement and enforce eleven categories of NSPS and three categories of NESHAPS was delegated to the State of Colorado on behalf of the Colorado Air Pollution Control Division:

Honorable Richard D. Lamm
Governor of Colorado
State Capitol
Denver, Colorado 80203

Dear Governor Lamm:

This letter is in response to your June 6, 1975, request for delegation of authority for implementation and enforcement of the Standards of Performance for New Stationary Sources (NSPS) for the twelve source categories promulgated by EPA as of June 6, 1975, and the National Emission Standards for Hazardous Air Pollutants (NESHAPS) for the three pollutants promulgated by EPA as of June 6, 1975. I would like to commend you, your staff, the Colorado Air Pollution Control Division, and the Colorado Air Pollution Control Commission for the diligence and excellence of Colorado's efforts to assume responsibility for implementing and enforcing the NSPS and the NESHAPS. Colorado has the distinction of being the first State in Region VIII to receive Federal delegation of the NSPS and the NESHAPS.

EPA has reviewed the pertinent laws of the State of Colorado and the rules and regulations of the Colorado Air Pollution Control Commission, and has determined that they provide for an adequate and effective procedure, subject to the conditions noted, for implementation and enforcement of eleven categories of NSPS and three categories of NESHAPS by the State of Colorado and the Colorado Air Pollution Control Division. Delegation of standards of performance for storage vessels for petroleum liquids will not be possible until the State adopts regulations with respect thereto. Therefore, we hereby grant delegation of the NSPS and NESHAPS to the State of Colorado on behalf of the Colorado Air Pollution Control Division, subject to the conditions set forth in paragraphs 1 through 12, as follows:

a. Authority for eleven sources located in the State which are subject to the Standard of Performance for New Stationary Sources promulgated in 40 CFR Part 60 as of June 6, 1975. The eleven (11) categories of new sources subject to this delegation are fossil fuel-fired steam generators; incinerators; portland cement plants; nitric acid plants; sulphuric acid plants; asphalt concrete plants; petroleum refineries; secondary lead smelters; secondary brass and bronze ingot production plants; iron and steel plants; and sewage treatment plants.

b. Authority for all sources located in the State of Colorado which are subject to the national emission standards for hazardous

air pollutants promulgated in 40 CFR Part 61 as of June 6, 1975. The three (3) hazardous air pollutants subject to this delegation are asbestos, beryllium, and mercury.

This delegation is based upon the following conditions:

1. Semiannual reports will be submitted to EPA by the Colorado Air Pollution Control Division, which reports will include a listing of all new sources and sources of hazardous air pollutants located within the State, a listing and summary of compliance status for each such source with applicable emission standards, and a status report on enforcement actions taken or pending against violators.

2. Enforcement of the NSPS and NESHAPS in the State of Colorado will be the primary responsibility of the Colorado Air Pollution Control Division. If the State determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms and conditions of this delegation, EPA may exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act, as amended, with respect to sources which are subject to the NSPS and NESHAPS.

3. The delegation to the State of Colorado does not include the authority to implement and enforce NSPS or NESHAPS for sources owned or operated by the United States which are located within the State. The condition in no way relieves any Federal facility from meeting the requirements of 40 CFR Parts 60 and 61.

4. The State of Colorado will at no time grant a variance pursuant to CRS 25-7-115 from compliance with any standard or requirement of Regulations 6 and 8 pertaining to NSPS and NESHAPS. EPA will consider any source requesting or receiving a variance to remain subject to applicable Federal regulations. EPA may institute an enforcement action against the source pursuant to Section 113 of the Clean Air Act if violation of Federal regulations occur. The granting of such a variance by the State shall also constitute grounds for revocation of delegation by EPA.

5. Subdelegation by the Colorado Air Pollution Control Division to regional or local air pollution control authorities in the State shall not act to relieve the Colorado Air Pollution Control Division of the primary responsibility for implementing and enforcing NSPS and NESHAPS, nor of any of the conditions contained in the delegation from EPA.

6. The Colorado Air Pollution Control Division will utilize and require to be utilized those methods specified in 40 CFR Part 60 and 61 in performing source and emission tests pursuant to the regulations. Alternative or equivalent methods shall not be utilized without prior written concurrence by EPA. Minor changes in test methods authorized by the State must be reported in writing to EPA.

7. Determinations of applicability like those specified in 40 CFR 60.6 and 40 CFR 61.06 shall be consistent with those which have already been made by EPA. Novel determinations must be concurred upon by EPA.

8. Waivers of performance and emission tests and the basis therefore will be reported in writing to EPA.

9. All emission data received or obtained by the Division shall be available to the public to the extent required by the Clean Air Act, 42 U.S.C. 1857 *et seq.*, as amended.

10. If at any time there is a conflict between the State's regulation and the Federal regulation, the Federal regulation must be applied if it is more stringent than that of the State.

11. If the Regional Administrator determines that the State procedure for imple-

menting or enforcing the NSPS or NESHAPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the dates specified in a Notice of Revocation to the Governor of the State of Colorado.

12. The Colorado Air Pollution Control Division shall provide public notice and an opportunity for public comment consistent with 40 CFR 52.18(h), during its new source review procedures prior to approving or disapproving the construction or modification of a source subject to NSPS and NESHAPS regulations.

A Notice announcing this delegation will be published in the FEDERAL REGISTER in the near future. The Notice will state among other things, that effective immediately, all reports required pursuant to the Federal NSPS and NESHAPS by sources located in the State of Colorado should be submitted to the Director, Colorado Air Pollution Control Division, 4210 East 11th Avenue, Denver, Colorado 80220. Any such reports which have been or may be received by EPA, Region VIII, will be promptly transmitted to the Division.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within ten (10) days of the date of receipt of this letter, the State and the Division will be deemed to have accepted all of the terms of the delegation.

Again, let me extend my personal congratulations to you and the State of Colorado for becoming the first State in Region VIII to receive delegation pursuant to Sections 111 and 112 of the Clean Air Act.

Best personal regards.

Sincerely yours,

JOHN A. GREEN,
Regional Administrator.

cc: Mr. Lane Kirkpatrick, Director, Colorado Air Pollution Control Division, Colorado Department of Health, 4210 East 11th Avenue, Denver, Colorado 80220.

Copies of the request for delegation of authority and the Regional Administrator's letter of delegation are available for public inspection at the following addresses:

Colorado Air Pollution Control Division, 4210 East 11th Avenue, Denver, Colorado 80220.

Environmental Protection Agency, Region VIII, Enforcement Division, 1860 Lincoln Street, Denver, Colorado 80203.

Environmental Protection Agency, Division of Stationary Source Enforcement, Waterside Mall, Room 3202, 401 M Street, S.W., Washington, D.C. 20460.

Effective immediately, all reports required pursuant to the eleven (11) categories of NSPS and the three (3) categories of NESHAPS should be submitted to the EPA, Region VIII Office, and should also be submitted to the State agency at the following address:

Colorado Air Pollution Control Division, 4210 East 11th Avenue, Denver, Colorado 80220.

All reports required pursuant to 40 CFR Subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids, should be submitted to the EPA, Region VIII Office only. However, reports required pursuant to 40 CFR 60.7 (c) (excess emissions and malfunctions) should be sent to the State agency only.

This Notice is issued under the authority of Sections 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 7).

Dated: September 2, 1975.

JOHN A. GREEN,
Regional Administrator.

[FR Doc.75-29238 Filed 10-30-75; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

CONSUMER AFFAIRS/SPECIAL IMPACT ADVISORY COMMITTEE

Change in Meeting Place

Notice is hereby given of a change in the location of the meeting for the Consumer Affairs/Special Impact Advisory Committee. The Committee will meet Thursday, November 20, 1975 at 9 a.m., Room 5041A, 12th & Pennsylvania Avenue, N.W., Washington, D.C. rather than Room 7132 as previously announced in the FEDERAL REGISTER.

Issued at Washington, D.C. on October 24, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75-29235 Filed 10-28-75; 9:52 am]

NORTHEAST ADVISORY COMMITTEE

Change in Meeting Place

This notice is given to advise of a change in the location of the meeting of the Northeast Advisory Committee. The Committee will meet Wednesday, November 5, 1975, at 10 a.m. in Room 3400, 12th and Pennsylvania Avenue, N.W., Washington, D.C. instead of Boston, Massachusetts as previously announced. A Notice of Meeting was published in the issue of October 17, 1975 (40 FR 48716).

Issued at Washington, D.C. on October 27, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75-29236 Filed 10-28-75; 9:52 am]

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will meet Monday, November 17, 1975, at 9:30 a.m., FEA Regional Headquarters, 11th Floor Conference Room, 1421 Cherry Street, Philadelphia, Pennsylvania.

The Committee was established to provide the Administrator, FEA, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

The agenda for the meeting is as follows:

1. Natural Gas Curtailment/Middle Distillate Supplies.

2. Extension of Emergency Petroleum Allocation Act of 1973.

3. Allocation—100% Current Needs (FEA Support of Decontrol of Prices and Allocations at the Retail and Wholesale Level by Products).

4. FEA Forms—Reporting Requirements; Replacing CLC 90, 92 and Petroleum Financial Reporting Form P324A.

5. Remarks from the Floor (10-Minute Rule).

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Officer (202) 961-7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C., on October 30, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel

[FR Doc. 75-29526 Filed 10-30-75; 12:28 pm]

FEDERAL MARITIME COMMISSION

[DOCKET NO. 72-35]

PACIFIC WESTBOUND CONFERENCE— WASTEPAPER AND WOODPULP FROM UNITED STATES WEST COAST TO FAR EAST

Order

In light of the recent U.S. Supreme Court decision in *Aberdeen and Rockfish Railroad Co. v. Students Challenging Regulatory Agency Procedures*, (SCRAP II) --- U.S. ---, 43 U.S.L.W. 4116 (June 24, 1975), and the policies announced by the Commission in its Clarification of Order issued September 22, 1975, for Docket No. 73-38, *Council of North Atlantic Shipping Association, et al. v. American Mail Lines Ltd., et al.*, The Commission today takes the following actions in matters pending its decision in the subject proceeding:

The presiding Administrative Law Judge is hereby instructed to receive reply briefs in this case and proceed to issue an Initial Decision based solely upon the primary economic record before him. In rendering his decision, Judge Glanzer shall give no consideration to the existing draft Environmental Impact Statement or any associated evidence introduced by parties in support or opposition thereof.

The Commission's Order of March 19, 1973, requiring, among other things, the presiding Administrative Law Judge to

include as a separate and distinct portion of his Initial Decision findings of fact and conclusions of law pertaining to the issues raised by the draft Environmental Impact Statement, is hereby vacated.

The appeal of Hearing Counsel dated December 30, 1974, relating to the October 31, 1974, "Order Reopening Proceeding In Order To Comply With Procedural Requirements of National Environmental Policy Act" is hereby granted in accordance with the preceding directives, only to the extent that it requested the Commission to direct the presiding Administrative Law Judge to receive reply briefs and prepare an Initial Decision.

The December 30, 1974, Appeal of Pacific Westbound Conference requesting that the Commission declare that no Environmental Impact Statement is required in this proceeding is hereby denied.

The Appeal of National Association of Recycling Industries, Inc., received December 31, 1974, is hereby granted to the extent that it requested reversal and vacation of the presiding Administrative Law Judge's Order of October 31, 1974. To the extent that it requested the Commission to affirmatively direct Judge Glanzer to prepare and issue a new Environmental Impact Statement it is denied.

Parties are directed to respond to the Commission's September 26, 1975 Notice of Intent to Make an Environmental Assessment with the understanding that environmental evidence previously submitted by the parties for the record will be fully considered by the Commission in its effort to cure substantive deficiencies in its existing draft Environmental Impact Statement (now defined by Commission lexicon as a Threshold Assessment Survey). When a new environmental statement becomes available, the Commission will announce a procedural timetable for submission of comments related thereto.

It is so ordered.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75-29339 Filed 10-30-75; 8:45 am]

[No. 75-38]

PUERTO RICO MARITIME SHIPPING AUTHORITY

Notice of Intent To Make an Environmental Assessment

The above referenced proceeding is an investigation to determine whether the 15 percent rate increase requested by the Puerto Rican Maritime Shipping Authority (PRMSA) published in Tariff FMC No. 1, effective September 21, 1975, is just and reasonable or whether it is in violation of section 18(a) of the Shipping Act, 1916 and/or Section 4 of the Intercoastal Shipping Act, 1933.

The Commission believes that its final resolution of the issues in this proceeding may constitute a major Federal action significantly affecting the quality of the

human environment. Consequently, the environmental factors involved warrant consideration and evaluation before decision making is undertaken.

THEREFORE, Notice is hereby given that the Federal Maritime Commission intends to make an environmental assessment to determine whether its final decision in this proceeding will constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). Written comments regarding possible environmental effects which may occur from the eventual resolution of the proceeding are invited. Such comments should be submitted on or before December 1, 1975, Order to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc. 75-29340 Filed 10-30-75; 8:45 am]

BUGSIER-REEDEREI-U. BERGUNGS AG AND LYKES BROS. STEAMSHIP COM- PANY, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 20, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Esquire, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10184 is a non-exclusive transshipment agreement between Bugsier-Reederei-U. Bergungs AG and

Lykes Bros. Steamship Co., Inc. providing for the transportation of cargo under through bills of lading from ports of call of Bugsier-Reederel in Denmark to ports of call of Lykes in the U.S. Gulf, with transshipment at Hamburg, Germany.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

Dated: October 23, 1975.

[FR Doc.75-29337 Filed 10-30-75;8:45 am]

REEDEREI C. CLAUSEN A/S "CLAUSEN-LINIE" AND LYKES BROS. STEAMSHIP COMPANY, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 20, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

R. J. Finnan, Esquire, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Agreement No. 10185 is a non-exclusive transshipment agreement between Reederel C. Clausen A/S "Clausenline" and Lykes Bros. Steamship Co., Inc. providing for the transportation of cargo under through bills of lading from ports of call of Reederel C. Clausen in Denmark to ports of call of Lykes in the U.S. Gulf, with transshipment at Hamburg, Germany.

By Order of the Federal Maritime Commission.

Dated: October 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-29338 Filed 10-30-75;8:45 am]

FEDERAL POWER COMMISSION

PACIFIC ALASKA LNG CO., ET AL.

Notice of Conference

OCTOBER 24, 1975.

In the matter of: Pacific Alaska LNG Company, Docket No. CP75-140; Western LNG Terminal Company, Docket No. CP75-83-2; Atlantic Richfield Company, Docket No. CI75-587; Union Oil Company of California, Docket No. CI75-598; Shell Oil Company, Docket No. CI75-616; Standard Oil Company of California, Docket No. CI75-707.

Take notice that on Friday, November 7, 1975, at 9:30 a.m., the Commission Staff will convene a public conference pursuant to a telegraphic request received October 22, 1975, from Pacific Alaska LNG Company and Western LNG Terminal Company, in their two above-styled dockets. The conference will be held in Room 5200 at the Federal Power Commission offices, 825 North Capitol Street, NE., Washington, D.C. 20426.

Although the above dockets have not to date been consolidated, they are interrelated in that the producers' applications in Docket Nos. CI75-587, CI75-598, CI75-616, and CI75-707 have indicated an intention to sell natural gas to Pacific Alaska LNG Company for its south Alaskan LNG project. Notice of the conference is therefore also being given to all parties to those proceedings.

The telegram states a conference is requested so that the Commission's processing of the applications may be expedited and to consider various pertinent matters, including specifically:

1. The results of [Applicant's] gas supply acquisition efforts to support the project;
2. Any additional questions staff may have relative to Applicant's engineering data; and,
3. SOCAL's urgent market need for this gas.

The conference shall be on-the-record. The results of the conference will be included in the record of the proceedings and, if the matters are set for hearing, the record will be transmitted to the Presiding Administrative Law Judge.

Parties and other interested persons will be permitted to attend, but attendance at the conference will not be deemed to authorize intervention as a party in this proceeding. A petition to intervene filed pursuant to 1.18 of the Commission's Rules of Practice and Procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29306 Filed 10-30-75;8:45 am]

[Docket No. RP75-75]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Conference

OCTOBER 23, 1975.

Take notice that on Tuesday, November 4, 1975, a preliminary settlement conference in the above-styled general rate increase proceedings will be held at 10 a.m. prevailing local time, in Room 5200 at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

All parties, customers of Transco, interested State Commissions and other parties in interest are invited to attend. However, attendance at this conference of persons not previously permitted to intervene by order of the Commission will not be deemed to authorize intervention as a party in this proceeding. A petition to intervene filed in accordance with Section 1.8 of the Commission's Rules of Practice and Procedure is required for that purpose.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-29382 Filed 10-30-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REPORT PROPOSALS

Notice of Receipt

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 24, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC forms are invited from all interested persons, organizations, public interest groups and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments (in triplicate) must be received on or before November 18, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

INTERSTATE COMMERCE COMMISSION

Request is for clearance of revised form OP-F 200, Application Under Sections 20a or 214, Interstate Commerce Act, For Authority to Issue Securities, or to Assume Obligation or Liability in Respect of Securities of Another Person.

The Commission is required to adjudicate applications and carriers are prohibited from issuing securities except on approval of the ICC, whose jurisdiction with regard to such matters is exclusive and plenary. The application form has been revised to include new regulations establishing requirements for offering circulars. Any carrier who schedules a public issuance or offering of securities must also file an offering circular or prospectus with the Commission and deliver it to potential investors. An outline of the offering circular is contained in item 7 of application form OP-F 200, as revised. Approximately 200 applications are processed each year, only 10 percent of which are subject to requirements governing the preparation and filing of offering circulars. Those applications requiring preparation of an offering circular require an estimated 150 hours to prepare. Those applications not requiring the preparation of an offering circular require an estimated 50 hours to prepare.

Request is for clearance of revised form OP-F 240, Issuance of Securities or Assumption of Obligations, a special report required to be filed by carriers issuing securities, on Commission approval, which shows the disposition made of such securities and the application of the proceeds thereof. Reports are required by section 20a(10) of the I.C. Act. Approximately 200 such reports are filed each year and approximately 25 hours are required to prepare a report.

NORMAN F. HEYL,

Regulatory Reports Review Officer.

[FR Doc.75-29376 Filed 10-30-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-18]

MONOLITHIC CATALYTIC CONVERTERS

Order and Notice of Hearing

Upon consideration of the motion of counsel for Volkswagen Atlantic, Inc., Import Motors Limited, Inc., World-Wide Volkswagen Corp., Midvo, Inc., Riviera Motors, Inc., and Porsche Audi Northwest Inc., for leave to file exceptions to order of termination or, in the alternative, application for full Commission review of the order of termination by Presiding Commissioner Ablondi dated October 17, 1975, in the Monolithic Catalytic Converters Investigation No. 337-TA-18, the United States International Trade Commission granted the motion for full Commission review of the order of termination. The Commission also ordered full Commission review of Presiding Commissioner Ablondi's order dated October 20, 1975, which made Johnson, Matthey & Co., Ltd., and Degussa parties to this proceeding.

Notice is hereby given that the United States International Trade Commission will hold a public hearing on November 6, 1975, at 10 a.m. e.s.t., in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW,

Washington, D.C. to hear legal argument whether Volkswagen Mid-America, Inc., Midvo, Inc., World-Wide Volkswagen Corp., Volkswagen Atlantic, Inc., Import Motors Limited, Inc., Riviera Motors, Inc., and Porsche Audi Northwest, Inc., should be discontinued as parties to this proceeding; and whether Johnson, Matthey & Co., Ltd., and Degussa should be made parties to this proceeding.

The motion of counsel for Volkswagen Atlantic, Inc., Import Motors Limited, Inc., World-Wide Volkswagen Corp., Midvo, Inc., Riviera Motors, Inc., and Porsche Audi Northwest, Inc. (certain distributors) to continue the aforementioned distributors as parties pending Commission action on discontinuance is denied.

By order of the Commission.

Issued: October 24, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-29368 Filed 10-30-75;8:45 am]

[Docket No. 337-TA-13]

LIQUID PROPANE HEATERS

Prehearing Conference

Notice is hereby given that the United States International Trade Commission will hold a prehearing conference in connection with investigation No. 337-TA-13, Liquid Propane Heaters, on Friday, November 21, 1975, at 10 a.m., e.s.t., in the Hearing Room of the United States International Trade Commission Building, 701 E Street, Northwest, Washington, D.C.

On or before November 12, 1975, each participant should serve any of the following documents on the Presiding Commissioner and all known parties:

1. Motions pertaining to the scope of the proceeding.
2. A statement of the issues and sub-issues in this proceeding.
3. A statement of the participant's position on each of the proposed.
4. Proposed stipulations.
5. Requests for information.
6. A statement describing the evidence of each participant proposes to present at the hearing, relating such evidence of each of the issues and sub-issues.
7. Proposed procedural dates.
8. A proposed agenda for the prehearing conference.

Replies to the items listed above should be served on or before November 19, 1975.

Parties with like interests will be grouped and a spokesman appointed for their common interests at the prehearing conference.

At the conference the participants should be prepared to discuss problems involved in the proceeding, procedural and substantive, and should be authorized to make commitments with respect thereto. Among the specific items to be discussed are: stipulations as to facts; authentication of documents, future procedural dates, including dates for the service of direct and rebuttal evidence;

dates for trial briefs and dates for the hearing.

Issued: October 22, 1975.

[SEAL] CATHERINE BEDELL,
Presiding Commissioner.

[FR Doc.75-29369 Filed 10-30-75;8:45 am]

[337-TA-7]

CERTAIN ELECTRONIC AUDIO AND OTHER RELATED EQUIPMENT

Hearing

Notice is hereby given that the United States International Trade Commission, pursuant to the requirements of section 337(c) of the Tariff Act of 1930, as amended (88 Stat. 2053), will hold a public hearing under section 337(e) of the Tariff Act of 1930, as amended (88 Stat. 2053), in connection with investigation 337-TA-7, Certain Electronic Audio and Other Related Equipment, on Wednesday, December 17, 1975, at 10:00 a.m., E.S.T., in the Hearing Room of the U.S. International Trade Commission Building, located at 701 E Street Northwest, Washington, D.C., for the purpose of determining whether section 337 of the Tariff Act of 1930, as amended (88 Stat. 2053), has been violated and, if so, whether or not an exclusion order or a cease and desist order should be issued.

For the purpose of defining the nature and extent of the evidence to be presented by the parties at the hearing, a prehearing conference will be held on Wednesday, November 12, 1975, at 10:00 a.m., E.S.T., at the U.S. International Trade Commission Building, located at 701 E Street Northwest, Washington, D.C.

Requests from interested parties and persons for appearances at the hearing should be received by the Secretary of the U.S. International Trade Commission, in writing, at his office in Washington, D.C. 20436, not later than noon on Friday, December 2, 1975.

This notice and order shall become effective November 10, 1975, unless objection and request for reconsideration of this action is filed by any interested party by November 10, 1975. Any objection and request for reconsideration shall be accompanied by a statement setting forth the facts relied upon in support of such objection and request and shall be served on the other parties to this investigation.

Notice of the institution of the investigation was published in the FEDERAL REGISTER on July 30, 1973 (38 FR 20303), with an assigned docket number 337-L-65. By notice published in the FEDERAL REGISTER on June 4, 1975 (40 FR 24056), this investigation was assigned new docket number 337-TA-7.

By order of the Commission.

Issued: October 29, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-29478 Filed 10-30-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 75-85]

APPLICATIONS STEERING COMMITTEE, AD HOC ADVISORY SUBCOMMITTEE FOR THE EVALUATION OF ADVANCED APPLICATIONS FLIGHT EXPERIMENT PROGRAM PROPOSALS

Establishment

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and after consultation with the Office of Management and Budget, the National Aeronautics and Space Administration has determined that the establishment of the Applications Steering Committee, ad hoc Advisory Subcommittee for the Evaluation of Advanced Applications Flight Experiment Program Proposals is in the public interest and is required for the performance of duties imposed upon NASA by law. The Applications Steering Committee, under which the Subcommittee will operate, is a NASA-sponsored interagency committee, composed wholly of government employees. The Subcommittee will comprise membership from both the public and private sectors.

The intent of this ad hoc Advisory Subcommittee is to obtain the advice of the scientific community in evaluating proposals for developing experiments for future applications missions.

WILLIAM W. SNAVELY,
Assistant Administrator for
DOD and Interagency Affairs.

OCTOBER 28, 1975.

[FR Doc.75-29335 Filed 10-30-75; 8:45 am]

[Notice 75-86]

PHYSICAL SCIENCES COMMITTEE OF THE SPACE PROGRAM ADVISORY COUNCIL

Date and Place of Meeting

The Physical Sciences Committee of the NASA Space Program Advisory Council will meet at the National Aeronautics and Space Administration on December 11-12, 1975. The meeting will be held in Room 5026 of Federal Office Building 6, located at 400 Maryland Avenue, SW., Washington, D.C. 20546. The meeting is open to members of the public, from 9 a.m. to 5:30 p.m. on December 11 and from 8:30 a.m. to 4 p.m. on December 12 on a first-come, first-served basis to within the 40-seat capacity of the room. Visitors will be requested to sign a visitor's register.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The Committee is concerned with all aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy, and space physics. The Committee presently has 17 members including the Chairman, Dr. George B. Field. For further information regarding the meeting, please contact Mr. Guenter Strobel, area code 202/755-3780. The agenda for the meeting is as follows:

DECEMBER 11, 1975

Time	Topic
9:00 a.m.-9:30 a.m.	<i>Opening Remarks and Administrative Details, Chairman and Executive Secretary</i> —This time is provided for the Chairman's introductory remarks and for the Executive Secretary to cover administrative matters.
9:30 a.m.-10:30 a.m.	<i>NASA Issued for PSC Review, Dr. Hinners and Dr. Rasool</i> —The PSC will be briefed by Drs. Hinners and Rasool on current topics of concern to the Office of Space Science. <i>Action:</i> The PSC is requested to assess the issues involved and make recommendations to the Associate Administrator for Space Science.
10:30 a.m.-12:00 p.m.	<i>Space Science Conducted at NASA Centers & Industry</i> —The Committee will review draft papers prepared by PSC Working Teams on SR&T programs in OSS.
1:30 p.m.-5:30 p.m.	<i>Action:</i> The PSC is requested to recommend guidelines and policies for conduct of Space Science at NASA Centers, Industry, and Universities.
5:30 p.m.-----	Adjourn.

DECEMBER 12, 1975

8:30 a.m.-12:00 p.m.; 1:30 p.m.-4:00 p.m.	<i>Committee Discussions & Working Session, Chairman</i> — <i>Action:</i> The members of the Committee will use this period to discuss pertinent topics, and to prepare, review and finalize letters/recommendations to the Associate Administrator for Space Science.
4:00 p.m.-----	Adjourn

WILLIAM W. SNAVELY,
Assistant Administrator for
DOD and Interagency Affairs,
National Aeronautics and
Space Administration.

OCTOBER 28, 1975.

[FR Doc.75-29336 Filed 10-30-75; 8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-261]

CAROLINA POWER & LIGHT CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee) for operation of the H. B. Robinson Steam Electric Plant Unit 2 (the facility), a pressurized-water reactor located in Darlington County, Hartsville, South Carolina, and cur-

rently authorized for operation at power levels up to 2200 MWT.

In accordance with the licensee's application for a license amendment dated October 14, 1975, the amendment would establish operating limits in the Technical Specifications based upon an evaluation of ECCS performance calculated in accordance with an acceptable evaluation model that conforms to the requirements of the Commission's regulations in 10 CFR 50.46. In addition, the amendment would revise provisions in the Technical Specifications related to the replacement of 52 fuel assemblies in the Robinson-2 core with fuel assemblies of a different design, constituting refueling of the core for operation with Cycle 4.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By December 1, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, 910 17th Street, NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another

appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated October 14, 1975, as supported by correspondence dated August 3 and August 22, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations, and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 23rd day of October, 1975.

FOR THE NUCLEAR REGULATORY
COMMISSION,
ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of
Reactor Licensing.

[FR Doc. 75-29140 Filed 10-30-75; 8:45 am]

[Docket No. 50-332-NEPA, 50-332-OL]

ALLIED-GENERAL NUCLEAR SERVICES, ET AL.

Notice of Resumption of Hearing

In the matter of Allied-General Nuclear Services, et al. (Barnwell Nuclear Fuel Plant Separations Facility).

Please take notice that the evidentiary hearing being conducted before this Atomic Safety and Licensing Board concerning the Barnwell Nuclear Fuel Plant Separations Facility, will resume on Tuesday, November 4, 1975, at 10 a.m., local time at:

Pavillon Room, Town House Motor Inn, 1615 Gervais Street, Columbia, South Carolina 29201.

This proceeding on the Barnwell Nuclear Fuel Plant Separations Facility is a consolidation of the hearing pursuant to 10 CFR Part 50, Appendix D, Section B, concerning environmental issues relating to the construction of the facility, and the hearing pursuant to 10 CFR Part 50, concerning the application for a facility operating license.

Members of the public are welcome to attend.

It is so ordered.

Dated at Bethesda, Maryland this 24th day of October, 1975.

For the Atomic Safety and Licensing Board.

ROBERT M. LAZO,
Chairman.

[FR Doc. 75-29243 Filed 10-30-75; 8:45 am]

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER & LIGHT CO.

Notice of Proposed Issuance of Amendments to Facility Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Company (the licensee), for operation of the Turkey Point Nuclear Generating Units 3 and 4, located in Dade County, Florida.

The amendments would revise the Technical Specifications in accordance with the licensee's application dated September 9, 1975. The revisions would modify operating limits in the Technical Specifications to allow operation of Turkey Point Nuclear Generating Unit 3, following refueling, at 2100 psia until the extended fuel residence time is reached. The operating limits for Unit 4 set forth in its Technical Specifications will remain unchanged although the Unit 4 Technical Specifications will be modified to reflect the revisions to the Unit 3 Technical Specifications.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By December 1, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Jack R. Newman, Esq., Newman, Reis & Axelrad, 1025 Connecticut Avenue, N.W., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating

only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated September 9, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 21st day of October, 1975.

For the Nuclear Regulatory Commission.

WALTER A. PAULSON,
Acting Chief, Operating Reactors
Branch #3, Division of
Reactor Licensing.

[FR Doc. 75-29241 Filed 10-30-75; 8:45 am]

[Docket Nos. 50-498, 50-499]

HOUSTON LIGHTING AND POWER CO. Evidentiary Hearing on Health and Safety Issues

In the matter of Houston Lighting & Power Company (South Texas Project, Units 1 and 2).

Take notice, the evidentiary hearing on health and safety issues will be held at the Oasis Motel Ballroom on Highway 35, west of Bay City, Texas. The hearing will commence at 10:00 am local time, on Wednesday, November 12, 1975.

The public is invited to attend the hearing. Limited appearance statements will be accepted at the commencement of the proceeding. Oral presentations will be limited to five (5) minutes each but written statements without limitation on length may be inserted in the record.

It is so ordered.

Issued this 24th day of October, 1975 at Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc. 75-29244 Filed 10-30-75; 8:45 am]

[Docket Nos. 50-461 and 50-462]

**ILLINOIS POWER CO.,
CLINTON POWER STATION, UNITS 1 AND 2**
Availability of Partial Initial Decision of the
Atomic Safety and Licensing Board

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Partial Initial Decision dated October 1, 1975, by the Atomic Safety and Licensing Board in the above-captioned proceeding relating to environmental and site suitability matters is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois.

Based on the record developed in the public hearing in the above-captioned matter, the Partial Initial Decision modified in certain respects the contents of the Final Environmental Statement prepared by the Commission's Division of Reactor Licensing relating to the proposed construction of the Clinton Power Station, Units 1 and 2.

Pursuant to the provisions of 10 CFR Part 50, Appendix D, the Final Environmental Statement is deemed modified to the extent that the Findings and Conclusions contained in the Partial Initial Decision differ from those contained in the Final Environmental Statement. As required by 10 CFR Part 51, a copy of the Partial Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality, the Environmental Protection Agency, and other interested agencies.

Single copies of the Partial Initial Decision and the Final Environmental Statement may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland, this 24th day of October, 1975.

For the Nuclear Regulatory Commission,

B. J. YOUNGBLOOD,
Chief, Environmental Projects
Branch 3, Division of Reactor
Licensing.

[FR Doc.75-29245 Filed 10-30-75;8:45 am]

[DOCKET NO. SIN 50-482]

**KANSAS GAS AND ELECTRIC CO. AND
KANSAS CITY POWER AND LIGHT CO.
(WOLF CREEK GENERATING STATION,
UNIT NO. 1)**

**Order Convening Evidentiary Hearing To
Receive Opening Statements and State-
ments by Way of Limited Appearance**

The Atomic Energy Commission¹ issued a Notice of Hearing on August 21,

¹ By virtue of Public Law 93-438 (88 Stat 1233-54), the Nuclear Regulatory Commission was created to succeed to and to per-

1974 and provided that prehearing conferences and evidentiary hearings be convened to consider the application filed by Kansas Gas and Electric Company and the Kansas City Power and Light Company seeking authority to construct and to operate a nuclear power facility near Burlington, Kansas. A special prehearing conference was held May 19, 1975 and the transcript reflecting the considerations given and decisions made is available for public review at the public depository in the Coffey County Courthouse in Burlington, Kansas, as well as at the Commission's offices in Washington, D.C.

The Atomic Safety and Licensing Board designated to conduct the conferences and evidentiary hearing has been in consultation with the attorneys for the parties to the proceedings in an endeavor to select mutually suitable dates for the evidentiary hearings at which would first be presented the opening statements of the parties and the statements by way of limited appearance. The dates of November 12 and 13, 1975 have been stipulated as suitable for these presentations in Burlington, Kansas. Additional sessions of the evidentiary hearings will involve the presentation of evidence from all of the parties and will be held after the issuance of the Final Environmental Statement which the Regulatory Staff of the Commission expects will occur on October 29. Upon this expectation, the additional sessions of evidentiary hearing will commence at 2 p.m. on November 17, 1975² in Kansas City, Missouri. These additional sessions will be scheduled, however, after the Final Environmental Statement is issued.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that the first session of evidentiary hearings shall convene at 9 a.m. on Wednesday, November 12, 1975 in the District Courtroom of the Coffey County Courthouse, 6th and Neosho Streets, Burlington, Kansas 66839. The commencement of further sessions of the evidentiary hearings will be the subject of an additional order by the Atomic Safety and Licensing Board after issuance by the Regulatory Staff of the Final Environmental Statement.

form the nuclear power plant regulatory responsibilities of the Atomic Energy Commission. The Nuclear Regulatory Commission entered upon its duties on January 19, 1975.

² Intervenor State of Kansas filed a Motion to Vacate the Hearing Schedule until the pending legal controversy is settled respecting price and delivery of the uranium fuel which is expected to be utilized. Applicant opposed the motion. While several assertions of the Applicant in its answer were not fully supported, the Intervenor's motion does not present adequate grounds for the relief sought. The motion is denied. It may be added that in a conference telephone call, all parties through their attorneys agreed to the schedule herein provided for the prehearing conference and tentative scheduling of the commencement of evidentiary hearings.

Issued: October 24, 1975, Bethesda, Maryland.

ATOMIC SAFETY AND LICENSING BOARD
SAMUEL W. JENSCH,
Chairman.

[FR Doc.75-29246 Filed 10-30-75;8:45 a.m.]

[Docket No. 50-245]

**NORTHEAST NUCLEAR ENERGY CO.,
MILLSTONE NUCLEAR POWER STATION,
UNIT 1**

**Negative Declaration Regarding Amend-
ment No. 16 to Provisional Operating
License No. DPR-21**

The U.S. Nuclear Regulatory Commission has considered, pursuant to 10 CFR Part 51, the issuance of changes to the Technical Specifications to the Part 50 Provisional Operating License DPR-21 that result from the application of the Acceptance Criteria for Emergency Core Cooling Systems (ECCS), as set forth in 10 CFR Part 50, Section 50.46, in conjunction with Technical Specification changes required for reactor core reload No. 3.

The Commission's Division of Reactor Licensing has prepared an environmental impact appraisal of the proposed action. On the basis of this appraisal, we have concluded that a detailed environmental impact statement for the proposed action is not warranted, because there will be no significant environmental impact attributable to the proposed action and the environmental effects will be within the scope of those already considered for the operation of the Station. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555, and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Dated at Bethesda, Maryland, this 15th day of October, 1975.

For the Nuclear Regulatory Commission,

DINO SCALETTEI,
Acting Chief, Environmental
Projects Branch 2, Division of
Reactor Licensing.

[FR Doc.75-29247 Filed 10-30-75;8:45 am]

[Docket Nos. 50-500; 50-501]

**TOLEDO EDISON CO. (DAVIS-BESSE NU-
CLEAR POWER STATION, UNITS 2 AND 3)**

Order

The evidentiary hearing in the captioned matter will begin on Thursday, November 13, 1975, 9:30 a.m., at the Lucas County Courthouse, Court of Appeals Courtroom, Adams and Erie Streets, Toledo, Ohio.

At this session of the hearing, the Board will consider all matters to be determined in connection with the Applicant's request for limited work authorizations under 10 CFR § 50.10(e)(1). Additionally, persons desiring to make

limited appearances will be permitted to do so at that time.

It is so ordered.

Dated at Bethesda, Maryland, this 24th day of October, 1975.

EDWARD LUTON, *Chairman.*

[FR Doc.75-29248 Filed 10-30-75;8:45 am]

**NATIONAL SCIENCE FOUNDATION
ADVISORY COMMITTEE ON RESEARCH
APPLICATIONS POLICY**

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Research Applications Policy Date: November 18 and 19, 1975. Time: 8:30 a.m. to 5 p.m. on 11/18 and 9 a.m. to 5 p.m. on 11/19. Place: Rm. 338, National Science Foundation, 1800 G Street, NW, Washington, D.C. Type of meeting: Open.

Contact person: Darleen Morano, Special Assistant, Research Applications Directorate, Rm. 1243, National Science Foundation, Washington, D.C. 20550, telephone 202/632-5820.

Summary minutes: Committee Management Coordination Staff, Management Analysis Office, Rm. 248, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory committee: To provide recommendations concerning the plans, status, and results of NSF Research Applications Program.

Agenda: Will include:

November 18

- 8:30—Introductory Remarks.
- 9:00—Presentation of Advanced Environmental Research and Technology Programs.
- 10:00—Discussion.
- 12:00—Recess.
- 1:30—Presentation of Advanced Productivity Research and Technology Programs.
- 2:30—Discussion.
- 3:30—Presentation of Technology Assessment Program.
- 4:00—Discussion.

November 19

- 9:00—Presentation of Advanced Energy and Resources Research and Technology Programs.
- 10:00—Discussion.
- 12:00—Recess.
- 1:30—Presentation of Intergovernmental Science and Public Technology Programs.
- 2:30—Discussion.
- 4:00—Summary.

GAIL A. MCHENRY,
*Acting Committee
Management Officer.*

OCTOBER 24, 1975.

[FR Doc.75-29300 Filed 10-30-75;8:45 am]

**SCIENCE FOR CITIZENS PROGRAM
Notice of Public Meetings**

The National Science Foundation (NSF) is in the process of preparing a comprehensive plan for the establishment and conduct of a new program tentatively titled "Science for Citizens." Section 3 of the NSF Authorization Act for 1976 states:

The Director of the National Science Foundation is authorized and directed to prepare a comprehensive plan for the establishment and conduct of a "Science for Citizens Program." Such program shall be designed:

- (1) to improve public understanding of public policy issues involving science and technology;
- (2) to facilitate the participation of experienced scientists and engineers as well as graduates and undergraduate students in public activities, including community and citizen group activities, aimed at the resolution of public policy issues having significant scientific and technical aspects;
- (3) to enable nonprofit citizens public interest groups to acquire necessary technical expertise to assist them in dealing with the scientific and technical aspects of public policy issues; and
- (4) to provide grants and contracts to academic and other nonprofit organizations for the conduct of applied research designed to improve the effectiveness of the programs conducted under paragraphs (1), (2), and (3), of this section.

The comprehensive plan provided for in this section shall be submitted to the Committee on Science and Technology of the House of Representatives and the Committee on Labor and Public Welfare of the Senate within six months from the date of enactment of this Act.

It is further stated in the conference report on the NSF Authorization Act that:

This plan is to be prepared with full public participation including: concerned citizens groups; educational institutions; scientific societies; individuals and groups with expertise, experience or interest in improving scientific and technical information; and individuals and groups with expertise, experience or interest in improving the participation of scientists in public policy debates.

The conferees expect that a number of public seminars and workshops will be held during the development of the comprehensive plan, and that announcements of these sessions will be widely publicized, including notice in the *Federal Register* at least 30 days prior to such sessions.

The conferees expect that the plan will be completed within six months and that it will provide the basis for the inclusion of a Science for Citizens Program in the Foundation's fiscal year 1976 budget.

To encourage and facilitate public participation in the planning of the Science for Citizens Program, the Foundation has scheduled public meetings to discuss the program according to the following schedule.

Schedule of Meetings: There will be two three-hour sessions at each location: one at 1:30 p.m. and one at 7:30 p.m. (There is one exception: the afternoon session at San Francisco will begin at 3 p.m.)

Schedule of Meetings: There will be two three-hour sessions at each location: one at 1:30 p.m. and one at 7:30 p.m. (There is one exception: the afternoon session at San Francisco will begin at 3 p.m.)

Date	Location
Dec. 1...	Museum of Science and Industry, 57th Street and Lake Shore Drive, Chicago, Illinois 60637.
Dec. 8...	Fernbank Science Center, 156 Heaton Park Drive, NE, Atlanta, Georgia 30307.
Dec. 9...	Garden Center, 1st at Forest Avenue, (Arranged by) Dallas Health and Science Museum, Box 26407, Fair Park, Dallas, Texas 75226.

Date	Location
Dec. 10...	Denver Museum of Natural History, City Park, Denver, Colorado 80205.
Dec. 12...	The Exploratorium, Palace of Arts & Science, 3601 Lyon Street, San Francisco, California 94123.
Dec. 15...	National Academy of Sciences Auditorium, 2101 Constitution Avenue, NW., (Arranged by) Asso. of Science and Technology Centers, 2100 Pennsylvania Avenue, NW., Washington, D.C. 20037.
Dec. 16...	Museum of Science, Science Park, Boston, Massachusetts 02114.

PROCEDURES

A panel of NSF staff will be present at each meeting. The main items on the agenda of each session will be a brief presentation by Foundation staff, the presentation and discussion of previously-submitted written statements by individuals and representatives of groups and institutions, and a brief open discussion period. Any person wishing to present a prepared statement at one of the public sessions must submit a copy of the statement to the Science for Citizens Program, in care of the institution where that session is to be held (except for Dallas and Washington, D.C., where the statements should be sent to the organization handling arrangements) no later than 12 noon of the day preceding the session at which it is to be read. (Statements received after that time will be put in the record, but cannot be considered for presentation at the public meeting.) In the event that more statements are submitted than can be accommodated in the available time, individuals may be asked to summarize their statements and/or an impartial process may be used to select statements to be read at that session. (All submitted statements will be placed in the record, even if they are not presented at the public session.) It must be specified on each statement whether it is being submitted for presentation at the 1:30 p.m. session or the 7:30 p.m. session. Each statement must be specifically addressed to suggestions and comments concerning the Science for Citizens Program and should have a reading time not to exceed five minutes in length. Only one statement will be accepted from any individual or group. Statements selected for presentation must be read by the author or his or her designated agent, who should be prepared to discuss the content with the NSF staff.

If more persons wish to be heard in the open discussion period than can be accommodated, the chairperson will recognize speakers on a random selection basis.

Other Submission: The National Science Foundation also invites comments and suggestions concerning the Science for Citizens Program from individuals and groups who are unable to attend any of the public meetings listed above, or whose views could not be heard due to time limitations. These statements should be submitted in writing to:

Science for Citizens Program, Office of Science and Society, Science Education Directorate, National Science Foundation, Washington, D.C. 20550

All statements received prior to January 10, 1976, will be considered in the preparation of the program plan and will be placed in the record as part of the Foundation's report to Congress.

JACK T. SANDERSON,
Acting Deputy Assistant Director
For Science Education.

OCTOBER 28, 1975.

[FR Doc.75-29299 Filed 10-30-75;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 October 28, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

FEDERAL RESERVE SYSTEM

Quarterly Survey of Terms of Bank Lending: FR 1107A & B, single-time, 100 Bank Samples, Hulett, D. T., 395-4730.

U.S. CIVIL SERVICE COMMISSION

Survey of Training Needs in Selection: single-time, State and local governments, Caywood, D. P., 395-3443.

Supplemental Qualifications Statement for Computer Operator/Technician: DAX 6.27, on occasion, applicants for computer, Caywood, D. P., 395-3443.

U.S. CIVIL SERVICE COMMISSION

Supplementary Information to ANN. WA-807, Agricultural and Biological Technicians: EWA-407, on occasion, job applicants, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education: Application for Federal Assistance (Nonconstruction Programs—Instructions for Community Education), OE-453, annually, LEAS, SEAS, IHES, Lowry, R. L., 395-3772.

National Institutes of Health: Cancer Patent Employment Barrier Survey, OSNIH-CA-32, single-time, former/current cancer patients, Dick Elsing, 395-6140.

Health Services Administration: National Health Service Corps Dental Questionnaire, HSABCHS 1014, on occasion, national health service corps dental applicants, Lowry, R. L., 395-3772.

National Institutes of Health: Interview Schedule: Employers' Attitudes, Policies and Practices, OSNIH-CA-33, other (see SF-83), business firms in 15 of 65 largest SMSA's, Dick Elsing, 395-6140.

Social and rehabilitation Service: Child Support State Baseline Data Study Questionnaire, single-time, 50 States and District of Columbia, human resources division, Harry B. Sheftel, 395-3532.

REVISIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Molybdenum Concentrates (Production), 6-1100-M, monthly, business firms, Lowry, R. L., 395-3772.

Bureau of Mines: Rhenium, 6-1159-A6-4, annually, producers and consumers, Lowry, R. L., 395-3772.

EXTENSIONS

SMALL BUSINESS ADMINISTRATION

Export Information Survey, on occasion, small manufacturing firms, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Bureau of Census: Inorganic Chemicals, Production and Stocks, S, Industrial Gases—Monthly Report on Production, M28A.1, monthly, manufacturers of inorganic chemicals, Marsha Traynham, 395-4529.

Bureau of Census: Complete Aircraft—Plant Report, M37G, monthly, civilian aircraft manufacturers, Marsha Traynham, 395-4529.

Bureau of Census: Knit Cloth Shipments, Including Inter-Plant Transfers—Quarterly and Annually, MA 22-K, quarterly, knit fabric producers, Marsha Traynham, 395-4529.

Bureau of Census: Construction Machinery—Manufacturer's Quarterly Report, MQ-35D, quarterly, manufacturing establishments, Marsha Traynham, 395-4529.

Bureau of Census: Flour Milling Products, M20A, monthly, flour millers, Marsha Traynham, 395-4529.

Bureau of Census: Aircraft Engines—Plant Report, M37C, monthly, civilian aircraft engine manufacturers, Marsha Traynham, 395-4529.

Bureau of Census: Report on Production of Truck Trailers, M-37L, monthly, manufacturing establishments, Marsha Traynham, 395-4529.

Bureau of Census: Inorganic Fertilizer Chemicals (Production and Stocks), M28A.3, monthly, chemical plants, Marsha Traynham, 395-4529.

DEPARTMENT OF LABOR

Manpower Administration: FSB and SUA—Monthly Activity Report and Characteristics of Claimants, MA5-141, MA5-143, monthly, farms, Strasser, A., 395-5867.

PHILLIP D. LARSEN,
Budget and Management
Officer.

[FR Doc.75-29467 Filed 10-30-75;8:45 am]

PRIVACY PROTECTION STUDY COMMISSION

Meeting

The Privacy Protection Study Commission will hold its regular monthly meet-

ing open to the public at Room 2358, Rayburn House Office Building, Washington, D.C., on November 13, 1975, between 10 a.m. and 5 p.m. with a break for lunch.

Program activities being undertaken by the Commission will be the topics under discussion.

For further information, contact John Barker, Public Information Officer, at (202) 634-1477.

CAROLE W. PARSONS,
Executive Director
Privacy Protection Study Commission.

[FR Doc.75-29420 Filed 10-30-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

(70-5752) Rel. No. 19223

APPALACHIAN POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

OCTOBER 24, 1975.

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transaction.

Appalachian proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to \$60,000,000 aggregate principal amount of its First Mortgage Bonds, ---% Series to mature in not less than 5 and not more than 30 years. The interest rate (which shall be not less than 100%, unless Appalachian shall authorize a lower percentage not less than 99%, and shall not exceed 102.75%) will be determined by competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust dated as of December 1, 1939, between Appalachian and Bankers Trust Company, Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated as of December 1, 1975, and which includes, with certain exceptions, a prohibition until December 1, 1980, against refunding the issue with proceeds of funds borrowed at a lower effective interest cost. Appalachian shall notify prospective bidders no later than 72 hours prior to the time designated for the submission of bids of the maturity date of the bonds.

The proceeds from the sale of the bonds will be applied, together with the proceeds of the sale by Appalachian to AEP of 625,000 shares of its common stock, no par value, at \$40 a share, for a total cash contribution of \$25,000,000, to the payment of unsecured short-term indebtedness of Appalachian. As of October 2, 1975, there were notes payable

[(70-5736) Rel. No. 19222]

CENTRAL AND SOUTH WEST CORP. ET AL.
Notice of Proposed Capital Contribution by
Holding Company to Subsidiary

OCTOBER 24, 1975.

Notice is hereby given that Central and South West Corporation ("CSW"), P.O. Box 1631, Wilmington, Delaware 19899, a registered holding company, Public Service Company of Oklahoma ("PSO"), P.O. Box 201, Tulsa, Oklahoma 74102, a CSW subsidiary electric utility company, and Transok Pipe Line Company ("Transok"), P.O. Box 3008, Tulsa, Oklahoma 74101, a subsidiary pipe line company of PSO, have filed an application-declaration, and an amendment thereto, with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 9, 10 and 12(f) of the Act and Rules 43 and 100 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.

CSW proposes to make a \$5,000,000 capital contribution to PSO. CSW's equity capital presently in PSO amounts to \$185,375,000 (including earned surplus) and this will be increased to \$190,375,000 by the capital contribution.

PSO expects to make the following construction expenditures in 1975 and 1976 and the capital contribution is to be used toward those purposes:

	1975	1976	Total
Generation.....	\$51,000,000	\$57,000,000	\$108,000,000
Transmission.....	6,000,000	6,000,000	12,000,000
Distribution and other.....	13,000,000	16,000,000	29,000,000
Total.....	60,000,000	79,000,000	139,000,000

The application also requests authority for PSO and Transok to acquire interests in fuel acquisition and development activities aggregating about \$88,000,000 during 1975-1977. However, it is stated that PSO needs the \$5,000,000 capital contribution prior to November 30, 1975, for construction costs and it is requested that this capital contribution request be considered separately from the fuel activities to permit prompt action on the capital contribution.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at \$6,000, including legal fees of \$3,500.

Notice is further given that any interested person may, not later than November 17, 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, as amended, which he de-

to banks and commercial paper outstanding in the aggregate amount of \$77,830,000. At the time of the issuance and sale of the bonds, there will be short-term debt outstanding estimated at approximately \$110,000,000 before application of the proceeds of any financings.

The fees and expenses to be incurred by Appalachian in connection with the issue and sale of the bonds and the fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. It is stated that the State Corporation Commission of Virginia and the Public Service Commission of Tennessee have jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

NOTICE IS FURTHER GIVEN that any interested person may, not later than November 19, 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 as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant 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 as filed, or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
 Secretary.

[FR Doc.75-29348 Filed 10-30-75;8:45 am]

BOSTON STOCK EXCHANGE

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 24, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule

12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

AMERICAN NATURAL GAS COMPANY,
 CORDURA CORPORATION (DEL.), File No. 7-4770, 7-4771.

Upon receipt of a request, on or before November 9, 1975, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
 Secretary.

[FR Doc.75-29349 Filed 10-30-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

OCTOBER 24, 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 October 26, 1975 through November 4, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
 Secretary.

[FR Doc.75-29350 Filed 10-30-75;8:45 am]

sires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29351 Filed 10-30-75; 8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.
Notice of Suspension of Trading

OCTOBER 24, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine 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 October 27, 1975 through November 5, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29352 Filed 10-30-75; 8:45 am]

[(812-3859) Rel. No. 9002]

EATON & HOWARD SPECIAL FUND, INC.
AND MARVIN N. DEMCHICK

Notice of Application

OCTOBER 24, 1975.

Notice is hereby given that Eaton & Howard Special Fund, Inc. ("Fund") 24 Federal Street, Boston, Massachusetts 02110, an open-end, diversified management company registered under the In-

vestment Company Act of 1940, and Marvin N. Demchick ("Demchick") Life of Pennsylvania Financial Corporation, 230 South Fifteenth Street, Philadelphia, Pennsylvania 19102 (hereinafter collectively referred to as "Applicants") filed an application on September 15, 1975, pursuant to Section 17(b) of the Act for an order of the Commission exempting from the provisions of Section 17(a) of the Act the proposed sale by the Fund to Demchick, who is President of Life of Pennsylvania Financial Corporation ("Financial"), of 50,000 shares ("Shares") of the common stock of Financial, representing approximately 8.5% of its issued and outstanding shares, for \$31,250. All interested persons are referred to the application on file with the Commission for a full statement of the representation therein, which are summarized below.

Pursuant to the terms of an agreement dated August 18, 1975 (the "Agreement"), the Fund has agreed to sell to Demchick and Demchick has agreed to purchase from the Fund 50,000 shares of the common stock, par value \$1.00 of Financial for a total gross consideration of \$31,250.

The Agreement is conditioned on approval of the transaction by the Commission pursuant to Section 17(b) of the Investment Company Act of 1940 (the "Act"). Such approval is necessary because the transaction would otherwise be in violation of Section 17(a) of the Act which prohibits an affiliated person of an investment company or an affiliated person of such person from buying any property from the investment company. Section 17(a) is applicable to the transaction since the Fund and Financial are affiliated persons of each other because of the Fund's ownership of more than 5% of Financial's voting securities, and because Demchick, an officer of Financial, is, therefore, an affiliated person of an affiliated person of the Fund.

On October 1, 1964, Financial, which had been incorporated as an insurance holding company in April of that year, made an offer to exchange its shares on a one-for-one basis for shares of Life Assurance Company of Pennsylvania ("Assurance"). The Fund, which then owned 50,000 shares of Assurance that it had purchased for \$500,000 on November 1, 1968, as a part of a private sale of Assurance shares to two registered investment companies, accepted the offer and surrendered its shares of Assurance for those of Financial.

Applicants represent that the Agreement between Demchick and the Fund was the result of arms-length negotiations and that the agreed-upon purchase price for the shares is $\frac{1}{16}$ of a point per share higher than the high bid price for Financial's common as quoted on the Philadelphia - Baltimore - Washington Stock Exchange ("PBW") on July 31, 1975, the date upon which the informal agreement on the proposed transaction was reached. Applicants also state that the Fund has been advised by Eaton & Howard, the Fund's investment adviser, that an investment in Financial is no

longer warranted within the investment criteria established for the Fund and that more favorable opportunities exist. Furthermore, since the shares are restricted securities, and because there is only a limited market for even the unrestricted shares of Financial, which have been trading on the PBW during 1974 and 1975 at an average weekly volume of less than 500 shares, the Fund would, in all likelihood, have substantial difficulty disposing of the Shares. Additionally, any disposition by the Fund of such a large block of shares would probably have a substantial adverse impact on the market for Financial's common stock and thus on the price to be received by the Fund for the Shares.

Applicants represent the Demchick has no interest in or affiliation with and has no agreements or understandings with the Fund, directly or indirectly, other than as set forth in the Agreement. No commissions or fees are payable in connection with the transaction other than legal fees incurred in connection with this application. Lastly, Applicants state that the Agreement has been approved by a disinterested majority of the Boards of Directors of both the Fund and Financial.

Under Section 17(b) of the Act the Commission may exempt a proposed transaction from Section 17(a) of the Act if evidence establishes that the terms of the proposed transaction including consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of the investment company covered and with the general purposes of the Act.

Notice is further given that any interested person may, not later than November 17, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said application shall be issued 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.75-29353 Filed 10-30-75;8:45 am]

[(70-4397) Rel. No. 19221]

**JERSEY CENTRAL POWER & LIGHT CO.
AND DELMARVA POWER & LIGHT CO.**

**Notice of Proposed Changes in Terms of
Guarantees of Loan to Unaffiliated Coal
Supplier**

OCTOBER 23, 1975.

Notice is hereby given that Jersey Central Power & Light Company ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary company of General Public Utilities Corporation, 800 King Street, Wilmington, company, and Delmarva Power & Light persons are referred to the declaration, Company ("Delmarva"), a combination gas and electric utility company and a registered holding company, have filed third and fourth post-effective amendments to their declaration previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration as further amended by said post-effective amendment, for a complete statement of the proposed transactions.

JCP&L and Delmarva own, as tenants in common, with five other nonassociated utility companies, an electric generating station known as the Keystone Steam Electric Station ("Keystone"), which is located in the vicinity of Johnstown, Pennsylvania. The owners each have an interest, proportionate to their ownership, in the electric energy output of Keystone. Keystone is adjacent to certain coal lands of Rochester Pittsburgh Coal Company ("R&P"), a non-affiliated company, which is the principal supplier of Keystone's coal requirements.

By Commission orders dated August 1, 1966, April 19, 1972 and December 29, 1972 (HCAR Nos. 15533, 17548 and 17835), JCP&L and Delmarva were authorized to guarantee a portion of certain borrowings to be made by R&P. R&P was to use the proceeds of these loans in order to finance the operation and development of the coal mines dedicated to supplying coal to Keystone. These borrowings are secured by a mortgage from R&P to Manufactures Hanover Trust Company dated as of July 29, 1966 ("mortgage").

R&P now proposes to enter into a lease ("lease") of certain coal mining equipment from General Electric Credit Corporation ("GECC"). In connection with the proposed lease, the Keystone owners, including JCP&L and Delmarva, have been requested (i) to approve the subordination of the mortgage lien to

the rights of GECC to monthly rental payments under the lease, (ii) to agree that R&P may assign all its right to payments from the Keystone owners pursuant to the Keystone Coal Sales Agreement dated January 1, 1972 ("CSA") to secure the obligations of R&P under the lease, and (iii) to agree that if R&P should fail to make rental payments under the lease, that the Keystone owners will pay directly to GECC amounts due to R&P as a "cost of production" under the CSA.

It is contemplated that various items of the equipment will be leased for terms of 8 years, commencing in years 1975-1977 and expiring during 1983-1985. Total rental payments under the lease are expected to be approximately \$8,930,000 and are not expected to exceed approximately \$1,116,000 annually, provided that such amounts will be adjusted if GECC is unable to take a 10% investment tax credit or accelerated depreciation on the leased equipment and upon changes in the prime lending rate. Excluding any such adjustments, JCP&L's share of the cost of production payments under the lease will be approximately \$1,489,000 in total and no more than \$186,000 in any year, and Delmarva's share will be approximately \$330,000 in total and no more than \$41,000 in any year.

It is stated that the Board of Public Utility Commissioners of the State of New Jersey has authority over the continuance of the guarantees as affected by the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with these post-effective amendments are estimated at \$4,000, including legal fees of \$2,000. Notice is further given that any interested person may, not later than November 17, 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 declaration, as further amended by said post-effective amendments, which he declares 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 declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as further amended by said post-effective amendments, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as

provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29354 Filed 10-30-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

**Notice of Applications for Unlisted Trading
Privileges and of Opportunity for Hearing**

OCTOBER 24, 1975.

The above named national securities exchange had filed an application with the Securities and Exchange Commission pursuant to Section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

American Natural Gas Co. (Michigan), File No. 7-4773.

Upon receipt of a request, on or before November 9, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29355 Filed 10-30-75;8:45 am]

[Release 34-11765; File No. SR-NASD-75-3]

**NATIONAL ASSOCIATION OF
SECURITIES DEALERS, INC.**

Proposed Rule Change

Pursuant to Section 19(B) (1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b) (1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given on October 22, 1975 the above-mentioned self regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

ASSOCIATION'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following is the full text of the proposed amendments to Appendix C to Article III, Section 32 of the Rules of Fair Practice of the National Association of Securities Dealers, Inc.

APPENDIX C

Coverage Required (a) Each member required to join the Securities Investor Protection Corporation who has employees and who is not a member in good standing and subject to the fidelity bonding requirements of the American Stock Exchange Inc., the Boston Stock Exchange, the Mid-West Stock Exchange, Inc., the New York Stock Exchange, Inc., the Pacific Coast Stock Exchange, the PBW Stock Exchange, or the Chicago Board Options Exchange, Inc., shall:

(Remainder Unchanged)

Deductible Provision:

[b] (b) (1) A deductible provision may be included in the bond of up to \$5,000 or 10% of the minimum insurance requirement established hereby, whichever is greater.

(2) If a member desires to maintain coverage in excess of the minimum insurance requirement then a deductible provision may be included in the bond of up to \$5,000 or 10% of the amount of blanket coverage provided in the bond purchased, whichever is greater. The excess of any such deductible amount over the maximum permissible deductible amount described in paragraph (b) (1) above must be deducted from the member's net worth in the calculation of the member's net capital for purposes of Rule 15c3-1 under the Securities Exchange Act of 1934. Where the member is a subsidiary of another NASD member the excess may be deducted from the parent's rather than the subsidiary's net worth, but only if the parent guarantees the subsidiary's net capital in writing.

(Remainder Unchanged)

ASSOCIATION'S STATEMENT OF BASIS AND PURPOSE

PURPOSE OF PROPOSED RULE CHANGE

The proposed amendments would add a new section (b) (2) to Appendix C to permit the inclusion of a greater deductible provision in a fidelity bond for those members purchasing coverage in excess of the required minimum coverage. The purpose of this amendment is to encourage members to purchase fidelity bonding coverage in amounts greater than the required minimum. It will have that effect because with an increased maximum deductible, a member who desires to purchase more than the minimum required coverage could pay a smaller premium than is now possible for the same coverage. Thus a member who wishes additional coverage may acquire it at minimum cost. The new amendment also provides that members purchasing more than the minimum required coverage must, in the calculation of their net capital under Commission Rule 15c3-1, deduct an amount equal to the difference between the maximum deductible if the member had only the required coverage and the actual deductible under the higher coverage actually purchased. This must follow because the member's capital is at risk to

an amount equal to the increase in the deductible provision. A provision has been added that would allow the required deduction in computing net capital to be taken by a parent of a member firm when the parent is also a member and has guaranteed the member-sub-sidiary's net capital in writing.

The proposed amendments also include a revision of section (a) of Appendix C providing that members who are subject to the fidelity bonding rules of specified national securities exchanges are not subject to the Association's bonding requirement. These members are not now subject to Appendix C, and the revision is purely a drafting change made necessary by recent amendments to Commission Rule 15c3-1.

BASIC UNDER THE ACT FOR PROPOSED RULE CHANGE

(a) (i) and (v) Section 15A(b) of the Securities Exchange Act of 1934 provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that its rules provide it with the capacity to carry out the purposes of the Act, to enforce compliance by its members and persons associated with its members with the Act, and the rules and regulations thereunder, and to protect investors and the public interest. Section 32 of Article III of the Rules of Fair Practice and Appendix C thereto provide that a member that is required to join the Securities Investor Protection Corporation and subject to Rule 15c3-1 of the Securities Exchange Act of 1934 shall maintain a blanket fidelity bond in a standard form covering its officers and employees. This is to provide bond protection against loss resulting from employee defalcations and dishonesty and in that way assure compliance with Rule 15c3-1. The amendments to Appendix C provide an incentive for a member to obtain greater fidelity bonding coverage and as such further insures compliance with the Commission's net capital rule.

COMMENTS RECEIVED FROM THE MEMBERS, PARTICIPANTS OR OTHERS ON THE PROPOSED RULE CHANGE

Five comment letters were received from the membership on the proposed amendments to Schedule C. Two of the comments were unfavorable considering the bonding requirement of the Association to be "bureaucratic expansionism." The remaining letters were favorable and suggested changes to the proposed amendment that were considered and in one case adopted by the Board of Governors. The provision that would allow the required deduction in computing net capital to be taken by a parent of a member when the parent is also a member and has guaranteed the member's subsidiaries net capital in writing was a suggestion in a comment letter that was adopted by the Board of Governors.

BURDEN ON COMPETITION

Because the Securities Exchange Act places on the Association the obligation

to insure compliance by its members with the net capital rule adopted by the Securities and Exchange Commission, and because the proposed amendments are designed to provide an incentive for a member of the Association to carry greater insurance against financial loss as the result of an officer or employee's dereliction of duties and thereby protect its capital, it is felt that there is no burden on competition imposed by the proposed rule change and it is in furtherance of the purposes of the Act.

On or before December 5, 1975, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 1, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 24, 1975.

[FR Doc. 75-29360 Filed 10-30-75; 8:45 am]

[(70-5751) Ref. No. 19220]

OHIO EDISON CO.

Notice of Proposed Issue of First Mortgage Bonds for Sinking Fund Purposes and Issue and Sale of Preferred Stock at Competitive Bidding

OCTOBER 23, 1975.

Notice is hereby given that Ohio Edison Company ("Ohio Edison"), 47 North Main Street, Akron, Ohio 44308, a registered holding company and an electric public utility company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7 and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-dec-

laration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue on or about May 1, 1976, and November 1, 1976, a total of \$10,905,000 principal amount of its First Mortgage Bonds, 3 3/4% Series of 1955 due 1985 ("bonds"). The bonds will be issued under the indenture of Ohio Edison to Bankers Trust Company, as Trustee, as amended and supplemented. The bonds are to be of the series provided for by the Twelfth Supplemental Indenture dated as of May 1, 1955, and will be identical with those authorized by the Commission on January 13, 1975 (HCAR No. 18766).

Ohio proposes to use the bonds solely to obtain the inclusion in its general funds of the sinking fund payments on deposit and required to be made during 1976. It is proposed that the bonds will be issued on the basis of unfunded property additions.

Ohio Edison also proposes to issue and sell up to 400,000 shares of a new series of its preferred stock ("stock"). Ohio Edison will invite bids for the stock pursuant to the competitive bidding requirements of Rule 50. The price of the stock (which shall not be less than \$99 nor more than \$102.75 per share) and the dividend rate (which shall be a multiple of .04%) will be determined by the competitive bidding. The bids shall also specify separately (and not take such amount into account in specifying the purchase price of the stock) the amount to be paid as underwriting compensation if the bidder(s) propose to make a public offering of the stock.

Ohio Edison may include in the terms of the stock provisions for a mandatory sinking fund to retire up to 5% of the shares annually. Terms of the stock will include a prohibition, until December 1, 1980, against refunding the issue, directly or indirectly, with the proceeds of funds borrowed at a lower effective interest cost or derived from the issuance of other stock ranking, as to dividends or assets, prior to or on a parity with the new stock at a lower effective dividend cost.

Proceeds of the sale of the stock will be applied to the payment of unsecured short-term indebtedness of Ohio Edison or to construction expenditures. It is stated that Ohio Edison anticipates it will have short-term debt outstanding of approximately \$60,000,000 at the time of the sale of the stock.

It is stated that the Public Utilities Commission of Ohio has jurisdiction over the proposed sale of the stock and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the issue of the bonds are estimated at \$1,600, including legal fees of \$500. Fees and expenses to be incurred in connection with the proposed issue and sale of the stock will be supplied by amendment.

Notice is further given that any interested person may, not later than December 1, 1975, request in writing that a hearing be held on such matter, stating

the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29356 Filed 10-30-75; 8:45 am]

PBW STOCK EXCHANGE, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 24, 1975.

The above named national securities exchange had filed an application with the Securities and Exchange Commission pursuant to Section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

American Natural Gas Company (Michigan), File No. 7-4772.

Upon receipt of a request, on or before November 9, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts

stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29357 Filed 10-30-75; 8:45 am]

PBW STOCK EXCHANGE, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 24, 1975.

The above named national securities exchange had filed an application with the Securities and Exchange Commission pursuant to Section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Memorex Corporation, File No. 7-4768.

Upon receipt of a request, on or before November 9, 1975, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29358 Filed 10-30-75; 8:45 am]

PBW STOCK EXCHANGE, INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 24, 1975.

The above named national securities exchange had filed an application with the Securities and Exchange Commission pursuant to Section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants of the following company, which security is listed and registered on one or more other national securities exchange:

Occidental Petroleum Corporation, Warrants (Expiring April 22, 1980), File No. 7-4789.

Upon receipt of a request, on or before November 9, 1975, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-29359 Filed 10-30-75;8:45 am]

VETERANS ADMINISTRATION

NEW CLINICAL SUPPORT FACILITY AND SEISMIC RENOVATION, VETERANS ADMINISTRATION HOSPITAL, BOISE, IDAHO

Notice of Availability of Final Environmental Impact Statement

Notice is hereby given that a document entitled "Final Environmental Statement for a New Clinical Support Facility and Seismic Renovation, Veterans Administration Hospital, Boise, Idaho", issued pursuant to the Veterans Administration's implementation of section 102 (2) (C) of the National Environmental Policy Act of 1969 is being placed in the following office:

Mr. Jack S. Westall, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

The new seismically designed Clinical Support Facility will have three floors and will provide approximately 35,000 net square feet of space. This new facility will provide space for Surgical Suite, Radiology, Pharmacy, Outpatient, Dental, Laboratory and other clinical activities.

The seismic renovation will rehabilitate eleven existing buildings which were found, through an engineering study, to be non-conforming with the "Zone 2 Structural Design Standards of the Earthquake Regulations of the 1970 Uniform Building Code as modified". This corrective work will vary from building to building but will include the strengthening of foundations, floors, frames, roofs and will stabilize interior partitions, and reinforce exterior brick walls.

This study also determined the most feasible methods in which this work could be accomplished and retain existing architectural features as requested by the Idaho Historical Society. Included

with the statement are the comments received from Federal Agencies on the draft statement of which notice of availability was published in the FEDERAL REGISTER dated December 16, 1974 (39 F.R. 43597) and the Veterans Administration's response to these comments.

The Environmental Impact Statement, including the comments and the Veterans Administration's responses, will be furnished upon request addressed to the Assistant Chief Medical Director for Administration (13) at the above address.

Dated: October 24, 1975.

By direction of the Administrator:

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-29304 Filed 10-30-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the 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

Applications received during the week ending Oct. 24, 1975

Name of applicant	Location of enterprise	Principal product or activity
Hardy Enterprises, Inc.	Wardensville, W. Va.	Custom molder reinforced fiberglass plastic.
Cann-Burg Lumber Co., Inc.	Orangeburg, S.C.	Lumber and chips.
The Mariner Yacht Club	Mecklenburg County, N.C.	Recreational facility.
Lancaster Electric Co., Inc.	Hattiesburg, Miss.	Electrical contractor.
General Components, Inc.	Matthews, Ind.	Electrical wiring assemblies.
Precision Forging Steel Co.	Peoria, Ill.	Semi-integrated specialty steel operation.
Nortech, Inc.	Antigo, Wis.	Machine shop and electrical controls, polyurethane cast.
Casey Industries, Inc.	Casey, Ill.	Powder metallurgy parts.
Murphy Medical Center, Inc.	Warsaw, Ind.	Short-term general acute hospital with both inpatient and outpatient services and emergency services.
Rogers Delinted Cottonseed Co.	Colorado City, Tex.	Chemical treatments for cottonseed.
Shell Key Packing Co.	Forked Island, La.	Shrimp and crab processing and packing.
Ryne Plane Eng. & Mfg., Inc.	Rayne, La.	Manufacture of farm machinery.
Multi-Tech Electronics, Inc.	Florence, Colo.	Rechargeable lantern battery tops, electronic components, plugs, jacks, adapters, etc.
The Cabin, Inc.	Oakes, N. Dak.	Restaurant and bar facilities.

[FR Doc.75-29305 Filed 10-30-75;8:45 am]

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 view 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 on or before November 14, 1975, to Deputy Assistant Secretary for Manpower, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 28th day of October, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary
for Manpower.

**Occupational Safety and Health
Administration
STANDARDS ADVISORY COMMITTEE ON
AGRICULTURE**

Subgroup Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. D), notice is hereby given that the Standards Advisory Committee on Agriculture Subgroup on Noise, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet in Washington, D.C. The Subgroup will meet on November 19 and 20, 1975, in Conference Room N3437 of the Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C., and will begin at 9:00 a.m. The meetings will be open to the public and all interested parties are encouraged to attend.

The Noise Subgroup will review information received and proceed toward the development of a recommendation on noise for agriculture.

The Subgroup Chairman may permit oral statements before the group by interested persons. Consequently, persons desiring to make an oral presentation should submit a written request to be heard to the Committee Management Officer by close of business November 14, 1975. The request must include the name and address of the person wishing to appear, the capacity in which he will speak, a short summary of the intended presentation, and the approximate amount of time required for the presentation. Such submissions will be provided to the Committee Chairman for his consideration. At this time, the Subgroup repeats its request for relevant information pertaining to noise in the agricultural industry.

Communications and questions about the proceeding should be addressed to:

Ms. Jeanne C. Werner, Committee Management Officer, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3635, Washington, D.C. 20210, Phone: 202/523-8024

All materials which have been submitted to, or developed by, the Committee and its subgroups since the beginning of its deliberations, as well as the official record of all proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 28th day of October, 1975.

**JOHN T. DUNLOP,
Secretary of Labor.**

[FR Doc.75-29343 Filed 10-30-75;8:45 am]

Office of the Secretary

[TA-W-260]

FLORSHEIM SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 22, 1975 the Department of Labor received a petition filed under Section 221(a) of the Trade Act of

1974 ("the Act") by the United Shoe Workers of America on behalf of the workers and former workers of North Adams, Massachusetts division of Florsheim Shoe Company, Chicago, Illinois (TA-W-260). 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 men's casual footwear produced by Florsheim 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 November 10, 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., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of October 1975.

**MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.**

[FR Doc.75-29345 Filed 10-30-75;8:45 am]

[TA-W-261]

OLLIE MOORE'S MANUFACTURING CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 23, 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 Ollie Moore's Manufacturing Company, Perryville, Missouri (TA-W-261). 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 dresses, blouses, pants & pants suits produced by Ollie Moore's Manufacturing 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 November 10, 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., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of October 1975.

**MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.**

[FR Doc.75-29346 Filed 10-30-75;8:45 am]

[TA-W-262]

REVERE KNITTING MILLS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On October 23, 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 Revere Knitting Mills, Incorporated, Wakefield, Massachusetts. (TA-W-262). 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 men's sportswears including knit shirts and sweaters produced by Revere Knitting Mills, Incorporated or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or sub-

division 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 November 10, 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., NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 23rd day of October 1975.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance,

[FR Doc. 75-29347 Filed 10-30-75; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 86]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 24, 1975.

The following applications are governed by Special Rule 1100 247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and

describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) (as amended, 49 FR 37215) published in the FEDERAL REGISTER issue of August 26, 1975, effective September 15, 1975, further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.*

Evidence respecting how equipment is expected to be returned to an origin point, as well as other data relating to operational feasibility (including the need for dead-head operations), must be presented as part of an applicant's initial evidentiary presentation (either at oral hearing or in its opening verified statement under the modified procedure) with respect to all applications filed on or after December 1, 1973.

If an applicant states in its initial evidentiary presentation that empty or partially empty vehicle movements will result upon a grant of its application, applicant will be expected (1) to specify the extent of such empty operations, by mileages and the number of vehicles, that would be incurred, and (2) to designate where such empty vehicle operations will be conducted.

Each applicant (except as otherwise specifically noted) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 11722 (Sub-No. 47), filed September 29, 1975. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655,

Zillah, Wash. 98953. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coir yarn, sisal, burlap, paper, twine, and steel wire*, from Seattle, Tacoma, and Vancouver, Wash., and Portland, Oreg., to points in Yakima, Benton, and Kittitas Counties, Wash., and points in Polk, Clackamas, Washington, Yamhill, Lane, and Malheur Counties, Oreg.; and San Joaquin, Sutter, Yuba, and Sacramento Counties, Calif.; and Ada, Canyon, Gem, Boundary, Payette, Washington, Elmore, Jerome, and Twin Falls Counties, Idaho; and (2) from Toppenish, Wash., to points in Polk, Clackamas, Washington, Yamhill, Lane, and Malheur Counties, Oreg.; and San Joaquin, Sutter, Luba, Sacramento Counties, Calif.; and Ada, Canyon, Gem, Boundary, Payette, Washington, Elmore, Jerome, and Twin Falls Counties, Idaho.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or Seattle, Wash.

No. MC 26120 (Sub-No. 6), filed October 2, 1975. Applicant: GEORGE L. HOOKER, INC., Tuscarawas Road, Uhrichsville, Ohio 44683. Applicant's representative: Boyd B. Ferri, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sewer pipe, sewer pipe fittings and clay products, and materials and supplies*, used in the manufacturing and processing of sewer pipe and clay products, between the plantsites of United States Concrete Pipe Company, at Uhrichsville and Mogadore, Ohio, on the one hand, and, on the other, points in Illinois, under contract with the United States Concrete Pipe Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 29886 (Sub-No. 327), filed October 2, 1975. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment or special handling, between St. Louis, Mo. and its Commercial Zone, on the one hand, and, on the other, points in Pennsylvania (except that portion south of a line beginning at the Pennsylvania-West Virginia State Boundary line and extending along Pennsylvania Highway 844 to junction Pennsylvania Highway 50, thence along Pennsylvania Highway 50 to junction Pennsylvania Highway 519, thence along Pennsylvania Highway 519 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Pennsylvania-Maryland State Boundary line. The purpose

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

of this filing is to eliminate gateways at points in Illinois and those in Michigan in a territory bounded by a line beginning at Lake Michigan and extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., to intersection Business Route Interstate Highway 96, thence along Business Route Interstate Highway 96 to Lansing, Mich., thence westerly along U.S. Highway 127 to Jackson, Mich., thence along unnumbered highway (formerly portion of U.S. Highway 127) to intersection U.S. Highway 12 near Somerset Center, Mich., thence along U.S. Highway 12 to intersection U.S. Highway 127, near Somerset Center, Mich., thence along U.S. Highway 127 to the Michigan-Ohio State Boundary line.

NOTE.—Applicant indicates this proceeding is a Gateway elimination application involving MC 29886 (Sub-No. 287), Items 131, 134, and 229. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 554), filed October 3, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen prepared foods*, from the plantsite and facilities of Morton Frozen Foods at Russellville, Ark., to points in Illinois, Indiana, Michigan, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to shipments originating at the plantsite and facilities of Morton Frozen Foods at Russellville, Ark., to the named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not state a location.

No. MC 31389 (Sub-No. 207), filed September 29, 1975. Applicant: McCLEAN TRUCKING COMPANY, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and distribution center of Londontown Corporation, located at or near Eldersburg, Md., as an off-route point in conjunction with applicant's regular route operations to and from Baltimore, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 33322 (Sub-No. 17), filed October 3, 1975. Applicant: JOHN N. APGAR SR. (IRVING L. APGAR, JOHN N. APGAR JR. AND THE FIRST NATIONAL BANK OF CENTRAL JERSEY, EXECUTORS AND TRUSTEES),

STERLING E. APGAR (MORRIS RUTER TRUSTEE) AND DOROTHY E. ANDERSON, doing business as, APGAR BROS., 232 West Union Avenue, Bound Brook, N.J. 08805. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, in hopper van containers, between Somerset, Hudson, and Middlesex Counties, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Ohio, Illinois, Indiana, Virginia, West Virginia, Kentucky, North Carolina, South Carolina, Georgia, Florida, Mississippi, Tennessee, Alabama, Wisconsin, and Minnesota, under contract with Union Carbide Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 53965 (Sub-No. 111), filed September 26, 1975. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio Street, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, junk batteries, and materials and supplies* used or useful in the manufacture or distribution of electric storage batteries, between Salina, Kans., on the one hand, and, on the other, points in Arkansas, Colorado, Indiana, Iowa, Kentucky, Louisiana, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at the same time and on a consolidated record with similar applications filed by National Carriers, Inc., MC 139495 Sub-No. 75 and West Motor Freight, MC 21896 Sub-No. 79.

No. MC 58885 (Sub-No. 28), filed October 6, 1975. Applicant: ATLANTA MOTOR LINES, INC., P.O. Box 345, Conley, Ga. 30027. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite of Owenby Manufacturing Company, on Town Creek School Road, south of Blairsville, Ga., as an off-route point in conjunction with applicant's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 61396 (Sub-No. 292), filed October 14, 1975. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal and soybean by products* of mill run and hulls, in bulk, from the plantsite of Farmland Industries, Inc., at or near Sergeant Bluff, Iowa, to points in Kansas, Nebraska, and Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 61592 (Sub-No. 371), filed October 1, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors); (2) *agricultural machinery and implements*; (3) *attachments* for (1) and (2) above; (4) *such merchandise as is dealt in by lawn and garden stores* (except chemicals in bulk); and (5) *twine*, from Milan, Ill., to points in Illinois and Iowa, restricted in (3), (4), and (5) to traffic moving in mixed loads with (1) and (2) above; and further restricted to the transportation of traffic originating at the facilities used by International Harvester Company at Milan, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 61592 (Sub-No. 372), filed October 10, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. #3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces, house heating hot air* with or without air condition apparatus as an integral part of the furnace, from Bellview and Columbus, Ohio, to points in the United States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 69397 (Sub-No. 17) (Amendment), filed September 29, 1975, published in the FEDERAL REGISTER issue of October 16, 1975, republished as amended this issue. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, Md. 21851. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated piling*, from points in Sussex County, Del., to points in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, and the District of Columbia.

NOTE.—The purpose of this republication is to indicate Sussex County, Del. as the origin point in lieu of Bridgeville, Del. as previously published. Common control may be involved. If a hearing is deemed necessary,

the applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 73165 (Sub-No. 371), filed October 10, 1975. Applicant: EAGLE MOTORS LINES, INC., 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: William P. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators, dust control systems, and blow pipe systems, and accessories* therefor, from the plantsites of Allstate Fabricating Co. at or near Eads, Tenn., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Birmingham, Ala.

No. MC 76032 (Sub-No. 312), filed October 2, 1975. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between the junction of Interstate Highway 10 and U.S. Highway 60 at or near Brenda Junction, Ariz., and Phoenix, Ariz.: (a) From the junction of Interstate Highway 10 and U.S. Highway 60 over Interstate Highway 10 to junction unnumbered Maricopa County road, thence over said unnumbered Maricopa County road to junction U.S. Highway 80, thence over U.S. Highway 80 to Phoenix, and return over the same route, serving no intermediate points; (b) From the junction of Interstate Highway 10 and U.S. Highway 60 over Interstate Highway 10 to Phoenix, and return over the same route, serving no intermediate points; (2) Between Phoenix, Ariz., and Alamogordo, N. Mex.: From Phoenix over Interstate Highway 10 to junction U.S. Highway 70, thence over U.S. Highway 70 to Alamogordo, and return over the same route, serving no intermediate points; and (3) Between Alamogordo, N. Mex., and Fort Worth, Tex.: From Alamogordo over U.S. Highway 82 to junction New Mexico Highway 18, thence over New Mexico Highway 18 to junction U.S. Highway 82 at or near Hobs, N. Mex., thence over U.S. Highway 82 to junction U.S. Highway 180 at or near Seminole, Tex., thence over U.S. Highway 180 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction Interstate Highway 20 (U.S. Highway 80), thence over Interstate Highway 20 (U.S. Highway 80) to Fort Worth, and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Alamogordo, N. Mex., or Phoenix, Ariz.

No. MC 82735 (Sub-No. 4), filed August 13, 1975. Applicant: HUDSON-BERGEN TRUCKING CO., 200 Central Avenue, Teterboro, N.J. 07608. Applicant's representative: Bernard F. Flynn, Jr., York-Flynn Building, Dover, N.J. 07801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocery stores, supermarkets, and shopping centers, between the site of Marschall Warehouse Company located at Teterboro, N.J. and points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, under a continuing contract or contracts with Marschall Warehouse Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

No. MC 83539 (Sub-No. 418), filed October 6, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936-2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers and equalizers* for air, gas, or liquids; *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (2) *parts, materials, equipment, and supplies* used in the manufacture, distribution, installation, or operation of those items named in (1) above (except in bulk), between points in Monroe, Randolph, Perry Counties, Ill., and St. Clair County, Ill., on and south of Illinois Highways 177 and 158, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to shipments originating at or destined to the plantsite and warehouse facilities of the Singer Company at Monroe, Randolph, Perry, and St. Clair Counties, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 83539 (Sub-No. 419), filed October 14, 1975. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, 1936-2010 West Commerce St., Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cranes, parts, attachments, and accessories*, between the plantsite and facilities of FMC Corporation located at or near Bowling Green, Ky., on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii; and (2) *materials, equipment, and supplies* used in the manufacture of the items in (1) above, from points in the United States including Alaska, but excluding Hawaii, to the plantsite of FMC Corporation located at or near Bowling Green, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 99427 (Sub-No. 24), filed October 6, 1975. Applicant: ARIZONA TANK LINES, INC., 4150 E. Magnolia, Phoenix, Ariz. 85034. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphuric acid*, in bulk, from Hayden, Ariz., to points in Nevada; (2) *fire retardant*, in bulk, from points in Arizona, to points in New Mexico; and (3) *soil sealers*, in bulk, from points in Maricopa County, Ariz., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 99565 (Sub-No. 14), filed September 2, 1975. Applicant: FORE WAY EXPRESS, INC., 204 S. Bellis, Wausau, Wis. 54401. Applicant's representative: Nancy J. Johnson, Suite 100, 4506 Regent Street, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), (1) Between Merrill, Wis., and Rhinelander, Wis.: From the junction of U.S. Highway 51 and Wisconsin Highway 17 at or near Merrill, Wis. over Wisconsin Highway 17 to Rhinelander, Wis. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (2) Between Rhinelander, Wis., and Monico, Wis.: From Rhinelander, Wis. over Wisconsin Highway 17 to south junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 8 at Monico and return over the same route, serving all intermediate points; (3) Between Stevens Point, Wis., and Appleton, Wis.: From the junction of U.S. Highway 51 and U.S. Highway 10 at Stevens Point, Wis. over U.S. Highway 10 to Appleton, Wis. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (4) Between Wausau, Wis., and Rhinelander, Wis.: From South junction U.S. Highway 51 and Wisconsin Highway 29 at or near Wausau, Wis. over U.S. Highway 51 to junction U.S. Highway 8, thence over Highway 8 to Rhinelander, Wis. and return over the same route, serving all intermediate points.

(5) Between Wisconsin Highway 47 and its junction with U.S. Highway 41 and Bonduel, Wis.: From junction Wisconsin Highway 47 and U.S. Highway 41, over Wisconsin Highway 47 to Bonduel, Wis. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (6) Between Green Bay, Wis., and Algoma, Wis.: From Green Bay, Wis. over Wisconsin Highway 54 to Algoma, Wis. and return over the same

route, serving all intermediate points; (7) Between Crandon, Wis. and Langlade, Wis.: From Crandon, Wis. over Wisconsin Highway 55 to junction Wisconsin Highway 64 at Langlade, Wis. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (8) Between Merrill, Wis., and Langlade, Wis.: From junction U.S. Highway 51 and Wisconsin Highway 64 at Merrill, Wis. over Wisconsin Highway 64 to junction Wisconsin Highway 55 at Langlade, Wis. and return over the same route; and Langlade and White Lake, Wis. and junction Wisconsin Highway 64, serving all intermediate points and serving White Lake, Wis. as an off-route point; (9) Between Wausau, Wis., and Milwaukee, Wis.: From Milwaukee, Wis. over Interstate Highway 94 to junction Wisconsin Highway 78, thence over Wisconsin Highway 78 to junction U.S. Highway 51, thence over U.S. Highway 51 to Wausau, Wis. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (10) Between Three Lakes, Wis., and Crandon, Wis.: From Three Lakes, Wis. over U.S. Highway 45 to junction Wisconsin Highway 32, thence over Wisconsin Highway 32 to Crandon, Wis. and return over the same route, serving all intermediate points; and (11) Between Wausau, Wis. and junction Wisconsin Highway 17: From Wausau, Wis. over Marathon County W to junction Wisconsin Highway 17 at or near Merrill, Wis. and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee or Madison, Wis., or Minneapolis or St. Paul, Minn.

No. MC 106149 (Sub-No. 2), filed October 14, 1975. Applicant: AMERICAN HOLIDAY VAN LINES, INC., 2323 Chipman Street NE., Knoxville, Tenn. 37917. Applicant's representative: Robert H. Watson, Jr., Northshore Center, 1111 Northshore Drive, Knoxville, Tenn. 37919. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Alabama, Connecticut, Delaware, Georgia, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, the District of Columbia, that part of Louisiana east of the Mississippi River, and the Lower Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 106775 (Sub-No. 39), filed October 9, 1975. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: Jack L. Coke, Jr., 4555 First National Bank Building, Dallas, Tex.

75202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) *Iron and steel articles*, from the plantsite and storage facilities of National Pipe and Tube Company, located in Liberty County, Tex., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above named plantsite and storage facilities of National Pipe and Tube Company and destined to points in the United States (except Alaska and Hawaii); and (b) *materials, equipment, and supplies* used in the manufacture, processing, and distribution of iron and steel articles, from points in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of National Pipe and Tube Company located in Liberty County, Tex., restricted to traffic originating at points in the United States (except Alaska and Hawaii) and destined to the plantsite and storage facilities of National Pipe and Tube Company located in Liberty County, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 107295 (Sub-No. 778), filed Sept. 29, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings, building panels, building parts, and materials, accessories, and supplies*, used in the installation, erection, and construction of buildings, building panels, and building parts (except commodities in bulk), from the plantsite and storage facilities of Butler Manufacturing Company, at Annville (Lebanon County), Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, Ohio, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Butler Manufacturing Company, at Annville (Lebanon County), Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 780), filed October 6, 1975. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. 62707. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Asbestos building panels, roofing, and siding*, from Nashua, N.H., to points in Illinois, Iowa, and Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 107515 (Sub-No. 992), filed October 3, 1975. Applicant: REFRIGER-

ATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen bakery*, from the plantsite and warehouse facilities of Tennessee Doughnut Co., in Davidson County, Tenn., to points in the United States in and east of Minnesota, Iowa, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108393 (Sub-No. 94), filed October 1, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores and mail order houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Elk Grove Village, Ill., on the one hand, and, on the other, Atlanta, Ga.; Boston, Mass.; Columbus, Ohio; Dallas, Tex.; Greensboro, N.C.; Jacksonville, Fla.; Kansas City, Mo.; Memphis, Tenn.; Minneapolis/St. Paul, Minn.; Philadelphia, Pa.; and North Bergen and Secaucus, N.J., under a continuing contract or contracts with Sears, Roebuck and Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108393 (Sub-No. 95), filed October 1, 1975. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 E. Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances and equipment, materials and supplies* used in the manufacture, distribution, and repair of electrical and gas appliances, between Livonia, Mich., on the one hand, and, on the other, Fulton, Henry, Lucas, Ottawa Sandusky, and Wood Counties, Ohio under a continuing contract or contracts with Whirlpool Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 108631 (Sub-No. 7), filed October 14, 1975. Applicant: BOB YOUNG TRUCKING, INC., Schoenersville Road at Industrial Drive, Bethlehem, Pa. 18017. Applicant's representative: Morris Mindlin, 1509 Easton Avenue, Bethlehem, Pa. 18017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household electrical and gas appliances, hardware, utility, and construction materials, supplies and equipment*, from Foglesville,

Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either (1) Allentown, Pa.; (2) Bethlehem or Easton, Pa.; or (3) Philadelphia, Pa.

No. MC 108835 (Sub-No. 34), filed October 6, 1975. Applicant: HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Minneapolis, Minn. 55427. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Between Omaha, Nebr., and Kansas City, Mo.: (1) from Omaha over city streets to Council Bluffs, Iowa, thence over Interstate Highway 29 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to Mound City, Mo., thence over Interstate Highway 29 to Kansas City, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (2) from Omaha over U.S. Highway 73 to Auburn, Nebr., thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to Mound City, Mo., thence over Interstate Highway 29 to Kansas City, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant does not request a location.

No. MC 110988 (Sub-No. 327), filed October 1, 1975. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Emulsion*, in bulk, from Green Bay, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 577), filed September 30, 1975. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde, N.Y. 11040. Applicant's representative: John Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit, and accounting media of all kinds*, (a) between Bossier City, La., and Quitman, Tex.; (b) between Albuquerque, N. Mex., and Santa Fe, N. Mex., restricted to the transportation of traffic having an immediately prior or subse-

quent movement by air; and (2) *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.

NOTE.—Applicant holds contract carrier authority in MC 112760 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Austin, Tex., or Washington, D.C.

No. MC 113267 (Sub-No. 322), filed October 9, 1975. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 3215 Tulane Rd., P.O. Box 30130 A.M.F., Memphis, Tenn. 38130. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottled foodstuffs*, from Sevierville, Newport, Jefferson City, and Tellico Plains, Tenn., to points in Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss. or Memphis, Tenn.

No. MC 113459 (Sub-No. 102), filed September 29, 1975. Applicant: H. J. Jeffries Truck Line, Inc., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut log and wood buildings*, knocked down, and *materials and supplies* used in the construction, installation, and erection thereof (except commodities in bulk), from the facilities of Real Log Homes, Inc., at or near Missoula, Mont., to points in Arizona, Colorado, Illinois, Iowa, Minnesota, New Mexico, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Missoula, Mont., or Dallas, Tex.

No. MC 113855 (Sub-No. 323), (Clarification), filed July 21, 1975, published in the FEDERAL REGISTER issue of September 4, 1975, and republished as clarified this issue. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, iron and steel articles, and wire products*, from points in Washington and California, to points in the United States including Alaska, and Canada, through all points on the International Boundary line between the United States and Canada; and (2) *materials, equipment and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) above, from points in the United States, including Alaska, to points in Washington and California.

NOTE.—The purpose of this republication is to indicate applicant's traversal of the Inter-

national Boundary line between the United States and Canada. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 113861 (Sub-No. 65), filed October 14, 1975. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, Tenn. 38106. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products*, in bulk, from the plantsite or warehouse facilities of Cargill, Inc., located at or near Memphis, Tenn. to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests a consolidated hearing with Fleet Transport Co., Manfredi Motor Transit Co., Miller Transporters Inc. and Ruan Transport Corporation at Memphis, Tenn.

No. MC 114239 (Sub-No. 33), filed August 21, 1975. Applicant: FARRIS TRUCK LINE, a Corporation, Faucett, Mo. 64448. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers and bags, and agricultural pesticides, and ingredients thereof*, (except liquids in bulk in tank vehicles), from points in Kansas, Kentucky, Minnesota, Montana, North Dakota, New York, Oklahoma, South Dakota, Wisconsin, and Wyoming, to St. Joseph, Mo., under a continuing contract or contracts with Farmland Industries, Inc.; Missouri Chemical Company; and Techne Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Washington, D.C.

No. MC 114457 (Sub-No. 244), filed October 8, 1975. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products* (except commodities in bulk, in tank vehicles), from Winchester, Va., to points in Cook County, Ill. and Detroit, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or St. Paul, Minn.

No. MC 116260 (Sub-No. 7), filed October 9, 1975. Applicant: PASHA TRUCKAWAY, 1308 Canal Boulevard, Richmond, Calif. 94804. Applicant's representative: Ann M. Pougiales, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) in secondary movements in truckaway service, from ports of entry in California, to points in California, Arizona, Nevada, and Oregon,

restricted to shipments having a prior movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 116459 (Sub-No. 58), filed October 17, 1975. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chattanooga, Tenn. 37405. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, N.W. Suite 501, Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous aluminum chloride*, dry, in bulk, and in special containers, from Alcoa, Tenn., to points in Louisiana, Texas, Pennsylvania, New York, New Jersey, Delaware, and Maryland.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn. or Atlanta, Ga.

No. MC 116763 (Sub-No. 326), filed October 7, 1975. Applicant: CARL SUBLER TRUCKING, INC., 115 North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters, (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food, foodstuffs and beverages, food and beverage products, commodities* exempt from economic regulation under Section 203(B)(6) of the Interstate Commerce Act, when transported in mixed loads with other commodities, and *commodities* used or useful in packaging, manufacturing or processing of the above commodities, from points in Florida, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant does not state a location.

No. MC 116915 (Sub-No. 19), filed October 1, 1975. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 2015 Alsop Lane, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: John P. Kane, (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, iron and steel articles, materials and supplies* (except commodities in bulk) and commodities used in the manufacturing thereof, between the plantsite and facilities of Rexnord Incorporated located at Madison, Ind. and points in the United States (except Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington, Ky.; Louisville, Ky. or Washington, D.C.

No. MC 118159 (Sub-No. 163), filed October 14, 1975. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366—Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food products*, from the plantsite and storage

facilities of Field's Inc. located at Pauls Valley, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in Chicago, Ill.

No. MC 119789 (Sub-No. 269), filed October 1, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulators, electric wire and wire or wiring, pottery or pottery and iron combined, and parts*, from Newell, W. Va., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Mansfield, Ohio, or Dallas, Tex.

No. MC 119908 (Sub-No. 29), filed October 6, 1975. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and storage facilities of National Pipe and Tube Company, located in Liberty County, Tex., to points in New Mexico, Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, and Florida.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 110814 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 121664 (Sub-No. 12), filed September 25, 1975. Applicant: G. A. HORNADY, CECIL M. HORNADY AND B. C. HORNADY, doing business as, HORNADY BROTHERS TRUCK LINE, Box 846, Monroeville, Ala. 36460. 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: *Lumber, lumber products, plywood and particleboard*, between points in Alabama, Georgia, Florida, Kentucky, Mississippi and Tennessee, restricted to shipments originating at or destined to a facility of Moore-Handley, Inc., located in one of said states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 123009 (Sub-No. 3), filed October 3, 1975. Applicant: SHANTZ CARTAGE, INC. a Corporation, 165 N. Case Avenue, Akron, Ohio 44305. Applicant's representative: Harry Stein, 1

Cascade Plaza, Akron, Ohio 44308. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Beauty and barber supplies*, (1) Between Stow, Ohio, on the one hand, and, on the other, points in Minnesota, Wisconsin, Pennsylvania, the District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Connecticut, Kentucky, Tennessee, Delaware, New Jersey, Massachusetts and Maryland; and (2) from points in New York, Indiana, Michigan, and Illinois, to Stow, Ohio, (1) and (2) above, under a continuing contract or contracts with Milo Beauty and Barber Supply Company, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio.

No. MC 123048 (Sub-No. 331), (Correction), filed September 25, 1975, published in the FEDERAL REGISTER issue of October 16, 1975 as MC 123048 (Sub-No. 331), republished as corrected this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements*; (2) *attachments*, for (1) above; (3) *accessories*, for (1) and (2) above; and (4) *parts*, for (1), (2) and (3) above, from points in Vanderburgh County, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to change the docket number MC 123048 (Sub-No. 331) in lieu of MC 123048 (Sub-No. 321) which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 123133 (Sub-No. 3), filed October 14, 1975. Applicant: DENNY TRANSPORT, INC., 3435 Industrial Parkway, Jeffersonville, Ind. 47130. Applicant's representative: Ollie L. Merchant, 328 Starks Building, Louisville, Ky. 40202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Ink* in bulk, in tank vehicles, from Louisville, Ky., to Corinth, Miss., Dallas, Tex., Dayton, Ohio, Gallatin, Tenn., Salem, Ill., and Springfield, Ohio and (2) *reclaimed hydrocarbon solvents*, from Corinth, Miss., Dallas, Tex., Dayton, Ohio, Gallatin, Tenn., Salem, Ill., and Springfield, Ohio, to Louisville, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.

No. MC 123233 (Sub-No. 57), filed September 29, 1975. Applicant: PROVOST CARTAGE, INC., 7887 Grenache Avenue, Ville d'Anjou, Quebec, Canada H1J 1C4. Applicant's representative: J. P. Vermette (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Muriatic acid*, in bulk, in tank vehicles, from the port of

entry on the International Boundary line between the United States and Canada located at or near Alexandria Bay and Champlain, N.Y., to Springfield and West Springfield, Mass., restricted to the transportation of traffic in foreign commerce originating at the plantsite of DuPont of Canada Limited at Maitland, Ontario, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Montpelier, Vt. or Albany, N.Y.

No. MC 124230 (Sub-No. 25), filed October 14, 1975. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, (1) from points in Colorado, to East Helena, Mont., Kellogg, Idaho, Tacoma, Wash., Bartlesville, Okla., Corpus Christi, Amarillo and El Paso, Tex., (2) from points in Luna County, N. Mex., to El Paso, Tex., (3) between points in Pinal, Pima and Cochise Counties, Ariz., and El Paso, Tex. and (4) between points in Lake, Summit, Park, Pueblo and Fremont Counties, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cortez or Denver, Colo.

No. MC 124306 (Sub-No. 21), filed October 14, 1975. Applicant: KENAN TRANSPORT COMPANY, INCORPORATED, P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Richard A. Mehley, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum distillates*, in bulk, in tank vehicles, from Severn, N.C., to Piscataway, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124904 (Sub-No. 4), filed October 3, 1975. Applicant: GIBNEY DISTRIBUTORS, INC., 300 Old Indian Head Road, Kings Park, N.Y. 11754. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage* in seasonal operations extending from June 1 to October 1 both dates inclusive of each year, between points in New York, New Jersey, Connecticut, Maryland, Delaware, points in Suffolk, Norfolk, Plymouth, Essex, Middlesex and Bristol Counties, Mass. and the District of Columbia, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, and Delaware.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124947 (Sub-No. 44), filed October 1, 1975. Applicant: MACHIN-

ERY TRANSPORTS, INC., Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 223 Ciudad Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic or fiberglass tanks and parts, accessories, and materials* used in the production of plastic or fiberglass tanks, between the plant or other facilities of Beetle Plastics, Inc., located at or near Gene Autry, Okla., on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., Nashville, Tenn., Chicago, Ill., or Washington, D.C.

No. MC 128117 (Sub-No. 22), filed October 15, 1975. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, N.C. 28601. Applicant's representative: Francis J. Ortman, 1100 17th St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from Houma, La., to points in Georgia, Florida, North Carolina, South Carolina, Virginia and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 133458 (Sub-No. 2), filed October 14, 1975. Applicant: JAMES P. WEBB, Castleton Road, East Greenbush (Rensselaer County), N.Y. 12141. Applicant's representative: Neil D. Breslin, 1111 Twin Towers, 99 Washington, Ave., Albany, N.Y. 12210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in containers, tires, batteries and automotive accessories used or sold by gasoline stations, from East Greenbush (Rensselaer County), N.Y., to points in Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie and Washington Counties, N.Y., under contract with Sun Oil Company of Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y.

No. MC 134068 (Sub-No. 23), filed October 6, 1975. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 E. Fruitland Ave., P.O. Box 58327, Vernon, Calif. 90058. Applicant's representative: Joseph W. Harvey, P.O. Box 1018, Denver, Colo. 80201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail food business houses*, from the facilities utilized by Hunt-Wesson Foods, Inc., located at or near Fullerton, Hayward, Oakdale, and Davis, Calif., to points in Colorado, Nebraska, South Dakota and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134323 (Sub-No. 77), filed July 14, 1975. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gallyn Larsen, 521 South 14th, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bags, from Hutchinson and Lyons, Kans., and Carlsbad, N. Mex., to the plantsites and storage facilities of MBPXL Corporation, at or near Plainview, and Friona, Tex., and Rockport, Mo.; (2) *boxes and containers*, from Wichita, Kans., and Denver, Colo., to the plantsites and storage facilities of MBPXL Corporation, at or near Plainview, Tex., and Rockport, Mo.; and (3) *boneguard cloth and cryovac bags*, from Holyoke, Mass., and Cedar Rapids, Iowa, to the plantsites and storage facilities of MBPXL Corporation, at or near Wichita, Kans.; Plainview, Tex.; and Rockport, Mo., under contract with MBPXL Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Amarillo, Tex.

No. MC 134806 (Sub-No. 34), filed October 7, 1975. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th St. N.W., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear*, in unsealed cases, from Wilton, Maine, to Marlboro and Middleboro, Mass., under contract with G. H. Bass & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 135078 (Sub-No. 7), filed October 1, 1975. Applicant: AMERICAN TRANSPORT, INC., 6850 F Street, Omaha, Nebr. 68127. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chain and pulley hoists, bearing and hoist trolleys, cranes, hydraulic lifts, bearings, car bolsters, railroad car components, steel foundry casings, steel castings, pneumatic tools, parts, rubber hoses, rotary blowers, power pumps, air compressors, pneumatic diaphragm pumps, tanks and hand-held percussion tools, and parts and materials* for the above items, from Depew, N.Y.; Sidney and Springfield, Ohio; Muskegon, Mich.; and Connersville, Ind., to points in Illinois, Missouri, Nebraska, Arkansas, Oklahoma, Texas, New Mexico, Arizona, California, Colorado, Kansas, Iowa, Tennessee, Utah, and Nevada, restricted against the transportation of commodities which, because of their size and weight, require the use of special equipment and further restricted against the transportation of commodities in bulk in tank vehicles.

NOTE.—Applicant holds contract carrier authority in MC 135007 and subs thereunder, therefore dual operations may be involved.

If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Chicago, Ill.

No. MC 136008 (Sub-No. 64), filed September 29, 1975. Applicant: JOE BROWN COMPANY, INC., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and coal byproducts*, from points in Oklahoma, to points in Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 136343 (Sub-No. 57), filed October 9, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. 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: *Such commodities as are dealt in by retail department stores, and equipment, materials, and supplies used in the conduct of such business (except foodstuffs and commodities in bulk)*, from the facilities of J. C. Penney Company, Inc., located at or near Ridgefield, N.J. to Chicago, Ill.; Cleveland, Ohio; Flint, Mich.; Indianapolis, Ind.; and Milwaukee, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 136343 (Sub-No. 58), filed October 14, 1975. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. 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: *Equipment, materials, and supplies used or useful in the manufacture of printing paper and paper products, from the facilities of Watervliet Paper Company, Inc., located at Watervliet and Sodus, Mich., to points in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Maryland, Delaware, Virginia, North Carolina, South Carolina, Florida, Alabama, Kentucky, Georgia, Mississippi, Louisiana, Tennessee, West Virginia, and the District of Columbia, restricted to the transportation of shipments originating at the specified origins and destined to the designated destinations.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 136605 (Sub-No. 6), filed October 9, 1975. Applicant: DAVIS BROS. DIST., INC., 2024 Trade Street, P.O. Box 1027, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Lumber, plywood, and particleboard (except commodities in bulk, in tank vehicles), between ports of entry on the International Boundary line between the United States and Canada at or near Roosville, Port of Piegan, Sweetgrass, Port of Scobey, and Raymond, Mont., restricted to traffic moving in foreign commerce.*

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Missoula, Billings, Great Falls, or Helena, Mont.

No. MC 136786 (Sub-No. 85), filed October 3, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 Fifth Avenue Northwest, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 3033 Excelsior Boulevard, Minneapolis, Minn. 55416. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods*, from Minnetonka and Minneapolis, Minn., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 136886 (Sub-No. 1), filed October 9, 1975. Applicant: MASTERSON TRANSFER CO., INC., 3000 Pennsylvania Avenue West, Warren, Pa. 16365. Applicant's representative: Kenneth T. Johnson, Bankers Trust Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing, advertising materials, shipping supplies, waste cardboard and waste paper*, from points in Warrern County, Pa., to points in the United States east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except points in Pennsylvania and points in Chautauqua, Erie and Cattaraugus Counties, N.Y.), under a continuing contract or contracts with New Process Company.

NOTE.—Applicant holds common carrier authority in MC 3248 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 138235 (Sub-No. 4), filed October 1, 1975. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 412 Route 23, Pompton Plains, N.J. 07444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lawn equipment, tractors, bicycles, snow plows, and motorcycles*, between Westfield, Mass., Cleveland, Stongsville, Willard, Ohio and Indianola, Miss., on the one hand, and, on the other, points in the United States (except Alaska and

Hawaii), under continuing contract or contracts with MTD Products, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 138807 (Sub-No. 12), filed October 14, 1975. Applicant: ZIP TRUCKING, INC., P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations*, from Gulfport, Miss., to points in California and Washington, under contract with Sterling Drug, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 138820 (Sub-No. 4), filed October 6, 1975. Applicant: PATTON'S, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Ore. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods* from points in California, to points in Oregon and Washington, under a continuing contract or contracts with Roundup Co.

NOTE.—Applicant holds common carrier authority in MC 129516 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Portland or Spokane, Wash.

No. MC 138889 (Sub-No. 2), filed September 29, 1975. Applicant: GREEN RIVER TRANSPORTATION CO., INC., General Delivery, Central City, Ky. 42330. Applicant's representative: Ray S. Stone, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New or used empty containers, knocked down or set up, and lumber, rough or dressed, between points in Kentucky on and west of Interstate Highway 75, on the one hand, and, on the other, Davenport and Clinton, Iowa, and points in Illinois, Indiana, Ohio, Tennessee, Georgia and Alabama, under a continuing contract or contracts with Expendable Pallet Manufacturing Co., Inc.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 139495 (Sub-No. 97), filed October 1, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulated wire, electric plugs and cord sets, and power supply cords*: (a) From Rumford, Woonsocket, and Pawtucket, R.I., to points in Illinois, Michigan, Ohio, Minnesota, Missouri, Colorado, Texas, Iowa, Nebraska, Kansas (except Great Bend, Liberal and Wichita), Indiana, and Oklahoma; and

(b) from Rumford, R.I., to points in Nevada, Idaho, Arizona, Washington, Oregon, California, and Louisiana; (2) *Insulated wire, electric plugs and cord sets, power supply cords, and related items*, from Rumford, R.I. to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee; (3) *General commodities* (except those of unusual value, classes A and B explosives, and commodities which because of size or weight require special equipment), from Boston, Clinton, and Worcester, Mass.; Pawtucket, Providence, Rumford, and Cranston, R.I.; Stamford, Conn.; New York, N.Y.; and Jersey City, Midland Park, and Newark, N.J., to Chicago, Elk Grove Village, and Morton Grove, Ill., and Cleveland, Ohio; (4) *Pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves, castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads, automatic fire protection and prevention systems, and air heaters, blowers, and parts* (except those commodities which because of size or weight require the use of special equipment), from the facilities utilized by Grinnell Corporation, at or near Cranston and West Kingston, R.I., Elmira, N.Y., and Columbia and Wrightsville, Pa., to points in Wisconsin, Illinois, Minnesota, Iowa, Missouri, Arkansas, Nebraska, Kansas, (except Great Bend, Liberal and Wichita), Oklahoma, Texas, Colorado, and New Mexico.

(5) *Pipe fittings and connections and pipe hangers*, from the facilities of the Grinnell Corporation at or near Atlanta, Ga., to points in Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, Colorado, Kansas (except Great Bend, Liberal and Wichita), Oklahoma, New Mexico, and Texas; (6) *Pipe fittings, connections, pipe, bars and rods, valves, castings, and nipples*, (a) from Princeton, Ky., and Henderson, Tenn., to points in Arizona, California, Colorado, Idaho, Kansas (except Great Bend, Liberal and Wichita), Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted against the transportation of commodities in bulk; and (b) from Princeton, Ky., and Henderson, Tenn., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (7) *Articles* used in the manufacture of the commodities named in (6) above (except commodities in bulk), from points in the destination territories described in (6) above, to Princeton, Ky., and Henderson, Tenn.; (8) *Iron and steel pipe*, from the facilities of the Grinnell Corporation at or near Kernersville, N.C., to points in Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada,

Utah, Arizona, Colorado, Kansas (except Great Bend, Liberal and Wichita), Oklahoma, New Mexico, and Texas; (9) *Valves, hydrants, pipe fittings, connections and hangers, and indicator posts*, from Elmira, N.Y., to points in Georgia, Indiana, Kentucky, Louisiana, North Carolina, and South Carolina.

(10) *Components of fire prevention sprinkler systems and pipe fittings, pipe connections, pipe hangers, casting and valves* (except liquid commodities in bulk), from the plantsite and warehouse facilities of ITT-Grinnell Corporation at or near Clito, Ga., to points in the United States (except Alabama, Alaska, Delaware, Florida, Georgia, Hawaii, Indiana, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, the District of Columbia, points in New York south of New York Highway 7, and Great Bend, Liberal and Wichita, Kans.); (11) *Materials and supplies* used in the manufacture of the commodities specified in (10) above (except liquid commodities in bulk), from points in the destination territory described in (10) above, to the plantsite and warehouse facilities of ITT-Grinnell Corporation, at or near Clito, Ga.; (12) *Fire protection and fire prevention systems, and parts and accessories therefor* (except commodities which because of size or weight require the use of special equipment): (a) From the facilities of the Grinnell Corporation at or near Warren, Ohio, to points in North Dakota, South Dakota, Montana, Wyoming, Idaho, Utah, Arizona, Nevada, Washington, Oregon, California, Colorado, New Mexico, Kansas (except Great Bend, Liberal and Wichita), Oklahoma, Texas, Missouri, and Nebraska; and (b) from the facilities of the Grinnell Corporation at or near Cleveland, N.C., to points in Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, Colorado, Kansas (except Great Bend, Liberal and Wichita), Oklahoma, New Mexico, and Texas; (13) *Fire protection and fire prevention systems, and parts and accessories therefor, and air heaters and blowers and parts therefor* (except commodities the transportation of which of size or weight requires the use of special equipment), from the facilities of the Grinnell Corporation at or near Cranston and West Kingston, R.I., Elmira, N.Y., and Columbia and Wrightsville, Pa., to points in Montana, Wyoming, Utah, Arizona, Nevada, Idaho, Washington, Oregon, California, North Dakota, and South Dakota.

(14) (a) *Fire prevention systems* (b) *air heaters and blowers*, (c) *pipe*, and (d) *parts* for the commodities in (a) through (c) above, from the facilities of the Grinnell Corporation at or near Cranston and West Kingston, R.I., Elmira, N.Y., and Columbia and Wrightsville, Pa., to Indianapolis, Ind. and Memphis, Tenn.; (15) *Air heaters and blowers and furnaces and parts of furnaces*, from Mercer and Wheatland, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas (ex-

cept Great Bend, Liberal and Wichita), Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas (except Beaumont and Houston), Utah, Washington and Wyoming; (16) *Lighting fixtures and materials and supplies* necessary for the installation thereof, (a) between the plant sites and storage facilities utilized by International Telephone and Telegraph Corp., located at or near Vermillion, Ohio and Southaven Miss.; (b) From the plant sites and storage facilities utilized by International Telephone and Telegraph Corp., located at or near Vermillion, Ohio, and Southaven, Miss., to points in Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas (except Great Bend, Liberal and Wichita), Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, California, and Nevada, restricted in (1) through (16) above to the transportation of traffic originating at or destined to the facilities of International Telephone and Telegraph Corporation, its divisions or subsidiaries, and further restricted against tacking at origin or destination.

NOTE.—Applicant states that the purpose of the instant application is to convert its contract carrier authority for International Telephone and Telegraph Corporation held in MC 133106 and subs thereunder to common carrier authority, and that it will submit such contract carrier permits for cancellation upon grant of the above requested authority. Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Kansas City, Mo.

No. MC 139495 (Sub-No. 98), filed October 2, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kan. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, N.W., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, household and industrial cleaning products, insect control products, air fresheners, starches, brooms, brushes, mops, germicides and promotional materials* (except commodities in bulk), from Great Bend, Kans., to points in the United States (except Alaska, Hawaii and Kansas); and (2) *equipment, materials and supplies* used or useful in the manufacture, sale and distribution of the commodities in (1) above (except commodities in bulk), from points in Texas, Louisiana, Mississippi, Missouri, Illinois, Michigan, Georgia, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, and Vermont, to Great Bend, Kans., restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of the Fuller Brush Company at or near Great Bend, Kans.

NOTE.—Applicant holds motor contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, ap-

applicant requests it be held at Washington, D.C.

No. MC 139906 (Sub-No. 6), filed October 3, 1975. Applicant: INTERSTATE CONTRACT CARRIER Corporation, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Intravenous and irrigating solutions, drugs and medicines, surgeons gloves, administration sets and inpatient treatment kits* (except commodities in bulk), from the plantsites and warehouse facilities of Abbott Laboratories located at Rocky Mount, N.C. and Abbott Park (N. Chicago), Ill., to points in California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas and Washington.

NOTE.—Applicant holds contract carrier authority in MC 134599 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant request it be held at either Lincoln, Nebr., or Salt Lake City, Utah.

No. MC 140601 (Sub-No. 4), filed October 14, 1975. Applicant: BILLY FRANK, doing business as FRANK BROS., 349 Abbott Avenue, Hillsboro, Tex. 76645. Applicant's representative: James M. Doherty, P.O. Box 1945, Austin, Tex. 76645. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the facilities of Chaparral Steel Co., Inc., at or near Midlothian, Tex., to points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas; and (2) *scrap iron and scrap steel*, from points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee and Texas, to the facilities of Chaparral Steel Co., Inc., at or near Midlothian, Tex., under contract with Chaparral Steel Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 140880 (Sub-No. 1), filed October 2, 1975. Applicant: JOSEPH JENARO AND GEORGE KROCOS, a partnership, 2332 South Peck Road, Whittier, Calif. 90601. Applicants' representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Foundry compounds and supplies* (except commodities in bulk), from Georgetown and Danville, Ill., Cleveland, Columbus, Hamilton and Ashtabula, Ohio, Milwaukee, Wis., and Muse, Pa., to Vernon and City of Commerce, Calif., under contract with Independent Foundry Supply Co., Casting Material Co., Inc., and G & R Supply Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 141094 (Sub-No. 1), filed October 2, 1975. Applicant: TRANSPORT SALES CO., INC., 88 East Broad Street, Columbus, Ohio 43215. Applicant's representative: Paul F. Beery, 9th Floor, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe, pipe couplings and fittings, plastic articles, and adhesive cement* (except commodities in bulk), between Hilliard and Union Township (Licking County), Ohio, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas and the District of Columbia.

NOTE.—If a hearing is deemed necessary, if a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 141247 (Sub-No. 1), filed October 3, 1975. Applicant: LAWRENCE PILGRIM, doing business as PILGRIM TRUCKING COMPANY, P.O. Box 77, Cleveland, Ga. 30528. Applicant's representative: Robert E. Born, Suite 400, 1447 Peachtree Street, N.E., Atlanta, Ga. 30309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber, wood chips, wood shavings, and hogged wood materials*, from Cleveland and Alto, Ga., to points in Alabama, Florida, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and the District of Columbia, under contract with Appalachian Industries, Inc. at Gainesville, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 141264 (Sub-No. 2), filed October 6, 1975. Applicant: GATEWAY TRUCKING CO., INC., 2983 Strickland Street, Jacksonville, Fla. 32205. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, in trailers or containers (except commodities in bulk), between points in Jacksonville, Fla. and its Commercial Zone (except Yulee and Fernandina Beach).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 141325 (Sub-No. 1), filed Oct. 6, 1975. Applicant: POLKINGHORN MOLASSES, INC., 907 East Wyatt Earp, Dodge City, Kans. 67801. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *Urea*, from Sugar City, Colo.; Amarillo, Tex., and Neosho, Mo., to Spearville, Kans.; (b) *limestone products*, from Weeping Water, Nebr., to Spearville, Kans.; (c) *potash*,

from Carlsbad, N. Mex., to Spearville, Kans.; (d) *alfalfa pellets*, from Jossland, Darr, Brule, Gothenburg and Brady, Nebr., and McClave, Colo., to Spearville, Kans.; (e) *calcium*, from Carthage, Mo., to Spearville, Kans.; (f) *cottonseed meal*, from Lamesa and Lubbock, Tex., to Spearville, Kans. (g) *cottonseed products*, from Memphis, Tenn., to Spearville, Kans.; (h) *feed ingredients*, from St. Joseph, Mo., and LaMoure, N. Dak., to Spearville, Kans.; and (2) *animal fats*, from Garden City, Liberal and Dodge City, Kans., to Houston, Tex., under contract with Polkinghorn Feed Yard, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 141352 filed September 15, 1975. Applicant: LAMUSTA'S AUTO SERVICE, INC., 4 Rice Square, Worcester, Mass. 01604. Applicant's representative: Thomas K. Langella, 340 Main Street, Worcester, Mass. 01608. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, from Worcester, Mass., to points in Connecticut, Rhode Island, Maine, New Hampshire, Vermont, Massachusetts, New York and New Jersey.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Worcester, Mass.

No. MC 141356 (Sub-No. 2), filed September 29, 1975. Applicant: LONE PINE TRUCKING COMPANY, a Corporation, 11831 Vose Street, North Hollywood, Calif. 91605. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ores, ore concentrates, dry chemicals, rock, perlite, dolomite, clay, barite, talc and pumice*, in bulk, between points in Inyo County, Mono County, Calif., and those in San Bernardino County, Calif., east of U.S. Highway 395, restricted to shipments having a subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 141363 (Sub-No. 2), filed October 1, 1975. Applicant: J. M. MARC TRANSPORTATION, INC., 253 Marylou Avenue, Yonkers, N.Y. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and materials, equipment and supplies*, used or useful in the manufacture and sale of paper products, between the facilities of Clevepak Corporation, at Piermont, N.Y., on the one hand, and, on the other, Philadelphia, Pa., and points in New Jersey, and those in Connecticut and Massachusetts west of the Connecticut River, under contract with Clevepak Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 141365 (Sub-No. 1), filed September 29, 1975. Applicant: COUNTRYSTYLE, INC., 1025 Highway 45, Grayslake, Ill. 60030. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Packaged milk, packaged milk products, packaged ice cream, and packaged fruit drinks and juices*, from Sheboygan, Wis., to points in Lake, Cook (except Chicago), Kane, McHenry, DeKalb, Winnebago, LaSalle, Grundy, Stephenson, Kankakee, and Vermilion Counties, Ill., restricted against the transportation of commodities in bulk, and further restricted to traffic moving under a continuing contract with Lake to Lake Dairy Cooperative of Sheboygan, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 141368 filed September 26, 1975. Applicant: BASE TRANSPORTATION, INC., 1573 West Second Street, Pomona, Calif. 91766. Applicant's representative: Jerry Solomon Berger, 433 Camden Drive, 6th Floor, Beverly Hills, Calif. 91790. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paint, paint thinners and solvents* (except in bulk), from the plantsite of Pervo Paint Company, located in Los Angeles, Calif., to points in Arizona, Idaho, Nevada, New Mexico and Utah, under a continuing contract or contracts with Pervo Paint Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pomona or Los Angeles, Calif.

No. MC 141388 filed October 2, 1975. Applicant: FOLEY & SHELDON, INC., 206 Lafayette Avenue, Chatham, N.J. 07928. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products, alcohol, and acids*, from points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J., to points in Dutchess, Orange, Putnam, Rockland, Sullivan, Westchester, and Ulster Counties, N.Y.; and (2) *rejected, damaged, or surplus shipments* of the above-specified commodities, from points in Dutchess, Orange, Putnam, Rockland, Sullivan, Westchester, and Ulster Counties, N.Y., to points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J.

NOTE.—The purpose of this application is to convert the authority from contract carrier carriage to common carriage. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 141391 filed September 29, 1975. Applicant: V & J REFRIGERATED SERVICE, INC., 18121 88th Street West,

Edmonds, Wash. 98020. Applicant's representative: Robert Gleason, 15 South Grady Way, Room 217, Renton, Wash. 98055. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Laminated plastic cabinets*, from Enumclaw, Wash., to points in Washington, Oregon, Idaho, California and Nevada; (2) *red cedar shakes, shingles, and trim, and related roofing materials*, from points in Skagit and Grays Harbor Counties, Wash., to points in California, and (3) *alcoholic beverages* (except wine in bulk, in tank vehicles), between points in Washington, Oregon and California.

NOTE.—Applicant states that the authority requested in (3) above partially duplicates its contract carrier authority held in MC 138439, which authorizes the transportation of alcoholic beverages (except bulk wine) from points in California, to points in King, Pierce and Snohomish Counties, Wash., for two contracting shippers, and that it will submit said permit for revocation upon grant of the above requested authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 141396 filed October 9, 1975. Applicant: DELP, INC., 1300 Ingram Street, Springdale, Ark. 72764. Applicant's representative: Tom B. Kretzinger, Suite 910 Fairfax Building, 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, in vehicles, equipped with mechanical refrigeration, (1) from Clark, S. Dak., to points in Arizona and New Mexico; and (2) from Fairmont, Minn., to points in Alabama, Arkansas, California, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, New Mexico and Arizona.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Minneapolis, Minn.

No. MC 141401 filed October 2, 1975. Applicant: CHAS. R. HEYL, doing business as, HEYL FINE PAPER EXPRESS, 8489 Tiffany Towne Court, St. Louis, Mo. 63134. Applicant's representative: Charles R. Heyl, (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Printing papers and envelopes* (except in bulk or tank vehicles), from St. Louis, Mo., to points in Illinois, under a continuing contract or contracts with Birmingham & Prosser Co., Tobey Fine Papers, Inc., Division Distribix Inc. and Shaughnessy Kniep-Hawe Paper Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 141403 filed October 1, 1975. Applicant: ROBERT RUPPRECHT, doing business as, REPCO, Route 1, Johnson Creek, Wis. 53038. Applicant's repre-

sentative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies*, used in the manufacture of cranes, backhoes and power shovels, from West Milwaukee and West Allis, Wis., to Escanaba, Mich., under a continuing contract with Harnischfeger Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee or Madison, Wis.

PASSENGER APPLICATIONS

No. MC 15401 (Sub-No. 1), filed October 10, 1975. Applicant: STORER TRANSPORTATION SERVICE, INC., 3519 McDonald Avenue, Modesto, Calif. 95351. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. 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 and charter operations, in round trip tours, beginning and ending at points in Stanislaus, Mariposa, Tuolumne, and Merced, Calif., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 104656 (Sub-No. 13), filed October 8, 1975. Applicant: MANDRELL MOTOR COACH, INC., 312 5th Avenue, Denton, Md. 21629. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, N.W., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Caroline, Talbot, Queen Annes, Kent, and Dorchester Counties, Md., points in Delaware on and west of a line beginning at a point on the Maryland-Delaware State Boundary line and extending northerly along U.S. Highway 13 to intersection Delaware Highway 6, thence westerly along Delaware Highway 6 to the Maryland-Delaware State Boundary line, and Georgetown, Del., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant does not request a location.

No. MC 111978 (Sub-No. 10), filed September 4, 1975. Applicant: BLACK & WHITE TRANSIT COMPANY, INC., Box 402, Grundy, Va. 24614. Applicant's representative: Leon Ratliff (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, newspapers, and light express* (not to exceed 100 pounds in weight or 60 inches in length), between Claypool Hill and Bristol, Tenn.: From Claypool Hill, Va. over U.S. Highway 19 to Abingdon, Va., thence

over Interstate Highway 81 to Bristol, serving all intermediate points between Claypool Hill and Abingdon, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Roanoke or Richmond, Va.

No. MC 141324, filed September 10, 1975. Applicant: CHENANGO VALLEY BUS LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter, and special operations, from points in Chenango, Cortland, Otsego, Delaware, Madison, and Oneida Counties, N.Y., to points in the United States, including Alaska but excluding Hawaii, and return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Binghamton, N.Y.

No. MC 141369, filed September 25, 1975. Applicant: V.I.P. LIMOUSINE, INC., 76 Arch Street, Greenwich, Conn. 06830. Applicant's representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, Conn. 06460. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, between points in Fairfield County, Conn., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, and Massachusetts, restricted to the transportation of no more than six passengers in any one vehicle at any one time, not including the driver.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Hartford, Conn., or New York, N.Y.

BROKER APPLICATIONS

No. MC 130253 (Sub-No. 1) (Amendment), filed July 11, 1975, published in the FEDERAL REGISTER issue of August 21, 1975, republished as amended this issue. Applicant: DOUGLAS PATRICK STOFFERS AND MICHAEL J. O'MEARA, a partnership, 1825 Brackett Avenue, Box 1065, Eau Claire, Wis. 54701. Applicant's representative: (same as above). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Eau Claire, Wis. to sell or offer to sell the transportation of *Individual passengers and groups of passengers and their baggage* in special and charter operations in all expense tours by motor carriers beginning and ending at points in Buffalo, Chippewa, Clark, Dunn, Eau Claire, and St. Croix Counties, Wis., and extending to points in the United States including Alaska but excluding Hawaii.

NOTE.—The purpose of this republication is to amend the requested authority of this proceeding. If a hearing is deemed necessary, the applicant requests it be held at Eau Claire or Chippewa Falls, Wis.

No. MC 130341, filed September 22, 1975. Applicant: MOTOR CLUB OF IOWA, doing business as AAA IOWA WORLD TRAVEL, 1049 State Street,

Bettendorf, Iowa 52722. Applicant's representative: Johnny Lange (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Bettendorf, Burlington, Cedar Rapids, Clinton, Council Bluffs, Des Moines, Dubuque, Fort Dodge, Iowa City, Spencer, and Waterloo, Iowa, to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, by motor carriers, beginning and ending at points in Iowa, and extending to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Davenport, or any other city in Iowa.

No. MC 130342, filed October 2, 1975. Applicant: CONSOLIDATED TOURS, INC., 11 East Kellogg Blvd., St. Paul, Minn. 55101. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at St. Paul, Minn., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, on tours, by motor, rail, or water carriers, beginning and ending at points in Minnesota, and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 130343, filed October 3, 1975. Applicant: KIRK KAKUYA FUJIMOTO, doing business as FUJI WORLD TOURS, Suite 409, 312 East First Street, Los Angeles, Calif. 90012. Applicant's representative: Kirk Kakuya Fujimoto (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Los Angeles, Calif., to sell or offer to sell the transportation of *Passengers in groups or individuals and their baggage*, by motor vehicle, in charter or special operations, beginning and ending in Los Angeles and Orange Counties, Calif., and extending to points in Arizona and Nevada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 130345, filed October 1, 1975. Applicant: TRAV-A-CO., 4321 Bayard Road, South Euclid, Ohio 44121. Applicant's representative: Paul L. Millet, 2112 East Ohio Building, Cleveland, Ohio 44114. Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Cleveland, Ohio, to sell or offer to sell the transportation of *Individual passengers and groups of passengers, and their baggage*, in special and charter operations, in sightseeing and pleasure tours, by motor carriers, beginning and ending at points in Ohio, and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio; Chicago, Ill.; or Washington, D.C.

FREIGHT FORWARDER APPLICATION

No. FF 395 (Sub-No. 1), filed October 10, 1975. Applicant: KYFT, INCORPORATED, 1101 Rowan Street, Louisville, Ky. 40203. Applicant's representative: John T. McGarvey, 521 West Market Street, Louisville, Ky. 40202. Authority sought to engage in operation, in interstate commerce, as a freight forwarder, through use of the facilities of common carriers by rail, motor vehicle, water and express, in the transportation of *General Commodities* (except household goods as defined by the Commission, used automobiles, and commodities in bulk), from Cincinnati, Ohio, and Owensboro, Frankfort, Bardstow and Clearmont, Ky., to Baltimore, Md., Norfolk, Va., New Orleans, La., New York, N.Y., and San Francisco, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville or Frankfort, Ky.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29204 Filed 19-30-75;8:45 am]

[Notice No. 898]

ASSIGNMENT OF HEARINGS

OCTOBER 28, 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 123407 Sub 251, Sawyer Transport, Inc., now being assigned December 2, 1975 (1 day) at St. Paul, Minn., in Court Room 2, Federal Building and Courthouse, Kellogg and Robert Streets.

MC 95876 Sub 186, Anderson Trucking Service, Inc., now being assigned December 3, 1975, at St. Paul, Minn., in Court Room 2, Federal Building and Courthouse, Kellogg and Roberts Streets, (2 days).

MC 40978 Sub 23, Chair City Motor Express Company, now being assigned for continued hearing on December 5, 1975, at St. Paul, Minn. (1 day), in Court Room 2, Federal Building and Courthouse, Kellogg & Roberts Streets.

MC-F-12300, Midwest Motor Express, Inc. Purchase (portion) United-Buckingham Freight Lines, Inc., MC 2153 Sub-45, Midwest Motor Express, Inc., MC-F-12296, Twin City Freight, Inc.—Purchase (Portion)—United Buckingham Freight Lines, Inc., MC 111496 Sub 18, Twin City Freight, Inc., MC 111496 Sub 20, Twin City Freight, Inc. and MC 103435 Sub 224, United-Buckingham Freight Lines, Inc., now being assigned for continued hearing on December 8, 1975 (1 week), at Minneapolis, Minn., at the Leamington Hotel, Roosevelt Room, 1014 3rd Avenue, South.

MC 123255 Sub-53, B & L Motor Freight, Inc., now being assigned December 18, 1975 (2 days), at Columbus, Ohio, in a hearing room to be designated later.

MC 78643 Sub 61, Hart Motor Express, Inc., now assigned November 4, 1975 at Bismarck, North Dakota, has been postponed to December 2, 1975 (4 days), in Room G-5 & 6, State Capitol Building, Bismarck, North Dakota.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29370 Filed 10-30-75;8:45 am]

[Notice No. 106]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

OCTOBER 31, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 20, 1975. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters

relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-76002. By order of October 28, 1975, the Motor Carrier Board approved the transfer to G T Trucking Co., a partnership, Abilene, Texas, of Certificate of Registration No. MC 57343 (Sub-No. 1), issued December 16, 1963, to Dave Duncan, doing business as Duncan Drilling Co., Big Spring, Texas, authorizing the transportation of oil-field equipment between specified points in the State of Texas. Dave Duncan, P.O. Box 109, 2211 South Gregg St., Big Spring, Texas, 79720, Representative for applicants.

No. MC-FC-76087. By order of October 28, 1975, the Motor Carrier Board approved the transfer to Seyller Transport, Inc., Hampshire, Illinois, of Permit No. MC 123522 issued May 18, 1962, to Maurice Seyller, Hampshire, Illinois, authorizing the transportation of propane, from and to points in Wisconsin and Illinois. Eugene L. Cohn, One North LaSalle Street, Chicago, Illinois 60602, Attorney for Applicants.

No. MC-FC-76113. By order of October 28, 1975, the Motor Carrier Board approved the transfer to Trans-Continental Express, Inc., Clarksville, Texas, of Permits Nos. MC 134323 (Sub-Nos. 19, 50, 51 and 57, issued October 12, 1973, October 30, 1974, April 26, 1974 and May 7, 1975, respectively, to Jay Lines, Inc., Amarillo, Texas, authorizing the transportation of meats as described, from and to specified points. K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303, Attorney for Applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29371 Filed 10-30-75;8:45 am]

[Notice No. 88]

TEMPORARY AUTHORITY TERMINATION

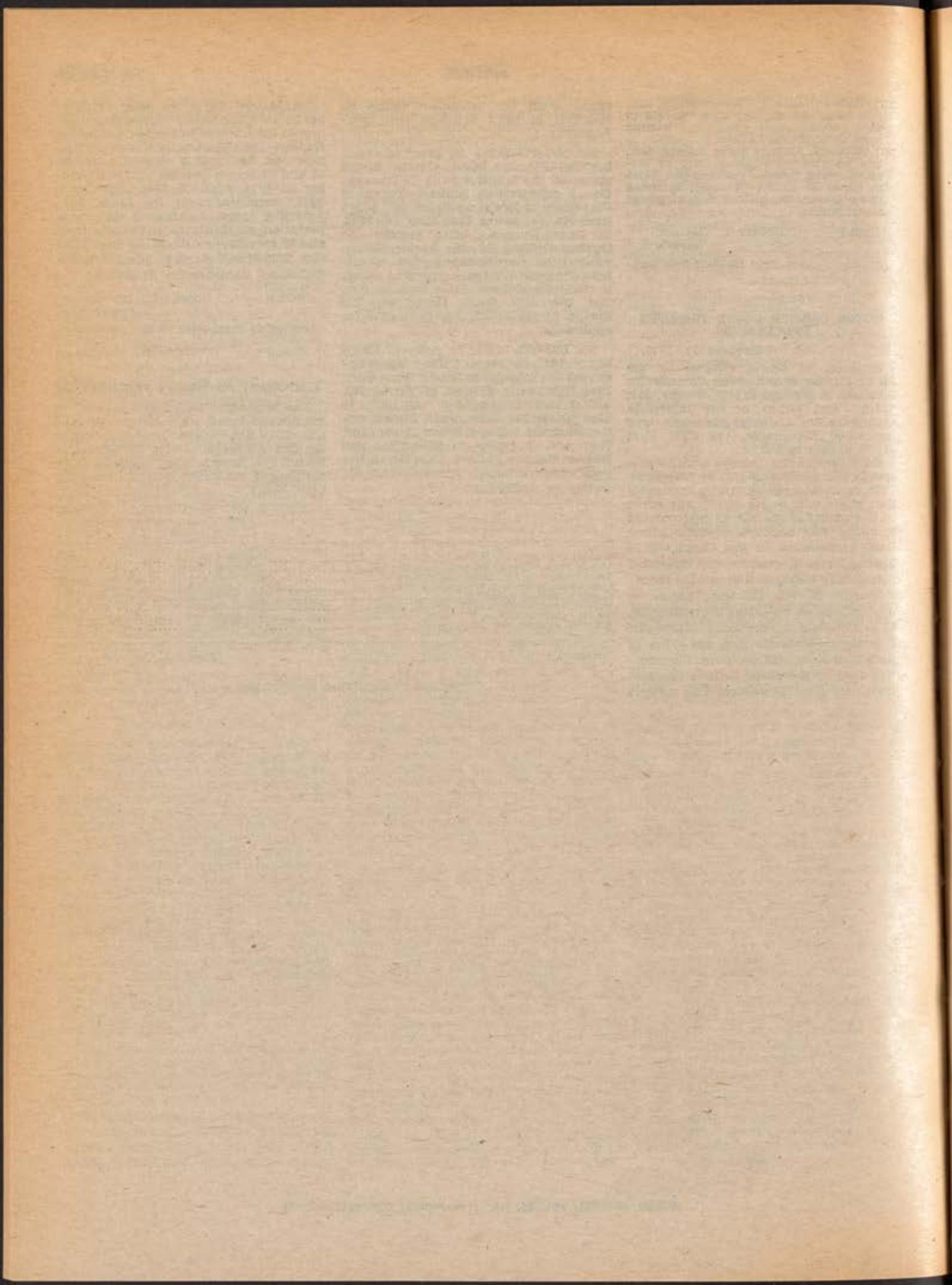
The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Ross Neely Express, Inc., MC-99610, Sub-No. 18	MC-99610, Sub-19	Oct. 24, 1975
McNair Transport, Inc., MC-102567, Sub-No. 182	MC-102567, Sub-187	Oct. 1, 1975
Tiona Truck Line, Inc., MC-118535, Sub-No. 64	MC-118535, Sub-65	Oct. 15, 1975
Contract Freighters, Inc., MC-119399, Sub-49	MC-119399, Sub-48	Sept. 2, 1975
George McFarland, MC-139783	MC-139783, Sub-1	Sept. 10, 1975
Somerset Limousine Service, MC-139794	MC-139794, Sub-1	Jan. 20, 1975
Tri-State Contract Carrier, MC-139810	MC-139810, Sub-1	Oct. 1, 1975
Raymond Adamson, MC-140535, Sub-1, 3	MC-140535, Sub-2	Do.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-29372 Filed 10-30-75;8:45 am]



federal register

FRIDAY, OCTOBER 31, 1975



PART II:

DEPARTMENT OF LABOR

Office of the Secretary

■

COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Job Corps Program

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

PART 97a—JOB CORPS PROGRAM UNDER TITLE IV OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Adoption of Regulations

On July 21, 1975, the Department of Labor published at 40 FR 30584 proposed regulations for the Job Corps program under Title IV of the Comprehensive Employment and Training Act of 1973, as amended (Pub. L. 93-203). The regulations proposed requirements for the establishment, funding, operation, and management of Job Corps centers. They also set forth proposed requirements for the enrollment, transfer, termination, and placement of corpsmembers, the requirements and the standards for center operations, the requirements for applied vocational skills training projects at Civilian Conservation Centers, and various Job Corps administrative provisions.

Interested persons were invited to submit comments, data, or arguments on the proposed regulations until August 20, 1975. About two dozen individuals and organizations responded to this invitation by submitting such comments. The comments, on the whole, were favorable towards the proposed regulations. Most of the comments suggested changes of an editorial and clarifying nature. As a result, the Department has made many editorial and clarifying changes in the regulations. Some comments, however, suggested the following, more substantive, changes:

1. Some comments suggested that the pregnancy test requirement of § 97a.31 (c) be deleted, and that § 97a.35(a) (4) (iv) be deleted so as to allow pregnant women to remain in Job Corps beyond the end of their seventh month of pregnancy. Another comment called for the automatic exclusion of pregnant women from Job Corps. The Department has deleted the pregnancy test requirement of § 97a.31(c). Pregnancy *per se* is not a barrier to Job Corps enrollment. One of the requirements of section 403(4) of the statute, however, is that applicants have the present capability to complete the program. Whether a pregnant woman has such capability is established on a case-by-case basis. The Department is retaining the requirement that pregnant women not be allowed to remain in the program after the end of the seventh month of pregnancy. In view of the fact that Job Corpsmembers live in dormitories at residential centers which have no facilities for the care or housing of infants, and that such centers are normally at some distance from the corpsmembers' homes, the Department believes that the health and well-being of both the pregnant woman and her soon-to-be born child are best served by a return to her home environment prior to delivery. The likelihood of premature

childbirth among adolescent women underscores the reasonableness of termination at the end of the seventh month. Those who are so terminated are urged to re-enter the program subsequent to delivery when they are physically able and a suitable child care plan is worked out.

2. One comment suggested that the definition of public accountant in § 97a.123(c) be expanded. This has been done.

3. One comment suggested that legal aid and public defender attorneys be given special mention in § 97a.92. This has been done.

Other clarifying and corrective amendments have been made, including:

1. The definition of "resident of the United States, permanent" has been changed by deleting the word "permanent" and by simplifying the definition.

2. In § 97a.115, the Department's Occupational Safety and Health regulations at 29 CFR Parts 1926 and 1960, Subpart B, have been made to apply to Job Corps. The proposal cited 29 CFR Part 1904.

3. In § 97a.85, the proposal inadvertently gave responsibility over tort claims to the regional offices of the Department. This has been corrected to make clear that the Associate Solicitor for Employee Benefits in Washington, D.C. has responsibility for handling claims under the Tort Claims Act.

4. One comment sought clarification as to why the proposal omitted a provision under section 499(c) of the Act whereby the Secretary could penalize a corpsmember for misconduct by making a deduction from his or her readjustment allowance. This statutory provision is discretionary. The Department has chosen not to impose such a requirement.

In consideration of the foregoing, 29 CFR is amended, effective December 1, 1975, as follows:

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. By revising 29 CFR 94.3, *Consolidated Table of Contents for Parts 94-99*, by inserting between the table of contents for 97 CFR Subpart C and the table of contents for 29 CFR Part 98, the following table of contents for 29 CFR Part 97a:

§ 94.3 Consolidated table of contents for Parts 94-99.

PART 97a—JOB CORPS PROGRAM UNDER TITLE IV OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—PURPOSE AND SCOPE	
Sec.	
97a.1	Purpose and scope.
SUBPART B—DEFINITIONS	
97a.10	Definitions.
SUBPART C—FUNDING, SITE SELECTION AND FACILITIES MANAGEMENT	
97a.20	Available funds.
97a.21	Eligibility for funds and eligible deliverers.

Sec.	
97a.22	Funding procedures.
97a.23	Center performance measurement.
97a.24	Site selection and facilities management.
97a.25	Capital improvement.
97a.26	Protection and maintenance of facilities.
97a.27	Facilities surveys.
SUBPART D—JOB CORPS PARTICIPANT ENROLLMENT, TRANSFERS, TERMINATIONS AND PLACEMENT	
97a.30	Recruitment and screening of corpsmembers.
97a.31	Selection, assignment and enrollment of corpsmembers.
97a.32	Enrollment by readmission.
97a.33	Transfers.
97a.34	Extensions of enrollment.
97a.35	Federal status of corpsmembers.
97a.36	Terminations.
97a.37	Exit procedures.
97a.38	Certificate of attainment.
97a.39	Transportation.
97a.40	Placement and job development.
SUBPART E—CENTER OPERATIONS	
97a.50	Reception and orientation.
97a.51	Corpsmember handbook.
97a.52	Job Corps basic education program.
97a.53	Vocational training.
97a.54	Occupational exploration program.
97a.55	Off-center training.
97a.56	Scheduling of training.
97a.57	Certification and/or licensing.
97a.58	Purchase of tools by corpsmembers.
97a.59	Work experience.
97a.60	Leisure time employment.
97a.61	Health care and services.
97a.62	Physical standards and medical evaluations.
97a.63	Ocular care.
97a.64	Immunization.
97a.65	Communicable disease control.
97a.66	Dental care.
97a.67	Pregnancy.
97a.68	Mental health.
97a.69	Drug use and abuse.
97a.70	Sex related issues.
97a.71	Death.
97a.72	Reporting critical medical situations.
97a.73	Residential support services.
97a.74	Recreation/avocational programs.
97a.75	Laundry, mail, and telephone service.
97a.76	Counseling.
97a.77	Intergroup relations program.
97a.78	Incentives system.
97a.79	Corpsmember government and leadership program.
97a.80	Corpsmember welfare association.
97a.81	Evaluation of corpsmember progress (maximum benefits system).
97a.82	Food service.
97a.83	Allowances and allotments.
97a.84	Clothing.
97a.85	Tort and other claims.
97a.86	Federal employee's compensation.
97a.87	Social security.
97a.88	Income taxes.
97a.89	Emergency use of personnel, equipment and facilities.
97a.90	Limitations on the use of corpsmembers in emergency projects.
97a.91	Corpsmember absences.
97a.92	Legal services to enrollees.
97a.93	Voting rights.
97a.94	Rights relative to religion.
97a.95	Right to privacy.
97a.96	Disclosure of information.
97a.97	Disciplinary procedures and appeals.
97a.98	Civil rights and equal opportunity.
97a.99	Cooperation with agencies and institutions.

SUBPART F—APPLIED VOCATIONAL SKILLS TRAINING (VST) THROUGH WORK PROJECTS AT CIVILIAN CONSERVATION CENTERS

- Sec.
- 97a.100 Applied vocational skills training (VST) projects.
- 97a.101 Annual VST plans.
- 97a.102 VST project proposals.
- 97a.103 VST project review and approval.
- 97a.104 Modification of approved VST projects.
- 97a.105 Cancellation or deferment of approved VST projects.
- 97a.106 VST budgeting.
- 97a.107 Monitoring of VST program progress.
- 97a.108 Public identification of VST projects.
- 97a.109 Supplementation of VST project funds.

SUBPART G—ADMINISTRATIVE PROVISIONS

- 97a.110 Basic personnel standards for operators.
- 97a.111 Non-discrimination and equal opportunity.
- 97a.112 Limitation on political activities.
- 97a.113 Staff training.
- 97a.114 Corpsmember records management.
- 97a.115 Safety.
- 97a.116 Environmental health.
- 97a.117 Security.
- 97a.118 Job Corps forms and documents.
- 97a.119 Property management and procurement.
- 97a.120 Imprest and petty cash funds.
- 97a.121 Contract center financial management and reporting.
- 97a.122 Federally operated CCC's financial management and reporting.
- 97a.123 Audit.
- 97a.124 General reporting requirements.
- 97a.125 Review and evaluation.

2. By adding a new Part 97a, which shall read as follows:

PART 97a—JOB CORPS PROGRAM UNDER TITLE IV OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—Purpose and Scope

- Sec.
- 97a.1 Purpose and scope.

Subpart B—Definitions

- 97a.10 Definitions.

Subpart C—Funding, Site Selection and Facilities Management

- 97a.20 Available funds.
- 97a.21 Eligibility for funds and eligible deliveries.
- 97a.22 Funding procedures.
- 97a.23 Center performance measurement.
- 97a.24 Site selection and facilities management.
- 97a.25 Capital improvement.
- 97a.26 Protection and maintenance of facilities.
- 97a.27 Facilities surveys.

Subpart D—Job Corps Participant Enrollment, Transfers, Terminations and Placement

- 97a.30 Recruitment and screening of corpsmembers.
- 97a.31 Selection, assignment and enrollment of corpsmembers.
- 97a.32 Enrollment by readmission.
- 97a.33 Transfers.
- 97a.34 Extensions of enrollment.
- 97a.35 Federal status of corpsmembers.
- 97a.36 Terminations.
- 97a.37 Exit procedures.
- 97a.38 Certificate of attainment.
- 97a.39 Transportation.
- 97a.40 Placement and job development.

Subpart E—Center Operations

- Sec.
- 97a.50 Reception and orientation.
- 97a.51 Corpsmember handbook.
- 97a.52 Job Corps basic education program.
- 97a.53 Vocational training.
- 97a.54 Occupational exploration program.
- 97a.55 Off-center training.
- 97a.56 Scheduling of training.
- 97a.57 Certification and/or licensing.
- 97a.58 Purchase of tools by corpsmembers.
- 97a.59 Work experience.
- 97a.60 Leisure time employment.
- 97a.61 Health care and services.
- 97a.62 Physical standards and medical evaluations.
- 97a.63 Ocular care.
- 97a.64 Immunization.
- 97a.65 Communicable disease control.
- 97a.66 Dental care.
- 97a.67 Pregnancy.
- 97a.68 Mental health.
- 97a.69 Drug use and abuse.
- 97a.70 Sex related issues.
- 97a.71 Death.
- 97a.72 Reporting critical medical situations.
- 97a.73 Residential support services.
- 97a.74 Recreation/avocational programs.
- 97a.75 Laundry, mail, and telephone service.
- 97a.76 Counseling.
- 97a.77 Intergroup relations program.
- 97a.78 Incentives system.
- 97a.79 Corpsmember government and leadership program.
- 97a.80 Corpsmember welfare association.
- 97a.81 Evaluation of corpsmember progress (maximum benefits system).
- 97a.82 Food service.
- 97a.83 Allowances and allotments.
- 97a.84 Clothing.
- 97a.85 Tort and other claims.
- 97a.86 Federal employee's compensation.
- 97a.87 Social security.
- 97a.88 Income taxes.
- 97a.89 Emergency use of personnel, equipment and facilities.
- 97a.90 Limitations on the use of corpsmembers in emergency projects.
- 97a.91 Corpsmember absences.
- 97a.92 Legal services to enrollees.
- 97a.93 Voting rights.
- 97a.94 Rights relative to religion.
- 97a.95 Right to privacy.
- 97a.96 Disclosure of information.
- 97a.97 Disciplinary procedures and appeals.
- 97a.98 Civil rights and equal opportunity.
- 97a.99 Cooperation with agencies and institutions.

Subpart F—Applied Vocational Skills Training (VST) Through Work Projects at Civilian Conservation Centers

- 97a.100 Applied vocational skills training (VST) projects.
- 97a.101 Annual VST plans.
- 97a.102 VST project proposals.
- 97a.103 VST project review and approval.
- 97a.104 Modification of approved VST projects.
- 97a.105 Cancellation or deferment of approved VST projects.
- 97a.106 VST budgeting.
- 97a.107 Monitoring of VST program progress.
- 97a.108 Public identification of VST projects.
- 97a.109 Supplementation of VST project funds.

Subpart G—Administrative Provisions

- 97a.110 Basic Personnel standards for operators.
- 97a.111 Non-discrimination and equal opportunity.
- 97a.112 Limitation on political activities.
- 97a.113 Staff training.
- 97a.114 Corpsmember records management.

Sec.

- 97a.115 Safety.
- 97a.116 Environmental health.
- 97a.117 Security.
- 97a.118 Job Corps forms and documents.
- 97a.119 Property management and procurement.
- 97a.120 Imprest and petty cash funds.
- 97a.121 Contract center financial management and reporting.
- 97a.122 Federally operated CCC's financial management and reporting.
- 97a.123 Audit.
- 97a.124 General reporting requirements.
- 97a.125 Review and evaluation.

AUTHORITY: Section 702(a) of the Comprehensive Employment and Training Act of 1973 as amended (Pub. L. 93-203, 87 Stat. 839) (29 U.S.C. 982) unless otherwise noted.

Subpart A—Purpose and Scope

§ 97a.1 Purpose and scope.

(a) The purpose of this Part 97a is to provide for a Job Corps program under Title IV of the Comprehensive Employment and Training Act (Act) of 1973, as amended. The provisions of Part 98 of this Title also apply to the Job Corps program except to the extent that they conflict with the provisions of this Part.

(b) This part contains the policies, rules, and regulations pertaining to the Job Corps program.

(c) Definitions for terms used in this part, but not defined in Part 94 of this title, may be found in Subpart B.

(d) Statutory authority for the regulations contained in this Part 97a may be found in section 702(a) of the Act, as well as in other substantive provisions of the Act. Applicable statutory provisions, other than section 702(a), are noted generally in these regulations.

Subpart B—Definitions

§ 97a.10 Definitions.

(a) "Accountability, relief of." DOL approval which authorizes the deletion or disposal of property items from the records of a contractor or of a governmental agency which operates a Job Corps center.

(b) "Accountability system." The center operator's system of monitoring corpsmember attendance, physical location, and status, e.g., leave, pass, etc.

(c) "Act." The Comprehensive Employment and Training Act of 1973 as amended (Pub. L. 93-203, 87 Stat. 839).

(d) "Appraised value." The estimated market value of a project completed primarily by corpsmembers as a vocational skills training project, but calculated as if the project had been done by formal contract methods.

(e) "ARDM." The Department of Labor's Assistant Regional Director for Manpower, or his designee.

(f) "Assignment." The action taken by the regional office whereby a youth is notified of his or her eligibility for Job Corps, the center of assignment, transportation information, and his or her date of arrival on center.

(g) "AWOL." The unauthorized absence of a corpsmember without official leave in excess of 24 continuous hours.

(h) "Capital improvement." Any modification, addition, or restoration which increases the usefulness, productivity, or

serviceable life of an existing building, structure, or major item of equipment which is classified for accounting purposes as a "fixed asset" so that the recorded value is increased by the cost of the improvement and the asset subjected to depreciation.

(i) "Capital outlay funds." Funds other than center operational funds provided to centers for approved items of construction, rehabilitation, equipment and GSA vehicle leases.

(j) "Center." A Job Corps center.

(k) "Center Director." The center's chief administrative officer or his or her designee.

(l) "Center operator." The federal agency or contractor which runs a Job Corps Center under an agreement or contract with DOL.

(m) "Center operational funds." Funds provided by DOL for operating a center, including funds for food, corpsmember clothing, vocational training, education, residential and non-residential support programs, corpsmember allowances, health care, allotments and travel, staff salaries, center lease costs when applicable, allowable administrative and maintenance costs, and operational supplies and materials.

(n) "Center review board." The group which reviews charges brought against corpsmembers for infractions of center rules.

(o) "Center standards officer (CSO)." The individual designated by the Center Director to enforce standards of conduct.

(p) "Civilian Conservation Center (CCC)." A center operated on public land under an agreement between DOL and another Federal, State or local governmental entity, private nonprofit organization, or Indian tribe or organization, whose programs are focused on conservation, development and management of public resources, or development of community projects in the public interest (sec. 407(a)).

(q) "Community relations council." The group of center and local individuals who meet periodically to promote harmonious relations between the center and the local community.

(r) "The Comprehensive Placement Plan." The center document which outlines placement objectives, utilization of staff and other resources, and specific areas of placement responsibility.

(s) "Contract centers." Centers administered under a contract between Job Corps and a corporation, partnership, public agency, or similar legal entity.

(t) "Contractor." Any person, corporation, partnership, public agency or similar legal entity which enters into a contract with the Job Corps to deliver goods or services for the Job Corps.

(u) "Corpsmember." An individual who has been selected for enrollment in Job Corps shall be officially a corpsmember: For resident corpsmembers, from the date he or she leaves home to begin government-authorized travel to the assigned Job Corps center to the date of arrival at the official travel destination upon termination from Job Corps as authorized by the Center Director. For non-resident corpsmembers, from the

time he or she arrives at any center activity or program each day until he or she leaves such activity or program.

(v) "Corpsmember appeal record." The record of a corpsmember's Center Review Board hearing, including all documents pertaining to the case and any additional documents supporting the corpsmember's appeal of a disciplinary discharge.

(w) "Corpsmember council." The group of elected corpsmembers who determine appropriate sanctions for minor infractions of rules, and who are overseen by the Center Standards Officer and the Center Director.

(x) "Corpsmember handbook." The document given all corpsmembers during orientation which outlines Job Corps center services, rules, and regulations.

(y) "Corpsmember counseling record." The confidential compilation of significant contacts between a corpsmember and counselor or residential advisor along with ancillary information pertaining thereto, which is not a part of the terminated Corpsmember Personnel Record.

(z) "Corpsmember Personnel Record." The record compiled during enrollment and consolidated at a corpsmember's termination, which includes the Corpsmember Personnel Folder, containing documents relating to such matters as travel, allowances and allotments, and leave; the record of educational and vocational achievement; and the sealed health record envelope, containing the confidential health record.

(aa) "Corpsmember year." A period of time equivalent to a single corpsmember's being enrolled in Job Corps for one full year.

(bb) "Dispensary/infirmiry." The dispensary shall mean the area of the on-center health facility which serves ambulatory patients (out-patients) as distinct from the on-center infirmiry which serves bed patients.

(cc) "Disruptive home life." A home life characterized by conditions such as:

(1) The youth's living in an orphanage or other protective institution;

(2) The youth's suffering from serious parental neglect;

(3) The youth's father or mother being a chronic invalid, alcoholic, narcotics addict, or having a serious mental disorder or other serious health condition.

(dd) "DOL." The United States Department of Labor.

(ee) "Economically disadvantaged." A person who is a member of a family which receives cash welfare payments, or whose annual income in relation to family size does not exceed the most recently established poverty levels determined in accordance with criteria established by the Office of Management and Budget (OMB).

(ff) "Eligible deliverer." Any individual or organization which is eligible to receive Federal funds from DOL to establish, operate or provide service to any Job Corps program or activity.

(gg) "Environmental health program." The center program which sees that the center is free from environmental hazards to corpsmember and staff health and safety.

(hh) "Extension program." A specialized Job Corps program which provides work experience and/or vocational training for corpsmembers who have completed training at a center.

(ii) "Facility survey." An in-depth engineering evaluation of an on-going center, including the utilization of center facilities, the condition of buildings and utility systems especially as they affect life and safety, facilities maintenance procedures and problems, and the scope and estimated costs of site modifications required to meet building and safety codes and/or program requirements.

(jj) "Federal bonding program." Fidelity bonding coverage offered by a State employment service to qualified job applicants who could not otherwise obtain it.

(kk) "Finance center." The United States Army Finance and Accounting Center, Indianapolis, Indiana, which, under interagency agreement between DOL and the Department of Defense, handles the payment of corpsmember allowances, allotments, and transportation charges.

(ll) "Functional evaluation." A combined assessment of a corpsmember by the center health staff, and the residential living, counseling, education, and vocational training staffs which enables the Center Director to make an informed judgment as to whether the corpsmember should be retained, transferred, or terminated for health reasons.

(mm) "Imprest fund." That revolving fund issued to another Federal agency by the Treasury Department after such department has approved the agency's request for an imprest fund and that agency's Imprest Fund Cashier, who may then make specified payments from the fund.

(nn) "Job Corps center review." A systematic periodic evaluation conducted at individual centers by regional and/or national office personnel to assess the effectiveness of center programs, adherence to Job Corps policies, and compliance with contracts or agreements.

(oo) "Leisure time employment." Part-time paid employment of corpsmembers.

(pp) "MA." The Department of Labor, Manpower Administration.

(qq) "Maximum benefits systems." A center program to evaluate corpsmember progress and performance and to determine the services necessary for each corpsmember to achieve the maximum benefit from the total Job Corps program.

(rr) "Mental health consultant." A fully certified or accredited mental health professional who may be a qualified psychiatrist, clinical psychologist, psychiatric social worker, psychiatric nurse, or other professional whose background, training, and skills are appropriate to the mental health needs of the center.

(ss) "Multi-regional input center." A center which receives corpsmembers from two or more DOL regions.

(tt) "National office." The national office of the DOL MA.

(uu) "Occupational code." A code which is contained in a systematic arrangement of jobs according to significant factors involved in the job or group of jobs in accordance with the Dictionary of Occupational Titles.

(vv) "Occupational exploration program." The center program whereby a corpsmember is made aware of the vocational training opportunities available on center.

(ww) "OMB." The Office of Management and Budget.

(xx) "Operational support services." Activities or services required ancillary to the direct operation of Job Corps, such as recruitment and screening services, union contracted vocational training and off-center educational training, placement services, health services, and miscellaneous logistical services.

(yy) "Placement." Terminated corpsmember employment, entry into the Armed Forces, or enrollment in other training or education programs.

(zz) "Placement agency." An organization acting pursuant to a contract with or grant from the Job Corps which provides placement services to corpsmembers.

(aaa) "Program direction funds." Funds provided by the Job Corps to Federal agencies which operate CCC's to cover costs of general administrative services necessary for overall management above the center level.

(bbb) "Progress performance evaluation panel." (P/PEP): The panel of representatives of center program components which convenes periodically as part of the maximum benefits system to evaluate individual corpsmember performance, and to make recommendations to the Center Director.

(ccc) "Readjustment allowance." The money accumulated by and reserved for each corpsmember on a monthly basis during tenure in Job Corps which is paid in a lump sum after termination.

(ddd) "Region." A DOL region consisting of an aggregate of States.

(eee) "Regional office." The Department of Labor, Manpower Administration Regional Office, Office of Job Corps.

(fff) "Regional appeal board." The regional board which considers corpsmember appeals from disciplinary discharges.

(ggg) "Resident of the United States." A legal resident of the United States or of a State.

(hhh) "Screening agency." An organization acting pursuant to a contract with or a grant from the Job Corps which recruits, screens, and enrolls youth into Job Corps.

(iii) "Secretary." The Secretary of the United States Department of Labor, or his designee.

(jjj) "Spike camp." A temporary residential facility which is established and maintained in support of an off-center vocational skills training project which is too far from the center for commuting.

(kkk) "State." The fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam,

American Samoa, and the Trust Territory of the Pacific Islands.

(lll) "Substantive screening error." Any error which violates the enrollment criteria specified in these regulations.

(mmm) "Training achievement record." A Job Corps approved document used to record the step-by-step attainment of specific vocational skills by each corpsmember.

(nnn) "Transfer." The reassignment of a corpsmember from one center to another.

(ooo) "Travel package." The itinerary, meal ticket(s), transportation ticket(s), and any instructions necessary for a corpsmember to depart from and arrive at specific destinations.

(ppp) "Unauthorized goods." Firearms and ammunition; explosives and incendiaries; knives with blades longer than 2"; homemade weapons; all other weapons and instruments used primarily to inflict personal injury; stolen property; drugs, including marijuana, depressants, stimulants, hallucinogens, tranquilizers, and drug paraphernalia except as such drugs and/or paraphernalia are prescribed for medical reasons.

(qqq) "Vocational skills training (VST) funds." Funds, distinct from center operational and capital outlay funds, provided for payment of equipment, supplies and technical assistance for vocational skills training projects.

(rrr) "Vocational skills training (VST) projects." Activities which provide vocational instruction to corpsmembers through actual construction or improvement of permanent facilities or projects on public lands or as a public service.

(sss) "Work experience." The opportunity for corpsmembers to apply specific vocational skills learned in Job Corps in an on-the-job situation, under the supervision of a public or private organization which normally employs persons in the corpsmember's trade.

Subpart C—Funding, Site Selection and Facilities Management

§ 97a.20 Available funds.

The Secretary shall make available for any fiscal year not more than 20 percent of the amount appropriated to carry out the Act (excluding any amount in excess of \$250,000,000 made available for carrying out Title II of the Act) for purposes of carrying out Title III and Title IV (Job Corps) of the Act. The Secretary shall determine the amount of such funds which shall be used in any fiscal year for the operation of the Job Corps pursuant to section 4(e) of the Act.

§ 97a.21 Eligibility for funds and eligible deliverers.

(a) Funds shall be made available by the Secretary to eligible deliverers for the operation of Job Corps centers and for the provision of Job Corps operational support services. The amount of funds to be provided for the operation of individual centers and for operational support services shall depend upon the number of corpsmembers or applicants to be served, the size and type of center,

the mix of services to be provided and such other factors as may be pertinent to a determination.

(b) Centers may be in urban or rural areas. They shall focus upon providing training, education, residential and other supportive services necessary to prepare corpsmembers to become more responsible, productive, and employable (sec. 401).

(c) Eligible deliverers for the operation of centers and for the operational support services necessary to center operation shall be units of Federal, State and local government, State and local public agencies, private profit and non-profit organizations, and Indian tribes and organizations, except that Civilian Conservation Centers (CCC's) shall not be operated by profitmaking organizations.

§ 97a.22 Funding procedures.

(a) DOL contracting officers shall request proposals for the operation of all centers, and for provision of operational support services, either directly from Federal agencies, or pursuant to Federal Procurement Regulations for work to be done under contract. The request for proposal for each center or for each operational support service contract shall describe specifications and standards unique to the operation of the center or for the provision of operational support services.

(b) Job Corps center operators shall be selected and funded on the basis of proposals received, according to the following criteria as appropriate:

(1) The degree to which the proposal demonstrates understanding of the objectives of the program (Design of Program);

(2) The quality of proposed recruitment and placement support;

(3) The quality of proposed educational training;

(4) The quality of proposed vocational training;

(5) The quality of proposed residential and other corpsmember support services;

(6) The quality of proposed administrative support services;

(7) Past demonstrated effectiveness in the operation of a Job Corps center or similar activity;

(8) The quality of proposed staff;

(9) The relative price advantage to and government; and

(10) The ability and intention to adhere to these regulations, the requirements of the Act, and other applicable law.

(c) The delegated contracting officer of the DOL, MA, shall negotiate with eligible deliverers for operational support services on the basis of the criteria developed for each specific service to be rendered. Such criteria shall be listed in the request for proposals.

(d) Recruitment, screening and placement services shall normally be performed under contracts negotiated by regional offices which spell out the number of corpsmembers whom the screening agencies are expected to depart for centers, and other support services they shall provide to applicants and corps-

members. In exceptional circumstances, when it can be demonstrated that a grant will accomplish the same quality of performance at reasonable cost, the ARDM may waive this requirement for contract and establish other types of agreement on an individual basis.

(e) The Secretary may enter into interagency agreements with eligible deliverers which are Federal agencies for the establishment and operation of Civilian Conservation Centers. Such interagency agreements shall ensure compliance by such Federal agencies with the regulations under this Part.

(f) All agreements and contracts shall be made pursuant to the Federal Property and Administrative Services Act of 1949, as amended, and the procurement regulations at 41 CFR Chapter 1 and the DOL procurement regulations at 41 CFR Chapter 29.

(g) Regional offices shall submit copies of all negotiated contracts to the national office.

(h) Job Corps may make advance payments by Letter of Credit or Treasury check, but only to nonprofit contractors, and only in accordance with the regulations found at 31 CFR 205.

(i) Job Corps shall pay contractors by U.S. Treasury check in accordance with the procedures of Chapter 1 and 2 of 41 CFR 1.30. Specific schedules and procedures shall be spelled out in each contract.

(j) Job Corps payments to federal agencies which operate CCC's shall be made by an advance transfer of obligational authority from the Department of Labor to the respective operating agency on a quarterly basis.

§ 97a.23 Center performance measurement.

(a) Regional offices shall negotiate with each center to establish mutually agreeable statistical performance goals which the center shall then strive to achieve. Such goals shall be included in the contract or spelled out in a memorandum of agreement, between the center and the regional office. Each Center Director shall maintain data on the center's performance in relation to its goals, and periodic meetings between each center and its regional office shall be held to evaluate such data, and to determine ways to improve performance or to readjust goals as necessary.

(b) Examples of performance goals which may be mutually agreed upon include such items as numbers of center corpsmembers who:

- (1) Were program completers;
- (2) Were absent, both as AWOL's from the center and from educational and vocational training classes;
- (3) Were enrolled in vocational training and in the GED program, and those who passed the GED test;
- (4) Terminated prior to 30, 60, 90, and 180 days; and
- (5) Other such items as mutually agreed upon.

§ 97a.24 Site selection and facilities management.

(a) For contract centers, when the Director of Job Corps determines that a center is to be established or relocated:

(1) The regional offices shall locate sites or facilities when Job Corps centers are to be established or expanded. Subsequent to such action, the regional office shall request the national office to conduct a site survey, on the basis of which the national office shall prepare a written report, including:

(i) A preliminary engineering evaluation of the condition and capacity of existing buildings, pavements, utility systems, installed equipment, and all other real property components; and

(ii) A preliminary cost estimate for necessary rehabilitation and new construction required;

(2) When the regional and national offices agree, on the basis of the survey, that the site is a favorable one, the national office shall conduct a utilization study, which shall include: (i) A detailed engineering report on the facility, including outline drawings of buildings, proposed capacities and utilization, budget cost estimates for rehabilitation and new construction required, and an estimated time schedule reflecting the total cycle from plans and specifications to completion of construction;

(3) On the basis of a favorable regional and national office judgment, based on the site survey and utilization studies, the national office shall initiate action to obtain an appraisal, if necessary, and to acquire the property. Lease of private property shall be negotiated between the owner and the national office;

(4) The national office shall purchase all property when this is necessary, after other attempts to obtain the needed property have been exhausted or have been proved not cost beneficial;

(5) In the case of approved sites for new center establishment, the national office shall be responsible for all design and construction actions in consultation with regional offices. Such actions shall include the:

- (i) Negotiation, award, execution, and administration of design contracts;
- (ii) Review and approval of design packages;
- (iii) Supervision of bid openings;
- (iv) Award and administration of construction contracts; and
- (v) Surveillance and acceptance of work done pursuant to such contracts; but

(6) The regional offices shall be responsible for all actions pursuant to § 97a.24(a)(5) for on-going centers, after the national office has arranged for acquisition of any real property involved when an existing center or a component thereof is to be replaced.

(b) For federally operated centers, either the Secretary or a Federal agency may propose a site on public lands, and if discussions between them estab-

lish the advisability of such, the Secretary may require that the agency submit a site survey and utilization plan. If the Job Corps decides to establish a center, facilities engineering and real estate management will be carried out by the agency pursuant to an interagency agreement and the regulations of this Part.

(c) In making a determination as to appropriate sites for CCC's, the probable environmental impact of the center and the long-term potential for development of VST projects within one hour's commuting distance of the center shall be considered.

(d) At such time as a CCC runs out of acceptable VST projects within one hour's commuting distance of the center, and/or a negative environmental impact occurs because of the center's location, the national office shall consider its relocation.

(e) The Secretary shall submit a plan for any proposed center to the Governor for approval, whose approval shall be considered granted if no response is received within 30 days (sec. 415(c));

§ 97a.25 Capital improvements.

(a) For federally-operated centers. Centers operating under interagency agreement shall submit requests for capital outlay funds to the national office for review and approval, pursuant to § 97a-109 of this Part.

(b) For contract centers.

(1) Requests for needed capital improvements for each fiscal year shall be submitted to the regional offices, which shall send them to the national office to determine priorities within the overall Job Corps approved budget. Such requests for each center shall include:

- (i) A description of the project;
- (ii) Whether the design is to be accomplished by an architecture and engineering firm or by qualified center personnel;
- (iii) Whether the construction is to be accomplished by subcontract, center staff, corpsmembers, or otherwise;
- (iv) Anticipated costs and the basis for the estimate; and
- (v) Projects accomplished during the previous year, the amount spent on such projects and the balance of capital improvement funds remaining;

(2) For new construction projects on contract centers which are estimated to cost more than \$100,000, or rehabilitation projects estimated to cost more than \$50,000, plans and specifications shall be submitted as they are being developed by the architect to the national office for technical review, as follows:

- (i) Drawings and outline specifications (Design Development) when they are 15 to 20 percent complete, at the scale to be used on working drawings, and including load capacities of mechanical and electrical systems;
- (ii) Working drawings and specifications (Preliminary Design) when they are 60 to 70 percent complete, including sufficient material to permit a thorough

overall review, and a cost estimate broken out by disciplines such as architectural, mechanical, electrical, and structural; and

(iii) Complete working drawings and specifications (Final Contract Document) adequate for bid, contract and construction purposes, a refined cost estimate; and a realistic completion date; and

(3) When a regional office plans to contract for new construction in an amount greater than \$100,000, or for rehabilitation contracts in an amount greater than \$50,000, the center shall open bids, compile all bids received from prospective contractors in an abstract, and together with a letter giving the results of an investigation of the contractor which the center recommends for the award, shall submit such bids to the regional office for approval.

§ 97a.26 Protection and maintenance of contract center facilities.

(a) When an existing center or component thereof is being replaced, and a contractor is already operating the center, the protection and maintenance of such new facilities shall be the responsibility of the regional office from the effective date of the lease or purchase of the facility.

(b) When a portion of an existing center is to be closed, and a contractor is operating the center, the regional office shall be responsible for the protection and maintenance of the site.

(c) The national office shall protect and maintain centers which are completely closed and all center sites where there is no contractor.

§ 97a.27 Facilities surveys.

The national office shall work with the regional office in conducting a facilities survey of each center at least every two years, and submit reports of the resultant findings to the regional office and the center.

Subpart D—Job Corps Participant Enrollment, Transfers, Terminations, and Placement

§ 97a.30 Recruitment and screening of corpsmembers.

(a) Screening agencies shall be selected by regional offices and shall operate under contracts or grants provided to them.

(b) Screening agencies shall develop referral sources, actively seek out potential applicants, conduct personal interviews with all applicants, and determine who are interested and likely Job Corps candidates. They shall also determine whether the potential applicant's educational, vocational, health and other placement-related needs can best be met through a Job Corps residential or non-residential program or through an alternative program in the youth's home community.

(c) Screening agencies shall complete all Job Corps application forms, pursuant to a Job Corps Forms Preparation Handbook, which shall be issued by the Director, Job Corps.

(d) To establish eligibility pursuant to sections 403, 404 (a) and (b), and 405 of the Act, during the screening process agencies shall determine whether each applicant:

(1) Is at least 16 and not yet 22 years of age at the time of proposed enrollment;

(2) Is a legal resident of the United States or of a State;

(3) Requires additional education, vocational training, and related support services to participate successfully in regular school work, qualify for other training programs, satisfy Armed Forces entrance requirements, or qualify for a job where prior skill or training is a prerequisite;

(4) Is an economically disadvantaged individual or comes from an economically disadvantaged family according to the Poverty Income Guidelines established by OMB;

(5) Has sufficient mental ability to benefit from the program, as evidenced by information from schools or another appropriate community resource;

(6) Demonstrates the motivation to obtain maximum benefit from the program, as evidenced by a voluntary desire to enroll and the youth's signed commitment to complete Job Corps training. The screener shall be sure that the applicant has a clear understanding of the Job Corps and of what will be expected of the applicant at the center and that there is a reasonable expectation that he or she will succeed in the Job Corps. Whenever practicable, the regional office shall arrange for screening and placement agency staffs to visit centers where their applicants are to be assigned. Screening agencies should arrange for pre-enrollment visits for applicants to their centers of assignment when such centers are easily accessible.

(7) Has a signed consent for enrollment from a responsible parent or guardian if the applicant is under the age of majority;

(8) Has established suitable arrangements for the care of any dependent children for the proposed period of enrollment;

(9) Is not on probation, parole, under a suspended sentence, or under the supervision of any agency as a result of court action or institutionalization, unless the court or other agency having jurisdiction states in writing on the appropriate form that:

(i) The court has acted, with the result of such action;

(ii) The youth has responded positively to supervision;

(iii) The applicant may leave the State of jurisdiction while enrolled in Job Corps;

(iv) No personal, face-to-face supervision of the applicant by a correctional official will be required during enrollment, whether or not the case is transferred under an interstate agreement, unless prior approval has been given by the regional office and the Center Director; and

(v) Any reports needed from the center will be requested by the court or other agency each time they are wanted; and

(10) To qualify for residential training, is currently living in an environment so disruptive that his prospects for successful participation in a non-residential program are substantially impaired. Disruptive conditions which may establish this need include, but are not limited to:

(i) A disruptive home;

(ii) An unsafe, unhealthy or overcrowded dwelling place; and

(iii) A neighborhood or community characterized by high crime rates, high unemployment rates, high school dropout rates, a high proportion of poor families and similar environmental handicaps.

(e) The screening agency shall also collect sufficient information on required forms concerning any behavioral, medical, or mental health problem which the applicant may have to enable the regional office to determine whether the applicant is:

(1) Physically and emotionally able to participate in normal Job Corps duties without extensive medical treatment; and

(2) Free of any behavioral problem so serious that it would present a potential hazard to the youth or to others in the program. The candidate must exhibit a reasonable potential for participating in group situations. Hazardous behavioral problems shall include: (i) A history of serious and violent behavior against persons or property, of recent repetitive delinquent acts, or of other serious behavioral problems, unless a professionally qualified person who knows the applicant's individual situation has good evidence to judge that: (A) The applicant's conduct will not be harmful to anyone in the Job Corps, and

(B) The Job Corps will most likely help the applicant.

§ 97a.31 Selection, assignment and enrollment of corpsmembers.

(a) Screening agencies shall submit completed applications of those youth they believe to be eligible for Job Corps to the regional office which shall make final determination on each applicant's eligibility for Job Corps. Such determination may be made using other means, pursuant to a written agreement between the regional office and the screening agency but only when there is no doubt as to the applicant's eligibility;

(b) When there is a question as to whether an applicant meets one or more of the eligibility criteria for enrollment but the screening agency believes that the youth should be enrolled because of exceptional circumstances, the screening agency shall write a justification supporting this belief and submit it with the application to the regional office for final decision as to eligibility. In such cases, the regional office may ask the screener for any additional information it deems necessary to make this determination. No exceptions to the age or permanent United States resident criteria shall be granted.

(c) When the application reveals a health problem which raises a question as to the applicant's capability to participate in the program, the regional office shall authorize screeners to obtain either further information from former providers of medical, mental health, or dental services, or a full or partial medical examination and submit it to the regional office for review prior to the final determination of eligibility. Payment for those health services which cannot be obtained without cost by screening agencies shall be arranged for and have prior approval of the regional office.

(d) The regional office shall notify the screening agency as to which applicants have been selected and which rejected, and the screening office shall notify the applicants. For those selected, the regional office shall make center assignments to centers nearest the youth's home when this is feasible (section 406(d)), based upon the number of center openings, the training opportunities available at the center, and the entry requirements of the center's programs. The regional offices shall send the complete application folder to the center, notify screeners of the center of assignment, and issue a travel package to them for each selected applicant.

(e) When assigning applicants, regional offices shall give lowest priority to those requesting readmission, except for those who received medical terminations.

(f) When, during the course of the screening process, it becomes clear that an applicant is ineligible, or when the regional office rejects an applicant, the screening agency shall inform the applicant of the reason and make every effort to provide needed services or to refer the youth to other community resources.

(g) Screeners shall notify selected applicants of their center of assignment, conduct an assignment interview, arrange for administration of the oath or affirmations required by section 406(c) of the Act, arrange for the departure of the prospective corpsmember according to the itinerary set out in the travel package, and prepare the enrollment and departure forms.

(h) The regional office shall make every effort to see that the application folders of approved applicants and Travel Itineraries listing the name and scheduled time of arrival for each corpsmember are received at the center of assignment at least five working days prior to the scheduled arrival date.

(i) The Center Director, no later than five working days following the scheduled arrival date for each corpsmember, shall submit an annotated copy of the Travel Authorization and other related travel documents to the regional office, indicating which corpsmembers arrived and which did not arrive, and the regional office shall notify the screener. The center shall retain the application folders of those who do not arrive for 15 days, after which time such applications shall be returned to the regional office marked "no-show".

(j) Instructions for completion and distribution of all forms mentioned in this section shall be found in the Job Corps Forms Preparation Handbook.

§ 97a.32 Enrollment by readmission.

A youth may apply for readmission provided the youth has participated in Job Corps for less than 24 months and can be expected to complete a program within the remaining portion of the youth's 24 month enrollment period. No youth shall be readmitted directly to an extension program. Regulations for screening and selection of applicants for readmission are the same as for initial enrollment, except that only in exceptional cases shall a youth be readmitted prior to six months after the youth's termination, more than one time, after receipt of a disciplinary discharge, or when readmission is not recommended by the former Center of assignment.

§ 97a.33 Transfers.

(a) The Center Director may arrange through the regional office for the transfer of a corpsmember from one center of assignment to another center or to an extension program when:

(1) A corpsmember is interested in and has an aptitude for a program of training not available at the center of assignment;

(2) A change in environment or associations for the corpsmember will enhance the chances for program completion;

(3) A corpsmember has the potential ability to continue in Job Corps successfully, but will need health services not available at the center of assignment; or

(4) A corpsmember's appeal of a disciplinary discharge is sustained.

(b) When the Center Director has decided that the transfer of a corpsmember is advisable, he or she shall request approval in writing from the regional office having jurisdiction over the center.

(c) The regional office shall approve or disapprove the request, and, if approved, shall locate an opening suitable to the corpsmember's needs, in the same region if possible, or in another region, through coordination with that regional office.

(d) After obtaining approval for the transfer from the receiving center, the regional office having jurisdiction over the losing center shall issue travel orders and notify both centers of the corpsmember's date of departure and arrival time.

(e) The losing center shall notify all concerned parties of an approved impending transfer, and shall see that all of the corpsmember's records are brought up to date, including a current evaluation of his or her health condition, and forwarded to the receiving center. It shall also submit necessary forms to the finance center to effect the change in address for allowance purposes.

(f) The receiving center shall assume responsibility for a transferring corpsmember on the date and at the time of departure from the losing center, and shall notify the regional office in which the losing center is located if the expected

corpsmember does not arrive on schedule. It shall also submit the notification of termination to the finance center.

§ 97a.34 Extensions of enrollment.

(a) The Center Director shall see that the total length of enrollment of a corpsmember does not exceed 2 years except that the regional office may approve an extension:

(1) When a course of instruction to qualify a corpsmember of placement, including one provided through an extension program, can be completed in 4 months or less. In extraordinary circumstances, the regional office may request approval of a longer extension from the national office;

(2) For such time as a corpsmember is under pending criminal charges (section 406(a)); and

(3) For such time as it takes to stabilize a health condition pending medical termination and referral.

(b) The Center Director shall note the date and reason for approval of such extensions in writing and make the written approval a part of the corpsmember's personnel record.

§ 97a.35 Federal status of corpsmembers.

Corpsmembers shall not be deemed Federal employees and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of employment, leave, unemployment compensation, and Federal employee benefits, except as provided by 5 U.S.C. 8143(a), and by §§ 97a.85, 97a.86, 97a.87, and 97a.88 of this Part (section 416(a)).

§ 97a.36 Terminations.

(a) Center Directors may terminate corpsmembers according to one of the following categories and conditions:

(1) A program completion termination may only be given when a corpsmember has remained in the Job Corps for at least 90 days and has either: (i) Satisfactorily completed an authorized vocational training program; or

(ii) Been accepted for additional education or training by such an organization as a high school or college, an apprenticeship program, or a technical school; or

(iii) Qualified for entry into the Armed Forces;

(2) A maximum benefits completion termination may only be given when a corpsmember has remained in the Job Corps for at least 90 days and when the Center Director approves a recommendation for such termination made through the maximum benefits system. Such recommendation shall only be made by the Progress/Performance Evaluation Panel (P/PEP) when it believes that the corpsmember has achieved as much total benefit from the total Job Corps program as his abilities will allow;

(3) An administrative termination, documentation of the reasons for which shall be sent to the regional office, may only be given when it has been established that a corpsmember has: (i) Fraudulently established his or her eligi-

bility to enroll, or been enrolled as the result of a substantive screening error. Such terminations shall have prior regional office approval;

(ii) No further interest in the program, as evidenced by his or her failure to participate in or attend classes and other required activities, but does not wish to resign. Such terminations shall be made only after every effort has been made to determine and correct the reason(s) for non-participation, and after the Center Director obtains regional office approval;

(iii) Been on court-imposed probation or parole which is revoked;

(iv) Refused to allow a physical examination to be performed; or has

(v) A legally responsible parent or guardian who withdraws consent when the youth has not yet reached the age of majority in his or her home State. In such cases, the Center Director shall verify the requestor's legal responsibility for the corpsmember and shall urge the individual to reconsider;

(4) A medical termination may only be given after a referral has been made with the concurrence of the regional office to a resource which has agreed to provide needed care at no cost to Job Corps, and after persons responsible for the corpsmember, including the screening agency, have been notified of the health problem and referral plan, and asked to assist the corpsmember to follow through with such plan. The decision to approve or disapprove a medical termination shall be made by the regional office based on a recommendation of a center health professional. Such recommendation shall be based on the results of a functional evaluation of the corpsmember which reveals that: (i) A pre-existing or incurred disability, illness, or injury significantly interferes with or precludes further training in Job Corps;

(ii) The health problem is unusually long-term and/or complicated to manage;

(iii) Necessary treatment will be unusually costly; or

(iv) A corpsmember has completed the seventh month of pregnancy;

(5) A termination by resignation shall be given at any time a corpsmember so requests, except after a review board hearing begins. Under no circumstances shall a corpsmember be compelled to resign, nor shall any resignation be deemed a disciplinary discharge. A termination shall also be called a resignation when: a corpsmember who is AWOL is contacted but refuses to return to the center. In such cases documentation to this effect shall be included in the corpsmember's personnel record.

(6) A corpsmember shall be terminated as AWOL at the beginning of the 16th day of absence without leave when he or she has not contacted the center and the center's efforts to make contact have been abortive. The Center Director or the regional office may reinstate such a corpsmember if one or the other receives evidence that the AWOL corpsmember was unable to contact the center; and

(7) A disciplinary termination without a center review board hearing shall be

given only when a corpsmember has been either convicted of a felony or confined under sentence for 61 days or more. A disciplinary discharge may also be given pursuant to § 97a.97 of this Part after a hearing by a center review board.

(b) The Center Director shall arrange for the completion and distribution of the Notice of Termination pursuant to instructions in the Job Corps Forms Preparation Handbook.

§ 97a.37 Exit procedures.

Whenever feasible, beginning at least 45 days prior to a corpsmember's termination, the center shall hold a refresher training program for the corpsmember to reinforce the World of Work program. The refresher program shall include training related to planning a job hunt, choosing the best job, filling out employment application forms, job interview techniques, and dress and conduct necessary to get and hold a job. Counseling on transition back to community life shall also be given.

§ 97a.38 Certificate of attainment.

The Center Director shall issue a certificate of educational attainment to each corpsmember who has satisfactorily completed a program. The certificate shall be developed by the Director, Job Corps, with the concurrence of the Department of Health, Education and Welfare (section 408 (c)).

§ 97a.39 Transportation.

(a) For travel authorized at government expense pursuant to these regulations, the national office shall place supplies of government transportation requests and meal tickets in regional offices which shall issue them directly or provide centers with supplies of the documents for the travel of corpsmembers. Regional offices shall establish procedures with vendors and screeners to permit periodic billing for travel needs, including meals, that cannot be purchased with government transportation requests or meal tickets, such accounts to be paid with United States Treasury checks. In the event such arrangements are not practicable, or in the event of emergency en route, regional offices may utilize their petty cash funds to pay necessary expenses.

(b) Regional offices or centers, as appropriate, using the most efficient and economical means available, shall provide transportation at government expense for corpsmembers only:

(1) From home on the date of enrollment to the center of assignment;

(2) After termination, from the center of assignment to either home or place of employment, whichever is agreed upon by the corpsmember and the Center Director, except that such destination must have prior approval of the regional office if it is further from the center than the place of enrollment;

(3) In the event of transfer, from the losing center to the receiving center or extension program;

(4) In emergency situations, from the center of assignment to home or elsewhere, and return;

(5) For home leave, from the center of assignment to the place of enrollment, or to the point in the United States or its possessions to which the family with whom the corpsmember was residing prior to enrollment has moved, and return. Approval of home leave to any other place shall have prior regional office approval.

(6) In the event of a corpsmember's death, shipment of remains from the center of assignment to the place of enrollment, or to another point in the United States or its possessions agreed upon by the next of kin and the Center Director.

(7) From the center of assignment and return when such journeys are in the interest of Job Corps, e.g., conferences or recruitment; and when travel is beyond the corpsmember's control, e.g., command appearances, but not when the trip is a result of unauthorized behavior on the youth's part; and

(8) From the center of assignment to the site of an employment interview, but only after prior regional office approval, and after the corpsmember has spent at least 90 days in the program. Such approval shall only be requested for terminating corpsmembers, and only when the Center Director has reasonable assurance that a job offer is bona fide, and that the employer will hire the corpsmember subject to the interview. If the corpsmember does not get the job, transportation shall be provided to his or her place of enrollment or to the point in the United States or its possessions to which the family with whom the corpsmember resided prior to enrollment has moved. If the cost greatly exceeds the cost of a trip from the center of assignment to home, the corpsmember may be required to pay all or part of the difference.

(c) The Center Director shall provide transportation at government expense from center operating funds for escorts for corpsmembers when the center physician recommends that such escort is necessary for medical reasons. The regional office may also approve a Center Director's request for transportation for escorts under other extraordinary or emergency situations such as accompanying the remains of deceased corpsmembers.

(d) Regional offices may authorize transportation at either government or corpsmember expense:

(1) When the corpsmember is AWOL and requests transportation to return to the center or to be terminated and to return home; and

(2) From home to the center of assignment for readmittees who received medical terminations or have been honorably separated from the Armed Forces subsequent to Job Corps enrollment.

(e) Regional offices or centers, whichever authorizes government travel, shall submit cost transmittal sheets for each movement to the national office.

(f) Screening agencies shall arrange for a staff member or other responsible adult to accompany corpsmembers from their residence to the point of departure for a center as given in the travel itiner-

ary. They shall also return the Transportation Requests, Meal Tickets, and carrier tickets of all applicants who do not depart for a center within five working days of the scheduled date of departure, except in the case when a travel delay has been approved by the regional office.

(g) The Center Director shall:

(1) Provide transportation for all arriving corpsmembers from the final carrier terminal or stop to the assigned center;

(2) Provide transportation for all authorized outgoing travelers from the center to the initial carrier departure terminal or stop;

(3) Provide all travelers with essential information, instructions and explanations necessary for a successful trip and arrival;

(4) Provide travelers with necessary funds to cover incidental travel expenses should this be necessary. Such expenses shall be provided from the center imprest or petty cash fund, without regard to whether the regional office or the center makes the transportation arrangement;

(5) Establish and maintain systems necessary for the control of stock distribution and accountability for government transportation requests and meal tickets to safeguard against improper or unauthorized use;

(6) Insure the return of all unused government transportation requests, meal tickets, carrier tickets, Treasury checks, travel funds, and travel documents for cancellation and processing for refunds; and

(7) Provide transportation to and from home for corpsmembers who live in the same locality as the center, e.g., non-residents, when required to do so by the center's contract.

(h) In all cases, Standard Government Travel Regulations shall apply except as otherwise provided by contractual or other agreement. Instructions for the completion and distribution of all forms necessary for carrying out this section shall be found in the Job Corps Forms Preparation Handbook.

§ 97a.40 Placement and job development.

(a) The overall objective of all Job Corps activities shall be to enhance each corpsmember's employability and to effect the successful placement of each corpsmember. The placement of corpsmembers shall be the primary responsibility of placement agencies. The Center Director shall share in this responsibility, by preparing an employability development plan for each corpsmember, by training corpsmembers for placement readiness, and by directly placing corpsmembers when feasible.

(b) Placement efforts shall concentrate on jobs related to a corpsmember's vocational training, on military enlistment when this is the corpsmember's choice, or on the location of other educational and/or training programs including college, which are suitable to the terminated corpsmember's needs.

(c) In their placement efforts, centers and placement agencies should use the Federal Bonding Program, if appropriate, as well as public service employment programs which provide for special consideration in placing former trainees of manpower programs.

(d) Placement agencies shall operate under contracts negotiated with or grants provided by the regional offices which shall establish placement goals. Such contracts or grants shall be with State employment security agencies whenever possible (section 412(b)). All placement agencies shall:

(1) Continue placement efforts for all trainees with priority given to program completers and those with the longest length of stay in Job Corps until such time as: (i) A suitable job or other placement has been made and verified;

(ii) All reasonable efforts to place the corpsmember have been exhausted; or

(iii) The former corpsmember refuses placement efforts in his or her behalf;

(2) Mobilize community resources and establish linkages with other agencies such as CETA Prime Sponsors, educational institutions and Armed Forces recruitment agencies to help in the placement of former corpsmembers in the provision of support necessary to placement retention, and in their adjustment to community life;

(3) Notify terminated corpsmembers when their readjustment allowances are received in the placement office, and require the corpsmembers to pick them up in person whenever possible;

(4) Conduct an outreach program to locate and assist all unplaced corpsmembers who do not appear at the placement agency; and

(5) Submit forms to regional offices reporting on the results of placement efforts for each corpsmember pursuant to the Job Corps Forms Preparation Handbook.

(e) Unions which train corpsmembers under contract to Job Corps shall be responsible to place program completers in apprenticeship programs or training related jobs whenever feasible.

(f) Center placement responsibilities shall include:

(1) The development of a plan for developing placement readiness and placement possibilities which shall be updated as necessary and maintained by the Center Director. The plan shall include:

(i) The geographic areas to be covered by center placement efforts;

(ii) The center's method for developing and up-dating an employability development plan for each corpsmember, covering the total period of his or her enrollment;

(iii) Center plans for the development and implementation of linkages with such groups as local employers, employer organizations, unions, CETA prime sponsors and State employment service agencies;

(iv) The center system for identifying and counseling corpsmembers with college potential; and

(v) For contract centers, the center's goals for the placement of corpsmem-

bers within the organizational structure of contract center operators;

(2) Counseling corpsmembers to relocate, after obtaining approval of a responsible parent or legal guardian in the case of corpsmembers who have not reached the age of majority, when placement in training related jobs is unlikely in the individual's home community or when better opportunities are available elsewhere.

(3) Completion and distribution of all placement forms pursuant to instructions in the Job Corps Forms Preparation Handbook.

Subpart E—Center Operations

§ 97a.50 Reception and orientation.

(a) The Center Director shall design and implement a reception and orientation program, with flexible scheduling aimed at keeping each new corpsmember meaningfully occupied at all times. The program shall contain at least the following:

(1) Arrangements for center staff to meet new corpsmembers at the time and place they are scheduled to arrive;

(2) Prompt notification of the regional office and of parents or guardians of the safe arrival of individual corpsmembers, or of delays, changes of schedule, or unusual or emergency situations;

(3) A description of the purpose and goals of Job Corps;

(4) Assignment to living quarters for residential trainees and the issuance of initial supplies, advance living allowances, and clothing;

(5) A complete tour of the center for both residents and nonresidents;

(6) Introduction to appropriate staff members, and, when feasible, the assignment of experienced corpsmembers to assist and advise newcomers;

(7) Distribution of the Corpsmember Handbook and discussion of its contents, particularly the systems of incentives and discipline, allowances and allotments, and the rights and responsibilities of corpsmembers;

(8) A cursory physical examination within the first 24 hours of arrival;

(9) A description of each of the vocational training programs offered at the center, including information about the occupational exploration program;

(10) An introduction to health services and the Health Education Program;

(11) Administration of the RJS1 reading and MJS1 mathematics tests to all corpsmembers to determine entry levels in education;

(12) Exposure to all recreation/avocational programs on center and the development of an individual participation plan in these for each corpsmember; and

(13) A minimum of one individual and one small group counseling session for all new corpsmembers during their first week on center to alleviate anxieties, correct misconceptions, and answer questions.

§ 97a.51 Corpsmember Handbook.

(a) Each center operator shall develop a Corpsmember Handbook for distribution to all corpsmembers which shall be

approved by the regional office prior to publication or revision. Technical guidance materials and sample Corpmember Handbooks shall be made available on request from regional offices. The handbook shall include at least the following:

(1) All basic center rules and regulations along with possible penalties for infraction and an identification of those responsible for enforcing such rules and imposing such penalties;

(2) The method for corpmember participation in modifying rules and regulations;

(3) The incentives and awards system for positive behavior and achievement;

(4) A description of the disciplinary system, including the role of elected corpmember councils, the center standards officer, and the center review board;

(5) A statement about the corpmember's right to appeal, and appeal procedures;

(6) Information concerning the center's basic schedule of activities;

(7) Available health and health related services and programs including information about Federal Employee's Compensation benefits;

(8) Leave, pass, allowances and allotments;

(9) A description of the corpmember government and leadership programs and an encouragement to participate in them;

(10) Information on activities in nearby communities;

(11) The center facilities layout; and

(12) Limitations on political activities.

§ 97a.52 Job Corps basic education program.

(a) Operators of Job Corps centers shall establish and maintain the Job Corps education program. Centers are encouraged to supplement and to coordinate the material and instruction for each corpmember with his or her individual vocational program. Classes shall be small enough to allow for individual tutoring.

(b) Center operators shall provide the following educational courses:

(1) *Reading and language skills.* The basic Job Corps reading program shall be outlined in a Reading Handbook, to be issued by the Director, Job Corps, and shall be used by all centers. It shall consist of three major segments: beginning reading, covering literacy skills from zero to the equivalent of school grade 3.4; graded reading, covering skills from 3.5 to 7.4; and advanced reading, covering 7.5 and above. Each of the major reading segments shall contain multiple graduated skill levels. A supplementary language and study skills program shall be provided as needed to enhance employability of individual corpmembers. Such a supplementary program shall include at least speech improvement, vocabulary skills, grammar and usage, reference and study skills, and letter writing;

(2) *Mathematics.* The Job Corps basic mathematics program shall be described in detail in a Mathematics Handbook which shall be issued by the Director,

Job Corps, and which shall be used by all centers. The program shall follow a skills sequence beginning with whole numbers operations and shall include fractions, measurements, decimals and percentages, as well as personal and consumer math. Instruction shall combine programmed workbooks and computational exercises;

(3) Each Job Corps center shall offer the Job Corps Advanced General Education Program to prepare eligible corpmembers for the American Council on Education Tests of General Educational Development (GED). The use of supplementary materials, particularly in mathematics, is encouraged. Qualifications for entry into the Advanced General Education Program shall be a skills level at or above that required for completion of the basic reading and math program. Operators shall make arrangements with local testing agencies, usually State Departments of Education, for administration of GED tests, and shall pay fees charged by such agencies when the corpmember taking the test is currently enrolled. For all examinees who make qualifying scores, the center shall initiate application to the appropriate State for high school equivalency certification. (Section 408(c));

(4) *World of Work.* Each Job Corps center shall conduct a World of Work program for all corpmembers that develops constructive work attitudes and employability skills. This program shall follow the format of the basic program developed by the Director of Job Corps. The centers may augment this with other materials. The program shall include units on job attitudes, sources of job information, job application forms, interviewing, consumer education, and a final unit on exit readiness. Vocational instructors shall serve as consultants on structuring the World of Work course, in coordination with the education, health, and residential living staff; and

(5) *Health education.* A comprehensive health education program shall be provided to all corpmembers as soon as possible after enrollment. Coordination among the center staff shall be arranged by the Center Director when responsibility is divided for different types of health education training. Sufficient time shall be scheduled to see that corpmembers complete at least the following subjects, for which curriculum guidance shall be provided by the national office: (i) introduction: "The Importance of Health Maintenance;"

- (ii) "Nutrition;"
- (iii) "Dental Health;"
- (iv) "Obtaining Health Care;"
- (v) "Love, Sex and The Family;"
- (vi) "Reproduction;"
- (vii) "Venereal Disease;"
- (viii) "First Aid;"
- (ix) "Emotional First Aid;" and
- (x) "Drugs and Their Misuse."

(c) Center Directors shall provide the following courses under the special circumstances noted:

(1) *Driver education.* Trainees in vocations where the possession of a driver's license is essential for employment shall

receive driver education, and shall be given first priority in course enrollment. Those who will need to drive to and from work shall have second priority. The program shall be designed to meet the State licensing requirements for classroom and/or on the road training of the State in which the center is located. Centers shall pay the cost of such licenses for corpmembers who qualify for them. Driver education trainees shall be qualified for Federal licenses in all cases in which they drive such vehicles; and

(2) *Bi-lingual programs.* Selected contract center operators shall develop and maintain bi-lingual programs for persons of limited English speaking ability when such persons constitute a significant portion of their corpmember populations. Guidelines to assist centers in the development of such programs are available from the national office. Such centers shall be selected by regional offices, in consultation with the national office, and provision for such programs shall be included in their contracts. Regional offices shall arrange for the assignment of selected applicants needing bi-lingual programs to the centers where such programs are available.

(d) Avocational courses and services for corpmembers should include a structured program of physical education, including rules, techniques, and practice in major sports. Center Directors are encouraged to schedule it after hours whenever competent instructors are available (section 408(a)).

§ 97a.53 Vocational training.

(a) All center operators shall provide individualized vocational training for all corpmembers. Such training shall be designed to develop the specific skills necessary for placement in the vocation for which the corpmember is being trained.

(b) All center operators shall use training achievement records and occupational training guides which shall be developed by the Director, Job Corps. Other Job Corps approved training guides or records, such as those developed by various unions to establish entrance requirements into apprenticeship programs, may also be used in lieu of Job Corps developed achievement records.

(c) Training shall be provided either through classroom and shop/laboratory programs, or on work projects, or both. Work experience shall be provided whenever feasible (section 408(c)).

(d) Initial selection of the nonunion vocational training courses for contract centers shall be negotiated and written into contract requirements, subject to prior national office approval in the case of centers with multi-regional input. In the case of federally operated centers, initial selection of the nonunion vocational offerings shall be approved by the national office, based upon requests submitted by the Federal operator. All union training programs, and modifications thereto, shall be contracted by the national office, after consultation with the appropriate regional office and/or Federal agency.

(e) Any changes in nonunion vocational offerings and training curricula at federally operated centers and at those contract centers which have multi-regional input shall require the approval of the national office. Changes at contract centers which have input only from the region having jurisdiction over the center shall be approved by the appropriate regional office unless additional funds are required to make such changes, in which case national office approval is required.

(f) The request for changes in vocational course offerings shall include the vocational offerings to be added or deleted with occupational code; any changes in number of training spaces in other vocational offerings which the change would effect; available wage and placement data which justify the change; and cost data, including equipment, materials and supplies, space needs, renovation required, instructors needed, and any other factors which the Center Director estimates may have an impact on the center budget.

(g) Criteria for initial selection and subsequent changes in center vocational course offerings shall be the degree of placement opportunities and the potential for upward mobility.

(h) Center Directors shall see that all vocational training projects comply with the applicable provisions of the Davis-Bacon Act, 40 U.S.C. 267a-5.

(i) Job Corps shall not establish vocational training programs which require no prior skill or training to obtain a job. (Section 408(a)).

§ 97a.54 Occupational exploration program.

An occupational exploration program shall be provided by all centers for each corpsmember, unless the individual has already chosen a vocation and is qualified for entry into training. The program shall include at least:

(a) Classroom presentation of sufficient length to cover the nature and requirements of the training in each vocational program offered by the center and related job information, e.g., wages, hours, working conditions, safety requirements, employment opportunities, union requirements, training, and entry qualification;

(b) Structured, hands-on job experience in each available training program in which the corpsmember expresses interest, to last for the period of time necessary to achieve an understanding of what the training is like; and

(c) Placement of each corpsmember in a vocational training program no later than 30 calendar days from the date of arrival on center, unless an exception to this rule is allowed in an individual case by the regional office.

§ 97a.55 Off-center training.

The Center Director should develop off-center non-professional vocational training opportunities for those corpsmembers who need training in vocations not offered on center either because of the small number of corpsmembers requiring

such training or because of cost benefit considerations. Requests for off-center training involving five or more slots at a specific training site shall be submitted to the regional office for approval. When Job Corps has not approved a training achievement record for such vocational training, one shall be developed, either before or after the training begins, and approval by the regional office, which shall send an information copy to the national office (section 408(b)).

§ 97a.56 Scheduling of training.

The amount of time appointed to each corpsmember's education and vocational training shall be determined by the maximum benefits system pursuant to section 97a.81 of this Part.

§ 97a.57 Certification and/or licensing.

Whenever feasible, the operator shall make arrangements for the certification and/or licensing of corpsmembers in those occupational areas for which this is required for employment or will enhance employment. Training provided should enable the corpsmember to obtain such certification or licensing in the State where he or she will seek employment.

§ 97a.58 Purchase of vocational supplies and equipment.

(a) When the possession of tools of the trade, vocational clothing or other equipment is a prerequisite to employment, centers may elect to develop plans for the low-cost sale of such tools and equipment to corpsmembers. Vocational instructors for both union and nonunion programs shall approve the selection of tools and equipment to be provided. Such plans shall be in writing and shall contain the following information:

(1) Vocational offering and occupational code;

(2) The number of corpsmembers normally engaged in this vocational offering at the center;

(3) The number of program completers per month; and

(4) A list of required tools and other equipment, including the price of each item, the total price of tools and equipment needed by each corpsmember for each vocational offering and the source of supply. The center shall screen all potential sources of procurement, government and private, to get the best quality for the least cost.

(b) When such a plan involves any anticipated additional center cost, the center shall ask for regional office approval prior to the plan's implementation.

(c) In centers with such plans, corpsmembers shall be advised of the opportunity to purchase vocational tools and equipment at reduced costs early in their vocational training programs.

§ 97a.59 Work experience.

(a) Center Directors shall emphasize and implement programs of work experience for corpsmembers through center program activities or through arrangements with employers (section 407 (a) of the Act). Work experience train-

ing shall be under actual working conditions and should enhance the employability, responsibility and confidence of corpsmembers. All work experience shall be relevant to the individual corpsmember's vocational training. Such work experience shall conform to the applicable provisions of the Fair Labor Standards Act (FLSA), 29 U.S.C. 201-19.

(b) Center Directors shall observe the following limitations in establishing work experience programs:

(1) Corpsmembers shall only be assigned to work meeting the safety standards of section 97a.115 of this Part;

(2) The objects produced or services rendered on the center shall not be sold in the community unless the Center Director is satisfied that such products or services are not readily available from private sources in the area. Such work or services may be sold to corpsmembers or employees at cost;

(3) Centers shall not assign corpsmembers to work experience involving the construction, alteration, and repair of buildings or projects if such work is customarily and historically performed under Federal contracts or grants valued at \$2,000 or more;

(4) Work experience programs without pay may be arranged with any Federal, State or municipal agency, but only if the work is not covered by the Fair Labor Standards Act;

(5) Any work experience arranged for employment not covered by the Fair Labor Standards Act shall have prior regional office approval.

(6) When work experience with pay is arranged by the Center Director, the corpsmember:

(i) Shall be considered a joint employee of the Job Corps and the work experience employer;

(ii) May be considered to be receiving in Job Corps benefits such as room, board, clothing allowances, and living allowances the equivalent of up to 25 hours per week of the FLSA wages for up to six weeks;

(iii) After six weeks, shall receive at least 25 percent of the applicable FLSA wage for up to 25 hours work per week; and

(iv) Shall always receive the applicable FLSA wage for any more than 25 hours per week worked.

§ 97a.60 Leisure time employment.

A Center Director may authorize gainful leisure time employment of corpsmembers as long as such employment does not interfere with required scheduled activities.

§ 97a.61 Health care and services.

(a) The center operator shall provide for all corpsmembers a comprehensive health program from admission until termination from the Job Corps (section 408(a) of the Act). The program shall include at least:

(1) Routine medical, dental, and mental health care, including a daily sick call or open appointment system, and any necessary specialist referrals and/or consultations, and written standing orders for on center infirmary care and

written arrangements for off center inpatient care;

(2) Ready access to emergency medical, dental, and mental health care on a 24-hour basis, including first aid on center which shall be provided by a staff member with a valid Red Cross first aid certificate or its equivalent;

(3) Qualified personnel, adequate facilities, necessary equipment, supplies and transportation for routine and emergency medical, dental, and mental health services; and

(4) Environmental health services pursuant to § 97a.116 of this Part.

(b) The Center Director shall obtain prior written consent from a parent or legal guardian of corpsmembers who are under the age of majority each time he or she requires other than routine medical or surgical treatment. The consent form obtained by the screening agency prior to enrollment shall serve as authorization for routine health care. In emergency situations, the Center Director may make an exception to the requirement for consent when a parent or guardian of a corpsmember under the age of majority cannot be reached, and this is so documented in the corpsmember's health record.

(c) Except in emergency situations, the Center Director shall obtain approval from the regional office prior to authorizing any hospitalization which health professionals estimate will exceed 30 days in duration or \$1,000 in cost.

(d) Job Corps shall not normally pay for any health care services incurred by a corpsmember while on leave or pass unless these have been previously authorized by the Center Director or physician. In the event of an emergency, when authorization cannot be obtained prior to provision of necessary services, the Center Director may later elect to pay such costs.

§ 97a.62 Physical standards and medical evaluation.

(a) Center physicians shall provide current signed and dated standing orders, which shall be kept in the center's health unit, indicating the care and procedures which shall be carried out by center health personnel. These orders shall include at least guidance concerning emergency procedures, procedures which can be performed by nonphysician personnel, care of commonly encountered health conditions, and administrative procedures.

(b) The center physician shall also provide a set of written standing orders for the guidance of non-health personnel when dealing with health emergencies and minor illnesses when center health staff is not on duty.

(c) Within the first 24 hours of arrival on the center, the Center Director shall see that each corpsmember has a cursory medical inspection to determine if any hazardous health condition exists.

(d) A Report of Medical History form shall be completed for each corpsmember and each corpsmember shall receive a definitive medical examination by a physician or a qualified paraprofessional

designated by a physician within 2 weeks of arrival on center. The results of this examination shall be recorded on the Report of Medical Examination form.

(e) The center physician shall arrange for any necessary specialized testing, examination, treatment, and/or consultation whenever a health problem is suspected.

(f) The center physician shall arrange for any necessary inpatient care, or recommend an alternative disposition if such inpatient care is not practicable.

(g) The Center Director shall arrange for a physical evaluation for each corpsmember who is to be transferred or who is being considered for medical termination.

§ 97a.63 Ocular care.

The Center Director shall arrange for the referral to an optometrist or ophthalmologist of corpsmembers with simple uncorrected refractive errors evidenced by a visual acuity of 20/40 or worse on the Snellen chart or with scores of J6 or worse on the Jaeger chart or 50 percent or worse in visual efficiency. The center shall furnish glasses as needed. Only in cases of refractive error when the improvement in vision from contact lenses would be substantially greater than from glasses shall contact lenses be provided.

§ 97a.64 Immunization.

(a) Centers shall provide for a basic immunization series and for any necessary prophylactic immunization and reimmunization of corpsmembers, commencing no later than the entrance medical examination, and may also immunize center staff and their families who share the same environmental exposure. Corpsmembers may be exempted from any immunization by the center physician for health or religious reasons. Corpsmembers who arrive with documented current immunization shall also be exempted. A record for each person immunized shall be kept on the Job Corps Immunization Record form.

(b) The Director, Job Corps, shall periodically issue standards for immunization practices in Job Corps. These standards shall be based upon recommendations of the Center for Disease Control of the Department of Health, Education, and Welfare, and shall be adhered to by centers.

§ 97a.65 Communicable disease control.

(a) Corpsmembers shall not handle food or engage in food preparation activities until after they satisfactorily complete the entrance medical examination.

(b) The Center Director shall arrange for the immediate examination by a physician or a qualified paraprofessional designated by a physician of all appropriate center personnel and corpsmembers when any case of hepatitis, meningitis, tuberculosis, or any significant number of cases of gastroenteritis or other serious communicable disease occurs.

(c) The Center Director shall inform State and local health departments of all

cases of reportable diseases, including gonorrhea and syphilis, in accordance with State and local laws. Center physicians shall deal with all cases of venereal disease in accordance with the current recommendations of the Center for Disease Control, U.S. Department of Health, Education, and Welfare.

(d) Rabies prophylaxis and tetanus wound management shall be given in accordance with the standards of the Center for Disease Control.

§ 97a.66 Dental care.

(a) The Center Director shall arrange for an oral inspection of each corpsmember at the same time as the cursory physical examination.

(b) The Center Director shall arrange for each corpsmember to have a Class II dental examination as described by the American Dental Association between the 90th and 120th day after enrollment. Routine dental care beyond the examination is voluntary on the part of corpsmembers, except that the center physician or dentist shall require necessary treatment upon the identification of a communicable condition which threatens the health of the corpsmember or others.

(b) Dental X-rays shall be authorized only by a dentist, and pregnant corpswomen shall not be x-rayed without consultation with the center physician. On-center X-ray equipment shall comply with applicable Federal and State laws regarding leaded walls, radiation leakage, and protection of personnel.

(c) The center shall provide for restorative treatment for corpsmembers with the priority of such treatment based on the condition's urgency. The assignment of such priorities shall be made at the time of the initial dental examination.

§ 97a.67 Pregnancy.

(a) Center Directors shall keep pregnant women in Job Corps through the seventh gestational month if they desire to stay and if there is a good probability based on a functional evaluation that they can complete a defined segment of the program by that time.

(b) Center Directors shall arrange for the provision of comprehensive support services to pregnant corpsmembers including:

(1) All necessary pre-natal and perinatal care including hospitalization and emergency delivery, until medical termination with an appropriate referral; and

(2) Comprehensive pregnancy counseling including the possibility for Job Corps retention, termination and readmission practices, and the alternatives for dealing with pregnancy.

(c) Only after obtaining signed consent from a corpswoman who has reached the age of majority shall any individual notify the person legally responsible for a corpsmember or anyone else that she is pregnant.

§ 97a.68 Mental health.

(a) The Center Director shall provide a mental health program, to include the services of a professional consultant for

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the center. Such consultant's responsibility shall be primarily to give training and consultation to those staff members who are in direct contact with corpsmembers. However, the consultant, with the concurrence of the Center Director, shall also provide or arrange for direct services to corpsmembers such as mental health evaluations and psychological testing when necessary.

(b) The Center Director, in consultation with the regional office, shall determine how much on-center time shall be spent by the mental health consultant in on-going staff consultation and training, and how much in individual consultations with corpsmembers.

(c) In the event of a mental health emergency, when a corpsmember's behavior endangers his or her own life or the lives of others, the Center Director may request the assistance of local medical and/or law enforcement personnel. If restraint is required, the Center Director shall allow only that amount of physical restraint necessary to prevent the corpsmember from harming himself or herself or others or from damaging property. No corpsmember shall be physically restrained for more than one hour without an examination by and the approval of a physician or mental health professional.

(d) When a corpsmember is taken into custody by the police and his or her behavior indicates possible emotional disturbance, the Center Director shall make every effort to arrange for prompt mental health evaluation and treatment.

(e) The center shall not provide long-term psychiatric treatment to a corpsmember when this treatment would require significant expenditure of program funds or staff time. Corpsmembers who need this kind of care shall be referred to adequate psychiatric facilities at no cost to Job Corps and shall be medically terminated.

§ 97a.69 Drug use and abuse.

Each Center Director shall see that corpsmembers who have problems related to drugs, including alcohol, are provided counseling or other therapeutic assistance. Each Center Director shall also arrange to provide corpsmembers and staff members with current and accurate information on the effects of such drug misuse.

§ 97a.70 Sex related issues.

The center shall provide counseling and medical services for corpsmembers whose sexual behavior interferes with their ability or the ability of others to participate in the Job Corps program. When resolution of such problems is not possible within the Job Corps setting, corpsmembers with such problems shall be medically terminated.

§ 97a.71 Death.

If a corpsmember dies, the center shall:

- Promptly notify the next of kin by telephone, when feasible, and by telegram, with confirmation requested;
- Delay public announcement or issuance of a news release concerning the death until next of kin are notified;

(c) Notify the regional and national health offices by telephone or wire within 8 hours of the center's knowledge of the death, giving pertinent personal vital statistics and related information about the death;

(d) Notify the appropriate District Office of Workmen's Compensation Programs of the death and the circumstances surrounding it, including whether the death occurred during performance of duty, and file appropriate forms with that office (section 416(a) (2) of the Act).

(e) Inform the next of kin of any possible benefits which may be available from Federal Employees' Compensation if death occurred during the performance of duty. If it did not so occur, notify them that the government shall pay only for expenses involved in the preparation and transportation of the remains to a mortuary in the area selected by the next of kin;

(f) Consult the decedent's family as to final disposition of the remains before any final action is taken in this regard; and

(g) If the next of kin refuses to accept the remains, arrange for burial at a site close to the center and at a cost not to exceed the amount authorized in section 8134(a) of the Federal Employee's Compensation Act (FECA), Pub. L. 93-416 as amended.

§ 97a.72 Reporting critical medical situations.

The Center Director shall immediately report critical medical situations to the regional office with an information copy to the national health office, as well as to the local health officer in the case of communicable disease. Such critical situations shall include at least the following:

(a) Any significant infectious disease which may be transmitted from person-to-person such as chancroid, diphtheria, hepatitis, meningitis, mumps, poliomyelitis, primary or secondary syphilis, tuberculosis, and typhoid or paratyphoid fever;

(b) Any significant infectious disease or disease due to an infectious agent which is generally transmitted from other than human sources such as botulism, rabies, Rocky Mountain Spotted Fever, or tetanus;

(c) Any outbreak or epidemic of an infectious disease such as conjunctivitis or kerato-conjunctivitis, gastroenteritis including food poisoning, scarlet fever, rubella or rubeola, and streptococcal sore throat;

(d) Severe reactions to immunization or administration of medication; and

(e) Serious injury, death, and conditions likely to result in death.

§ 97a.73 Residential support services.

(a) All Center Directors shall provide for residential support services structured as an integral part of the overall training program. This service shall include a secure, attractive physical and social environment, seven days a week, 24 hours a day, designed to en-

hance learning and personal development. The goal of such services shall be to produce an atmosphere which promotes corpsmember productivity without extravagance and luxury. All corpsmembers, including non-residents while they are on center, shall be provided with the full program of services.

(b) Centers shall operate residential facilities which are well maintained and which comply with applicable Federal, State and local safety, health and housing codes for multi-purpose group residences. The number of corpsmembers assigned to each living area should be relatively small in order to encourage the growth of self discipline and of supportive group relationships. In residential facilities:

(1) Bathrooms and showers shall be brightly lit and clean;

(2) Dormitory facilities shall include multi-purpose room(s) sufficient for the needs of corpsmembers;

(3) Furnishings shall include good beds, linens, blankets, adequate locked storage space for each corpsmember's belongings, comfortable chairs and work/study areas, television sets, good lighting, and all housekeeping tools necessary for maintenance, including washers, dryers, and ironing facilities; and

(c) Corpsmembers shall provide necessary housekeeping and participate in other center maintenance work activities such as kitchen and dining room chores (section 408(a) of the Act).

(d) Residential advisors or responsible substitutes shall adequately supervise each residence during hours when corpsmembers are present and maintain a running log of all significant events. They shall assist corpsmembers by:

(1) Fostering a dormitory atmosphere conducive to corpsmember personality and character development including an understanding of the cultural backgrounds, life styles, attitudes, outlook, and needs of their fellows;

(2) Maintaining order and a secure atmosphere in the dorms, and by operating a system which accounts for the whereabouts of corpsmembers assigned to their dormitories during and after class hours;

(3) Providing individual and/or group guidance;

(4) Conducting periodic reviews of progress in corpsmembers' personal, social, placement, behavior, and leadership development;

(5) Responding promptly and appropriately in the event of illness, injury, emotional trauma, arrest, trouble at home, or maladjustment to center life;

(6) Encouraging participation in recreation/avocational activities and in corpsmember government; and

(7) Conducting periodic dormitory meetings for purposes of mutual information sharing (section 407(a)).

§ 97a.74 Recreation/avocational program.

(a) The center operator shall develop a recreation/avocational program to be carried out, for the most part, after class hours and on weekends and holidays.

(b) Corpsmembers shall participate in the planning and implementation of such activities.

(c) All recreation/avocational center programs shall include the following components whenever feasible:

- (1) Cultural events;
- (2) Sports and physical fitness;
- (3) Arts and crafts;
- (4) Community activities;
- (5) Movies, live shows, and special events; and

(6) Reading and reference materials, including a suitably stocked library, either on or off center, which is accessible on weekdays, evenings, and weekends.

(d) Each Center Director shall provide supervision, instruction, and facilities, either on or off center, for carrying out this program, utilizing corpsmember recreational aides whenever feasible.

(e) Tools, sports equipment, athletic clothing and related items shall be lent to corpsmembers on an as-needed basis and shall be returned to the center.

(f) The sale for individual corpsmember profit of arts and crafts objects made with center-provided materials shall be prohibited. Such objects may be sold when the profits benefit the Corpsmember Welfare Association.

§ 97a.75 Laundry, mail and telephone service.

(a) Center operators shall provide adequate laundry services for corpsmembers, who shall be encouraged to launder, iron and repair their personal clothing.

(b) The Center Director shall establish a system for prompt delivery of mail received by corpsmembers in a manner which protects the confidentiality of such mail, and shall arrange for a sufficient number of conveniently located pay telephones for corpsmember use.

§ 97a.76 Counseling.

(a) Each center operator shall establish an ongoing structured counseling program which shall be focused on individual corpsmember needs. It shall be conducted by counselors, residential advisors and other staff as appropriate, under the cognizance of the professional counseling staff.

(b) Counseling services shall cover at least four basic areas:

- (1) Personal and social development;
- (2) Education;
- (3) Vocational training and placement; and
- (4) Periodic assessments of each corpsmember's progress.

(c) The Center Director shall establish counselors' work schedules so that counselors are available to corpsmembers after the education/vocational day into the early evening hours. Counselors' offices shall be so located on center that accessibility to the corpsmember population is facilitated.

(d) Individual and small group counseling shall be made available to all corpsmembers, both on a regularly scheduled and on an as-needed basis.

(e) Each counselor shall meet at least once per month with those residential advisors serving the same corpsmember

group to assess each corpsmember's progress, identify problems, and develop a consistent and fair approach in their dealings with each corpsmember.

(f) A confidential counseling record for each corpsmember shall be maintained only in the counselor's office and shall include a brief running account of all significant counseling contacts (sections 408(a) and 412 (a) and (b)).

§ 97a.77 Intergroup relations program.

Every Job Corps center shall conduct a structured intergroup relations program designed to reduce prejudice, prevent discriminatory behavior by staff and corpsmembers, and increase understanding among racial/ethnic groups. Technical assistance materials shall be made available by the Job Corps to assist in the development of this program. The program should include at least:

(a) Information for corpsmembers about the history and contributions of various racial/ethnic groups;

(b) Small group discussions about specific kinds of behavior or speech which may cause tension or misunderstanding among racial/ethnic groups; and

(c) Planned activities for leisure time relating to the customs and interests of a variety of racial/ethnic groups.

§ 97a.78 Incentives system.

(a) Each center shall establish and maintain its own incentives system for corpsmembers. Incentives shall include at least increases in living allowances, pursuant to section 97a.81 of this Part, special awards, and prizes, such as trophies and certificates for outstanding achievement in specific areas.

(b) The corpsmember government shall be involved in developing, operating, and evaluating the effectiveness of the system.

(c) Some incentives shall be geared to the improvement by individual corpsmembers in their own level of achievement rather than on their success in competition with other corpsmembers.

§ 97a.79 Corpsmember government and leadership programs.

(a) Each center shall establish, with maximum corpsmember participation, an elected corpsmember government.

(b) Each center shall also establish and maintain a structured corpsmember leadership training program with staff advisors (section 401).

§ 97a.80 Corpsmember welfare associations.

(a) The Center Director shall develop a plan for the organization and operation of a corpsmember welfare association, to be run by an elected corpsmember association council with the help of a staff advisor. This plan shall include the proposed method of establishment and operation, use of concessions, sources of revenue, and an accounting system. Prior to implementation the Center Director shall submit the plan to the regional office for approval, except for those centers operated by Federal agencies, which shall submit the plan through

their agency channels for approval. The agency shall submit a copy of its approved plan to the MA regional office.

(b) The plan shall conform to the following requirements:

(1) The Center Director shall establish a welfare association fund, to be managed and controlled by the association council. Revenues may come from such sources as snackbars, vending machines, disciplinary fines, and pay telephones. No federally appropriated funds shall be used to operate the corpsmember welfare association's activities;

(2) The corpsmember welfare association council, in consultation with other corpsmembers, shall make recommendations to the Center Director for expenditure of its funds. Center Directors shall allow the funds to be used only to operate activities or make purchases or loans which clearly benefit the corpsmembers; and

(3) The corpsmember welfare association council shall maintain its own accounting system, which shall be subject to audit by the regional office except that Federal agencies which operate centers shall audit their own corpsmember welfare association systems (section 401).

§ 97a.81 Evaluation of corpsmember progress (Maximum Benefits System).

(a) The Center Director shall implement a Maximum Benefits System to evaluate the progress of each corpsmember. The system shall provide for the establishment of Progress/Performance Evaluation Panels (P/PEP). The P/PEP's shall:

(1) Consist of at least one staff member from each of the basic education, vocational training and counseling program areas;

(2) Receive progress evaluation reports from instructors, counselors, residential advisors, and other staff as appropriate in time for each P/PEP's meeting about an individual corpsmember;

(3) Meet initially to evaluate the progress and review the training schedule of each corpsmember within 30 to 45 days after enrollment;

(4) Meet at least every 60 days after the initial evaluation to make periodic assessments of each corpsmember's performance in all program areas;

(5) Have additional meetings with corpsmembers at the corpsmember's request or at the request of a staff member concerning any aspect of the center program;

(6) Arrange, whenever feasible, for the corpsmember to be present at each meeting where his or her case is to be discussed;

(7) Make recommendations already known to the corpsmember involved to the Center Director about such matters as course or scheduling changes, allowance increases, incentive awards, and readiness for entry into the exit program; and

(8) Inform corpsmembers about actions they should take to improve performance and of all recommendations the panel decides to make to the Center Director.

(b) The Center Director shall review the recommendations of the P/PEP; approve, deny, or amend them; and notify the P/PEP and the corpsmember of the decision reached (secs. 408(a) and 412(a)).

§ 97a.82 Food service.

(a) Centers shall provide corpsmembers with meals, which shall be nutritionally well-balanced, of good quality and sufficient in quantity. Military master menus may be used as guides.

(b) The Center Director shall see that food is prepared and served in a sanitary manner. All staff members who handle or prepare food shall meet State or local food handling requirements, whichever are stricter, and be free from communicable diseases as verified by medical examination.

(c) Centers shall charge all non-corpsmembers for food provided to them unless prior regional office approval has been obtained. No funds allocated for corpsmember food shall be used for this purpose. Such charges shall be sufficient to cover the cost of the food and its preparation, and shall be reviewed and approved at least semi-annually by the regional office.

(d) Center Directors shall see that dining areas are pleasant, sanitary and well-maintained.

§ 97a.83 Allowances and allotments.

(a) Centers operated under contract by the Commonwealth of Puerto Rico shall pay all allowances and allotments described in this section directly to corpsmembers or their allottees pursuant to contract provisions.

(b) In all other cases, the Center Director shall arrange for the payment of corpsmember allowances and allotments in the right amounts and at the right times by seeing that:

(1) All forms necessary to authorize such payment are correctly completed and submitted to the U.S. Army Finance and Accounting Center (Finance Center) pursuant to the interagency agreement between the Department of Labor and the Department of Defense. Instructions for completion and submission of these forms shall be found in the Job Corps Forms Preparation Handbook; and that

(2) A system is established at the center for the prompt delivery to corpsmembers of allowance checks received from the Finance Center and for the prompt correction of any errors in the amount of such checks.

(c) Whenever an error is discovered in a form already submitted to the Finance Center, the Center Director shall notify the Finance Center immediately. After termination, if an overpayment is made in a corpsmember's final living and readjustment allowance payment because the center erroneously authorized a readjustment allowance, failed to report monetary advances to a corpsmember which should have been deducted, or delayed the submission of correct forms, the Center Director shall reimburse the amount of the overpayment to the Finance Center. The Finance Center shall

send any underpayment discovered directly to the terminated corpsmember.

(d) Pursuant to the interagency agreement, the Finance Center shall make accurate and timely payments and submit reports to the national office.

(e) Newly enrolled and readmitted corpsmembers shall receive an initial monthly living allowance of \$30.

(f) Incentive increases in the monthly living allowance, based on time and performance in Job Corps, may be given in increments of \$5 per month, up to a maximum of \$50 per month. Reductions in the monthly living allowance may be made on the basis of poor performance using the same method, but not below \$30 per month (section 409(a)).

(g) Living allowances shall accrue from the date of initial departure for the center to the date of scheduled arrival home, except during periods of AWOL or leave without pay and allowances. Such allowances shall be paid semi-monthly.

(h) The Center Director shall give each newly enrolled corpsmember an allocation for living expenses of \$15, to be distributed in amounts of not more than \$5 per week from the center's imprest or petty cash fund. Repayments of the initial allocation shall be deducted from the corpsmember's final readjustment allowance check.

(i) Corpsmembers shall also receive a readjustment allowance of \$50 for each month of participation in Jobs Corps after their termination from the program if they have remained in the Job Corps for at least 180 days or if they terminate after 90 days as program or maximum benefits completers. In the event a corpsmember dies, receives a medical termination, or enlists in the Armed Forces less than 90 days after enrollment, he or she shall be eligible for the accrued readjustment allowance (section 409(c)). Such corpsmembers shall not be considered program completers.

(j) Center Directors may, after seeing that enough readjustment allowances are in the corpsmember's account, and at the corpsmember's request, pay advances on readjustment allowances to corpsmembers of:

(1) Up to 75 percent of the readjustment allowance to those who are already placed;

(2) Up to \$150 to those who are not placed; and

(3) Up to \$250 to those departing the center for an employment interview.

(k) Any advances in readjustment allowances which differ from the regulations set forth in paragraph (j) of this section or are requested for health purposes shall have prior regional office approval.

(l) Corpsmembers who are placed prior to leaving the center shall receive the readjustment allowance owed in a lump sum directly from the Finance Center after termination. Corpsmembers who are not placed on Jobs prior to leaving the center shall receive any owed readjustment allowance through a placement agency (section 412(e)).

(m) Corpsmembers may authorize a deduction from their monthly readjust-

ment allowance of \$5, \$10, \$15, \$20, or \$25, which shall be matched by an equal amount from Job Corps funds and sent as an allotment each month by the Finance Center to their spouse or dependent child(ren) if such spouse or dependent child(ren) reside in a State, the District of Columbia, or any other area subject to the jurisdiction of the United States. The screening agency shall verify whether the proposed allottee is a spouse or dependent child of the corpsmember. Only one allotment shall be authorized per corpsmember. Allotments shall be paid for complete calendar months only. The effective date of the allotment shall be the first day of the first full calendar month after application for an allotment (section 409(d)).

(n) The following kinds of deductions shall be made when applicable from a corpsmember's living and/or readjustment allowance provided that at least a \$7 earned living allowance per pay period is paid to the corpsmember:

(1) Social security taxes (FICA);

(2) Income taxes;

(3) Fines levied by the Center Director up to \$5 per pay period;

(4) The value of transportation documents if these are lost or unused and not returned;

(5) Authorized contributions for an allotment; and

(6) Any indebtedness the youth has charged against the living and/or readjustment allowances.

(o) Corpsmembers who are AWOL shall not be paid living or readjustment allowances for such period (sections 409(a) and (c)).

(p) In the event of a corpsmembers' death, any amount due, including the amount of any unpaid readjustment allowance, shall be paid in accordance with the provisions of 5 U.S.C. 5582 (section 409(c)).

(q) Instructions for completion and distribution of all forms required to implement the provisions of this section shall be found in the Job Corps Forms Preparation Handbook.

§ 97a.84 Clothing.

The center operator shall provide clothing for all corpsmembers by means of a cash allowance and by government issue, in accordance with instructions issued by the national office. Conditions under which clothing shall be provided include:

(a) A cash allowance shall be given to each corpsmember for the purchase of clothing. The national office shall state the amounts to be provided during the first and second years of enrollment, with the second year's allowance being substantially less than the first.

(b) Clothing necessary for vocational training shall be issued to all corpsmembers. Such issue clothing shall remain the property of the government, and, except for expendable or worn-out items and in emergency situations shall be returned to the center by the corpsmember, either on termination or when no longer needed.

(c) Transferring corpsmembers shall take all appropriate issue clothing with them to the new center.

§ 97a.85 Tort and other claims.

(a) Corpsmembers shall be considered Federal employees for purposes of the Tort Claims Act (28 U.S.C. 2671, 2672, 2677-9) (section 416(a)(3)). In the event a corpsmember is alleged to be involved in the damage, loss or destruction of the property of others, or of causing personal injury to or the death of other individual(s), claims may be filed by the owner(s) of the property, the injured person(s), or by a duly authorized agent or legal representative of the claimant to the Center Director. The Center Director shall collect all of the facts and submit the claim for a decision to the Associate Solicitor for Employee Benefits, Office of the Solicitor, Washington, D.C. 20210, except when Federal agencies operating centers have been given responsibility for processing and deciding upon such claims.

(b) Pursuant to section 416(b) of the Act, whenever there is loss or damage to persons or property, which is believed to have resulted from operation of a Job Corps center and to be a proper charge against the government, and such loss or damage is not cognizable under the Tort Claims Act, a claim for such damage may be submitted by the owner(s) of the property, the injured person(s), or by a duly authorized agent of the claimant to the office of the Associate Solicitor for Employee Benefits which shall consider the facts and may settle the claim in an amount not to exceed \$500. A claim, for example, may be considered for payment if it arises out of a wrongful act or omission of a corpsmember.

(c) The Job Corps may pay claims to corpsmembers for lost, damaged, or stolen property, up to a maximum of \$200 when such loss is not due to the negligence of the corpsmember. Corpsmembers shall always be compensated for losses when they are the result of a natural disaster or when the corpsmember's property is in the protective custody of the Center Director, which shall always be the case when a corpsmember is absent from the center for 24 hours or more. The Center Director shall file such claims with the MA regional office for a determination on the claim and promptly notify the corpsmember and the center of its determination.

(d) Tort claims shall be made on Standard Form 95, The Claim for Damage or Injury form, or a similar document, supported by necessary justification. Instructions for completion and submission of the Claim for Damage or Injury form shall be found in the Job Corps Forms Preparation Handbook. Claims under 416(b) of the Act may be submitted on either Standard Form 95 or another similar document, supported by necessary justification.

(e) When appropriate, the Center Director shall assist corpsmembers to claim against other sources, e.g., from shippers and insurance companies, or through civil court proceedings.

§ 97a.86 Federal employee's compensation.

(a) Corpsmembers shall be considered Federal employees for purposes of Federal Employee's compensation (FEC) pursuant to sec. 416(a)(2) of the Act.

(b) Resident corpsmembers shall be considered to be in the "performance of duty" as Federal employees from the date they leave their homes and begin authorized travel to their center of assignment until the date of their scheduled arrival at the official travel destination as authorized by the Center Director upon their termination from the Job Corps. During this period the youths shall be known as "corpsmembers," and this period shall constitute their period of Job Corps enrollment. During this period corpsmembers shall be considered as in performance of duty at all times, during any and all of their activities, 24 hours a day, seven days a week.

(c) Non-resident corpsmembers shall be considered to be in the performance of duty as Federal employees from the time they arrive at any scheduled center activity or program until they leave such activity or program.

(d) No corpsmember shall be considered as being in performance of duty status if he or she is absent without official authorization (AWOL) or if he or she is on administrative leave without allowances.

(e) In computing compensation benefits for disability or death, the monthly pay of a corpsmember shall be deemed that received under the entrance salary for a grade GS-2 employee, and 5 U.S.C. 8113 (a) and (b) shall apply to corpsmembers.

(f) Compensation for disability shall not begin to accrue until the day following the date on which the injured corpsmember completes his or her Job Corps termination.

(g) Whenever a corpsmember is injured, develops an occupationally related illness, or dies while in the performance of duty, the Center Director shall immediately comply with the procedures set out in the Employment Standards Administration regulations at 20 CFR Chapter 1, as amended at 40 FR 6876. The Center Director shall also see that a thorough investigation of the circumstances and a medical evaluation are made, and shall see that required forms are filed with the appropriate Office of Worker's Compensation Programs (OWCP) district office. Application forms and instructions for their completion shall be found in the Forms Preparation Handbook.

§ 97a.87 Social Security.

Corpsmembers shall be covered by Title II of the Social Security Act (41 U.S.C. 401 et seq.) and shall pay applicable federal employment taxes (FICA) on their living and readjustment allowances (section 416(a)(1)).

§ 97a.88 Income taxes.

(a) Corpsmembers shall be subject to income taxes pursuant to the Internal

Revenue Code of 1954 (26 U.S.C. 1 et seq.) (section 416(a)(1)). Corpsmembers shall claim the following as income for tax purposes:

(1) The living allowance;

(2) The readjustment allowance, including any portion allocated for an allotment;

(3) The cash clothing allowance; and

(4) The value of government paid transportation provided to and from center for home and emergency leave, and to home after termination.

(b) Corpsmembers shall not be subject to tax for the value of meal tickets and clothing issued to them nor for that portion of the allotment contributed by the government to the allottee.

(c) The Center Director shall see that any forms required to effect income tax deductions and withholding exemptions are completed by the corpsmember. Instructions for completion shall be found in the Forms Preparation Handbook.

(d) Income taxes shall be withheld from the foregoing allowances and benefits if required by the appropriate tax withholding tables and rules.

(e) Wage and tax statements shall be sent to corpsmembers by the Finance Center, pursuant to the interagency agreement.

§ 97a.89 Emergency use of personnel, equipment and facilities.

(a) If Center Directors are requested by public officials to provide emergency assistance when there is a threat of natural disaster, the Center Director may authorize such assistance, after seeking advice from the regional office if he or she wishes such advice. Center Directors may ask corpsmembers to volunteer their services to help in such cases, and shall arrange for any added center expenses consequent to such assistance to be borne by the benefiting organization.

(b) Upon the completion of each emergency project, the Center Director shall submit a summary report of the work done to the regional office.

§ 97a.90 Limitations on the use of corpsmembers in emergency projects.

(a) No corpsmember shall participate in emergency relief:

(1) In connection with labor shortages, strikes, riots, or civil disturbances;

(2) On private property to promote the self-interest of private individuals or groups, except as incidental to authorized emergency work;

(3) If it lasts long enough to detract from his or her educational and vocational training, in which case rotation of corpsmembers should be considered; or

(4) For fire suppression except when the corpsmember volunteers, has completed a fire control training program, is 18 years of age and in good physical condition, is used only in support of compensated fire-fighters, and is paid by the benefiting organization at the same rate as other fire-fighters. Corpsmembers shall not work for a greater number of hours per day than other fire-fighters nor in mopping-up operations after a fire.

§ 97a.91 Corpsmember absences.

(a) Corpsmembers shall accrue annual leave at a rate of 1 calendar day for each pay period during which the corpsmember is entitled to a living allowance for at least 8 days. Accrual shall commence on the day the corpsmember initially departs for a center and end on the date of his or her scheduled arrival home.

(b) Annual leave shall continue to accrue during periods of home, emergency and administrative leave with allowances and shall be suspended only during absences without approved leave and administrative leave without allowances.

(c) Corpsmembers shall not be paid at termination for accrued unused leave.

(d) Corpsmembers may use accrued leave at any time subject to the approval of the Center Director. Annual leave with transportation at government expense, however, shall be allowed only after the corpsmember has spent 6 months in Job Corps, and only once per year of enrollment (section 409(b)).

(e) Corpsmembers shall also be eligible for emergency leaves of up to 12 days each. The Center Director may grant such leave, with transportation at government expense, so that a corpsmember may visit his or her family in case of a death, imminent death, or serious illness or injury, after verification of the emergency. However, if the corpsmember has had a home leave or an emergency leave at government expense within the preceding 6 months, prior approval for the new leave shall be obtained from the regional office. The Center Director may extend emergency leave, after verifying the need, beyond 12 days. Such extensions shall be without allowances.

(f) The Center Director may grant administrative leave to corpsmembers with allowances and transportation at government expense for a period up to 30 days for situations such as:

(1) Securing necessary medical or dental treatment away from the center which has been prescribed by an appropriate health professional;

(2) Being temporarily housed off-center as a precaution against harm or injury to self or others;

(3) Appearing in court as a complainant or witness;

(4) Appearing before a probation or parole board;

(5) Attending or participating in special projects or civic functions; and

(6) Unavoidable transportation delays.

(g) Administrative leave without allowances or government paid transportation may also be granted by the Center Director to a corpsmember for other reasons with the prior approval of the regional office. Such leave shall always be granted to corpsmembers who are absent due to incarceration until termination pursuant to sec. 97a.36(a)(7) of this Part or their return to the center (section 409(b)).

(h) The Center Director may authorize a pass for a corpsmember for up to 72 hours. Such a pass shall not be considered as leave. Transportation shall be at the corpsmember's expense.

(i) The Center Director shall establish and maintain a system which accounts for the whereabouts of each corpsmember at all times. The system shall include a record of excused and unexcused absence from all scheduled activities, passes taken, and all absences from the center, and an accurate leave record, showing leave accrued and taken.

(j) When it is determined that a corpsmember is AWOL, the Center Director shall immediately begin attempts to locate him or her, and shall notify concerned parties such as parents, courts, and the screening agency.

(k) Whenever a corpsmember is absent from the center for 24 hours or more, such corpsmember's personal belongings which remain at the center shall be inventoried and secured by the Center Director.

§ 97a.92 Legal services to corpsmembers.

(a) The Center Director shall make every effort to assure corpsmembers of effective and competent legal representation in criminal cases and in certain civil cases, and to provide additional legal services as needed (section 407(a)). The Center Director shall, whenever feasible, develop a program to assist corpsmembers to obtain free or low-cost legal assistance.

(b) The Center Director shall establish a system for obtaining local attorneys willing to represent corpsmembers facing criminal and civil proceedings. A list of such local attorneys shall be maintained and updated as necessary. The list should include public defender and legal service attorneys.

(c) The Center Director shall see that corpsmembers who are to be interrogated by law enforcement officials as suspects in criminal cases are advised that they may secure a lawyer to represent them during the interrogation. Job Corps shall pay for such legal services if the Corpsmember wants such services.

(d) Job Corps shall help provide legal services for corpsmembers in criminal cases and shall pay for such services in all criminal cases except:

(1) When a corpsmember is AWOL when the offense is committed;

(2) When the corpsmember is arrested for an offense committed before entering Job Corps;

(3) When the corpsmember is charged with a second felony after being convicted of a first felony committed while he or she was enrolled in Job Corps;

(4) When the corpsmember is arrested for a third misdemeanor after conviction of the first two, and legal services were provided by Job Corps in the first two cases;

(5) When a corpsmember is charged with an offense when he or she is on administrative absence without allowances, and while awaiting trial for a former offense.

(6) When the corpsmember refuses to authorize deduction of his or her share of the legal fees from his or her allowances. In this event, the Center Director shall attempt to arrange for legal representa-

tion by an attorney appointed by the court.

(e) The Center Director shall immediately report to the regional office all instances in which legal services are denied under paragraph (d) of this section and may request a waiver of the requirements of paragraph (d) by the regional office.

(f) After the corpsmember freely selects an attorney, the Center Director shall immediately inform the attorney that the corpsmember is a member of the Job Corps, that the Job Corps wishes the corpsmember to receive adequate legal representation and, if possible, pretrial release from custody, and that the client is the corpsmember, not the Job Corps, although payment of fees will come from the Job Corps.

(g) The Job Corps shall compensate attorneys in criminal cases for reasonable expenses. Compensation shall be at the rates set forth in the Criminal Justice Act of 1964 (18 U.S.C. 3006A(d)), except that compensation shall not exceed \$1000 in felony cases nor \$400 in misdemeanor cases unless additional payment is approved by the regional office. When an attorney represents two or more corpsmembers at the same time, payments per hour shall be prorated among the corpsmembers. Attorneys shall bill regional offices directly. Procedures for billing, and authorization of expenditures for private investigation, expert witnesses, special tests, etc., shall be established by agreement between the center operator and the regional office.

(h) The corpsmember's share of the attorney's fees in criminal cases and in civil cases other than commitment proceedings shall be computed by the regional office and shall be deducted from allowances at the rate of \$5 per hour for the time spent by the attorney in court and \$3 per hour out of court, up to a maximum of \$50. No legal costs shall reduce the corpsmember's living allowance below \$7 per pay period.

(i) In exceptional circumstances, Job Corps may pay appellate counsel except for the appeal record, which the attorney should have prepared at the State's expense. Such payments shall be approved before every level of the appeal by the regional office. Recommendations of the attorney shall be seriously considered in these cases, and, if the attorney believes a notice of appeal must be immediately prepared and filed, it may be done, and the attorney shall be paid for time spent in this effort.

(j) When a corpsmember entitled to legal services is arrested at a distance from the center, and the Center Director is unable to arrange for the provision of legal representation and bail, the regional office shall make such arrangements.

(k) The Center Director shall pay up to \$50 for bail or purchase of a bail bond provided the corpsmember agrees in writing, prior to bail, to reimburse the Job Corps. Higher amounts shall have prior regional office approval.

(l) The Center Director, if the corpsmember agrees in writing, shall advance the corpsmember up to \$50 to pay fines,

or higher amounts with the approval of the regional office.

(m) In exceptional cases, involving either a corpsmember, corpsmembers, or the center itself, the regional office may pay a reasonable and definite amount for legal expenses in civil cases.

(n) When a corpsmember is in jail or detention at a location near the center awaiting trial or serving a sentence of 60 days or less, the Center Director shall visit or have a counselor or other appropriate senior staff member visit the corpsmember on a regular basis and shall provide any assistance needed in the area of health, welfare, safety, personal affairs, education, and training.

The visitor shall offer to assist the corpsmember in developing a study program, and in supplying books and training materials, and shall review and evaluate the corpsmember's study and training progress.

§ 97a.93 Voting rights.

(a) The Center Director shall develop a written plan to enable eligible corpsmembers and staff to vote either locally or by absentee ballot (section 418(b)).

(b) Such a plan shall include provisions that the Center Director shall:

(1) Advise staff and corpsmembers of their rights and responsibilities relative to voting, and provide them with current absentee registration and voting information;

(2) Disseminate voting information provided by Job Corps;

(3) Furnish assistance on voting procedures, including the service of someone authorized to attest to required oaths;

(4) Encourage and assist eligible voters to send for absentee ballots;

(5) Arrange for ballots to be marked in secret and safeguarded afterwards;

(6) Arrange for the ballots to be mailed on time; and

(7) Provide transportation to the appropriate polls for corpsmembers eligible to vote within a reasonable distance from the center, whenever feasible.

§ 97a.94 Rights relative to religion.

The right to worship or not worship as they choose shall not be denied to any corpsmember. Religious services may not be held on center unless the center is so isolated as to make transportation to and from community religious facilities impractical. If religious services are held on center, no compensation shall be paid to those who conduct such services, corpsmembers shall be instructed that they are not obligated by Job Corps to attend such services, and services shall not be confined to one religious denomination.

§ 97a.95 Right to privacy.

(a) Each corpsmember shall be entitled to privacy in keeping with the right to privacy and other Federal, State and local laws, and in accordance with these regulations.

(b) The Center Director shall see that each corpsmember's area, including any storage for belongings, remain private.

Neither corpsmembers nor their belongings shall be searched or examined except under the following special circumstances:

(1) General inspections of corpsmember's living quarters and storage areas shall be conducted periodically.

(2) Searches for unauthorized goods as defined in § 97a.10(ppp) may be conducted if the Center Director has good reason to believe these are being hidden on the center. The Center Director shall assert his or her reasons for such a search immediately before or after the search in writing to the regional office. Searches for narcotics or other dangerous drugs shall follow the procedures set out by the regional director of the Drug Enforcement Administration.

(3) Searches may be conducted for evidence to be used in criminal prosecution. These shall always be done by a law enforcement officer with a search warrant, except when delay would endanger the physical well-being of corpsmembers.

(4) No search shall be wider than that necessary to accomplish the specific purpose of the search. However, if unauthorized goods are found as a result of a search, these may be confiscated. If evidence which may be used in a criminal prosecution is discovered, the corpsmember involved is to be advised of his or her right to remain silent and to an attorney pursuant to section 97a.92(c).

(c) Personal information contained in center records, as well as any private verbal or written communications between corpsmembers and staff members shall be held in confidence. When it is necessary for a staff member to inform others about personal information given to him or her by a corpsmember, the corpsmember shall be informed of this and the reasons therefor. Information from confidential records, which shall include at least health records, counseling records, and juvenile court records may be made available to other staff with the prior consent of the corpsmember by those who maintain the records if this is judged to be in the best interests of the corpsmember. No copies of information contained in confidential records shall be made or kept by anyone except as provided in § 97a.96 of this Part.

§ 97a.96 Disclosure of information.

(a) The Center Director shall respond to all requests for information or records during a corpsmember's enrollment. After termination, the regional office to which the corpsmember's personnel record has been sent shall respond. These requests shall be treated as requests under the Freedom of Information Act and the Privacy Act of 1974, and shall be handled according to the regulations at 29 CFR 70 and 70a.

(b) The requesting party's need for information shall be balanced against the corpsmember's right to privacy. Doubtful cases shall be resolved in favor of the corpsmember's right to privacy. Difficult problems shall be resolved after consultation with the appropriate regional solicitor. No records or infor-

mation of any kind about the corpsmember shall be released to anyone without the corpsmember's signed consent, and, in the case of a corpsmember under the age of majority the signed consent of the parent or legal guardian, except as otherwise provided in this Part, and:

(1) A corpsmember's name, address, age, and date of entry may be released to news media or members of the public;

(2) On request, parents or guardians and probation or parole officers may be given information regarding a corpsmember's general medical condition and/or achievement in the program;

(3) In the event of a medical or psychiatric emergency, the center physician may approve release of medical, behavioral and/or counseling information necessary for the treatment of a corpsmember;

(4) A corpsmember's name, address, age, former residences, dates of entry and/or termination, forwarding address, and other leads to locate a corpsmember or his or her family may be released to State or Federal law enforcement agencies or other government investigators;

(5) Placement agencies shall be given a summary of each corpsmember's academic and vocational achievement and general biographical information, but no information from confidential records. Such agencies may give this information to prospective employers, schools and training institutions when this will assist in the placement of a corpsmember.

(c) Corpsmembers shall have access to their records, and information from a corpsmember's record shall be supplied to the corpsmember on request. If a corpsmember, or the parent of a corpsmember under the age of majority, objects to any information in the record, he or she may request a hearing before the Center Director to request that such information be removed or modified. Should this request be denied, the Center Director shall prepare a written statement of the reasons therefor, and the corpsmember and his or her parent or legal guardian as appropriate may also put in writing their objection to the content. These documents shall be included in the corpsmember's personnel record.

(d) The regional solicitor shall be consulted and he or she shall make a prompt determination of the appropriate response whenever a subpoena to produce a corpsmember's records, to testify concerning such records, or to testify concerning a corpsmember's activities while enrolled in Job Corps is received.

(e) No corpsmember records or information about corpsmembers shall be supplied to any researcher, nor shall corpsmembers or staff participate in any study, directly or indirectly, unless the research project has been cleared through the regional office and the Director, Job Corps. In the case where research is to be done at a center, prior arrangements shall be made with the Center Director. All staff and all corpsmember participation shall be voluntary.

(f) No research project shall be approved unless the researcher guarantees

to protect the anonymity of all staff and corpsmembers involved in any presentation of the results of such study.

§ 97a.97 Disciplinary procedures and appeals.

(a) The Center Director, with center staff and corpsmember participation as set forth in the Corpsmember Handbook, shall be responsible for developing reasonable rules and regulations for corpsmembers. These shall include but not be limited to requirements that:

- (1) Reasonable care be exercised in the use of center facilities and equipment;
- (2) Possession of unauthorized goods as defined in § 97a.10(qqq) be prohibited;
- (3) Gambling on center be prohibited;
- (4) Maintaining or operating private vehicles on center be prohibited;
- (5) Assaultive behavior be prohibited;
- (6) The lending of money at interest be prohibited;
- (7) Persistent disobedience of center regulations and serious disruptive behavior be prohibited; and
- (8) Repeated or prolonged absences from duty be prohibited.

(b) The Center Director, with the assistance of the center standards officer appointed by the Center Director, and with staff and corpsmember participation as set forth in the Corpsmember Handbook, shall be responsible for developing reasonable sanctions and for appropriately matching such sanctions to the breaking of the rules set out in the Corpsmember Handbook (section 410 (a)).

Such sanctions shall include at least the following:

- (1) Spoken and written reprimands;
- (2) Suspension of privileges, except that suspension of dining hall, canteen, and religious privileges shall be prohibited;
- (3) Fines, except that no corpsmember shall be fined more than \$5 per offense or per pay period and there shall be no carry-over of fines from one pay period to another. When a fine is imposed, the Center Director shall give the corpsmember a receipt, forward the fine with a copy of the receipt to the Corpsmember Association Welfare Council, and retain a record of the fine for audit purposes. Fines shall be used sparingly as sanctions.
- (4) Restriction to center grounds not exceeding 30 days;
- (5) Reduction in the living allowance down to a minimum of \$30 per month but not in amounts to exceed \$5 in any one month (section 409(a));
- (6) Restitution by repair or payment for property damaged willfully or through negligence or misappropriation, except that no corpsmember shall be charged more than \$300 for such damage;
- (7) Disciplinary discharges from the Job Corps; except that no disciplinary discharge shall be given to a corpsmember: (i) Prior to a center review board hearing, unless the corpsmember has been convicted of a serious crime or

has been confined under sentence for more than 60 consecutive days;

(ii) Against whom criminal charges are pending;

(iii) If a medical discharge for physical or psychiatric reasons may appropriately be substituted therefor;

(iv) Solely for health-related problems; and

(v) Solely for non-participation in the program.

(8) Forced resignation from the program shall not be a proper sanction; and

(9) Sanctions relating to the possession and/or distribution of drugs shall be structured so as to take account of the policy of assistance set forth in § 97a.69.

(c) Each Job Corps center may establish corpsmember councils, consisting of at least three elected corpsmembers per floor or dormitory, pursuant to procedures set forth in the Corpsmember Handbook. If established, the corpsmember councils, with guidance from the center standards officer, shall handle minor rule infractions as defined in the Corpsmember Handbook. Corpsmembers sanctioned by the corpsmember council may appeal to a center standards officer.

(d) Each Center Director shall appoint one or more staff members as center standards officers. Such center standards officers shall:

(1) Make decisions in all appeals by corpsmembers from corpsmember councils; and

(2) Make decisions in all cases involving major rule infractions as defined in the Corpsmember Handbook.

(e) In all cases the center standards officer shall:

(1) Notify the corpsmember orally and in writing of the specific charge or charges against him or her;

(2) Conduct an investigation of the charges;

(3) Make a determination of the corpsmember's culpability or non-culpability;

(4) If culpability is found, impose the appropriate penalty; and

(5) If a disciplinary discharge is believed warranted, recommend such to the center review board.

(f) Corpsmembers shall have the right to appeal decisions of the center standards officers to the center review board.

(g) Each center shall establish a center review board pursuant to procedures set forth in the Corpsmember Handbook. The center review board shall have an odd number of members, chosen from different program areas. The review board should include at least one corpsmember. The board shall not include the Center Director or Acting Center Director, Deputy Director, the corpsmember's counselor, or a standards officer who has already ruled in the case. Decisions shall be by simple majority.

(h) In each case the center review board shall hold its hearing within ten days after a case is referred to it during which time it shall:

(1) Notify the corpsmember in writing at least 24 hours before the hearing of the date and time of the hearing, of the specific charges against him or her, and

the penalties which may be imposed, and shall attach to the notice a list of the enrollee's rights to: (i) Have 24 hours in which to prepare a defense;

(ii) Be represented at the hearing by a staff member of his or her choice, who shall be appointed at the corpsmember's request by the Center Director;

(iii) File a written answer or make a verbal reply to the allegation(s) made, with or without the assistance of others;

(iv) Call witnesses on his or her behalf at the hearing;

(v) Confront, question and cross examine witnesses against him or her; and

(vi) Stand silent at the hearing without risk of any penalty therefor;

(2) At the hearing, the center review board shall consider all relevant evidence and determine the corpsmember's culpability or non-culpability;

(3) If culpability is found, assess the appropriate penalty;

(4) If a disciplinary discharge is found warranted, recommend such to the Center Director;

(5) Sign an accurate summary of the hearing and its recommendation, and provide a copy thereof to the Center Director and the corpsmember; and

(6) Inform the corpsmember in writing of the right to send a written statement to the Center Director, using staff assistance if he or she chooses, stating the reasons the corpsmember feels the board's recommendation is unfair,

(1) The Center Director shall review all cases where a recommendation has been made by the center review board, and all cases in which the board recommends discharge. The Center Director shall make a decision solely on the record of the hearing and the corpsmember's statement, if any, and, based upon these, may modify or reverse the findings and/or penalties (section 410(b)). The Center Director shall notify the corpsmember and center review board of his or her decision in writing, and, if the Center Director decides upon a disciplinary discharge, shall attach to the corpsmember's copy of the decision a notice, including the address of the appropriate regional office, that the corpsmember has the right to:

(1) Appeal the discharge decision to the regional office appeal board, stating in writing why the corpsmember believes the decision to be unfair;

(2) Have assistance, including legal counsel if desired by the corpsmember, in the preparation of the appeal; and

(3) Have at least 24 hours to prepare the appeal.

(j) In all cases in which the Center Director decides upon a disciplinary termination, the Center Director shall immediately forward the entire case record to the appropriate regional office, attention: Job Corps appeal board. If the center review board has recommended against a disciplinary termination, but the Center Director overrides such recommendation, the corpsmember's termination shall be considered as an appeal by the regional appeal board, whether or not the corpsmember submits an appeal to it. Instructions for com-

pleting forms required for this record shall be found in the Forms Preparation Handbook. If the corpsmember initially accepts a disciplinary termination and is terminated, but later wishes to appeal, he or she shall send an appeal statement to the center or to the regional office appeal board. This, however, must be done within thirty days of termination.

(1) Pending the decision of the regional office appeal board, the Center Director may: (i) Retain the enrollee at the center; or

(ii) Send the enrollee home on administrative leave with travel at government expense but without allowances, provided that the Center Director certifies to the regional office appeal board in writing, with a copy to the corpsmember, that the corpsmember's continued presence at the center would be a source of serious disruption.

(k) The regional office shall make a decision solely on the record and shall notify the corpsmember of the decision regarding his or her appeal within 15 working days of the receipt of the appeal record. If the record is inconclusive, the regional office appeal board shall remand the case to the center review board for completion of the record.

(l) In the event that the regional office appeals board decides in favor of the corpsmember, the corpsmember shall be notified that he or she has been reinstated, and the following actions shall occur:

(1) If the corpsmember has been retained at the center, pending appeal, the regional office should arrange immediately for the corpsmember's transfer unless retention at the center is approved by the Center Director; or

(2) If the corpsmember has been sent home, the center to which he or she is or was assigned shall arrange with the Finance Center for restoration of all allowances as of the day he or she began administrative leave or was terminated, in the event such termination occurred prior to making an appeal. The regional office should arrange for the corpsmember's immediate return to the center if approved by the Center Director, or for a transfer with transportation at government expense to another center.

(m) Corpsmembers may be transferred to centers in the same or a different region, but the receiving center shall offer the same vocational training which the corpsmember was taking at the former center.

(n) Further review after the decision of the regional appeal board may be undertaken pursuant to the review procedures of Part 98 of this Title.

§ 97a.98 Civil rights and equal opportunity.

(a) Center Directors shall establish a grievance procedure for all complaints concerning civil rights and equal opportunity and shall appoint a center equal opportunity coordinator to direct the operation of the procedure. The procedure shall include methods for handling complaints of corpsmembers arising

from action by persons outside the Job Corps center.

(b) The procedure shall provide that complaints may be made either orally or in writing to any staff member, including the center's civil rights equal opportunity coordinator.

(c) Any appropriate staff member, working with the equal opportunity coordinator, shall try to resolve the complaint.

(d) If the center staff cannot resolve the issues of the complaint within 5 working days, the Center Director shall send a written report and shall request the corpsmember to send a written complaint to the regional EEO officer. The Center Director shall offer the complainant staff assistance in the writing of the complaint. The regional EEO officer shall try to resolve the complaint within 15 working days.

(e) The center equal opportunity coordinator shall maintain an accurate written record of each complaint, including the individuals involved, the nature of the complaint, and actions taken. A copy of each of these records shall be sent to the regional office.

(f) In the event a corpsmember alleges mistreatment or discrimination by law enforcement officials or center security officers, the matter shall immediately be brought to the attention of the Center Director who shall make a thorough investigation of such alleged mistreatment. The same grievance procedure outlined in § 97a.98 (b) (c) (d) and (e) of this section shall apply.

(g) Persons who make complaints under this section shall not be subjected to punishment or other unfavorable administrative actions because of the submission of such complaints.

§ 97a.99 Cooperation with agencies and institutions.

(a) Each center, regional office and the national health office staff shall establish a broad network of referral sources such as health, rehabilitation and social service agencies for medically terminated corpsmembers. If a social service agency such as a court or welfare department has jurisdiction over a corpsmember who is to be referred to another source after medical termination, the center shall get concurrence of the agency in any referral.

(b) Centers and regional offices shall maintain cooperative relationships with screening and placement agencies.

(c) Each center shall establish cooperative relationships, including written agreements whenever feasible, with Federal, State and local law enforcement agencies having jurisdiction over the centers to ensure police backup support for emergencies at the center and the orderly processing of criminal offenses. The written agreements shall set out procedures for handling any complaints which may arise concerning law enforcement and the center.

(d) Centers should establish relationships, whenever feasible, with educational institutions to arrange for GED examinations and/or low-cost off center

vocational training and to develop placement opportunities.

(e) Each center shall establish a community relations program pursuant to section 411 of the Act, to include establishment of a community relations council. The program shall have such objectives as:

(1) Giving community officials advance notice of changes in center rules, procedures, or activities that may affect the community;

(2) Affording the community a voice in center affairs of direct concern to it, including policies governing the issuance and terms of passes to corpsmembers;

(3) Providing center staff and corpsmembers with full and rapid access to relevant community groups such as law enforcement agencies, educational institutions, and agencies which work with young people in the community;

(4) Arranging recreational or similar events in which both local residents and corpsmembers may participate;

(5) Developing, where feasible, job opportunities for corpsmembers in the community; and

(6) Providing corpsmembers an opportunity for participation in community service projects (section 411).

(f) Each Job Corps center shall, to the extent feasible, establish cooperative relationships with other local manpower and manpower-related agencies, including prime sponsors under the Act and with other agencies operating programs funded through the Department of Labor.

Subpart F—Applied Vocational Skills Training (VST) Through Work Projects at Civilian Conservation Centers (CCC's)

§ 97a.100 Applied vocational skills training (VST) projects.

Applied vocational skills training (VST), provided in an actual work setting, involving authorized construction or other projects which result in finished facilities or products, shall be the major vehicle for the training of corpsmembers at Civilian Conservation Centers (CCC's). CCC's may also perform VST public service projects for nearby communities and for other Job Corps centers, and may also conduct approved, applied VST training related to center support, such as food preparation, facilities maintenance or automotive repair (Section 407(a)).

§ 97a.101 Annual VST plans.

(a) All CCC center operators shall develop annual VST plans. Such plans shall include proposed VST projects for the coming fiscal year. In the development of such plans, each center operator shall consult with the MA regional office regarding the appropriateness of the plan and each project therein. If the proposed projects are to involve the use of instructors from participating labor unions, the center operator shall obtain, during the planning stage, written concurrence from the instructors and/or the union for each project in which union training is involved.

(b) Center operators shall describe in their annual plan all technical plans and designs for individual VST projects which have already been completed or which are in progress. The annual plan shall also delineate the nature and amount of the funds which have been used or are being used for these plans and designs.

(c) CCC center operators shall estimate the costs of their annual plan and individual VST projects so that the total costs, if all proposed projects are approved, will not exceed nor vary greatly from the total funds specified for VST project purposes for each center in the annual DOL budget request.

(d) CCC center operators shall schedule their planning so that they are able to submit completed annual plans and individual project proposals in duplicate to the appropriate MA regional office by no later than January 15 of each year.

(e) Each CCC annual VST plan shall include a Center Summary listing all proposed projects intended to comprise the center's total VST program for the upcoming fiscal year, together with summary cost factors, and estimates of the appraised value of the completed projects and of corpsmember months of training planned. In addition to the Center Summary, each plan shall formally propose every individual VST project planned in accordance with the requirements of §§ 97a.102 and 103.

§ 97a.102 VST project proposals.

(a) Every VST project proposal shall be included in the annual VST plan and shall show evidence that:

(1) The CCC operator has planned, to the maximum extent possible, all VST projects, especially projects involving major efforts to repair, rehabilitate or replace on-center buildings and facilities, as corpsmember VST projects within the framework of the center's vocational skills training program;

(2) The center operator has given due consideration to the need for projects, the nature, size and scope of which provide for the widest possible range of skills development based on the approved vocational course offerings at the center, and that the training inherent in the proposed projects is geared to job placement in the particular trades for which the corpsmembers are being trained in their center vocational courses;

(3) The center operator has chosen projects in accordance with the following order of priorities:

(i) Projects to design, plan, and carry out on-center rehabilitation and construction in preparation for and as a basis for the execution of conservation projects;

(ii) Conservation projects to be carried out on Federal, State, county or municipal public lands. These projects shall be primarily directed to the conservation, development and management of public natural resources or recreation areas and shall include partial or total construction or rehabilitation of permanent facilities related to the management of such resources or

areas. Such VST projects shall be built primarily around the construction trades and may include work on public benefit facilities, road construction, recreation areas, and public agency facilities and housing;

(iii) Center staff housing construction or improvement projects;

(iv) Public service projects for nearby communities; and

(v) Repetitive or production-oriented projects which provide prevocational experience or short-term or inclement weather activities, such as the production of cattle guards, picnic tables and other such items. Such projects should be used sparingly;

(4) The center operator has planned all off-center projects so that a maximum of corpsmember training is provided relative to the amount of funds to be expended. Proposals for such projects shall show that all buildings, facilities, roads, etc., or features thereof, are not of a higher quality than would be provided by the benefiting agency from its own funds were Job Corps not involved. To the extent possible, proposals shall include as costs to Job Corps only those items which directly relate to corpsmember training. Benefiting agencies should provide the maximum amount possible of technical assistance, materials, and other resources. Off-center construction project proposals may include the cost of only essential heating, plumbing and electricity. They shall not include the cost of ancillary-features, facilities, equipment, or refinements such as landscaping, carpeting, air-conditioning, black-topping of roads, decorations, furnishings, etc., which do not contribute to or involve corpsmember training. Neither shall proposals include the cost of technical assistance in the planning or designing of such ancillary features;

(5) Public service projects will generally benefit the public in the vicinity of the center and are designed to promote community support for and involvement with the center, a hospitable reception for corpsmembers in the community and training for corpsmembers in civic and community responsibilities. The proposal shall also describe the results of efforts the center operator has made to enlist community support and resources, including materials, technical assistance, and cooperative labor. Center operators shall not propose community service projects which:

(i) Are not on public lands, or which promote, preserve or protect the economic self-interest of private individuals or groups, or community service organizations, whether profit or nonprofit;

(ii) Involve capital construction which would normally be handled through city funding, industry funding or bond issue; or

(iii) Exceed 15 percent of the total corpsmember months of the center's annual vocational skills training projects; and that

(6) VST projects proposed will not displace presently employed workers or impair existing contracts for service.

(b) Each VST proposal shall include:

(1) A complete description of the proposed project, or modification thereof, involving \$1,000 or more of direct project costs. The proposal shall contain a clear and separate delineation of all component costs of the project such as materials, equipment operation, transportation, equipment to be installed, rentals, and subcontracted services. Quantity, unit and unit costs shall be given whenever possible;

(2) The costs of technical assistance and support necessary for specific VST project planning and design, compliance inspection or technical supervision. In describing technical assistance needs and costs, center operators shall indicate specifically the nature of the technical assistance, the number of persons involved, the task(s) to be performed and the time and expenses involved;

(3) The distance of the project from the center, the types of training involved in the project, the corpsmember months of training for each type of training, any aspects of the project which will not involve corpsmember training, the estimated appraised value of the completed project and the identity of the agency to be benefited by the project;

(4) Long-term accounting information, including detailed breakdown of cost estimates, in prorated form, for the entire life of the project for any carry-over project proposed to have a life span of more than 1 year. The center operator shall provide this information in each subsequent (fiscal year) submission of the project proposal;

(5) Separate identification of each small project in a group of similar projects which involve under \$1,000 each of VST funds. These similar projects may be combined under one heading; e.g., "miscellaneous carpentry projects," in a single project proposal with summary treatment of the information required in paragraph (b) (1) and (2) of this section; and

(6) For proposals which involve major rehabilitation or new construction of on-center facilities, in addition to the description required in paragraph (b) (4) of this section:

(i) A clear justification for the need thereof, and information on building type, location, size (outside dimensions), interior layout and functional use;

(ii) A statement about how the proposed use is planned to be accommodated while improvements/construction are underway;

(iii) Evidence that, before such rehabilitation or new construction was proposed, multiple utilization, reduction, or consolidation of existing space was considered for efficiency and economy; and

(iv) Evidence that the facility, with regard to new or additional space, was included in, and has received prior national office approval, as part of the center's facility/site development plan in the annual review of such plans for CCC's, (§ 97a.124(1)(3) of this Part), or was approved by separate action of the national office.

(c) Separate project proposals may be submitted for technical assistance costs involving only advance survey, planning and design of projects contemplated for periods beyond the upcoming fiscal year. These proposals shall include, to the extent possible, a description of the nature, size, scope, location and estimated costs of the project under consideration. Any approval of the advance technical assistance proposal shall not be construed as a prior commitment by Job Corps to the actual project proposal, which must be submitted, fully described, at the appropriate time in the annual VST plan.

(d) For those portions of proposed projects which are beyond the capability of the center's vocational training program, as specified in the annual DOL budget request, center operators shall include with the project proposal full justification for:

(1) Proposed costs for technical assistance which are in excess of 20 percent of the total project cost. Operators shall not submit such costs on an "averaged out" or group-of-centers basis;

(2) Proposed costs for specialized subcontracted services which are in excess of 15 percent of the total project costs; and

(3) Proposed costs of equipment to be permanently installed which are in excess of 15 percent of the total project costs.

(e) Center operators shall not include in any VST project proposal the costs of any subcontract, the purpose of which is to accelerate a project to meet a completion date.

(f) Center operators shall not include in VST proposals such high cost items as bridge construction, major culvert construction, road paving, or sewage facilities to be accomplished by contract if:

(1) As part of a VST project, the costs are greatly in excess of the percentages outlined in paragraph (d) of this section; or

(2) Such items are not part of a proposed VST project.

(g) Center operators shall not include in VST project proposals the costs of administrative direction, management assistance or overall program planning and support provided by the center operator above the center level when such costs are not directly related to the planning or execution of any specific project.

(h) Proposals shall not include the costs of such items as training aids, audiovisuals, texts, films, projectors, or specialized training equipment.

(i) Proposals for spike camps and/or off-center residential facilities shall be submitted only as a portion of a specific VST project proposal. The center operator must show a clear relation between the training involved in the whole VST project and in the spike camp or off-center residential facility part of the project. In addition, the spike camp and/or off-center residential facility section of the proposal must give evidence that:

(1) The proposed spike camp or off-center residential facility shall not be permanent or maintained beyond the life of the related VST project;

(2) The spike camp or off-center residential facility shall be 75 miles or less from the center except in extraordinary specified circumstances;

(3) The costs involved shall be separately recorded and analyzed by the center operator for cost effectiveness as part of the overall center operation;

(4) The spike camp shall be the center's only operational spike camp;

(5) Education and supervision, including residential and support services, shall be commensurate with those at the center and will be supplied at all times during the life of the project;

(6) Adequate specified communications shall exist between the spike camp or off-center residential facility and the center; and

(7) No beginning readers shall be assigned to spike camp operations.

§ 97a.103 VST project review and approval.

(a) Project approval, by the MA regional and/or national office, shall constitute authority for the center operator to proceed with approved projects only, and only within funding limitations.

(b) All center operators shall submit VST proposals through agency channels to the appropriate MA regional office which shall have approval authority for most VST plans and projects. However, the type of proposals listed below shall be forwarded by the MA regional office, with the MA regional office's comments and recommendations, to the national office through agency channels for final decision:

(1) On-center facility replacement/rehabilitation projects and those which involve expansions in floor space;

(2) Exceptional center recreational facilities projects, such as swimming pools and ice skating rinks;

(3) Projects for which the costs of specialized technical assistance, subcontracted services, and/or equipment to be permanently installed are in excess of limits allowed by § 97a.102(d). Centers shall not develop detailed plans or advertise for bids on such projects until the national office has approved the projects;

(4) On-center projects which involve requests for capital outlay funds to supplement VST funds;

(5) Project proposals of questionable legality;

(6) Projects for which national office interpretations of policy are requested by the MA regional office or by the center operator; and

(7) Project proposals which involve the establishment or continued operation of spike camps or off-center residential facilities intended to provide support for VST projects.

(c) Notice of MA regional and/or national office approval or disapproval of the annual VST plans and project proposals shall be transmitted in writing to the operator by no later than April 1 of each year. The specific amount for which each individual project proposal has been approved shall be indicated in the notice.

(d) The MA regional offices and/or the national office shall disapprove, in whole or in part, any VST proposal which is in

violation of these regulations. If a VST plan or project proposal or part thereof has not been approved, the notice shall include the reasons.

(e) If an annual plan or project proposal or part thereof has been disapproved by the MA regional office, the center shall drop the project unless it is required by the MA regional office to amend and resubmit the plan, or it may appeal the decision to the national office. If asked to amend and resubmit, the center shall do so. The national office shall provide to the regional office, and the regional office to the national office, copies of all VST projects reviewed, together with appropriate review decisions and related correspondence.

§ 97a.104 Modification of approved VST projects.

Once a VST project has been approved, the center operator shall insure that its size and scope remain essentially the same throughout the entire life of the project. Any proposed increase in cost of more than 15 percent above the amount originally approved shall be submitted for approval in the same manner as are new projects.

§ 97a.105 Cancellation or deferment of approved VST projects.

Center operators shall provide immediate notice to the MA regional office of the cancellation or deferment of already approved VST projects. In such cases, they shall simultaneously submit plans for proposed alternative projects to maintain the center's program at adequate training levels.

§ 97a.106 VST budgeting.

Center operators shall maintain VST project funds as a separate center budget line item and shall maintain strict accountability for the use or non-use of such funds. Center operators shall not transfer VST project funds to any other center budget category or program activity without the approval of the Job Corps national office or except as provided for by specific agreement.

§ 97a.107 Monitoring VST project progress.

(a) The MA regional office shall monitor every aspect of approved VST projects to insure the best possible use of allocated VST funds toward project progress and completion.

(b) The MA regional office shall report immediately to the national office any instance of unauthorized projects or expenditures being undertaken.

§ 97a.108 Public identification of VST projects.

All VST projects in progress and all completed projects and products shall be prominently marked as having been produced by Job Corps centers. All movable products shall be identified by either affixing a marked non-corroding metal plate or by branding/stamping the product with the Job Corps name and/or emblem. Buildings, campgrounds, or other permanent projects shall be marked with appropriate signs identify-

ing the project and stating that it is presently being built or has been built by Job Corps.

§ 97a.109 Supplementation of VST project funds.

(a) In exceptional cases, when the cost greatly exceeds the percentages of VST funds allowed in § 97a.102(d), center operators may submit requests for capital outlay funds to supplement VST funds.

(b) Such capital outlay fund requests shall be combined and submitted simultaneously with the initial VST project proposal, shall contain a full justification of the need, and shall be limited to cases of on-center major facility rehabilitation/replacement construction projects or portions thereof, such as subcontracts for specialized services and/or purchase of equipment to be permanently installed, which are clearly beyond the scope of the center's vocational training capability, e.g., transformer installation, and certain aspects of sewer installation.

(c) Centers shall not request capital outlay funding for building construction, services, or equipment to be installed in center facilities, if these are to be accomplished or installed totally by subcontract.

(d) No capital outlay funds shall be requested in order to merely accelerate a project's completion date.

(e) Centers shall not request capital outlay funds in order to save VST funds. Capital outlay funds shall not be requested as a substitute for those percentages of VST project funds which are for specialized subcontracted services and/or purchase of equipment to be installed in on-center construction projects. The operator shall make every effort to reduce to an absolute minimum the costs which cannot be handled through VST funding. In rehabilitation or new construction, existing items of installed equipment shall be used as long as possible. Requests for new equipment shall be for essentials only, and shall contain ample demonstration that existing items of equipment cannot be used in rehabilitated or newly constructed buildings.

(f) Capital outlay fund requests shall not be submitted with or as part of the regular, annual requests for equipment replacement.

(g) Capital outlay fund requests for the purpose of supplementing VST funds shall identify the total amount of capital outlay funds needed for the entire life of the related VST project, prorated by fiscal year if the project spans more than one year. The request shall contain a clear and separate delineation of the costs per item for which the capital outlay funds are requested.

(h) Only the national office may approve a request for capital outlay funds to supplement VST funds in accordance with § 97a.103(b)(4) of this Part.

Subpart G—Administrative Provisions

§ 97a.110 Basic personnel standards for operators.

The Center Director shall:

(a) Develop a written staffing plan which shall provide for an efficient and

effective management structure, with clearly delineated lines of responsibility and authority. The plan shall provide for flexibility of staff use to meet center and individual corpsmember needs. Staffing plans for contract centers shall be submitted to the regional office for approval. Centers operated by Federal agencies shall determine center staff positions in accordance with program needs which are established for centers in consultation with and with the approval of the Department of Labor.

(b) Recruit and hire only qualified staff. Teachers and health professionals shall be properly certified, licensed, or accredited, including, certification, licensing, or accreditation in the State in which the center is located. The regional office may waive this requirement for teachers in exceptional circumstances. Employment of full- or part-time physicians, dentists, and mental health professionals shall be subject to the approval of the regional office, with consultation, if necessary, of the national office health staff;

(c) Develop and maintain personnel management policies, including plans for hiring, supervision and evaluation of staff, in accord with specifications agreed to in the operator's contract or agreement with the Department. Federal civil service and agency regulations shall apply to centers operated by Federal agencies;

(d) Utilize the services of work study students, interns, volunteers or other types of supplementary staff only after submission of a letter of intent and obtaining the approval of such by the regional office;

(e) Establish labor management relations in accordance with agency guidelines in the case of Federally operated centers and in accordance with the provisions of the National Labor Relations Act in the case of contractors. The Job Corps shall not undertake conciliation, mediation or arbitration of disputes between center operators and labor organizations, nor shall the Job Corps pay legal or other fees generated by such disputes as direct costs against the contract.

(f) Shall always appoint an acting Center Director in his or her absence. If a Center Director terminates, the center operator shall appoint an Acting Center Director until a Center Director is appointed; and

(g) Conform to all Federal, State and local laws including those pertaining to nepotism in hiring.

§ 97a.111 Non-discrimination and equal opportunities.

(a) All deliveries of service funded under this part shall conform to all Federal, State and local laws pertaining to non-discrimination and equal opportunity.

(b) Each center operator shall develop a written affirmative action plan, tailored to the problems and needs of the individual center. The plan shall be designed to:

(1) Obtain, develop and utilize the skills of minority group staff members,

including women, to the maximum extent, with due consideration to the relative percent of minority group corpsmembers;

(2) See that women and minority group members are assimilated throughout various center organizational and responsibility levels; and

(3) Provide prompt, fair, and impartial consideration of discrimination complaints, pursuant to § 97a.98 of this Part.

§ 97a.112 Limitation on political activities.

(a) No officer or employee of the Job Corps shall make any inquiry concerning the political affiliation or beliefs of any corpsmember or applicant for enrollment.

(b) No officer, employee, or corpsmember shall take any active part in political management or campaigns, except as may be provided by or pursuant to statute, and no such person shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof.

(c) No program under this part shall involve political activities, and neither the programs nor the funds provided therefor, nor the personnel thereof, shall be in any way engaged in the conduct of political activities in contravention of 5 U.C. Chapter 15 (section 418 (a) and (b)).

(d) No officer, employee, corpsmember or other Federal employee shall solicit funds for political purposes from corpsmembers in contravention of 18 U.S.C. 602.

§ 97a.113 Staff training.

(a) The Center Director shall provide necessary staff training based on a center-developed annual training plan. Each plan shall set out anticipated training needs, including the anticipated number of staff members to be trained, where and when the training is proposed to be performed, and the estimated cost.

(b) Centers operating under inter-agency agreement shall obtain approval of training plans using the method established by their Federal agency, which shall see that a copy of the approved plan is forwarded to the MA regional office. Contract centers shall submit their plans to the regional office for approval.

(c) Staff training shall include, as a minimum:

(1) General orientation to the Job Corps program and its corpsmembers' background;

(2) In-service training on a regular basis; and

(3) Supervisory training.

(d) The center shall maintain a record of training completed by each staff member. A copy of the record shall be placed in the relevant staff member's personnel file.

§ 97a.114 Corpsmember records management.

(a) Center operators shall establish a uniform system for the maintenance of ongoing records for each corpsmember

during enrollment and for the disposal of such records after termination.

(b) During enrollment, information kept about the corpsmember shall include separate running accounts of the corpsmember's educational and vocational training, counseling, recreational and dormitory activities, health history, and administrative records covering such matters as data pertaining to enrollment, allowances and allotments, leave records, a resume of corpsmember's qualifications, and disciplinary actions taken. Each and every copy of a corpsmember's health and counseling records shall be maintained in a confidential manner, the former in the health unit and the latter in or near the counselor's office. Education and vocational records shall be maintained in the appropriate departments. Administrative records including the Corpsmember Profile Record or equivalent computer document shall be maintained by the Center Director or his or her designee.

(c) Upon termination, the various files shall be purged of extraneous material and an official terminated Corpsmember Personnel Record shall be assembled in one folder. Such record shall contain the following forms and documents:

(1) Affixed to the left side of the folder, the Designation of Beneficiary, Notification of Next of Kin, Travel Authorization and Voucher, Allotment Determination, Living Allowance and Allotment Change Notice(s), record of clothing issued, Receipt for Taxable Clothing and Transportation allowances, Initial Allowance Authorization, Corpsmember Profile Record or equivalent computer document, and Notice of Termination;

(2) Affixed to the right side of the folder, any appeals record(s), parental consent(s) obtained, statements from courts and correctional institutions, statements from other agencies, the Enrollment and Departure form, the Corps Data Sheet, request(s) for readmission, the Certificate of Attainment, the training achievement record, and placement related forms and documents; and

(3) The health record, to be assembled and reviewed for completeness by the center health staff, sealed in an envelope marked confidential, and inserted in the folder. The health folder shall include at least those health forms found in the Job Corps Forms Preparation Handbook which are applicable to individual corpsmembers and any other documents concerning the medical, dental and mental health treatment of the corpsmember during enrollment.

(d) The counseling record, including an initial counseling assessment of personal and social status and pertinent notes about subsequent sessions and related services, shall not be included in the Corpsmember's Personnel Record. It shall be retained at the center for 6 months after termination and then destroyed.

(e) Except in the event of a corpsmember's death, when the entire terminated Corpsmember Personnel Record

shall be sent to the national health office, the Center Director shall forward the official records within 5 days to the regional office having jurisdiction in the State to which the corpsmember has returned.

(f) Instructions for completing and distributing all forms necessary to the compilation of the Corpsmember Personnel Record shall be found in the Job Corps Forms Preparation Handbook.

§ 97a.115 Safety.

(a) The Center Director shall see that corpsmembers are not required or permitted to work, be trained, or receive services in buildings or surroundings or under conditions which are unsanitary, hazardous, or lack proper ventilation. Such work and training shall meet the standards set forth in the regulations under the Occupational Safety and Health Act at 29 CFR Parts 1910, 1926, and 1960. The reporting requirements at 29 CFR Part 1960, Subpart B shall also apply. Whenever participants are employed or trained for jobs they shall be assigned to such jobs or training in accordance with appropriate health and safety practices. Center Directors shall provide appropriate protective clothing for corpsmembers in working and training.

(b) The Center Director shall also see that the water supplies meet fire protection requirements based upon the recommendations of the National Board of Fire Underwriters and that such water supplies shall normally have a fire flow of 500 gpm for a period of two hours.

(c) The regional office shall see that safety and health inspections of every work place and training area are conducted at least annually pursuant to 29 CFR 1960.26(d).

§ 97a.116 Environmental health.

(a) Center Directors shall adhere to Federal, State, and local regulations concerning environmental health. Routine environmental health inspections of dormitories, food preparation and serving areas, and water and waste treatment facilities, when these are not part of a municipal system, shall be performed at least once a week by the center physician or his designee. The Center Director shall also arrange for formal environmental health inspections by qualified non-center personnel pursuant to § 97a.124(c) of this subpart and the Forms Preparation Handbook.

(b) When non-municipal water supplies are used:

(1) These shall be adequate for the center's needs, and shall satisfy the latest U.S. Public Health Services Regulations on Drinking Water Standards (42 CFR 72.201-207).

(2) Before the construction or renovation of a water supply system, the Center Director shall consult the standards of regulations of State and local or other health authorities, and shall obtain approval of design, specifications, and construction procedures from them. Before construction or renovation is begun, engineering specifications on all water

treatment processes, including their efficiency, shall be sent to the national health office through the regional office for review.

(3) The Center Director shall maintain records which shall show the amount of water treated, amount of chlorine used, daily free chlorine residual, and other data pertaining to water treatment. The Center Director shall arrange for all necessary bacterial and chemical tests to be performed by State and local health authorities with the exception of the daily routine residual chlorine test, which shall be done by center staff.

(4) Job Corps centers shall comply with the water quality and related standards of the State and with the standards established by the Federal Water Pollution Control Act, 33 U.S.C. 1151 et seq.; by Executive Order 11752; 3 CFR 380, (1974) and by the Environmental Protection Agency.

(5) The Center Director shall keep records of the water treatment system pursuant to standards set by the Environmental Protection Agency and local authorities, and shall call waste water treatment problems to the attention of the appropriate Environmental Protection Agency coordinator.

(6) The Center Director shall see that septic tanks are inspected by appropriate non-center personnel at least once a year.

(7) All installations owned by or leased to the Job Corps shall be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752, 3 CFR 380, (1974) and at 40 CFR, Part 76.

(c) Food handling practices at centers shall meet local and United States Public Health Department standards; all meat products shall meet U.S. Department of Agriculture standards; and pesticides shall not be used where food is prepared or served.

(d) Insecticides shall be used only in conformance with State and Federal pesticide laws including the regulations of the Environmental Protection Agency.

§ 97a.117 Security.

The Center Director shall take necessary steps to protect the security of corpsmembers and staff on center. These steps shall include:

(a) Provision of staff security officers as necessary;

(b) Establishment of plans for handling any serious incident or group disturbance involving immediate danger to life, limb, or property, which shall include use, as appropriate, of any of the following measures to gain control of the situation and restore order:

(1) Placement of corpsmembers who are physically ill or emotionally disturbed in an appropriate medical facility for diagnosis and emergency treatment;

(2) Placement of corpsmembers on administrative leave pursuant to section 97a.91(g);

(3) Summoning law enforcement officials to restore order and make arrests if necessary; and

(4) Removal of involved corpsmembers for behavioral reasons to an isolation facility, either on or off center, which has previously been approved for use by the regional office. A staff member shall continuously supervise a corpsmember during all periods of isolation. Such isolation shall: (i) Not be used as punishment, and individuals shall be released as soon as their behavior ceases to be dangerous;

(ii) Be ordered only by the Center Director. Security personnel may restrain corpsmembers, but only for so long as it is necessary to bring them under control; and

(iii) Not exceed 12 hours without approval of the Center Director, based upon a recommendation from a physician or mental health professional. Complete records of all cases of isolation shall be maintained by the Center Director. A written statement of the reason for a corpsmember's isolation for more than 12 hours shall be signed by the Center Director and the physician or mental health professional and placed in the corpsmember's personnel record.

(c) The Center Director shall prohibit the presence of mace and hand guns on center except in the case of deputized security officers, who may carry guns as permitted by local statute. Rifles may be securely stored on center for use in supervised recreation activities such as rod and gun clubs.

(d) The Center Director shall have authority to determine what visitors may come onto the center and under what conditions.

§ 97a.118 Job corps forms and documents.

(a) Job Corps shall require deliverers of Job Corps services to complete and distribute only those forms found in the Job Corps Forms Preparation Handbook.

(b) The Center Director shall see that an up-to-date library of all documents and other materials relevant to the center's operation is maintained at the center. It is suggested that the library include copies of the statutes and regulations cited in this Part, Job Corps technical assistance materials, handbooks, guides, audio-visual aids and training kits. The Center Director shall also see that required forms and educational and vocational training supplies are available to staff and corpsmembers as needed. The Job Corps regional offices shall instruct Center Directors and other interested parties about how to purchase such materials.

§ 97a.119 Property management and procurement.

(a) Center operators shall establish and maintain a system for protection, preservation, maintenance and disposition of Job Corps real and personal property so as to maximize its usefulness and minimize operating, repair and replacement costs.

(b) All center operators shall comply with requirements of the Property Handbook for MA Contractors. The operator may use its own property management standards and procedures, after prior ap-

proval of the national office, providing that the system complies with the requirements of the handbook. Those operators who use their own systems shall submit to the national office an annual inventory listing all nonexpendable property acquired in support of the center program for incorporation into the Manpower Administration's inventory system.

(c) When equipment purchased with Job Corps funds is involved, federally operated CCC's shall obtain prior national office approval before:

(1) Transferring such equipment from one center to another;

(2) Lending or transferring such equipment from a center to an agency program other than Job Corps; or

(3) Disposing of such equipment.

(d) The center shall maintain auditable records on all nonconsumable materials and equipment.

(e) Centers shall purchase all supplies and materials from government sources except when an excessive delay in receiving such supplies would occur, and when private purchase is more cost beneficial.

§ 97a.120 Imprest and petty cash funds.

Federally operated centers shall establish auditable imprest funds, and contract centers auditable petty cash funds for purposes such as:

(a) The corpsmember's initial allocation for living expenses;

(b) Payment of corpsmember fines and bail;

(c) Cashing corpsmember living allowance checks;

(d) Making partial payments of readjustment allowances to corpsmembers, pursuant to § 97a.83(j);

(e) Reimbursement to the Finance Center, in the event of overpayment to a corpsmember, pursuant to § 97a.83(c);

(f) Necessary transportation expenses;

(g) Emergency medical or dental attention; and

(h) Emergency purchases of clothing and shoes.

§ 97a.121 Contract center financial management and reporting.

(a) Each contract center shall complete and submit an Applied Cost Budget Report form to the regional and national offices within 30 days after the contract is signed, showing its planned monthly expenditures by line item for the first 12 months of the contract period. Thereafter, such a report shall be submitted by the end of the first month of any extension period for the next 12 months or to the end of the contract if this is less than a 12 month period. Applied Cost Budget Reports shall be revised quarterly as necessary to reflect changes in budget projections based on actual cost experience. These revised Budget Reports shall be submitted by the 14th day of the second month of the fiscal quarter. Quarterly budget revisions shall be submitted only if there has been a change from previously submitted budget projections.

(b) Each contract center shall submit monthly reports to the regional and national offices, by the 14th day of the following month. Such reports shall be

the Center Financial Report, the Center Financial Status Report, the Center Financial Analysis Report, and the Center Financial Exceptions Report. Instructions for completion and distribution of these reports shall be found in the Job Corps Forms Preparation Handbook.

(c) Each center operator and each subcontractor shall maintain a financial management system which will provide accurate, current and complete disclosures of the financial results of Job Corps operations, and will provide sufficient data for effective evaluation of program activities. Fiscal accounts shall be maintained in a manner which permits any reports required by Job Corps to be prepared therefrom.

§ 97a.122 Federally operated CCC's financial management and reports.

(a) The national office shall write annually to each agency operating a CCC requesting the submission of a budget estimate for the coming fiscal year. This budget request shall include guidelines for budget preparation, based upon applicable program objectives, standards, policies, requirements, legal constraints, funding limitations, and factors which determine or affect program scope and size.

(b) Based upon the budget request, each agency shall prepare and submit to the national office by February 15 of each year a budget estimate which shall include:

(1) A completed Capital Outlay Budget Request form for each center operated by the agency. This request form shall be accompanied by a complete inventory of nonexpendable equipment on hand at each center;

(2) A completed Center Operations Budget form for each center, or an equivalent agency form;

(3) A summary budget estimate for all centers operated by the agency, listing total budget estimates for each center, such totals to include estimates for capital outlay, center operations, vocational skills training, union training contract costs, and reimbursements;

(4) A program direction funds estimate calculated at 8 percent of all other funds excluding amounts for union contracts; and

(5) Completed copies of the Object Classification form and the Detail of Permanent Positions form.

(c) The national office shall approve a firm program operating budget for each agency for the coming fiscal year, developed upon the basis of the agency's budget request and budget estimate.

(d) After national office approval of the operating budget, each agency shall submit the following reports:

(1) A monthly Report on Budget Execution for each appropriation including the current year's appropriation, expired appropriations, and lapses or "M" account appropriations. The Report on Budget Execution for the current year's appropriation shall be detailed, showing the status of amounts for center capital, center operations, and program direction.

(2) A quarterly Center Financial Report for each center, to be submitted quarterly through agency channels to the national office, and to arrive no later than the 14th day of the month following the end of each fiscal quarter;

(3) An annual fiscal report detailing for each center the total assessed value of existing facilities and equipment and the estimated value of facilities and equipment which have been approved for future purchase or construction. Such reports shall arrive at the national office no later than September 15; and

(4) An annual fiscal VST project expenditures report which shall include a center-by-center account of the total amount of VST funds spent and, of that amount, the total amount of VST funds spent on center capital improvements. This report shall arrive in the national office no later than August 15.

§ 97a.123 Audit.

(a) The Secretary of Labor, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Job Corps operators, deliverers, and their subcontractors which are pertinent to the Job Corps program for the purpose of making surveys, audits, examinations, excerpts, and transcripts.

(b) The Secretary shall be responsible for scheduling surveys, audits or examinations of Job Corps operators, deliverers, and their subcontractors.

(c) The Secretary shall, with reasonable frequency, survey, audit or examine, or arrange for the survey, audit, or examination of Job Corps operators, deliverers, or their subcontractors using Federal auditors or independent public accountants. Such surveys, audits or examinations shall normally be conducted annually but not less than once every 2 years. For purposes of these rules, the term "independent public accountant" shall mean:

(1) A person certified or licensed as a public accountant by a regulatory authority of a State; or

(2) A person deemed a qualified public accountant by regulations published by the Secretary for a person who practices in a State where there is no current licensing procedure for accountants.

(d) Surveys, audits and examinations done by the Secretary shall conform to the standards for audit of governmental organizations, programs, activities, and functions, issued by the Comptroller General of the United States, and to guides issued by the Secretary. Surveys, audits or examinations contracted by the Secretary shall determine, at a minimum:

(1) Whether financial operations are properly conducted;

(2) Whether the financial reports are fairly presented; and

(3) Whether the available information indicates that applicable laws, regulations, and administrative requirements have not been complied with.

§ 97a.124 General reporting requirements.

(a) Each center shall submit an accurate weekly corpsmember strength report (WCSR) by wire to the regional office and the national office to arrive no later than 11 a.m. each Thursday, covering the previous seven day period from midnight Wednesday to midnight Wednesday. A WCSR log shall be submitted monthly to the regional office. Instructions for completion and distribution of this report and the WCSR log from which it is prepared shall be found in the Job Corps Forms Preparation Handbook.

(b) Each Center Director shall compile and submit to the national health office pursuant to instructions to be found in the Job Corps Forms Preparation Handbook, reports outlining the center delivery of health services. These reports shall be submitted at the intervals specified and shall consist of:

(1) A Program Description—Narrative which describes the general operations of the medical, dental and mental health units;

(2) A Program Description—Time Distribution of Health Staff Activities, which lists all staff, contract or fee personnel employed by the center for provision of health services;

(3) A Utilization Summary, listing the number of medical, dental, and mental health services rendered to corpsmembers, organized by type of services; and

(4) A Quarterly Costs Incurred Report, describing all major categories of cost broken down by the function which incurred them.

(c) Each center, except as noted in § 97a.124(c) (3) and (4), shall simultaneously submit quarterly environmental health and safety inspection reports to the regional and national offices to be sent no later than 48 hours after the required inspection occurs. Such reports, instructions for completion of which shall be found in the Job Corps Forms Preparation Handbook, shall be the results of:

(1) An inspection of food service facilities, including food supplies, food protection, personnel, food equipment and utensils, sanitary facilities and controls, and other kitchen/cafeteria facilities;

(2) An inspection of lodging, educational, recreational, vocational, and other functional facilities, including structural matters, fire protection dormitories, lavatories, dispensary, infirmary, bedding, and recreational facilities;

(3) An inspection of water supply facilities, including water source, bacteriological examination, chlorination facility structure, coagulation and settling, filtration, physical tests, chemical tests, plumbing, storage, and the operation of treatment units. Such report shall not be required of centers which use municipal water systems; and

(4) An inspection of waste treatment facilities, including type of treatment used, and operation of treatment units. Such reports shall not be required of cen-

ters which use municipal waste disposal systems.

(d) Each center shall submit forms and comply with reporting requirements of the Property Handbook for MA Contractors as appropriate, except that federally operated CCC's may use their own reporting forms so long as these include the same information. Instructions for completion and distribution of such forms and reports shall be found in the property handbook.

(e) Each Contract Center Director shall submit a quarterly Center Operations Report to the regional office with an information copy to the national office to arrive no later than the 15th day of the month following the end of the quarter, pursuant to instructions in the Job Corps Forms Preparation Handbook.

(f) The Center Director shall establish and maintain an internal reporting system which shall see that the Corpsmember Profile Record is continuously updated by the educational and vocational training staffs, and by the P/PEP panels.

(g) Each regional office shall submit to the national office a semi-annual report as of December 31 and June 30, covering the status of vocational training programs at all contract centers in its jurisdiction. This report shall include a list of all vocational training offerings at each center with occupational code, the number of training slots in each, and additions or deletions of training programs at each center since the last submitted report.

(h) Each Federal agency which operates CCC's shall submit to the national and regional offices:

(1) An Annual Status of Center Training Programs report as of December 31 to arrive at the national office by January 15. This report shall include a center-by-center inventory of vocational training offerings, total number of corpsmembers assigned to each, total number of corpsmembers each center believes it can effectively train in each, and the number of instructors for each, specifying whether these are subcontracted or nationally contracted union instructors, or employees of the center operator. Such report shall also include the number of corpsmembers assigned to occupational exploration or prevocational training programs. Instructions for the completion of this report shall be found in the Forms Preparation Handbook;

(2) A center-by-center Semi-Annual VST Accomplishment Report as of December 31 and June 30, to be received at the national office no later than February 15 and August 15, and to include the VST project title and number, the type of project, number of corpsmember months used, and the estimated appraised value of each completed project;

(3) A center-by-center annual facilities/site development plan to arrive no later than August 1 including diagrams as of June 30 showing the location of all facilities on each center, the utilization of the facilities, and the square footage

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by use of each building. This plan shall also include similar data on facilities authorized by the national office for future construction; and

(4) A quarterly Manning Table Report to be received by the 14th day of the month following the end of each quarter. This report shall be an inventory of authorized positions, and actual numbers of staff on board. Instructions for completing this report shall be found in the Job Corps Forms Preparation Handbook.

(i) When a corpsmember is on probation or parole, the Center Director shall notify the youth's court representative when the corpsmember arrives at the center, is transferred to another center, is AWOL, returns from AWOL status, and is terminated. The Center Director shall also inform the court representative in the event of the corpsmember's arrest, and of the disposition made subsequent to such arrest, and shall provide the court representative with a progress report on the corpsmember's progress each time one is requested.

(j) The Center Director shall immediately report any serious incident affecting corpsmembers or the center to the regional office with an information copy to the national office. Critical in-

cidents shall include such events as natural disasters or other emergencies which may endanger continued operation of the center; critical medical situations (§ 97a.72); arrest or taking into custody of corpsmembers or staff, in the event the arrest of staff affects center operations or the corpsmembers; any civil disorder affecting the center, and any incident which may result in unusual public interest. The Center Director shall submit periodic status reports on each such incident until it is resolved.

(k) Each Center Director shall comply with reporting requirements concerning occupational illnesses and injuries established by the regulations under the Occupational Safety and Health Act (OSHA), 29 U.S.C. 651-78, at 29 CFR, Chapter XVII, Part 1960, Subpart B.

§ 97a.125 Review and Evaluation.

(a) Each center operator shall establish adequate program management for the purposes of continuous examination of the performance of its program. Such self-examination shall include performance in relation to the goals established pursuant to section 97a.23 of this Part, and to the statistical data about other centers, which the regional and national offices shall make available.

(b) The regional office shall do an onsite evaluation of each center at least once per fiscal year to see that the center's performance meets the provisions of its contract or interagency agreement and is not in violation of this Part. The regional office shall prepare a written report of its findings and recommendations for corrective action and submit a copy to the Center Director. A copy of each such report shall be sent to the national office within 30 days after each evaluation.

(c) The national office shall conduct an operational review of each regional office at least once per fiscal year. Such reviews shall include at least evaluations of some centers, mutually agreed upon by the regional and national offices. Such center evaluations shall be for the purposes of determining the current operational status of these centers, the regional recruitment, support, placement and transportation functions related to the centers in the region, and for assessing the center management aspects of regional operations.

Signed at Washington, D.C. this 24th day of October 1975.

JOHN T. DUNLOP,
Secretary of Labor.

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federal register

FRIDAY, OCTOBER 31, 1975



PART III:

**DEPARTMENT OF
THE TREASURY**

Internal Revenue Service



**DEPARTMENT OF
LABOR**

**Labor-Management Services
Administration Office of
Employee Benefits Security**

Employee Benefit Plans

Title 26—Internal Revenue
 CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[TD 7386]

PART 54—PENSION EXCISE TAXES

Definition of Fiduciary

PREAMBLE

On August 8, 1975, notice was published in the FEDERAL REGISTER (40 FR 33560) that the Internal Revenue Service had under consideration a proposal to adopt a regulation, 26 CFR 54.4975-9, designed to clarify the definition of the term "fiduciary" as set forth in section 4975(e)(3) of the Internal Revenue Code of 1954. Notice was also published on August 8, 1975, in the FEDERAL REGISTER (40 FR 33561) that the Department of Labor had under consideration a proposal to adopt a similar regulation, 29 CFR 2510.3-21, designed to clarify the definition of the term "fiduciary" set forth in section 3(21)(A) of the Employee Retirement Income Security Act of 1974 (the Act).

All interested persons were invited to submit written data, views and arguments with respect to the proposed regulations. In addition, pursuant to a notice published in the FEDERAL REGISTER on August 8, 1975 (40 FR 33563), a public hearing was held on August 26, 1975, with regard to the proposed regulation, the regulation proposed by the Department of Labor, and proposed exemptions from the prohibited transaction provisions of section 406 of the Act and section 4975 of the Code respecting certain classes of transactions involving employee benefit plans and certain broker-dealers, reporting dealers and banks (40 FR 33564). After consideration of all written data, views and arguments received and the testimony given at the public hearing, the proposed regulation, as amended, is adopted in the form set forth below.

Section 4975(e)(3) provides, as here relevant, that a person is a fiduciary with respect to an employee benefit plan to the extent (i) he exercises any discretionary authority or discretionary control respecting management of such plan or exercises any authority or control respecting management or disposition of its assets, (ii) he renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so, or (iii) he has discretionary authority or discretionary responsibility in the administration of such plan.

The regulation adopted herein is designed to clarify the applicability of the definition of the term "fiduciary" set forth in section 4975(e)(3) to persons who render investment advice to employee benefit plans and to persons who execute securities transactions on behalf of plans.

Paragraphs (a) and (b) of the regulation are reserved.

Paragraph (c) of the regulation provides, generally, that a person will be deemed to be a fiduciary with respect to a plan by reason of rendering invest-

ment advice to such plan only when such person provides advice to the plan concerning investments in securities and other property under circumstances where such person has discretionary authority or control with respect to the investment of plan assets or where such person on a regular basis provides advice designed to meet the particular investment needs of the plan and, pursuant to an agreement, arrangement or understanding between such person and the plan or a fiduciary with respect to the plan, it is expected that such advice will serve as one of the primary bases for the investment of plan assets.

In response to several written comments, paragraph (c)(1) has been modified to make it clear that for a person to be a fiduciary under paragraph (c)(1)(ii)(B), any such agreement, arrangement, or understanding to provide such advice must be mutually agreed upon, arranged, or understood by the person providing such advice and the plan or the fiduciary.

It was also noted in the letters of comment that advice on the availability of securities or other property or of purchasers or sellers of securities or other property is often merely an integral part of the execution of transactions rather than the provision of investment advice. Accordingly, paragraph (c)(1) of the regulation has been modified to remove this type of information from the definition of the term "investment advice."

Paragraph (c) further provides that a person who is a fiduciary with respect to a plan by reason of rendering investment advice to such plan shall be deemed to be a fiduciary with respect to only those assets of the plan for which such person, directly or indirectly, renders investment advice or has any authority or responsibility to do so. Thus, a person who renders investment advice with respect to only a specified portion of the assets of a plan shall not be deemed to be a fiduciary with respect to the investment, disposition or management of any other assets of the plan.

However, even though a person may be a fiduciary with respect to only a specified portion of plan assets, under the regulation such person will still be a disqualified person (as defined in section 4975(e)(2)) with respect to all of the assets of the plan and will continue to be subject to the provisions of section 405(a) of the Act relating to co-fiduciary liability for fiduciary breaches by other fiduciaries with respect to any of the assets of the plan.

A question was raised in the letters of comment regarding what constitutes a fee or other compensation, direct or indirect, for the rendering of investment advice to a plan within the meaning of section 4975(e)(3)(B). Although this matter is still under consideration by the Department of Labor and the Internal Revenue Service, as a general guideline until a more definitive statement is issued, a fee or other compensation, direct or indirect, for the rendering of investment advice to a plan by a fiduciary, within the meaning of section 4975(e)(3)

(B), should be deemed to include all fees or other compensation incident to the transaction in which the investment advice to the plan has been rendered or will be rendered. This may include, for example, brokerage commissions, mutual fund sales commissions, and insurance sales commissions.

Paragraph (d) of the regulation sets forth guidelines under which a broker-dealer, reporting dealer or bank may execute transactions in securities on behalf of employee benefit plans without becoming a fiduciary with respect to such plans. These guidelines provide limitations on the discretionary authority that may be accorded to such a broker-dealer, reporting dealer or bank in the execution of securities transactions if such a person is not to be deemed a fiduciary under section 4975(e)(3).

In this regard, pursuant to suggestions in several letters of comment, specific limitations and conditions have been added relating to the purchase and sale by plans of securities issued by investment companies registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1, et seq.) since the price at which such securities are purchased and sold is subject to restrictions imposed under the rules and regulations of that Act.

Questions were also raised in the letters of comment as to when a broker-dealer, reporting dealer, or bank ceases to be a fiduciary, if he has become a fiduciary solely by reason of the exercise of discretionary authority or control in the execution of a securities transaction for a plan under circumstances which do not conform to the guidelines set forth in paragraph (d)(1). It is the view of the Internal Revenue Service that such a broker-dealer, reporting dealer, or bank continues to be a fiduciary with respect to a plan until such transaction, or related series of transactions, is completed. For guidance regarding when a securities transaction may be deemed to be completed, reference should be made to Rule 15c1-1 under the Securities Exchange Act of 1934 (17 CFR 240.15c1-1).

Several letters of comment also noted that it is a common practice in the execution of securities transactions for plan fiduciaries who are investment managers with respect to plan assets not to disclose to broker-dealers, reporting dealers or banks that a particular transaction is being performed by them on behalf of an employee benefit plan. In this regard, as a general matter, a person is not a fiduciary with respect to a plan if he does not know, and has no reason to know, that he is acting with respect to a plan. It should be noted, however, that a plan fiduciary may not delegate such discretionary authority to a broker-dealer in the execution of a securities transaction as to make such broker-dealer a fiduciary with respect to the plan within the meaning of section 4975(e)(3) and paragraph (d) of this regulation without disclosing to such broker-dealer that it will be acting as a

fiduciary with respect to the plan in such transaction.

Under paragraph (d)(2), even if a broker-dealer, reporting dealer or bank becomes a fiduciary with respect to a plan by reason of the exercise of discretion in the execution of securities transactions on behalf of such plan under circumstances not meeting the guidelines of paragraph (d)(1) of the proposed regulation, such broker-dealer, reporting dealer or bank will be deemed to be a fiduciary with respect to only those assets of the plan with respect to which the broker-dealer, reporting dealer or bank, directly or indirectly, has executed, or has agreed to execute, transactions in securities.

As stated in the notice of August 8, 1975, questions have been raised as to whether broker-dealers who merely clear securities transactions involving plan assets when such transactions are initiated by other broker-dealers are disqualified persons with respect to the plan. Such clearing broker-dealers are not disqualified persons with respect to plans solely by reason of providing such services, if such transactions are initiated by another broker-dealer unrelated to the clearing broker-dealer.

Paragraph (e) defines the terms "affiliate" and "control" for purposes of the regulation.

In addition to the changes noted above which have been made in the regulation as adopted pursuant to suggestions made in the written comment letters, other minor changes intended to clarify the provisions of the regulation have also been made.

AMENDMENTS TO THE REGULATIONS

In view of the foregoing, and after consideration of all such relevant material as was presented by interested persons regarding the proposed rules, the amendments so proposed are adopted subject to the changes set forth below:

Section 54.4975-9 is added to read as follows:

§ 54.4975-9 Definition of "Fiduciary".

- (a) [Reserved]
- (b) [Reserved]
- (c) *Investment advice.* (1) A person shall be deemed to be rendering "investment advice" to an employee benefit plan, within the meaning of section 4975(e)(3)(B) and this paragraph, only if:
 - (i) Such person renders advice to the plan as to the value of securities or other property, or makes recommendations as to the advisability of investing in, purchasing, or selling securities or other property; and
 - (ii) Such person either directly or indirectly (e.g., through or together with any affiliate) —
 - (A) Has discretionary authority or control, whether or not pursuant to agreement, arrangement or understanding, with respect to purchasing or selling securities or other property for the plan; or
 - (B) Renders any advice described in paragraph (c)(1)(i) of this section on a

regular basis to the plan pursuant to a mutual agreement, arrangement or understanding, written or otherwise, between such person and the plan or a fiduciary with respect to the plan, that such services will serve as a primary basis for investment decisions with respect to plan assets, and that such person will render individualized investment advice to the plan based on the particular needs of the plan regarding such matters as, among other things, investment policies or strategy, overall portfolio composition, or diversification of plan investments.

(2) A person who is a fiduciary with respect to a plan by reason of rendering investment advice (as defined in paragraph (c)(1) of this section) for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or having any authority or responsibility to do so, shall not be deemed to be a fiduciary regarding any assets of the plan with respect to which such person does not have any discretionary authority, discretionary control or discretionary responsibility, does not exercise any authority or control, does not render investment advice (as defined in paragraph (c)(1) of this section) for a fee or other compensation, and does not have any authority or responsibility to render such investment advice, provided that nothing in this paragraph shall be deemed to:

(i) Exempt such person from the provisions of section 405(a) of the Employee Retirement Income Security Act of 1974 concerning liability for fiduciary breaches by other fiduciaries with respect to any assets of the plan; or

(ii) Exclude such person from the definition of the term "disqualified person" (as set forth in section 4975(e)(2)) with respect to any assets of the plan.

(d) *Execution of securities transactions.* (1) A person who is a broker or dealer registered under the Securities Exchange Act of 1934, a reporting dealer who makes primary markets in securities of the United States Government or of an agency of the United States Government and reports daily to the Federal Reserve Bank of New York its positions with respect to such securities and borrowings thereon, or a bank supervised by the United States or a State, shall not be deemed to be a fiduciary, within the meaning of section 4975(e)(3), with respect to an employee benefit plan solely because such person executes transactions for the purchase or sale of securities on behalf of such plan in the ordinary course of its business as a broker, dealer, or bank, pursuant to instructions of a fiduciary with respect to such plan, if:

(i) Neither the fiduciary nor any affiliate of such fiduciary is such broker, dealer, or bank; and

(ii) The instructions specify (A) the security to be purchased or sold, (B) a price range within which such security is to be purchased or sold, or, if such security is issued by an open-end investment company registered under the In-

vestment Company Act of 1940 (15 U.S.C. 80a-1, et seq.), a price which is determined in accordance with Rule 22c-1 under the Investment Company Act of 1940 (17 CFR 270.22c-1), (C) a time span during which such security may be purchased or sold (not to exceed five business days), and (D) the minimum or maximum quantity of such security which may be purchased or sold within such price range, or, in the case of a security issued by an open-end investment company registered under the Investment Company Act of 1940, the minimum or maximum quantity of such security which may be purchased or sold, or the value of such security in dollar amount which may be purchased or sold, at the price referred to in paragraph (d)(1)(ii)(B) of this section.

(2) A person who is a broker-dealer, reporting dealer, or bank which is a fiduciary with respect to an employee benefit plan solely by reason of the possession or exercise of discretionary authority or discretionary control in the management of the plan or the management or disposition of plan assets in connection with the execution of a transaction or transactions for the purchase or sale of securities on behalf of such plan which fails to comply with the provisions of paragraph (d)(1) of this section, shall not be deemed to be a fiduciary regarding any assets of the plan with respect to which such broker-dealer, reporting dealer or bank does not have any discretionary authority, discretionary control or discretionary responsibility, does not exercise any authority or control, does not render investment advice (as defined in paragraph (c)(1) of this section) for a fee or other compensation, and does not have any authority or responsibility to render such investment advice, provided that nothing in this paragraph shall be deemed to:

(i) Exempt such broker-dealer, reporting dealer, or bank from the provisions of section 405(a) of the Employee Retirement Income Security Act of 1974 concerning liability for fiduciary breaches by other fiduciaries with respect to any assets of the plan; or

(ii) Exclude such broker-dealer, reporting dealer, or bank from the definition of the term "disqualified person" (as set forth in section 4975(e)(2)) with respect to any assets of the plan.

(e) *Affiliate and control.* (1) For purposes of paragraphs (c) and (d) of this section, an "affiliate" of a person shall include:

(i) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such person;

(ii) Any officer, director, partner, employee or relative (as defined in section 4975(e)(6)) of such person; and

(iii) Any corporation or partnership of which such person is an officer, director or partner.

(2) For purposes of this paragraph, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

DONALD C. ALEXANDER,
Commissioner of
Internal Revenue.

Approved: October 24, 1975.

CHARLES M. WALKER,
Assistant Secretary of the
Treasury.

[FR Doc. 75-29232 Filed 10-28-75; 8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE
BENEFITS SECURITY

PART 2510—DEFINITIONS OF TERMS
USED IN SUBCHAPTERS C, D, E, F, AND
G OF THIS CHAPTER

Definition of the Term "Fiduciary"

On August 8, 1975, notice was published in the FEDERAL REGISTER (40 FR 33561) that the Department of Labor (the Department) had under consideration a proposal to adopt a regulation, 29 CFR 2510.3-21, designed to clarify the definition of the term "fiduciary" as set forth in section 3(21)(A) of the Employee Retirement Income Security Act of 1974 (the Act). Notice was also published on August 8, 1975 in the FEDERAL REGISTER (40 FR 33560) that the Internal Revenue Service (the Service) had under consideration a proposal to adopt a similar regulation, 26 CFR 54.4975-9, designed to clarify the definition of the term "fiduciary" set forth in section 4975(e)(3) of the Internal Revenue Code of 1954 (the Code).

All interested persons were invited to submit written data, views and arguments with respect to the proposed regulations. In addition, pursuant to a notice published in the FEDERAL REGISTER on August 8, 1975 (40 FR 33563), a public hearing was held on August 26, 1975 with regard to the proposed regulation, the regulation proposed by the Service, and proposed exemptions from the prohibited transaction provisions of section 406 of the Act and section 4975 of the Code respecting certain classes of transactions involving employee benefit plans and certain broker-dealers, reporting dealers and banks (40 FR 33564). The Department has considered all of the written data, views and arguments received and the testimony given at the public hearing, and has determined to adopt the proposed regulation, as modified, in the form set forth below.

Section 3(21)(A) of the Act provides, as here relevant, that a person is a fiduciary with respect to an employee benefit plan to the extent (i) he exercises any discretionary authority or discretionary control respecting management of such plan or exercises any authority or control respecting management or disposition of its assets, (ii) he renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so, or (iii) he

has discretionary authority or discretionary responsibility in the administration of such plan.

The regulation adopted herein is designed to clarify the applicability of the definition of the term "fiduciary" set forth in section 3(21)(A) to persons who render investment advice to employee benefit plans and to persons who execute securities transactions on behalf of plans.

Paragraphs (a) and (b) of the regulation are reserved.

Paragraph (c) of the regulation provides, generally, that a person will be deemed to be a fiduciary with respect to a plan by reason of rendering investment advice to such plan only when such person provides advice to the plan concerning investments in securities and other property under circumstances where such person has discretionary authority or control with respect to the investment of plan assets or where such person on a regular basis provides advice designed to meet the particular investment needs of the plan and, pursuant to an agreement, arrangement or understanding between such person and the plan or a fiduciary with respect to the plan, it is expected that such advice will serve as one of the primary bases for the investment of plan assets. In response to several written comments, paragraph (c) (1) has been modified to make it clear that for a person to be a fiduciary under paragraph (c) (1) (ii) (B), any such agreement, arrangement, or understanding to provide such advice must be mutually agreed upon, arranged or understood by the person providing such advice and the plan or the fiduciary.

It was also noted in the letters of comment that advice on the availability of securities or other property or of purchasers or sellers of securities or other property is often merely an integral part of the execution of transactions rather than the provision of investment advice. Accordingly, paragraph (c) (1) of the regulation has been modified to remove this type of information from the definition of the term "investment advice."

Paragraph (c) further provides that a person who is a fiduciary with respect to a plan by reason of rendering investment advice to such plan shall be deemed to be a fiduciary with respect to only those assets of the plan for which such person, directly or indirectly, renders investment advice or has any authority or responsibility to do so. Thus, a person who renders investment advice with respect to only a specified portion of the assets of a plan shall not be deemed to be a fiduciary with respect to the investment, disposition or management of any other assets of the plan.

However, even though a person may be a fiduciary with respect to only a specified portion of plan assets, under the regulation such person will still be a party in interest (as defined in section 3(14)(B) of the Act) with respect to all of the assets of the plan and will continue to be subject to the provisions of section 405(a) of the Act relating to co-fiduciary liability for fiduciary breaches

by other fiduciaries with respect to any of the assets of the plan.

A question was raised in the letters of comment regarding what constitutes a fee or other compensation, direct or indirect, for the rendering of investment advice to a plan within the meaning of section 3(21)(A)(ii) of the Act. Although this matter is still under consideration by the Department and the Service, as a general guideline until a more definitive statement is issued, a fee or other compensation, direct or indirect, for the rendering of investment advice to a plan by a fiduciary, within the meaning of section 3(21)(A)(ii) of the Act, should be deemed to include all fees or other compensation incident to the transaction in which the investment advice to the plan has been rendered or will be rendered. This may include, for example, brokerage commissions, mutual fund sales commissions, and insurance sales commissions.

Paragraph (d) of the regulation sets forth guidelines under which a broker-dealer, reporting dealer or bank may execute transactions in securities on behalf of employee benefit plans without becoming a fiduciary with respect to such plans. These guidelines provide limitations on the discretionary authority that may be accorded to such a broker-dealer, reporting dealer or bank in the execution of securities transactions if such a person is not to be deemed a fiduciary under section 3(21)(A) of the Act.

In this regard, pursuant to suggestions in several letters of comment, specific limitations and conditions have been added relating to the purchase and sale by plans of securities issued by investment companies registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1, et seq.) since the price at which such securities are purchased and sold is subject to restrictions imposed under the rules and regulations of that Act.

Questions were also raised in the letters of comment as to when a broker-dealer, reporting dealer, or bank ceases to be a fiduciary, if he has become a fiduciary solely by reason of the exercise of discretionary authority or control in the execution of a securities transaction for a plan under circumstances which do not conform to the guidelines set forth in paragraph (d) (1). It is the view of the Department that such a broker-dealer, reporting dealer, or bank continues to be a fiduciary with respect to a plan until such transaction, or related series of transactions, is completed. For guidance regarding when a securities transaction may be deemed to be completed, reference should be made to Rule 15c1-1 under the Securities Exchange Act of 1934 (17 CFR 240.15c1-1).

Several letters of comment also noted that it is a common practice in the execution of securities transactions for plan fiduciaries who are investment managers with respect to plan assets not to disclose to broker-dealers, reporting dealers or banks that a particular transaction is being performed by them on behalf of an employee benefit plan. In this regard, it is the view of the Department

that, as a general matter, a person is not a fiduciary with respect to a plan if he does not know, and has no reason to know, that he is acting with respect to a plan. It should be noted, however, that a plan fiduciary may not delegate such discretionary authority to a broker-dealer in the execution of a securities transaction as to make such broker-dealer a fiduciary with respect to the plan within the meaning of section 3(21)(A) of the Act and paragraph (d) of this regulation without disclosing to such broker-dealer that it will be acting as a fiduciary with respect to the plan in such transaction.

Under paragraph (d)(2), even if a broker-dealer, reporting dealer or bank becomes a fiduciary with respect to a plan by reason of the exercise of discretion in the execution of securities transactions on behalf of such plan under circumstances not meeting the guidelines of paragraph (d)(1) of the proposed regulation, such broker-dealer, reporting dealer or bank will be deemed to be a fiduciary with respect to only those assets of the plan with respect to which the broker-dealer, reporting dealer or bank, directly or indirectly, has executed, or has agreed to execute, transactions in securities.

As stated in the notice of August 3, 1975, questions have been raised as to whether broker-dealers who merely clear securities transactions involving plan assets when such transactions are initiated by other broker-dealers are parties in interest with respect to the plan. It is the view of the Department that such clearing broker-dealers are not parties in interest with respect to plans solely by reason of providing such services, if such transactions are initiated by another broker-dealer unrelated to the clearing broker-dealer.

Paragraph (e) defines the terms "affiliate" and "control" for purposes of the regulation.

In addition to the changes noted above which have been made in the regulation as adopted pursuant to suggestions made in the written comment letters, other minor changes intended to clarify the provisions of the regulation have also been made based on the comments which were received and the testimony given at the hearing.

Accordingly, Part 2510 of Chapter XXV of Title 29 of the Code of Federal Regulations is amended by adding a new § 2510.3-21 to read as follows:

Sec. 505, Pub. L. 93-406, 88 Stat. 894 (29 U.S.C. 1135).

§ 2510.3-21 Definition of "Fiduciary."

(a) [Reserved]

(b) [Reserved]

(c) *Investment Advice.* (1) A person shall be deemed to be rendering "investment advice" to an employee benefit plan, within the meaning of section 3(21)(A) (ii) of the Employee Retirement Income Security Act of 1974 (the Act) and this paragraph, only if:

(i) Such person renders advice to the plan as to the value of securities or other property, or makes recommendation as to the advisability of investing in, pur-

chasing, or selling securities or other property; and

(ii) Such person either directly or indirectly (e.g., through or together with any affiliate) —

(A) Has discretionary authority or control, whether or not pursuant to agreement, arrangement or understanding, with respect to purchasing or selling securities or other property for the plan; or

(B) Renders any advice described in paragraph (c)(1)(i) of this section on a regular basis to the plan pursuant to a mutual agreement, arrangement or understanding, written or otherwise, between such person and the plan or a fiduciary with respect to the plan, that such services will serve as a primary basis for investment decisions with respect to plan assets, and that such person will render individualized investment advice to the plan based on the particular needs of the plan regarding such matters as, among other things, investment policies or strategy, overall portfolio composition, or diversification of plan investments.

(2) A person who is a fiduciary with respect to a plan by reason of rendering investment advice (as defined in paragraph (c)(1) of this section) for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or having any authority or responsibility to do so, shall not be deemed to be a fiduciary regarding any assets of the plan with respect to which such person does not have any discretionary authority, discretionary control or discretionary responsibility, does not exercise any authority or control, does not render investment advice (as defined in paragraph (c)(1) of this section) for a fee or other compensation, and does not have any authority or responsibility to render such investment advice, provided that nothing in this paragraph shall be deemed to:

(i) Exempt such person from the provisions of section 405(a) of the Act concerning liability for fiduciary breaches by other fiduciaries with respect to any assets of the plan; or

(ii) Exclude such person from the definition of the term "party in interest" (as set forth in section 3(14)(B) of the Act) with respect to any assets of the plan.

(d) *Execution of securities transactions.* (1) A person who is a broker or dealer registered under the Securities Exchange Act of 1934, a reporting dealer who makes primary markets in securities of the United States Government or of an agency of the United States Government and reports daily to the Federal Reserve Bank of New York its positions with respect to such securities and borrowings thereon, or a bank supervised by the United States or a State, shall not be deemed to be a fiduciary, within the meaning of section 3(21)(A) of the Act, with respect to an employee benefit plan solely because such person executes transactions for the purchase or sale of securities on behalf of such plan in the ordinary course of its business as a broker, dealer, or bank, pursuant to in-

structions of a fiduciary with respect to such plan, if:

(i) Neither the fiduciary nor any affiliate of such fiduciary is such broker, dealer, or bank; and

(ii) The instructions specify (A) the security to be purchased or sold, (B) a price range within which such security is to be purchased or sold, or, if such security is issued by an open-end investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1, et seq.), a price which is determined in accordance with Rule 22c-1 under the Investment Company Act of 1940 (17 CFR 270.22c-1), (C) a time span during which such security may be purchased or sold (not to exceed five business days), and (D) the minimum or maximum quantity of such security which may be purchased or sold within such price range, or, in the case of a security issued by an open-end investment company registered under the Investment Company Act of 1940, the minimum or maximum quantity of such security which may be purchased or sold, or the value of such security in dollar amount which may be purchased or sold, at the price referred to in paragraph (d)(1)(ii)(B) of this section.

(2) A person who is a broker-dealer, reporting dealer, or bank which is a fiduciary with respect to an employee benefit plan solely by reason of the possession or exercise of discretionary authority or discretionary control in the management of the plan or the management or disposition of plan assets in connection with the execution of a transaction or transactions for the purchase or sale of securities on behalf of such plan which fails to comply with the provisions of paragraph (d)(1) of this section, shall not be deemed to be a fiduciary regarding any assets of the plan with respect to which such broker-dealer, reporting dealer or bank does not have any discretionary authority, discretionary control or discretionary responsibility, does not exercise any authority or control, does not render investment advice (as defined in paragraph (c)(1) of this section) for a fee or other compensation, and does not have any authority or responsibility to render such investment advice, provided that nothing in this paragraph shall be deemed to:

(i) Exempt such broker-dealer, reporting dealer, or bank from the provisions of section 405(a) of the Act concerning liability for fiduciary breaches by other fiduciaries with respect to any assets of the plan; or

(ii) Exclude such broker-dealer, reporting dealer, or bank from the definition, of the term "party in interest" (as set forth in section 3(14)(B) of the Act) with respect to any assets of the plan.

(e) *Affiliate and control.* (1) For purposes of paragraphs (c) and (d) of this section, an "affiliate" of a person shall include:

(i) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such person;

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(ii) Any officer, director, partner, employee or relative (as defined in section 3(15) of the Act) of such person; and

(iii) Any corporation or partnership of which such person is an officer, director or partner.

(2) For purposes of this paragraph, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

Signed at Washington, D.C., this 24th day of October, 1975.

JAMES D. HUTCHINSON,
*Administrator of Pension
and Welfare Benefit Programs.*

[FR Doc. 75-29231 Filed 10-28-75; 8:45 am]

DEPARTMENT OF LABOR

Labor-Management Services
Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption 75-1]

EMPLOYEE BENEFIT PLANS

Exemptions From Prohibitions Respecting
Certain Classes of Transactions Involving
Employee Benefit Plans and Certain
Broker-Dealers, Reporting Dealers and
Banks

On August 8, 1975, notice was published in the FEDERAL REGISTER (40 FR 33564) that the Department of Labor (the Department) and the Internal Revenue Service (the Service) had under consideration a proposal to exempt certain classes of transactions involving employee benefit plans and certain broker-dealers, reporting dealers and banks from the restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c) (1) of the Code, pursuant to section 408(a) of the Act and section 4975 (c) (2) of the Code. The exemptions were proposed in accordance with the procedures set forth in ERISA Procedure Rev. Proc. 75-26, 1975-20 I.R.B. 14.

All interested persons were invited to submit written comments with respect to the proposed exemptions. In addition, pursuant to notice published in the FEDERAL REGISTER on August 8, 1975 (40 FR 33563), a public hearing was held on August 26, 1975 with regard to the proposed exemptions and with regard to proposed regulations (26 CFR 54.4975-9 and 29 CFR 2510.3-21) designed to clarify the applicability of the definition of the term "fiduciary" set forth in section 4975(e) (3) of the Code and section 3(21) (A) of the Act to persons who render investment advice to employee benefit plans and to persons who execute securities transactions on behalf of plans (40 FR 33560 and 33561).

The Department and the Service have considered all of the written comments received and the testimony given at the public hearing and have determined to grant the proposed exemptions, as modified, in the form set forth below. Further, by notices published in this issue of the FEDERAL REGISTER, the Department and the Service have also adopted the regulations referred to above clarifying the definition of the term "fiduciary." The exemptions granted herein are premised on the adoption of these regulations and should, therefore, be considered in conjunction therewith.

On February 4, 1975, notice was published in the FEDERAL REGISTER (40 FR 5201) of the granting of an interim exemption from the prohibited transaction provisions of section 406 of the Act and from the taxes imposed by section 4975 of the Code with respect to certain secu-

rities transactions between employee benefit plans and certain broker-dealers, reporting dealers and banks for the period from January 1, 1975, to April 30, 1975.

By notices published in the FEDERAL REGISTER on April 23, 1975 (40 FR 17861), June 9, 1975 (40 FR 24578), and September 23, 1975 (40 FR 43785), the interim exemption was extended until October 31, 1975.

As indicated in those notices, the interim exemption was granted in order (1) to prevent the harm to employee benefit plans and to the interests in plans of participants and beneficiaries which, in all likelihood, would have resulted from the immediate and full application of all of the prohibited transaction provisions set forth in Title I and Title II of the Act, and (2) to afford all interested persons an opportunity to submit proposals for permanent exemptions relating to transactions between plans and certain broker-dealers, reporting dealers and banks, and to provide an opportunity for the Department and the Service to consider such proposals. The granting of the interim exemption was based upon a record which includes written comments submitted in response to notices of the proposal of the granting of the interim exemption and of the extension of the interim exemption published in the FEDERAL REGISTER on January 13, 1975 (40 FR 2483 and 2455), and April 23, 1975 (40 FR 17861), respectively, and the testimony at a public hearing held on January 21, 1975.

Proposals for the granting of permanent exemptions from the prohibited transaction provisions of section 406 of the Act and from the taxes imposed by section 4975 of the Code were submitted by the Securities Industry Association and others and were made available for public inspection by the Service. Proposals for the adoption of regulations concerning the relationship of plans and broker-dealers, reporting dealers and banks were also submitted and made available for public inspection.

The written proposals which were submitted stated that the services provided by broker-dealers, reporting dealers and banks for which exemptions were requested have been of great benefit to plans and their participants and beneficiaries, and that it is in their best interests to have such services available in the future. The proposals represented that the exemptions and regulations suggested are in the interests of plans and their participants and beneficiaries with respect to the dealings of such plans with broker-dealers, reporting dealers and banks in the management of securities portfolios of plans.

Based upon these written submissions and upon the extensive regulation of the securities industry by the Securities and Exchange Commission, the national securities exchanges and other industry self-regulatory bodies, the Department and the Service proposed the granting of the class exemptions, which, as modified, are described below, for certain services furnished to employee benefit plans and

for certain securities transactions engaged in by plans.

General Information. The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c) (2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with subsection (a) (1) (B) of section 404 of the Act; nor does it affect the requirement of section 401 (a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) The exemptions granted herein are supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory and other exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption, or, though it would have been a prohibited transaction, is exempt by operation of a statutory exemption or a transitional rule.

(3) Each class exemption set forth herein is applicable to a particular transaction only if the transaction satisfies the conditions specified for the class in which it falls.

(4) Under the regulations adopted in conjunction with these exemptions relating to the definition of the term "fiduciary" (26 CFR 54.4975-9 (c) through (e) and 29 CFR 2510.3-21 (c) through (e)), a person who is a plan fiduciary is deemed to be a fiduciary only with respect to those plan assets with respect to which he exercises or has responsibility to exercise those functions which make him a fiduciary. Thus, a fiduciary will be treated as a party in interest or disqualified person other than a fiduciary (e.g., a person providing services to the plan) when he engages in a transaction with the plan which does not involve any plan assets with respect to which he is a fiduciary.

(5) For purposes of section 406 of the Act and section 4975(c) (1) of the Code, if a fiduciary with respect to one plan engages in a transaction with a second plan pursuant to an agreement, arrangement or understanding whereby it is expected that a fiduciary with respect to the second plan will engage in a similar transaction with the first plan, each transaction will be treated as an indirect transaction between the plan

and the fiduciary with respect to such plan.

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record, including not only the written comments submitted in response to the notice of August 8, 1975, the testimony at the public hearing held on August 26, 1975, and the proposals submitted for the granting of permanent exemptions, but also the written comments submitted in response to the notices of January 13, 1975, and April 23, 1975, relating to the interim exemption and the testimony at the public hearing held on January 21, 1975, the Department and the Service make the following findings and determinations:

(i) The class exemptions set forth herein are administratively feasible;

(ii) They are in the interests of plans and of their participants and beneficiaries; and

(iii) They are protective of the rights of participants and beneficiaries of plans.

I. Agency transactions and services. Section 414(c)(4) and section 2003(c)(2)(D) of the Act presently provide an exemption until June 30, 1977, from the prohibited transaction provisions of the Act and the Code, respectively, for the provision of services between a plan and a party in interest or disqualified person if such services are either provided under a binding contract in effect on July 1, 1974 (or pursuant to renewals of such contract), or if the party in interest or disqualified person ordinarily and customarily furnished such services on June 30, 1974, if such provision of services remains at least as favorable to the plan as an arm's-length transaction with an unrelated party would be and if the provision of services was not, at the time of such provision, a prohibited transaction within the meaning of section 503(b) of the Code or the corresponding provisions of prior law. In ERISA IB 75-1 and TIR-1329, issued on December 31, 1974, the Department and the Service indicated that the exemption provided by section 414(c)(4) and section 2003(c)(2)(D) of the Act applies to the execution of brokerage transactions on behalf of a plan if the conditions of those sections are met.

Based on the proposals which were submitted relating to this class exemption, the letters of comment, and the testimony given at the public hearings, the Department and the Service have made the following determinations. Broker-dealers regularly provide research, information and advice concerning securities and execute transactions for the purchase or sale of securities in the ordinary course of their business as broker-dealers and the provision of such services might constitute prohibited transactions. Although exemptions are provided in sections 414(c)(4) and 2003(c)(2)(D) of the Act, these exemptions terminate on June 30, 1977, and, moreover, are not available at the present time for persons who first provided such services after June 30, 1974. Therefore,

the granting of exemptions is necessary with respect to such services to permit the unimpeded flow of information, research and brokerage services, either alone or in combination, to employee benefit plans.

Accordingly, the Department and the Service have granted the exemption set forth below to permit persons who are parties in interest or disqualified persons with respect to employee benefit plans to effect securities transactions on behalf of such plans, to perform certain functions incidental to effecting such transactions, and to provide certain limited advisory and research services to plans.

The exemption is of limited duration, however, when the person effecting such securities transactions on behalf of an employee benefit plan is a fiduciary with respect to such plan, as that term is defined in section 3(21)(A) of the Act and section 4975(e)(3) of the Code and in the regulations interpreting that term adopted in conjunction with the granting of these exemptions. Such transactions, when effected by a plan fiduciary, present opportunities for abuse in the management of plan assets. Moreover, section 11(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78k(a)), as amended by the Securities Acts Amendments of 1975 (Pub. L. 94-29, 88 Stat. 110), prohibits any member of a national securities exchange from effecting any transaction on such exchange for an account with respect to which it or an associated person thereof exercises investment discretion.

However, section 11(a) of that Act also provides an exception from the prohibition set forth therein until May 1, 1978, for members of a national securities exchange who were members on May 1, 1975. The Conference Report relating to the Securities Acts Amendments of 1975 (H.R. Rep. No. 94-229, 94th Cong. 1st Sess. (1975)) also indicates, at page 107, that it was the view of the conferees that the Department and the Service should grant an exemption from the prohibited transaction provisions of the Act and the Code to permit broker-dealers to continue to provide brokerage services to plans with respect to which they exercise investment discretion until May 1, 1978, in order to conform the pertinent provisions of the Act and the Code to section 11(a) of the Securities Exchange Act of 1934 and thereby permit broker-dealers to phase out in an orderly fashion the businesses of both serving as investment advisers to plans and providing brokerage services to such plans.

Therefore, with respect to a person who is a plan fiduciary, the exemption for effecting securities transactions on behalf of employee benefit plans, and for functions performed incidental to the effecting of such transactions, whether or not such transaction is effected on a national securities exchange, is available only if such person was ordinarily and customarily effecting securities transactions on May 1, 1975, and such exemption will terminate on May 1, 1978.

Regardless of whether the transaction is effected by a person who is a fiduciary,

the availability of the exemption set forth below is also subject to the condition that the transaction be effected on behalf of the plan, or the advisory services be furnished to the plan, on terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be. In response to questions raised in the written comments, it is the view of the Department and the Service that this condition requires that the transaction be effected on behalf of the plan, or the advisory services be furnished to the plan, on terms at least as favorable to the plan as those which would have existed between the plan and such party in interest or disqualified person if they were not related.

Minor changes designed to clarify the exemption have been made in the provisions of the exemption in response to suggestions made in the letters of comment.

Exemption. Accordingly, the following exemption is granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-20 IRB, 14:

The restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code, shall not apply—

(a) Until May 1, 1978, to the effecting of any securities transaction on behalf of an employee benefit plan by a person who is a fiduciary with respect to the plan, acting in such transaction as agent for the plan, and to the performance by such person of clearance, settlement, or custodial functions incidental to effecting such transaction, if such person ordinarily and customarily effected such securities transactions and performed such functions on May 1, 1975;

(b) To the effecting of any securities transaction on behalf of an employee benefit plan by a person who is a party in interest or a disqualified person with respect to such plan (other than a person who is a fiduciary with respect to the plan), acting in such transaction as agent for the plan, and to the performance by such person of clearance, settlement, or custodial functions incidental to effecting such transaction; or

(c) To the furnishing to an employee benefit plan by a person who is a party in interest or disqualified person with respect to such plan of any advice, either directly or through publications or writings, as to the value of securities or other property, the advisability of investing in, purchasing, or selling securities or other property, or the availability of securities or other property or of purchasers or sellers of securities or other property, or of any analyses or reports concerning issuers, industries, securities or other property, economic factors or trends, portfolio strategy, or the performance of accounts, under circumstances which do not make such party in interest or disqualified person a fiduciary with respect

to such plan: Provided that, in each instance, such transactions are effected on behalf of the plan, or such advice, analyses or reports are furnished to the plan, on terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be and were not, at the time such transactions were effected or at the time such advice, analyses or reports were furnished, prohibited transactions within the meaning of section 503(b) of the Code. For purposes of this exemption, the term "person" shall include such person and any affiliates of such person, and the term "affiliate" shall be defined in the same manner as that term is defined in 29 CFR 2510.3-21(e) and 26 CFR 54.4975-9(e).

II. *Principal transactions.* The interim exemption in effect until November 1, 1975, for certain securities transactions provided an exemption from the prohibited transaction provisions for the purchase or sale of securities between a plan and a broker-dealer, reporting dealer or bank if certain conditions designed to safeguard the interests of plans and their participants and beneficiaries were met. As indicated in the notice of initial granting of the interim exemption (40 FR 5201, February 4, 1974), the record developed with respect to the granting of that exemption from the testimony received at the public hearing held on January 21, 1975, and from the written comments submitted in response to the notice of proposed granting of the interim exemption (40 FR 2455 and 2483, January 13, 1975), established that an exemption for such transactions is administratively feasible, in the interest of plans and of their participants and beneficiaries, and protective of the rights of plan participants and beneficiaries.

The Department and the Service have, therefore, granted an exemption for this class of principal transactions, modified to take into account the long-term nature of the exemption and the regulations under section 3(21)(A) of the Act and section 4975(e)(3) of the Code (relating to the definition of the term "fiduciary") adopted in conjunction with the exemptions set forth herein.

Modifications in the exemption for principal transactions as proposed on August 8, 1975 have been made in response to suggestions made in the written comments. In this regard, it has been urged that certain modifications be made to permit plans to purchase or sell securities issued by mutual funds from or to a broker-dealer who is a plan fiduciary under procedures which were in effect prior to the passage of the Act, which are protective of the rights and interests of plans and their participants and beneficiaries, and which are subject to regulation by the National Association of Securities Dealers, Inc., and the Securities and Exchange Commission. Paragraph (d) of the exemption has, therefore, been modified to provide an exception for the purchase or sale of mutual fund shares by plans from or to a plan fiduciary, provided that such fiduciary is not a principal underwriter for, or affiliated with, such mutual fund.

It was also asserted in the letters of comment that the records required by paragraph (e) of the exemption may be lost or destroyed during the six-year record maintenance period set forth in that paragraph, and that such loss or destruction under such circumstances should not result in loss of the exemption or in liability for plan fiduciaries if such loss or destruction occurred under circumstances beyond the control of such plan fiduciaries. In response to this comment, modifications have been made in paragraph (e) and in the comparable record-keeping provisions of the exemptions set forth below for underwriting and market-making transactions and extensions of credit.

In addition, other minor clarifying changes have been made in the exemption.

Exemption. Accordingly, the following exemption is granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-20 I.R.B. 14:

The restrictions of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to any purchase or sale of a security between an employee benefit plan and a broker-dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), a reporting dealer who makes primary markets in securities of the United States Government or of any agency of the United States Government or of any agency of the United States Government ("Government securities") and reports daily to the Federal Reserve Bank of New York its positions with respect to Government securities and borrowings thereon, or a bank supervised by the United States or a State, if the following conditions are met:

(a) In the case of such broker-dealer, it customarily purchases and sells securities for its own account in the ordinary course of its business as a broker-dealer.

(b) In the case of such reporting dealer or bank, it customarily purchases and sells Government securities for its own account in the ordinary course of its business and such purchase or sale between the plan and such reporting dealer or bank is a purchase or sale of Government securities.

(c) Such transaction is at least as favorable to the plan as an arm's length transaction with an unrelated party would be, and it was not, at the time of such transaction, a prohibited transaction within the meaning of section 503 (b) of the Code.

(d) Such broker-dealer, reporting dealer or bank is not a fiduciary with respect to the plan, and such broker-dealer, reporting dealer or bank is a party in interest or disqualified person with respect to the plan solely by reason of section 3(14)(B) of the Act or section

4975(e)(2)(B) of the Code or a relationship to a person described in such sections. For purposes of this paragraph, a broker-dealer, reporting dealer, or bank shall not be deemed to be a fiduciary with respect to a plan solely by reason of providing securities custodial services for a plan. Neither the restrictions of this paragraph nor (if the other conditions of this exemption are met) the restrictions of section 408(b) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975 (c)(1)(E) and (F) of the Code, shall apply to the purchase or sale by the plan of securities issued by an open-end investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.), provided that a fiduciary with respect to the plan is not a principal underwriter for, or affiliated with, such investment company within the meaning of sections 2(a)(29) and 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(29) and 80a-2(a)(3)).

(e) The plan maintains or causes to be maintained for a period of six years from the date of such transaction such records as are necessary to enable the persons described in paragraph (f) of this exemption to determine whether the conditions of this exemption have been met, except that—

(1) Such broker-dealer, reporting dealer, or bank shall not be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if such records are not maintained, or are not available for examination as required by paragraph (f) below; and

(2) A prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six-year period.

(f) Notwithstanding anything to the contrary in subsections (a)(2) and (b) of section 504 of the Act, the records referred to in paragraph (e) are unconditionally available for examination during normal business hours by duly authorized employees of (1) the Department of Labor, (2) the Internal Revenue Service, (3) plan participants and beneficiaries, (4) any employer of plan participants and beneficiaries, and (5) any employee organization any of whose members are covered by such plan. For purposes of this exemption, the terms "broker-dealer," "reporting dealer" and "bank" shall include such persons and any affiliates thereof, and the term "affiliate" shall be defined in the same manner as that term is defined in 29 CFR 2510.3-21 (e) and 26 CFR 54.4975-9(e).

III. *Underwritings.* Based on the proposals submitted relating to this class exemption, the letters of comment, and the testimony given at the public hearings, the Department and the Service have made the following determinations. It is often in the interests of plans to purchase underwritten securities in a public offering because, more often than

not, the public offering price for such securities will be more favorable to the plan than the net cost to the plan of the same securities in the secondary market immediately following the initial public offering. However, when a fiduciary of a plan, as defined in section 3(21)(A) of the Act and section 4975(e)(3) of the Code and the regulations adopted thereunder in conjunction with these proposed exemptions, or an affiliate of such fiduciary, is a member of the underwriting or selling syndicate for the public offering of a security, the purchase of such security by the plan during the existence of the syndicate from such fiduciary, or from an affiliate of such fiduciary, would constitute a prohibited transaction under section 406 of the Act and section 4975(c)(1) of the Code. Further, since it is generally in the interests of the members of an underwriting syndicate that all shares being offered by the syndicate are sold, the purchase of any such shares by the plan when a fiduciary with respect to the plan, or an affiliate of such a fiduciary, is a member of the syndicate might also be a prohibited use of plan assets for the benefit of such fiduciary under section 406 of the Act and section 4975(c)(1) of the Code, even if the seller is not a fiduciary with respect to the plan, or an affiliate of such fiduciary. However, the purchase of securities during the existence of an underwriting or selling syndicate with respect to such securities, of which a fiduciary or an affiliate thereof is a member, from a person who is not such fiduciary or an affiliate thereof will not be deemed such a prohibited use where such fiduciary is not involved in any way in causing the plan to make the purchase, e.g., neither recommends the purchase to the plan nor participates in any other manner in the plan's decision to make the purchase.

It should be noted, moreover, that under the regulations adopted in conjunction with these exemptions relating to the definition of the term "fiduciary", a person who is a plan fiduciary is deemed to be a fiduciary only with respect to those plan assets with respect to which he exercises or has responsibility to exercise those functions which make him a fiduciary.

Further, it should be noted that the purchase by a plan of securities during the existence of an underwriting syndicate of which a plan fiduciary, or an affiliate thereof, is a member, from a broker-dealer, reporting dealer or bank which is neither a plan fiduciary nor an affiliate of such a fiduciary, but which is a party in interest or disqualified person with respect to the plan would not subject such broker-dealer, reporting-dealer or bank to civil penalties under section 502(i) of the Act or excise tax under section 4975(a) and (b) of the Code notwithstanding that the conditions of the class exemption for such underwriting transactions set forth below are not met. However, such broker-dealer, reporting dealer or bank would be liable for such penalties or taxes if the conditions of the class exemption for principal transactions previously set forth are not met.

Based on the testimony given at the hearing and the written comments which have been submitted, certain modifications have been made in the exemption as set forth below. Although many of these modifications are intended merely to clarify the provisions of the exemption, certain major revisions have also been made. In this regard, the exemption has been modified so that it is available only with respect to purchases of underwritten securities by a plan from persons other than fiduciaries (or any affiliate thereof). Further, the effective date of the condition limiting the availability of the exemption where the fiduciary is a manager of the underwriting or selling syndicate has been extended from January 1, 1977, to July 1, 1977.

In addition, the condition in the proposed exemption relating to the amount of gross commissions, spread or profit which may be received by the seller in such transactions has been removed in order to provide necessary and appropriate flexibility in this area. Further, the exemption has been modified to make it feasible for plans to purchase securities during unregistered secondary offerings of such securities when a fiduciary is a member of the offering syndicate. This modification has been made based on a determination that certain reporting requirements in the Securities Exchange Act of 1934 ensure that sufficient information regarding these issues is publicly available so that the interests of plans and their participants and beneficiaries in the purchase of such securities may be protected.

In addition, the requirement of the proposed exemption that the underwritten securities be purchased on the first day of the offering has been revised to take into account the possibility that such securities may be purchased in a secondary offering, and to permit the purchase of debt securities after the first day in those circumstances when interest rates for comparable debt securities have fallen below the interest rate set for the debt securities being purchased.

A revision has also been made in the requirement that the issuer of the securities be in existence for at least three years in order to permit plans to purchase underwritten securities of new issuers which are guaranteed by persons whose securities could have been purchased by the plan in an underwriting consistent with the conditions of this exemption.

Exemption. Accordingly, the following exemption is granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-20 I.R.B. 14:

The restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code, shall not apply to the purchase or other acquisition of any securi-

ties by an employee benefit plan during the existence of an underwriting or selling syndicate with respect to such securities, from any person other than a fiduciary with respect to the plan, when such a fiduciary is a member of such syndicate, provided that the following conditions are met:

(a) No fiduciary who is involved in any way in causing the plan to make the purchase is a manager of such underwriting or selling syndicate, except that this paragraph shall not apply until July 1, 1977. For purposes of this exemption, the term "manager" means any member of an underwriting or selling syndicate who, either alone or together with other members of the syndicate, is authorized to act on behalf of the members of the syndicate in connection with the sale and distribution of the securities being offered or who receives compensation from the members of the syndicate for its services as a manager of the syndicate.

(b) The securities to be purchased or otherwise acquired are—

(1) Part of an issue registered under the Securities Act of 1933 or, if exempt from such registration requirement, are (i) issued or guaranteed by the United States or by any person controlled or supervised by and acting as an instrumentality of the United States pursuant to authority granted by the Congress of the United States, (ii) issued by a bank, (iii) issued by a common or contract carrier, if such issuance is subject to the provisions of section 20a of the Interstate Commerce Act, as amended, (iv) exempt from such registration requirement pursuant to a Federal statute other than the Securities Act of 1933, or (v) are the subject of a distribution and are of a class which is required to be registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781), and the issuer of which has been subject to the reporting requirements of section 13 of that Act (15 U.S.C. 78m) for a period of at least 90 days immediately preceding the sale of securities and has filed all reports required to be filed thereunder with the Securities and Exchange Commission during the preceding 12 months.

(2) Purchased at not more than the public offering price prior to the end of the first full business day after the final terms of the securities have been fixed and announced to the public, except that—

(i) If such securities are offered for subscription upon exercise of rights, they are purchased on or before the fourth day preceding the day on which the rights offering terminates; or

(ii) If such securities are debt securities, they may be purchased at a public offering price on a day subsequent to the end of such first full business day, provided that the interest rates on comparable debt securities offered to the public subsequent to such first full business day and prior to the purchase are less than the interest rate of the debt securities being purchased.

(3) Offered pursuant to an underwriting agreement under which the members

of the syndicate are committed to purchase all of the securities being offered, except if—

(i) Such securities are purchased by others pursuant to a rights offering; or

(ii) Such securities are offered pursuant to an over-allotment option.

(c) The issuer of such securities has been in continuous operation for not less than three years, including the operations of any predecessors, unless—

(1) Such securities are non-convertible debt securities rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization;

(2) Such securities are issued or fully guaranteed by a person described in paragraph (b) (1) (i) of this exemption; or

(3) Such securities are fully guaranteed by a person who has issued securities described in paragraph (b) (1) (ii), (iii), (iv) or (v) and this paragraph (c).

(d) The amount of such securities to be purchased or otherwise acquired by the plan does not exceed three percent of the total amount of such securities being offered.

(e) The consideration to be paid by the plan in purchasing or otherwise acquiring such securities does not exceed three percent of the fair market value of the total assets of the plan as of the last day of the most recent fiscal quarter of the plan prior to such transaction, provided that if such consideration exceeds \$1 million, it does not exceed one percent of such fair market value of the total assets of the plan.

(f) The plan maintains or causes to be maintained for a period of six years from the date of such transaction such records as are necessary to enable the persons described in paragraph (g) of this exemption to determine whether the conditions of this exemption have been met, except that a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six-year period.

(g) Notwithstanding anything to the contrary in subsections (a) (2) and (b) of section 504 of the Act, the records referred to in paragraph (f) are unconditionally available for examination during normal business hours by duly authorized employees of (1) the Department of Labor, (2) the Internal Revenue Service, (3) plan participants and beneficiaries, (4) any employer of plan participants and beneficiaries, and (5) any employee organization any of whose members are covered by such plan.

If such securities are purchased by the plan from a party in interest or disqualified person with respect to the plan, such party in interest or disqualified person shall not be subject to the civil penalty which may be assessed under section 502 (1) of the Act, or to the taxes imposed by section 4975 (a) and (b) of the Code, if the conditions of this exemption are not met. However, if such securities are purchased from a party in interest or disqualified person with respect to the

plan, the restrictions of section 406(a) of the Act shall apply to any fiduciary with respect to the plan and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975 (c) (1) (A) through (D) of the Code, shall apply to such party in interest or disqualified person, unless the conditions for exemption of Part II of this notice (relating to certain principal transactions) are met.

For purposes of this exemption, the term "fiduciary" shall include such fiduciary and any affiliates of such fiduciary, and the term "affiliate" shall be defined in the same manner as that term is defined in 29 CFR 2510.3-21(e) and 26 CFR 54.4975-9(e).

IV. *Market-making.* Based on the proposals submitted relating to this class exemption, the letters of comment and the testimony given at the public hearings, the Department and the Service have made the following determinations. Certain firms which provide investment advice to plans either directly or through their affiliates regularly maintain markets in securities, and as a result of this market-making activity, these firms in some instances can provide plans with the best available purchase or sales price with respect to particular securities.

The purchase or sale of securities by a plan from or to a fiduciary with respect to such plan, or an affiliate of such fiduciary, would be a prohibited transaction under section 406 of the Act and section 4975(c) (1) of the Code. Generally, the purchase or sale by a plan of securities for which a plan fiduciary or affiliate of such fiduciary is a market-maker, from or to a broker-dealer, reporting dealer or bank which is unrelated to such fiduciary (and is not otherwise a party in interest or disqualified person) will not be deemed a prohibited transaction under section 406 of the Act and section 4975(c) (1) of the Code, unless such transaction was engaged in for the purpose of benefiting such fiduciary or an affiliate of such fiduciary.

It should also be noted that under the regulations adopted in conjunction herewith relating to the definition of the term "fiduciary", a person is a fiduciary only with respect to those plan assets with respect to which he exercises those functions which make him a fiduciary.

Certain revisions have been made in the exemption based on certain of the written comments which were submitted. The definition of the term "market-maker" has been revised so that it more closely conforms to the definition of that term set forth in section 3(a) (38) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(38)), as amended by the Securities Acts Amendments of 1975 (Pub. L. 94-29, 89 Stat. 103). In addition, the limitations on the size of plan holdings of securities referred to in the exemption have been modified so that they are based on the amount of assets under the management and control of the plan fiduciary who is a market-maker, rather than on the

total assets of the plan, since such fiduciary may not be a fiduciary with respect to all of the assets of the plan. An exception from these limitations has also been provided for the purchase or sale of government securities.

The condition with regard to the number of market-makers other than plan fiduciaries with respect to the securities being purchased or sold by the plan has been revised in response to suggestions made in the letters of comment in order to require that there be only one other market-maker. This revision is based on a determination that many securities which might be appropriate for plans to purchase, and particularly debt securities, frequently have only two market-makers. Further, the exemption now provides that the plan can only purchase or sell such securities from or to a fiduciary who is a market-maker on terms more favorable to the plan than those which the fiduciary, acting in good faith, reasonably believes to be available from all other market-makers. Other modifications have also been made to clarify other provisions of the exemption in response to the written comments.

The Department and the Service note that certain broker-dealers who are fiduciaries with respect to plans may purchase securities from or sell securities to such plans as so-called "block positioners" with respect to such securities. Such transactions would constitute prohibited transactions under section 406 of the Act and section 4975(c) (1) of the Code. Although it has been suggested that an exemption be granted for such transactions, the Department and the Service lack sufficient supportive data on which to consider the proposal of such an exemption.

Exemption. Accordingly, the following exemption is granted under the authority of section 408(a) of the Act and section 4975(c) (2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-20 I.R.B. 14:

The restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c) (1) of the Code, shall not apply to any purchase or sale of any securities by an employee benefit plan from or to a market-maker with respect to such securities who is also a fiduciary with respect to such plan, provided that the following conditions are met:

(a) The issuer of such securities has been in continuous operation for not less than three years, including the operations of any predecessors, unless—

(1) Such securities are non-convertible debt securities rated in one of the four highest rating categories by at least one nationally recognized statistical rating organization;

(2) Such securities are issued or guaranteed by the United States or by any person controlled or supervised by and acting as an instrumentality of the

United States pursuant to authority granted by the Congress of the United States, or

(3) Such securities are fully guaranteed by a person described in this paragraph (a).

(b) As a result of purchasing such securities—

(1) The fair market value of the aggregate amount of such securities owned, directly or indirectly, by the plan and with respect to which such fiduciary is a fiduciary, does not exceed three percent of the fair market value of the assets of the plan with respect to which such fiduciary is a fiduciary, as of the last day of the most recent fiscal quarter of the plan prior to such transaction, provided that if the fair market value of such securities exceeds \$1 million, it does not exceed one percent of such fair market value of such assets of the plan, except that this paragraph shall not apply to securities described in paragraph (a) (2) of this exemption; and

(2) The fair market value of the aggregate amount of all securities for which such fiduciary is a market-maker, which are owned, directly or indirectly, by the plan and with respect to which such fiduciary is a fiduciary, does not exceed 10 percent of the fair market value of the assets of the plan with respect to which such fiduciary is a fiduciary, as of the last day of the most recent fiscal quarter of the plan prior to such transaction, except that this paragraph shall not apply to securities described in paragraph (a) (2) of this exemption.

(c) At least one person other than such fiduciary is a market-maker with respect to such securities.

(d) The transaction is executed at a net price to the plan for the number of shares or other units to be purchased or sold in the transaction which is more favorable to the plan than that which such fiduciary, acting in good faith, reasonably believes to be available at the time of such transaction from all other market-makers with respect to such securities.

(e) The plan maintains or causes to be maintained for a period of six years from the date of such transaction such records as are necessary to enable the persons described in paragraph (f) of this exemption to determine whether the conditions of this exemption have been met, except that a prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six year period.

(f) Notwithstanding anything to the contrary in subsections (a) (2) and (b) of section 504 of the Act, the records referred to in paragraph (e) are unconditionally available for examination during normal business hours by duly authorized employees of (1) the Department of Labor, (2) the Internal Revenue Service, (3) plan participants and beneficiaries, (4) any employer of plan participants and beneficiaries, and (5) any

employee organization any of whose members are covered by such plan.

For purposes of this exemption—

(1) The term "market-maker" shall mean any specialist permitted to act as a dealer, and any dealer who, with respect to a security, holds himself out (by entering quotations in an inter-dealer communications system or otherwise) as being willing to buy and sell such security for his own account on a regular or continuous basis.

(2) The term "fiduciary" shall include such fiduciary and any affiliates of such fiduciary, and the term "affiliate" shall be defined in the same manner as that term is defined in 29 CFR 2510.3-21(e) and 26 CFR 54.4975-9(e).

V. *Extension of credit.* Based on the proposals submitted relating to this class exemption, the letters of comment, and the testimony given at the public hearings, the Department and the Service have made the following determinations. A normal part of the execution of securities transactions by broker-dealers on behalf of customers, including plans, is the extension of credit to customers so as to permit the settlement of transactions in the customary five-day settlement period. In addition, such extensions of credit are also customary in connection with certain kinds of securities transactions, such as short sales and the writing of option contracts.

Since such extensions of credit are normally made by broker-dealers in connection with the execution of transactions for customers, if the customer is a plan, the broker-dealer would be a party in interest or disqualified person with respect to the plan by reason of providing the service of executing a transaction for the plan. Section 406(a)(1)(B) of the Act and section 4975(c)(1)(B) of the Code prohibit extensions of credit between plans and parties in interest or disqualified persons.

However, the Department and the Service have determined to grant the exemption set forth below to permit extensions of credit by broker-dealers to plans under conditions designed to safeguard the interests of plans and their participants and beneficiaries.

Exemption. Accordingly, the following exemption is granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-20 I.R.B. 14:

The restrictions of section 406 of the Employee Retirement Income Security Act of 1974 (the Act) and the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code), by reason of section 4975(c)(1) of the Code, shall not apply to any extension of credit to an employee benefit plan by a party in interest or a disqualified person with respect to the plan, provided that the following conditions are met:

(a) The party in interest or disqualified person—

(1) Is a broker or dealer registered under the Securities Exchange Act of 1934; and

(2) Is not a fiduciary with respect to any assets of such plan, unless no interest or other consideration is received by such fiduciary or any affiliate thereof in connection with such extension of credit.

(b) Such extension of credit—

(1) Is in connection with the purchase or sale of securities;

(2) Is lawful under the Securities Exchange Act of 1934 and any rules and regulations promulgated thereunder; and

(3) Is not a prohibited transaction within the meaning of section 503(b) of the Code.

(c) The plan maintains or causes to be maintained for a period of six years from the date of such transaction such records as are necessary to enable the persons described in paragraph (d) of this exemption to determine whether the conditions of this exemption have been met, except that—

(1) If such party in interest or disqualified person is not a fiduciary with respect to any assets of the plan, such party in interest or disqualified person shall not be subject to the civil penalty which may be assessed under section 502(i) of the Act, or to the tax imposed by section 4975 (a) and (b) of the Code, if such records are not maintained, or are not available for examination as required by paragraph (d) below; and

(2) A prohibited transaction will not be deemed to have occurred if, due to circumstances beyond the control of the plan fiduciaries, such records are lost or destroyed prior to the end of such six-year period.

(d) Notwithstanding anything to the contrary in subsections (a) (2) and (b) of section 504 of the Act, the records referred to in paragraph (c) are unconditionally available for examination during normal business hours by duly authorized employees of (1) the Department of Labor, (2) the Internal Revenue Service, (3) plan participants and beneficiaries, (4) any employer of plan participants and beneficiaries, and (5) any employee organization any of whose members are covered by such plan. For purposes of this exemption, the terms "party in interest" and "disqualified person" shall include such party in interest or disqualified person and any affiliates thereof, and the term "affiliate" shall be defined in the same manner as that term is defined in 29 CFR 2510.3-21(e) and 26 CFR 54.4975-9(e).

The effective date for exemptions I through V above is January 1, 1975.

Signed at Washington, D.C. this 24th day of October, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and
Welfare Benefit Programs,
U.S. Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.
[FR Doc. 75-20230 Filed 10-28-75; 8:45 am]

federal register

FRIDAY, OCTOBER 31, 1975



PART IV:

DEPARTMENT OF THE TREASURY

Office of the Secretary



PRIVACY ACT OF 1974

Proposed Systems of Records

DEPARTMENT OF THE TREASURY

Office of the Secretary
PRIVACY ACT OF 1974

Notice of Proposed Systems of Records.

Pursuant to the requirements of sections (e) (4) and (11), of the Privacy Act of 1974 (5 U.S.C. 552a, as added by Pub. L. 93-579, 88 Stat. 1896), the Department of the Treasury hereby gives notice of the maintenance of the following systems of records by the Department and of the additional routine uses to be published in Appendix AA for these and all other systems with respect to which notices have previously been published. The systems of records were in existence on September 27, 1975, and should have been published in the notice of proposed systems published by the Department of the Treasury in the FEDERAL REGISTER on August 26, 1975 or September 9, 1975 (40 FR 37640, 41956), but due to administrative oversight, technical, printing or computer error, were inadvertently omitted from such notices.

Such systems and routine uses will be part of the final Treasury Department Notice of Systems of Records when published in the FEDERAL REGISTER. Printing complications have delayed such publication, although the final version has been available for public inspection at the Federal Register since September 26, 1975.

All of the notices for the Department are followed by an Appendix AA which sets forth general routine uses applicable to all noticed systems of records and incorporated by reference into the notice of each particular system of records. The centralizing of these routine uses was occasioned by the desire to avoid unnecessary repetition which would hamper the public in its review and use of the proposed notice.

Accordingly, public comment on the following systems and routine uses is invited.

Any interested person may submit written data, views or arguments to the Privacy Act Working Group (Stop 223), Room 4418, United States Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, D.C. All comments received by November 30, 1975 will be considered and the final notice will be revised, as a result of such consideration, if indicated. The comments received also will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m. Monday through Friday (except holidays), as received and until 4 p.m. December 5, 1975.

This notice is effective October 31, 1975. Signed this 29th day of October, 1975.

STEPHEN S. GARDNER,
Acting Secretary of the Treasury.

Treasury/OS 00.055

System name. EEO Counselor Complaint Files Treasury/OS.

System location. U.S. Treasury Department, Office of the Secretary, 1500 Pennsylvania Avenue, NW., Room 4313, 2438.

Categories of individuals covered by the system. Individuals alleging discrimination related to employment with the Office of the Secretary and who have been assigned to a counselor for informal counseling.

Category of records in the System: The files contain the names of the complainants and information relative to their complaints. This may include: efforts made to settle the complaint; the settlement agreement; notification of extension of the counseling period; notification of final counseling session; and the counselor's report, if required.

Statutory authority. Treasury Personnel Manual Chapter 713.

Routine uses. Used by the counselors to maintain a record of cases and to prepare the counselor's report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage. File cabinet.

Retrievability. Indexed by name.

Safeguards. Files are under supervision of each counselor and not released to unauthorized personnel.

Retention and disposal. Indefinite.

Systems manager. Equal Employment Opportunity Officer, Office of the Secretary, U.S. Treasury, Main Treasury, Room 4406, Washington, D.C. 20220.

Notification procedure. Same as above. Include name and approximate date of counseling.

Access. Same as above.

Contest. Same as above.

Record source category. Information is developed from counseling sessions with persons alleging discrimination.

Treasury/OS00.065

System name. Appointment at Above the Minimum Rate of the Grade Files—Treasury/OS.

Location. Room 2412, Main Treasury Building, Washington, D.C. 20220.

Category of individual. Persons proposed for employment by the Department of the Treasury at a salary rate above the minimum rate of the grade and for which approval is sought by Treasury from the U.S. Civil Service Commission.

Category of record. A collection of documents required for requesting approval by the U.S. Civil Service Commission of appointments at a salary rate above the minimum rate of the grade, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and in some instances, Request for Personnel Action (SF-52); Certification Form (SF-39); letters of justification; and general correspondence requesting approval of the action.

Authority. The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses. The information is used to satisfy the minimum data requirements needed for consideration and approval of appointments at above the

minimum rate of the grade by the U.S. Civil Service Commission. For additional routine uses see Treasury Appendix AA.

Record management policy and practice:

Storage. Records are maintained in typed or hand-written form.

Retrievability. System is indexed by name in a log and filed in chronological order as requests for approval are acted upon by the U.S. Civil Service Commission.

Safeguards. Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal. Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent appointment above the minimum rate of the grade requested by the Department of the Treasury.

Access. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contest. See Access Above.

Sources. The documents which constitute this system, and which are listed under Category of Record, came from the individual applicant, his servicing personnel office, the U.S. Civil Service Commission, and other concerned management officials within the Department of the Treasury.

System name. Combined Applicant/Applicant Correspondence File—Treasury/OS.

Location. Room 2412, Main Treasury Building, Washington, D.C. 20220.

Category of individual. Persons who have sent applications, or have asked questions about employment in the Department of the Treasury, or whose applications or questions have been referred to the Department of the Treasury by others for reply.

Category of record. Standard Applications for Federal Employment (SF-171).

Resumes providing a reflection of such personal or job related experience as the writer elected to furnish.

Correspondence from applicants and responses thereto, ranging from general inquiries to specific complaints about alleged practices, treatment, or requirements.

Authority. Most material is not solicited though on occasion applications are sought for specific positions.

The material, generally, is related to Treasury's personnel operations carried out under various provisions of Title 5, U.S. Code.

Routine uses. Employment inquiries received from applicants are routed to specific bureau personnel offices (if requested) or to all bureau personnel offices (if not specified). Should bureaus have vacancies for which outside applications are being accepted, they will be included for referral. Applicants are advised that we have referred their applications. Occasionally, applications are solicited from the general public for hard-to-fill jobs. When solicited, applicants are advised to apply directly to the bureau having the vacancy if they desire consideration. For additional routine USPS see Treasury Appendix A.

Record management policy and practice:

Storage. Records are maintained in typed or hand-written form.

Retrievability. Records are maintained in a manual filing system, indexed alphabetically and retrievable by name of applicant. In addition, a written log is maintained on all applications circulated to bureau personnel offices. The log gives name of applicant, date received, and date circulated.

Safeguards. Physical security is provided by storage in file cabinets. Only authorized personnel officials have access to the files maintained in Room 2412. These files are not available to the general public or to persons outside the personnel office who have no "need to know."

Retention and disposal. Files are maintained for a period of two years at the end of which time they are burned.

System manager. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. Since the system is filed alphabetically, only the applicant's name is required.

Access. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contest. See Access above.

Sources. Applications (SF-171, resumes) from the general public, including correspondence initially addressed to the President, Congressmen, or Senators are transmitted to this office because they deal with Treasury matters, issues, or employment.

Treasury/OS 00.067

System name. Detailed Employee Files—Treasury/OS.

Location. Room 2412, Main Treasury Building, Washington, D.C. 20220.

Category of individual. Department of the Treasury employees whose detail to other organizations and/or positions requires approval at the Departmental level.

Category of record. Correspondence requesting approval of details and Request for Personnel Action (SF-52) which documents the detail and reflects approval of it. In some instances there may also be a Personal Qualifications Statement, (SF-171), and attachments, Position Description (OF-8), and Request for Approval of Non-Competitive Action (SF-59).

Authority. The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses. The information is used to satisfy the minimum data requirements needed for consideration and approval of details of employees requiring approval at the Department level. For additional routine uses see Treasurer, Appendix AA.

Record management policy and practice:

Storage. Records are maintained in typed or hand-written form.

Retrievability. System is indexed by name in a log and filed in chronological order as details are approved.

Safeguards. Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal. Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent detail requiring approval at the Departmental level.

Access. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contest. See Access above.

Sources. The documents which constitute this system, and which are listed under Category of Record, came from the employee's servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.068

System name. Whitten Amendment Exception Files—Treasury/OS.

Location. Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individual. Persons employed by, or proposed for employment by, the Department of the Treasury and

in whose behalf an exception to the Whitten Amendment is sought by Treasury.

Categories of record. A collection of documents required for requesting approval by the U.S. Civil Service Commission of exceptions to the Whitten Amendment, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and, in some instances, Request for Personnel Action (SF-52); letters of justification; and general correspondence requesting approval of the exception.

Authority. The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses. The information is used to satisfy the minimum data requirements needed for consideration and approval of exceptions to the Whitten Amendment by the U.S. Civil Service Commission. For additional routine uses see Appendix 41A.

Record management policy and practice:

Storage. Records are maintained in typed or hand-written form.

Retrievability. System is indexed by name in a log and filed in chronological order as requests for exceptions are acted upon by the U.S. Civil Service Commission.

Safeguards. Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal. Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent Whitten Amendment exception requested by the Department of the Treasury.

Access. Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contest. See Access above.

Sources. The documents which constitute this system, and which are listed under Category of Record, came from the individual employee or applicant, his servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.157

System name. Employee Record Cards Treasury/OS.

System location. Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Category of individual. Present and former employees of the Office of the General Counsel.

Category of record. The information in this system consists of dates of personnel actions, pay increases, promotions, reassignments, change of rolls, retirement, transfer and resignation.

Authority. Federal Personnel Manual, Chapter 295 (Standard Form 7-B).

Routine uses. Used by supervisory personnel in connection with promotions, wage increases, and for verification of employment. For additional Routine uses see Treasury Appendix AA.

Record management policy and practice:

Storage. File cabinets.

Retrievability. By name of individual.

(3) **Safeguards.** The files are kept in cabinets with a limited number of employees permitted access.

(4) **Retention and disposal.** The records are retained on all present and former employees of the Office of the General Counsel.

System manager. Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification. Same as above.

Access. Same as above.

Contest. See Access above.

Record Sources. Standard Form 171 and Standard Form 50.

Treasury/OS 00.183

System name. Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location. Rooms 3064 and 4222 and 4028, Main Treasury Building, 15th Street and Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system. Individuals who have had private relief tax bills introduced in Congress on their behalf.

Categories of records in the system. Congressional Committee or OMB request for Treasury views on proposed legislation, plus comments on proposal from offices or bureaus of Treasury, plus the Internal Revenue Service data concerning the issues involved and that unit's recommendation, and the report of the Treasury on the Bill.

Authority for maintenance of the system. 5 U.S.C. 301. A function of the Office of the Assistant Secretary for Tax Policy and the Office of the Tax Legislative Counsel is to coordinate legislative work in the tax field that concerns Treasury and to advise the Secretary with respect thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses. System is

used to furnish reports and testimony to Congress or OMB. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

System manager(s) and address. Tax Legislative Council, Room 3064, Main Treasury Building, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Notification. Contact the System Manager.

Record access procedures. Through the System Manager.

Contesting record procedures. Contact the System Manager.

Record source categories. Principally the Congress and the Internal Revenue Service.

Treasury/OS 00.198

System name. Daily Bindery Log, Reproduction Branch—Treasury/OS 00.198.

Location. Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 20220.

Category of individual. All Reproduction Branch Employees.

Category of record. Name, date, and Machine No. Jacket and GPO number; prime and cut stock sizes; types work performed and clocktime with totals; hours and category of leave taken; employees and equipment production and time employment; materials used.

Authority. Title 5, United States Code, Chapters: 3, Sections 301 and 302; 29, Subchapter II, Section 2952 and 2953; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V Sections 5541 and/or 5548; 63 Subchapter I, Sections 6303, 6304 and/or 6311; Subchapter I.

Routine uses. It is used to enable accurate completion of Fiscal Year Annual and Planning and Estimation Reports; Employee and Machine evaluations. It is used by employees who have a need for the records as authorized. For additional routine uses See Appendix AA.

Record management policy and practice:

Storage. Printed form.

Retrievability. By day/month/year and employee name.

Safeguards. Office physically secure after normal duty hours.

Retention and disposal. Retained for a minimum of 4 yrs.—shredded.

System Manager. Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 20220.

Notification. See System Manager above.

Access. See System Manager above.

Content. See System Manager above.

Sources. Information supplied by Reproduction Branch Binderymen.

Treasury/OS 00.199

System name. Daily Work Log, Reproduction Branch—Treasury/OS 00.199

Location. Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 20220

Category of individual. All Reproduction Pressmen

Category of record. All specifications/determinations with regard to employee printing press production.

Authority. The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45 Section 4506; 55, Subchapters I, Section V, Sections 5541, 5542, and/or 5548; 63 Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I; Joint Committee on Printing, *Printing & Binding Regulations*, Title IV, Para. 47.

Routine uses. The information is collected for the purposes of enabling accurate accounting and/or record maintenance of: job/jacket number, type plates, impressions and units, time and hours to complete job, equipment downtime, leave time, name and date; employee/machine production and time employment; materials used. It is used to enable accurate completion of: information/paperwork necessary for Joint Committee on Printing Form No. 1, including TD Form 3223, Monthly Production Report; Fiscal Year Planning and Estimation Report; Employee and Machine Evaluation, and necessary administrative processes carried out in accordance with existing regulations and published notices of systems of records. It is used by employees who have a need for the records as authorized.

Record management policy and practice:

Storage. Printed form.

Retrievability. Press number/employee name.

Safeguards. Office physically secure after normal duty hours.

Retention and Disposal. Three years maximum—shredded.

System manager. Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 20220.

Notification. See System Manager above.

Access. See System Manager above.

Contest. See System Manager above.

Sources. Information supplied by Reproduction pressmen.

Treasury/OS 00.200

System name. Monthly Production Report, Reproduction Branch—Treasury/OS 00.200

Location. Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 20220

Category of individual. All Reproduction Pressmen

Category of record. Monthly summation by press number/employee name of jobs and units produced, and a daily synopsis of time schedule

Authority. The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section, V, Sections 5541, 5542, and/or

5548; 63 Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I; Joint Committee on Printing, *Printing & Binding Regulations*, Title IV, Para. 47.

Routine uses. Information/paperwork necessary for completion of Joint Committee on Printing Form No. 1; Fiscal Year Planning and Estimation Report, and Annual Report; Employee and Machine Evaluation. It is used by employees who have a need for the records as authorized.

For additional routine uses see Appendix AA.

Record management policy and practice:

Storage: Printed form
Retrievability: By day/month/year and employee name

Safeguards: Office physically secure after normal duty hours

Retention and Disposal: Retained for a minimum of 4 yrs.—shredded

System Manager: Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification: See System Manager above

Access: See System Manager above.

Contest: See System Manager above.

Sources: Information supplied by Reproduction Pressmen.

Treasury/OS 00.201

System name: Overtime Records, Reproduction Branch—Treasury/OS 00.201

Location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020

Category of Individual: All employees working overtime for Reproduction Branch

Category of Record: On duty and departure times; job/jacket numbers; and total overtime hours worked.

Authority: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapters I, Sections 6303, 6304, and/or 6311; 75, Subchapter I; Title 31, United States Code, Section 66a.

Routine Uses: The information is collected for the purposes of enabling accurate accounting and/or record maintenance of: TD Forms 2384, Time and Attendance Report, 3035, Report of Overtime Worked, and, 3036, Report of Overtime Worked Not Recorded on Form 2384—and related forms; job cost accounting for financial charges to customer Bureaus for services rendered during overtime hours; and employee and equipment evaluations; and necessary administrative processes and record maintenances carried out in accordance with existing regulations and published notices of systems of records. It is used by employees who have a need for the records as authorized. For addition routine use, see Appendix AA.

Record Management Policy and Practice:

Storage: Printed Form
Retrievability: By day/month/year and employee name

Safeguards: Office physically secure after normal duty hours

Retention and Disposal: Retained for a minimum of 4 yrs.—shredded

System Manager: Chief, Reproduction Branch, Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification: See System Manager above

Access: See System Manager above

Contest: See System Manager above.

Sources: Information supplied by Reproduction Branch employees

Treasury/OS 00.202

System Name: Printing Procurement Charge Ticket, Printing Procurement—Treasury/OS 00.202

Location: Department of the Treasury, 1325 G Street, Washington, D.C. 22020

Category of Individual: All Printing Procurement employees

Category of Record: Employee time allotment to Specialist or Technical Assistance and/or functions and steps performed as such/necessary procurement methods recommendation; expenses in conjunction with assistance rendered; initials and date; Treasury Bureau receiving assistance

Authority: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304, and/or 6311; 75, Subchapter I; Public Law 91-614.

Routine Uses: The information is collected for the purposes of enabling accurate accounting and/or record maintenance of: employee time allotment to Specialist or Technical Assistance and/or functions and steps performed as such/necessary procurement methods recommendation; expenses in conjunction with assistance rendered; initials and date; Treasury Bureau receiving assistance. It will be used to enable accurate completion of: Assistance charge and/or incidental expenses computation for Treasury customer Bureaus under provisions of Working Capital Fund; employee evaluation and necessary administrative processes carried out in accordance with existing regulations and published notices of systems and records. It is used by employees who have a need for the records as authorized.

For additional routine uses see Appendix AA.

Record Management Policy and Practice:

Storage: Printed form
Retrievability: By month/employee initials

Safeguards: Office secure after normal duty hours

Retention and Disposal: Retain for a minimum of four years then shredded

System Manager: Printing Procurement Chief, Department of the Treasury, 1325 G Street, Washington, D.C. 22020.

Notification: See System Manager above.

Access and Contest: See System Manager above.

Sources: Information supplied by Printing Procurement employees.

Treasury/OS 00.203

System Name: Sign-in Sheet, Reproduction Branch—Treasury/OS.

Location: Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Category of Individual: All Reproduction Branch Employees.

Category of Record: Arrival and Departure times, or total on-duty or off-duty times for each workday with leave category determination.

Authority: The authority to collect the information is derived from, and/or is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapters I, Section 5504, V, Sections 5541, 5542, and/or 5548; 63, Subchapter I, Sections 6303, 6304, and/or 6311; 75, Subchapter I; Title 31, United States Code, Section 66a; Budget and Procedures Act of 1950.

Routine Uses: It is used to enable accurate completion of TD Forms 2384, Time and Attendance Card—and related forms; employee and equipment evaluation. It is used by employees who have a need for the records as authorized. For additional routine uses see Appendix AA.

Record Management Policy and Practice:

Storage: Printed form.

Retrievability: By day/month/year and employee name and Social Security Number.

Safeguards: Office secure after normal duty hours.

Retention and Disposal: Retain maximum three years, then shredded.

System Manager: Reproduction Branch Chief.

Department of the Treasury, Annex, Madison Place and Pennsylvania Avenue, Washington, D.C. 22020.

Notification: See System Manager above.

Access: See System Manager above.

Contest: See System Manager above.

Sources: Information supplied by Reproduction Branch Employees.

Treasury/OS 00.204

System name: Weekly Activity Report, Printing Procurement Branch—Treasury/OS.

Location: Department of the Treasury, 1325 G Street, Washington, D.C. 22020.

Category of Individual: All employees of the Printing Procurement Branch.

Category of Record: Employee summation of weekly activities.

Authority: The authority to collect the information is derived from, and/or

is to be utilized to enable compliance with, one or more of the following: Title 5, United States Code, Chapters: 3, Sections 301 and 302; 43, Sections 4302, 4303, and/or 4308; 45, Section 4506; 55, Subchapter I, Section 5504. V, Sections 5541, 5542, and/or 5548; 63 Subchapter I, Sections 6303, 6304 and/or 6311; 75, Subchapter I.

Routine Uses: Information received serves as constitutive elements in Office or Branch Weekly Activity Report; employee evaluation; and Fiscal Year Annual, and, Planning and Estimation Reports; and necessary administrative processes carried out in accordance with notice authorizations, it is used by employees who have a need for the records as authorized. For additional Routine Uses see Appendix AA.

Record Management Policy and Practice:

Storage: Retained in forms submitted by employees.

Retrievability: By week and employee name.

Safeguards: Office physically secure after normal duty hours.

Retention and Disposal: Retained five years and shredded.

System Manager: Printing Procurement Branch Chief, Department of the Treasury, 1325 G Street, Washington, D.C. 20220.

Notification: See *System Manager* above.

Access: See *System Manager* above.

Sources: Information supplied by Printing Procurement employees.

Treasury/OS 00.300

System name: Personnel files—Treasury/OS.

Location: Department of the Treasury, Office of the Secretary, Office of the Special Assistant to the Secretary for Public Affairs, Room 2324, Washington, D.C. 20220.

Category of individual: Employees in the Office of Public Affairs.

Category of record: SF 171s, notification of within grade raises; Personnel action information; Letters of appreciation.

Authority: 5 U.S.C. 301.

Routine Uses: Records used by time-keeper for leave purposes; by supervisor, when information is needed; by employee when requesting information from their files. For additional routine uses, see Treasury Appendix AA.

Record management policy and practice:

Storage: Copies of original documents in file folders in safe.

Retrievability: Filed alphabetically by employee's last name.

Safeguards: Only the two persons authorized to use the safe have access to personnel files; Deputy Special Assistant to the Secretary for Public Affairs and his secretary.

Retention and Disposal: Records are kept until employee is separated from office and files are then sent to St. Louis for storage.

Systems Manager: Deputy Special Assistant to the Secretary for Public Affairs,

Office of the Secretary, Room 2324, Main Treasury Washington, D.C. 20220.

Notification: Inquiries should be addressed to the Deputy Special Assistant to the Secretary for Public Affairs: Department of the Treasury, Room 2324, Washington, D.C. 20220 or if he is not available, his secretary, same address. The individual must be inquiring about his own records and clearly identify himself, if not known to the persons named above.

Access: To obtain information on procedures for gaining access to and contesting records, mail the request to the Systems Manager.

Contest: See *Access* above.

Sources: Information for the personnel records are obtained from: 1. Office of the Secretary Personnel Division; 2. Information provided by employees themselves; and 3. Copies of letters from officials congratulating employees for special achievements.

Treasury/OS 00.400

System name: Merit System Complaints—Treasury/OS.

Location: Office of the Director, Office of Audit, Room 902, 1025 Vermont Ave. N.W., Washington, D.C. 20220.

Category of individual: Employees who have a basis for believing that Civil Service personnel laws or rules are being violated, and the matter is not appropriate for the grievance or appeals procedure.

Category of record: Letters, personnel documents, memorandums, investigation reports, and extracts from investigation files.

Authority: Memorandum from the Secretary of the Treasury, dated November 21, 1974.

Routine Uses: To furnish direction and suggestions to Treasury Personnel Office for follow-up action.

Record Management Policy and Practice:

Storage: Locked combination safe.

Retrievability: By name.

Safeguards: Locked safe, access by Director of office only.

Retention and Disposal: One year after matter resolved, material is then shredded.

System Manager: Office of Audit, Director 902, 1025 Vermont Avenue N.W., Washington, D.C. 20220.

Notification: System proposed for exemption.

Access: System proposed for exemption.

Contest: System proposed for exemption.

Sources: Complainant, official personnel files, investigation files and grievance files.

Exemption: This system is proposed for exemption elsewhere in the FEDERAL REGISTER.

Treasury/OS 00.500

System Name: Affirmative Action Plan, Employment of Handicapped Individuals—Treasury/OS.

Location: Room 1325, Main Treasury Building, Office of the Secretary, Personnel Division, Department of the Treas-

ury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Category of Individual: All government employees within the Office of the Secretary.

Category of Record: Computer print-out alphabetically identifying Office of the Secretary employees with their respective bureau, birthdate, social security number, and their reported physical handicap code.

Authority: Pub. L. 93-112.

Routine uses: The information is used solely to compute the total number of handicap employees on the bureau rolls as of a specific date. The bulk statistics are then reported to the Civil Service Commission pursuant to its authority granted under the Rehabilitation Act of 1973 (Pub. L. 93-112) and guided by FPM Letter No. 306-5. For additional routine uses see Appendix AA.

Record Management Policy and Practice:

Storage: The information is kept in a file cabinet and is available to authorized personnel only. During non-working hours, both the cabinet and the office in which the file is located are locked.

Retrievability: Each individual is retrieved alphabetically.

Safeguards: As indicated above under *Storage*, during official business hours, the file is available to authorized personnel only, and at the close of business the office and the file cabinet in which the record is stored is locked.

Retention and Disposal: The record is maintained for one week in order to gather the statistics for the Handicapped Employees report intended for the Civil Service Commission. It is then placed in a "Classified Waste" bag to be burned.

System Manager: Chief, Special Programs Branch, Room 1325, Main Treasury Building, Department of the Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification: Same as *System Manager* above.

Access: Same as *System Manager* above.

Contest: Same as *System Manager* above.

Sources: The record is supplied by the IRS Data Center in Detroit, Michigan.

Treasury/OS 00.501

System name: Disabled Veterans—Treasury/OS

Location: Room 1325, Main Treasury Building, Department of the Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Category of Individual: All government employees within the Office of the Secretary claiming either a five or ten point veteran preference.

Category of Record: The record is a computer printout that categorizes all Office of the Secretary employees claiming a veteran preference by their veteran preference code number. Inside each numerical category, the employees are listed alphabetically along with their employing bureau, office, physical handicap code, pay plan, and social security number.

Authority: Pub. L. 93-508.

Routine Uses: The record is used solely to gather statistics on the total number of Office of the Secretary employees claiming either 10 point compensable, 10 point noncompensable, or 5 point veteran preference codes, in addition, to the number of them that have reportable handicaps. This data is then used to prepare the Treasury Department's report required by the Civil Service Commission pursuant to its authority under the Vietnam Era Veterans Readjustment Assistance Act of 1974 (Pub. L. 93-508) and in accordance with the guidelines contained in FPM Letter No. 306-8. For additional Routine uses see Treasury Appendix AA.

Record Management Policy and Practice:

Storage: The information is kept in a file cabinet and is available to authorized personnel only. During non-working hours, both the cabinet and the office in which the file is located are locked.

Retrievability: Each individual is retrieved by the veteran preference code number and then alphabetically within the code.

Safeguards: As indicated above under Storage, during official business hours the file is available to authorized personnel only, and at the close of business the office and the file cabinet in which the record is stored is locked.

Retention and Disposal: The record is maintained for one week in order to gather the statistics for the Disabled Veterans report and then it is placed in a "Classified Waste" bag to be burned.

System Manager: Chief, Special Programs Branch, Room 1325, Main Treasury Building, Department of the Treasury, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification: Same as above.

Access: Same as above.

Contest: Same as above.

Sources: The record is supplied by the IRS Data Center in Detroit, Michigan.

Treasury/OS 00.502

System Name: Reference Letters—Special Assignments Branch, Office of the Secretary of the Treasury.

Location: Room 1312, Main Treasury Building, Personnel Division, Special Assignments Branch, Office of the Secretary, Department of the Treasury, Room 1330, Diebold File, after candidate is on board.

Category of Individual: Secretarial candidates applying for positions within the Office of the Secretary.

Category of Record: Evaluation for placement of applicants.

Authority: Federal Personnel Manual Chapter 335.

Routine Uses: Used in conjunction with other records to determine the relative qualifications of applicants for employment. For additional routine uses see Treasury Appendix AA.

Record Management Policy and Practice:

Storage: Completed letters are retained with SF-171 while an applicant.

Retrievability: After employment, letters are retrieved from SF-171 or OPF.

Safeguards: Letters are filed in an envelope marked "Confidential" in OPF.

Retention and Disposal: Letters are retained in the OPF during tenure of employee and destroyed when incumbent terminates employment with the Department of the Treasury.

Systems Manager: Personnel Staffing Specialist, Personnel Division, Room 1312, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, NW, Washington, D.C. 20220.

Notification: Same as above.

Access: Same as above.

Contest: Same as above.

Sources: The information reflected on the reference form was obtained from previous supervisor's and personal references candidate fills in on employment application forms.

Treasury/OS 00.5031

System Name: Roster of Office of the Secretary Employees—Treasury/OS.

Location: Room 1330, Main Treasury Building.

Category of Individual: All Office of the Secretary employees.

Category of Record: Position titles, grades and salary for Office of Secretary employees.

Authority: Assistant Secretary (Administration) request.

Routine uses: Position control, ceiling control and general information for a very limited number of high level officials. For additional routine uses see Treasury Appendix A.

Record Management Policy and Practice:

Storage: Locked file cabinet.

Retrievability: By name.

Safeguards: Strict control of distribution.

Retention and Disposal: Rosters are maintained for at least 3 years and after that time are destroyed.

System Manager: Personnel Officer.

Notification: Room 1330, Main Treasury Building. Employee must give his name and office.

Access: Personnel Officer.

Contest: Personnel Officer.

Sources:

Treasury/Customs 00.001

System name: Acceptable Level of Competence, Negative Determinations—Treasury/Customs.

Location: Personnel Management Division, U.S. Customs Service, Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Category of Individual: Any employee of U.S. Customs Service Region I, who receives a negative determination regarding acceptable level of competence.

Category of Record: Employee's name, social security number, position description, grade, and correspondence containing specific reasons for negative determination.

Authority: Five U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine Uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such uses include general reference to the records by supervisors when considering appropriate actions to take with regard to the individuals; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" 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; (e) A record from this system of records may be disclosed 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.

Treasury/Customs 00.072

System Name: Customhouse Brokers Records (Headquarters)—Treasury/Customs.

Location: Entry and Licensing Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, Room 2335, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Category of Individual: Citizens of the United States, 21 years of age or older, who have been granted individual customhouse brokers' licenses for specific U.S. Customs Districts and such individuals who have applied for an individual broker's license which have been denied for cause other than failure to pass the qualifying individual customhouse brokers' license examination.

Category of Record: The records systems contains executed individual customhouse brokers' license application forms, reports of investigation concerning individual broker applicants, transmittal letters, and general correspond-

ence corroborative of information disclosed in an individual's license application or report of investigation as to the applicant's character and business integrity. The records system also contain information relating to actual or proposed disciplinary action against licensed customhouse brokers.

Authority: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1641, 19 CFR Part III.

Routine uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such uses would include the processing of individual applications, verification and updating of names, addresses, place of employment and other information in the records, review of records to assure compliance with regulatory requirements regarding duties and obligations of customhouse brokers, review of records to decide whether to approve the use of trade or fictitious brokers names, and review of files to determine that partnerships or corporations licensed as customhouse brokers have not less than two officers or members licensed as individual brokers; (b) Disclosure required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation, or order issued pursuant thereto. Such uses would include referring records to the Federal Maritime Commission, the Civil Aeronautics Board, the office of an appropriate U.S. Attorney or other Federal agency.

For additional routine uses see Appendix AA.

Record management policy and practice:

Storage: Each file is kept in an alphabetical file folder in metal file cabinets.

Retrievability: Each file is indexed in a card file system by alphabetical name and Customs district where located. Records are retrieved alphabetically by reference to the card file index, or by license certificate number assigned to a broker upon the granting and issuing of a customhouse broker's license. Cancelled brokers' records are maintained in cancelled files arranged alphabetically.

Safeguards: Direct access to the files is generally limited to Customs employees assigned to processing and reviewing customhouse brokers' license applications. During non-working hours the of-

fices are locked and the building is guarded by security police.

Retention and disposal: Cancelled customhouse brokers' records are retained in cancelled files and used for precedent purposes. The records are maintained indefinitely.

System manager: Chief, Entry and Licencing Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, Room 2333, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Notification: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide not suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Access: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a

notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contest: See Access above.

Sources: Information in the record is obtained from the license applications of the individual customhouse brokers, references as to good character and integrity of the applicant, reports of investigations by Customs regarding applications for licenses and disciplinary action responses to posted notices of individual applicants applying for customhouse brokers' licenses, local credit reporting services, Customs audit reports and court records.

Exemption: The Commissioner of Customs pursuant to 5 U.S.C. 552a(k) (2) has proposed to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the FEDERAL REGISTER.

Treasury/Customs 00.271

System Name: Cargo Security Record System—Treasury/Customs.

Location: District Director, 423 Canal Street, New Orleans, Louisiana 70113; District Director, P.O. Box 2743, Mobile, Alabama 36601.

Category of Individuals: Drivers of motor vehicles of licensed cartmen and lightermen; proprietors and operators of each class of Customs bonded warehouse and their employees.

Category of Records: Records on drivers of motor vehicles contain information relating to personal statistical data, physical characteristics, history of past employments, previous five years residences, alias (if any), citizenship, military records, criminal record other than traffic violations, use of narcotic drugs, and photograph. Name of operator of bonded warehouse and employees.

Authority: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine Uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties which include protection of the revenue of the United States and protection of merchandise in Customs custody; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552); (c) In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular

program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (d) A record from this system of records may be disclosed as a "routine use" to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current license, 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; (e) A record from this system of records may be disclosed 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.

For additional routine uses see Appendix AA.

Record Management Policy and Practice:

Storage: File folder with Customs Form 3078, Customs Form 73, Photographs, and correspondence; For bonded warehouses, file folder contains Customs Form 3581 and names, addresses, and social security number of all employees; all stored in metal file cabinet. Alphabetical list of current I.D. cards issued on drivers retained in file folder and stored in desk drawer.

Retrievability: By individual name or corporate name.

Safeguards: Unlocked metal file cabinet and desk drawer of customs employee; building secured after hours.

Retention & Disposal: Information on drivers is retained in an active file until revoked or cancelled. After revocation or cancellation, the information folder is placed in an inactive file for a period of five years, after which time the records are disposed of in accordance with the General Services Administration Records Disposal Manual. Information on proprietor bonded warehouse operators and employees is retained on file until Customs bonded operations cease and are discontinued, then are maintained in an inactive file for a period of three years. Final disposition is in accordance with the GSA Records Disposal Manual.

System Manager: District Director, 423 Canal Street, New Orleans, Louisiana 70113; District Director, P.O. Box 2748, Mobile, Alabama 36601.

Notification: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in

which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Access: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Classification and Value Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contest: See Access above.

Sources: Information is obtained from applicant (individual or corporation) and from reports of investigation on drivers obtained from Regional Director, Investigations, U.S. Customs Service.

Exemption: The Commissioner of Customs pursuant to 5 U.S.C. 552a(k)(2) proposes to exempt this system of records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the FEDERAL REGISTER.

Treasury/Customs 00.272

System Name: Currency Declaration File (IRS Form 4790)—Treasury/Customs.

Location: One or more offices of District Directors of Customs or suboffices under the District Director's jurisdiction (for addresses of District Directors, see Customs Appendix A).

Category of Individual: Individuals departing from or entering the country who filed IRS Form 4790.

Category of Record: Name, identifying number, birthdate, address, citizenship, Visa date and place, immigration alien number, kinds and amounts of monetary instruments, address in the United States or abroad, passport number and country, and arrival or departure information.

Authority: 31 U.S.C. 1101; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, revised, as amended.

Routine Uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; such duties include referencing and verifying currency declarations filed; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552);

For additional routine uses see Appendix AA.

Record Management Policy and Practice:

Storage: The Form 4790 is maintained in a file folder or binder in an open storage rack.

Retrievability: They are indexed and filed by name in the folder or binder.

Safeguards: The office and building are locked during nonworking hours.

Retention and Disposal: The records are retained from one to five years and then destroyed.

System Manager: District Directors of Customs.

Notification: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S.

Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Access: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contest: See Access above.

Sources: The information on the IRS Form 4790 originates from the individual or customs agent reporting the bringing

in or taking out of currency or monetary instruments exceeding \$5,000.

Treasury/Customs 00.275

System name: Operator Identification File—Treasury/Customs.

Location: Honeywell Computer Center, 7900 Westpark Drive, McLean, Virginia.

Category of individual: Customs Service employees who are authorized to operate computer terminals under the AMPS/Entry Processing System.

Category of record: Terminal identification number, operator identification number, operator name, and transaction class code.

Authority: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

Routine uses: The routine uses of the records contained in this system of records are as follows: (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties include collecting statistics for supervisors and management and ensuring that only authorized persons have access to information on transactions contained in the AMPS/Entry Processing System and that only authorized terminals are utilized on authorized transactions; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

For additional routine uses see Appendix AA.

Record management policy and practice:

Storage: Magnetic disc.

Retrievability: By operator name or identification number.

Safeguards: The terminal is locked when not in use, the entrances to the building are locked, the building is patrolled by security guards, and access to the file is restricted to authorized persons.

Retention and Disposal: The file is retained indefinitely but is periodically updated to reflect changes in the employment or authorization of each operator.

System manager: Director, Duty Assessment Division, Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Notification: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature. If an individual can provide no suitable documents for

identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. Where the request is not presented in person, it shall be accomplished by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Access: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content, shall be in writing and directed to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requestor will be notified in writing of the procedures to be followed. Where the request is presented in person, the requestor shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requestor asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Contest: See Access above.

Sources: Administratively created through internal Customs Service records.

Treasury/Customs 00.276

System name: Equal Opportunity Informal Discrimination Complaint Files—Treasury/Customs.

Location: Equal Opportunity Offices at Customs Headquarters and at each Customs Regional Headquarters and all EO Counselors at those locations (for addresses see Customs Appendix A) and Customs District offices.

Category of individual: Government and private industry employees, including present and former Customs Service employees and applicants for jobs, who have filed informal complaints alleging

discrimination on the part of the Customs Service or its officers or employees in violation of Equal Employment Opportunity Act of 1972.

Category of record: Names, addresses, employment, medical histories, reports of investigation, complaints filed, correspondence from members of Congress, attorneys representing the complainants, labor unions, hearing records and transcripts, Government documents regarding the administrative processing of complaints, and merit promotion information.

Authority: 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Title 5, United States Code; Title 5, Code of Federal Regulations.

Routine Uses: The routine uses of the records contained in this system are as follows: a. Records in this system of records are disclosed to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties. Such duties may include reviewing charges or procedures in complaints, making informal attempts to adjust complaints, preparing documents relating to proposed disposition of cases, preparing documents relating to final decisions in cases, and determining formal hearing status. b. Records in this system of records are also made available to Civil Service Commission Hearing Examiners and to the Civil Service Commission Appeals and Review Board for use in making decisions on administrative hearings held in connection with the complaints. Records are also provided to the Department of Justice in connection with civil court actions arising in respect of the complaints. c. Records in this system of records are, on occasion, disclosed in response to requests from members of Congress and are disclosed as required in the administration of the Freedom of Information Act (5 U.S.C. 552). d. Records in this system of records are disclosed to the complainants and to attorneys, labor unions or other parties representing the interests of the complainants. e. In the event that this system of records includes information which indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

For additional routine uses see Appendix AA.

Record Management Policy and Practice:

Storage: The case files are inserted alphabetically in file drawers within locked metal or wooden containers.

Retrievability: Each case file is identified on each alphabetical file folder within the metal or wooden container by the complainant's name.

Safeguards: The metal or wooden containers in which the file folders are placed are locked during non-working hours, and the room in which the containers are located is locked during non-working hours. The building is guarded by uniformed security police, and only authorized persons are permitted within the building.

Retention and Disposal: Informal case files are retained during the time period in which the cases remain open informally and thereafter, until there is no longer a specific need for them, or until they are forwarded to the Regional EO Officer or Director, Equal Opportunity Division, at which time they are periodically destroyed.

System Manager: Equal Opportunity Officers and EO Counselors at the above locations.

Notification: Requests by an individual to be notified if the system of records contains records pertaining to him shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly and willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Access and Contest: Requests by an individual to be notified how he can gain access to a record pertaining to him contained in a system of records, and how he can contest its content shall be in writing and directed to the Regional Commissioner of the Region in which the records are located (see Customs Appendix A), or to the Director, Entry Procedures and Penalties Division, Office of Regulations and Rules, U.S. Customs

Service Headquarters, 1301 Constitution Avenue, NW., Washington, D.C. 20229. The requester will be notified in writing of the procedures to be followed. Where the request is presented in person, the requester shall present adequate identification to establish his identity, and a comparison of his signature and those in the records may be made where the records contain the necessary signature.

If an individual can provide no suitable documents for identification, he may be required to make a signed statement asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000.

Where the request is not presented in person, it shall be accompanied by a notarized statement executed by the requester asserting identity and stipulating that he understands that knowingly or willfully seeking or obtaining access to records about another person under false pretenses is punishable by a fine up to \$5,000. A comparison of his signature and those in the records may be made where the records contain the necessary signature.

Sources: The information in this system originates with an informal written or oral complaint to the appropriate equal opportunity counselor. Information in this system is obtained from the claimant through interviews during the informal complaint procedures and through other interviews during the informal complaint procedures. This system also contains information derived from a complaining Customs employee's official personnel file, from Evaluation and Promotion Board work papers relating to the complainant, and from inquiries into the complaints which include interviews of supervisors, interested third parties including non-Government persons, and former Customs Service employees. Information in this system is also derived from labor unions or attorneys representing the interests of the complainants and from documentary evidence.

Exemption: The Commissioner of Customs pursuant to 5 U.S.C. 552a(K)(2) proposes to exempt this system or records from certain requirements of 5 U.S.C. 552a. The provisions of 5 U.S.C. 552a from which this system of records is proposed to be exempted and the justification for the exemption is contained in a general notice which appears elsewhere in the FEDERAL REGISTER.

Treasury/Mint 00.017

System name: Equal Employment Opportunity (EEO) Complaint Counseling Records—Treasury/Mint.

System location: Washington, D.C., Bureau of the Mint, Warner Building, 501—13th Street, NW.; Philadelphia, Pennsylvania, United States Mint, Independence Mall; Denver, Colorado, United States Mint, 320 West Colfax Avenue; San Francisco, California, United States Assay Office, 155 Hermann

NOTICES

Street; New York, New York, United States Assay Office, 32 Old Slip Street; San Francisco, California, United States Old Mint, 88 Fifth Street; and Fort Knox, Kentucky, United States Bullion Depository.

Categories of individuals covered by the system: Employees and applicants for employment of the Bureau of the Mint.

Categories of records in the system: Allegations of Discrimination and all evidence collected during the counseling process.

Authority for maintenance of the system: Pub. L. 92-261; Executive Order 11478; 5 CFR Part 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use—Informal processing of employee complaints of discrimination. Categories of users—Agency officials who have a need for the records in the performance of their duties. Purpose of use—Informal resolution of complaints of discrimination.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Folders of paper documents.
Retrievability: By name.

Safeguards: Stored in file cabinets and desks of Counselors and EEO Officer.

Retention and Disposal: Indefinite.

System manager(s) and address: EEO Officer, Bureau of the Mint, Warner Building, 501-13th Street, NW., Washington, D.C. 20220; EEO Officer, United States Mint, Independence Mall, Philadelphia, Pennsylvania 19106; EEO Officer, United States Mint, 320 West Colfax Avenue, Denver, Colorado 80204; EEO Officer, United States Assay Office, 32 Old Slip Street, New York, New York 10005; EEO Officer, United States Assay Office, 155 Hermann Street, San Francisco, California 94102; EEO Officer, United States Old Mint, 88 Fifth Street, San Francisco, California 94103; EEO Officer, United States Bullion Depository, Fort Knox, Kentucky 40121.

Notification procedure: See System Manager for address to which inquiries may be addressed. The individual must supply name.

Record access procedures: For information on procedures for gaining access to and contesting records, individuals may contact the Systems Manager.

Contesting record procedures: See access above.

Record source categories: Information is voluntarily obtained from employee(s), management, applicant's and pertinent documents.

DEPARTMENT OF THE TREASURY

APPENDIX AA

A record maintained by this agency to carry out its functions may be disclosed to foreign governments in accordance with formal or informal international agreements.

A record maintained by this agency to carry out its functions may be disclosed to unions recognized under E.O. 11491 when required or relevant to union's duties as exclusive representative under E.O. 11491.

A record maintained by this agency to carry out its functions may be disclosed to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

A record maintained by this agency to carry out its functions may be disclosed to a congressional office in response to an inquiry from the congressional office made at the request of the individual to whom the record pertains.

[FR Doc.75-29443 Filed 10-30-75;8:45 am]

federal register

FRIDAY, OCTOBER 31, 1975



PART V:

DEPARTMENT OF LABOR

Employment Standards
Administration



MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

NOTICES

DEPARTMENT OF LABOR

Employment Standards
AdministrationMINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Pre-determination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR,

Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona:		
AZ75-5076	-----	July 3, 1975.
California:		
CA75-5085; CA75-5086	-----	July 25, 1975.
Connecticut:		
CT75-3108	-----	Oct. 24, 1975.
Delaware:		
CT75-3108	-----	Do.
Illinois:		
IL75-5079	-----	July 11, 1975.
Indiana:		
IL7505079; IN75-2093	-----	Do.
Maine:		
CT75-3108	-----	Oct. 24, 1975.
Maryland:		
CT75-3108	-----	Do.
Massachusetts:		
CT75-3108	-----	Do.
Michigan:		
IL75-5079	-----	July 11, 1975.
Minnesota:		
IL75-5079	-----	Do.
New Hampshire:		
CT75-3108	-----	Oct. 24, 1975.
New Jersey:		
CT75-3108	-----	Do.
NJ75-3050	-----	July 11, 1975.
New York:		
CT75-3108	-----	Oct. 24, 1975.
IL75-5079	-----	July 11, 1975.
Ohio:		
AR-3036	-----	Aug. 23, 1974.
IL75-5079	-----	July 11, 1975.
Pennsylvania:		
CT75-3108	-----	Oct. 24, 1975.
IL75-5079	-----	July 11, 1975.
PA75-3055	-----	June 27, 1975.
PA75-3084	-----	Aug. 22, 1975.
Rhode Island:		
CT75-3108	-----	Oct. 22, 1975.
Texas:		
TX75-4159	-----	Oct. 17, 1975.
Wisconsin:		
IL75-5079	-----	July 11, 1975.

SUPERSEDED DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Iowa:		
IA75-4120 (IA75-4170); IA	Aug. 1, 1975.	
75-4121 (IA75-4171); IA		
75-4122 (IA75-4173); IA		
75-4124 (IA75-4174); IA		
IA75-4126 (IA75-4176); IA	Aug. 8, 1975.	
75-4130 (IA75-4179); IA		
75-4131 (IA75-4180); IA		
75-4132 (IA75-4181); IA		
IA75-4129 (IA75-4178); IA	Aug. 22, 1975.	
75-4152 (IA75-4175); IA		
75-4153 (IA75-4177); IA		
Maryland:		
AR-2085 (MD75-3109) ----	Nov. 29, 1974.	
Massachusetts:		
MA75-2002 (MA75-2117);	May 9, 1975.	
MA75-2076 (MA75-2127)		
Mississippi:		
AR-4030 (MS75-1106) ----	Sept. 6, 1974.	
MS75-1099 (MS75-1107) ----	Sept. 20, 1975.	
Texas:		
TX75-4114 (TX75-4182) --	June 20, 1975.	
Washington:		
WA75-5124 (WA75-5132) -	Oct. 10, 1975.	

Signed at Washington, D.C., this 24th day of October 1975.

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Vacation	App. To	
\$ 8.62	8%	8%	1/2%	
9.95	8%	8%	1/2%	
11.23	8%	8%	1/2%	
11.59	8%	8%	1/2%	
9.36	8%	8%	1/2%	
10.64	8%	8%	1/2%	
11.96	8%	8%	1/2%	
12.39	8%	8%	1/2%	
10.06	8%	8%	1/2%	
11.34	8%	8%	1/2%	
12.68	8%	8%	1/2%	
13.06	8%	8%	1/2%	

DECISION NO. AZ75-5076 - Mod. #3
(40 FR 28113 July 3, 1975)
Statewide, Arizona

Change:
Line Construction:
Zone I (Phoenix and Tucson 30 mile radius from center of town):
Groundmen
Equipment Operators; Powdermen; Mechanics
Linemen; Technicians; Crane Operators; Linemen Welder
Cable Splicers
Zone I-A (Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 miles radius from center of town):
Groundmen
Equipment Operators; Powdermen; Mechanics
Linemen; Technicians; Crane Operators; Linemen Welder
Cable Splicers
Zone II (Other Areas):
Groundmen
Equipment Operators; Powdermen; Mechanics
Linemen; Technicians; Crane Operators; Linemen Welder
Cable Splicers

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Vacation	App. To	
\$ 11.45	.70	12 + .50		
12.70	.70	12 + .50		
10.51	.60	12 + .95		.05
10.51	.60	12 + .95		.05
11.00	.78	12 + .89		12
12.38	.78	12 + .89		12
9.75				.01
8.40	.40	.95	1.00	
8.59	.70	12 + .50		
10.305	.70	12 + .50		
11.45	.70	12 + .50		
12.70	.70	12 + .50		
8.65	.63	.50	1.00	.01

DECISION NO. CA75-5085 - Mod. #3
(40 FR 31457 - July 25, 1975)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California

Change:
Electricians:
Contra Costa County:
Electricians
Cable Splicers
Fresno, Kings, Madera and Tulare Counties:
Electricians
Cable Splicers
Calaveras and San Joaquin Counties:
Electricians, Technicians
Cable Splicers
Lathers:
Mariposa, Merced, Stanislaus and Tuolumne Counties
Amador, El Dorado, Sacramento and Yolo Counties
Line Construction:
Contra Costa County
Groundmen
Line Equipment Operators
Linemen
Cable Splicers
Plasterers:
Del Norte, Humboldt, Lassen (North Western half of County), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties

DECISION NO. CA75-5086 - Mod. #3
(40 FR 11474 - July 25, 1973)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Positions	Vacation	
	\$11.45	.70	15+.50		
	12.70	.70	15+.50		
	7.75	.60	15+.95		.05
	10.51	.60	15+.95		.05
	10.91	.60	15+.95		.05
	11.00	.78	15+.89		15
	12.58	.78	15+.89		15
	9.75			.95	1.00
	8.40	.40			
	8.65	.63	.50		1.00
	12.72	.90	1.72		.20
	10.14	.95	.40		

Change:
Electricians:
Contra Costa County
Electricians
Cable Splicers
Fresno County
Electricians (Family residences, not to exceed 2 stories)
Electricians (3 - 4 stories)
Electricians
Cable Splicers
Calaveras and San Joaquin Counties
Electricians; Technicians
Cable Splicers
Lathers:
Mariposa, Merced and Tuolumne Counties
Asador, El Dorado, Sacramento and Yolo Counties
Plasterers:
Del Norte, Humboldt, Marin, Madera, Shasta, Solano, Sonoma and Tehama Counties
Plumbers:
Contra Costa County
Roofers:
El Dorado, Placer, Shasta, Sutter and Yuba Counties
California

DECISION NO. CA75-5085 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Positions	Vacation	
	\$ 12.72	.90	\$ 1.72		.20
	10.14	.95	.40		
	14.56	.50	.80		.09
	10.10	.78	.90	.90	.025

Plumbers:
Contra Costa County
Roofers:
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties
Sprinkler Fitters:
Alameda, Contra Costa, Marin, Madera, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties
Tile Setters:
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Siskiyou, Solano, Sonoma and Trinity Counties

DECISION NO. CA75-5086 (Cont'd)

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Sprinkler Fitters: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Cos.	\$15.56	.50	.80		.09
Tile Setters: Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	10.10	.78	.90	.90	.025

DECISION 775-3108 - Mod. #1
(20 FR - October 24, 1975)
Connecticut, Delaware, Maine,
Maryland, Massachusetts, New
Hampshire, New Jersey, New York,
Pennsylvania and Rhode Island

Chemists:
Drill Boats:
Engineers
Elasters
Firemen
Drillers, Welders or
Machinists
Oilers

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
b. 6 paid holidays, A through F plus Washington's Birthday and Veteran's Day;
64 days vacation with pay for 84 days of service, one additional day of
vacation with pay for each additional 21 2/3 days of service, all in one
calendar year. Employees not qualifying for vacation to receive one day's
vacation with pay for each full 20 days of service in one calendar year.

	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
	\$9.62	.35	.35	b	
	9.75	.35	.35	b	
	9.24	.35	.35	b	
	9.63	.35	.35	b	
	9.06	.35	.35	b	

DECISION #1975-2093 - Mod. #1
(40 FR 29491 - July 11, 1975)
Statewide, except Lake,
LaPorte, Porter, & St. Joseph
Counties, Indiana

Change:
(Benton, Carroll, Cass, Clinton, Delaware, Fayette, Fulton, Grant, Hamilton,
Hancock, Henry, Howard, Johnson, Madison, Marion, Miami, Randolph, Rush,
Shelby, Tippecanoe, Tipton, Union, Wabash, Wayne, & White Counties)

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Vacation	App. Tr.
GROUP I	\$9.70	.40	.40	.05
GROUP II	8.85	.40	.40	.05
GROUP III	7.95	.40	.40	.05
GROUP IV	7.20	.40	.40	.05

POWER EQUIPMENT OPERATORS:
TUNNEL AND SUBUR CONSTRUCTION:

	Basic Hourly Rates	H & W	Vacation	App. Tr.
GROUP I	\$9.70	.40	.40	.05
GROUP II	8.85	.40	.40	.05
GROUP III	7.95	.40	.40	.05
GROUP IV	7.20	.40	.40	.05

CLASSIFICATIONS

GROUP I

Air compressor (pressurizing shafts, tunnels & divers); Air tugger; Auto patch;
Back filled; Backhoe; Boom cat; Boring machine; Bull dozer; Caisson drilling
machines; Cherry picker; Compactor (with dozer blade); Concrete mixer (400 drum);
Concrete pump; Concrete truck (pneumatic); Crane - electric
overhead; Derrick; Dual purpose truck (pneumatic); Ditching machine (18" and
over); Dradg; Elevators (when hoisting material or tools); Fork lift; Foralors
power; Generator (power for welders or compressors); Grapple; Helicopter;
Helicopter winch operator; High lift - front end loader; Hoist; Locomotive and/or
diesel engine; Mechanic on job site; Mucking machine; Panel board concrete
plant; Pile driver; Push cat; Scoop & tractor; Scraper - rubber tired; Sprayer
- tractor mounted; Saddle carrier - ross type; Sub base finish machine
(C.M.I. or similar); Tower crane; Tractor with backhoe (1/2 yard and over);
Trench box - power driven; Tunnel shield; Welder (craft)

GROUP II

A frame truck; Batch plant (automatic dry batch); Bending machine - Power
driven; Bituminous mixer; Bituminous paver; Bituminous plant engineer; Boatman;
Bull float; Compactor or tamper - self-propelled; Concrete mixer (21 cu. ft.
or over); Concrete spreader - power driven; Ditching machine (less than 18");
Drilling machine; Finish machine & bull float; Finishing machine; Fireman -
Pile driving and boilers; Omite machine; Road grader; Roller - asphalt.
Mesh depresser - mesh placer; P.C.C. concrete belt placer; Roller - asphalt.
Stone & sub base; Rotary drill; Sheepfoot roller - self-propelled; Shop mule;
Spreader or base paver-self-propelled; Sub grader; Throttle valve with air
compressor or boiler; Tractor with backhoe (under 1/2 yard); Tractor - high
lift - farm type; Tractor - industrial type; Tractor with winch; Wall points;
Winch truck

GROUP III

Air compressor (210 cu. ft. & over); Bituminous distributor; Chair cart;
Concrete curing machine; Concrete saw; Dope pot - power agitated; Flex plane;
Form grader; Hydraulic jacks - hydraulic - power driven; Minor equipment
operator 2, 3, 4, or 5; Paving joint machine; Post hole digger; Roller - cart;
Throttle valve; Track jack - power driven; Tractor - farm type; Truck crane
driver

GROUP IV

Air compressor (less than 210 cu. ft.); Concrete mixer (under 21 cu. ft.);
Conveyor; Generator; Mechanical heater; Oiler; Power broom; Pump; Welding
machine; Helpers

MODIFICATIONS P. 7

DECISION #1175-2075 - Mod. #2
(40 FR 29490 - July 11, 1975)
Illinois, Indiana, Michigan,
Minnesota, New York, Ohio,
Pennsylvania and Wisconsin

Change:
Drill Boats:
Engineers
Electricians
Firemen
Drillers, Welders or Mechanics
Others

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

Footnote:

c. 8 paid holidays, 4-through F plus Washington's Birthday and Veteran's Day;
64 days vacation with pay for 84 days of service, one additional day of
vacation with pay for each additional 21 2/3 days of service, all in one
calendar year. Employees not qualifying for vacation to receive one day's
vacation with pay for each full 20 days of service in one calendar year.

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Vacation	Education and/or App. Tr.
	\$9.62	.35	.35	c
	9.75	.35	.35	c
	9.24	.35	.35	c
	8.63	.35	.35	c
	9.00	.35	.35	c

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
DECISION NO. NJ75-3050 - Mod. #4 (40 FR 29701 - July 11, 1975) Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union & Warren Counties, New Jersey					
Change: Electricians & Cable Splicers: Zone 5 Line Construction: Zone 3	5¢	6¢ + .58		1.5%	
	5¢	6¢ + .58		1/2 of 1%	
DECISION 848-3036 - Mod. #4 (39 FR 30780-August 23, 1974) Franklin, Madison and Pickaway Counties, Ohio					
Change: Plumbers Sheet Metal Workers	.55 .45	.80 .51		.05 .05	
DECISION 89A-75-3055 - Mod. #3 (40 FR 2738 - June 27, 1975) Berks County, Pennsylvania					
Change: Electricians Remainder of County	.53	1%		.03	
DECISION No. PA-75-3084 - Mod. #1 (40 FR 36983 - August 27, 1975) Delaware County, Pennsylvania					
Change: Modification # 2 - 40 FR 48847 - October 17, 1975, to read Modification # 1					

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
DECISION #3375-4159 - Mod. #1 (40 FR 48872 - October 17, 1975) Statewide Texas (excluding Dallas-Fort Worth Regional Airport) TEXAS Change Description of Work to read as follows: Zone 15 - Chambers, Hardin, Jefferson, Liberty & Orange Counties DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) & Highway Construction, Incidental Shore Work & Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes & garden type apartments up to and including 4 stories). *Not to be used for Heavy Construction, Incidental Shore Work & Paving & Utilities Incidental to General Building Construction in Jefferson & Orange Counties					

SUPPLEMENTAL DECISION

STATE: Iowa COUNTY: Black Hawk (City of Waterloo and adjoining municipalities)
 DECISION NO.: IA75-4170 DATE: Date of Publication
 Supersedes Decision No. IA75-4120, dated August 1, 1975, in 40 FR 32567.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

DECISION NO. IA75-4170

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & V	Pensions	Vacation	App. To	
99.75	.30	.50		.10	
9.45	.70	1.00		.02	
9.17	.38	.50			
7.78	.38	.75		.02	
8.18	.38	.75		.02	
7.53	.38	.75			
9.43	.30	.11		.11	
10.03	.30	.11		.11	
8.74	.445	.29	31 + a	.02	
702.12	.445	.29	31 + a	.02	
50.12					

Basic Hourly Rates	Fringe Benefits Payments				App. To
	H & V	Pensions	Vacation	App. To	
\$ 8.28	.35	.11		1/21	
5.38	.35	.11		1/21	
5.55	.35	.11		1/21	
6.62	.35	.11		1/21	
4.55	.35	.11		1/21	
6.15		.20		.03	
6.25		.20		.03	
6.55		.20		.03	
8.68	.38				
9.79	.42	.55		.08	
6.22					
8.41	.35	.20			
7.78	.38	.75		.02	
10.40	.50	.80		.08	
7.01	.31		.25		
5.14	.25	.30			
4.97	.25	.30			
8.95	.40	.50		.05	
8.83	.40	.50		.05	
8.095	.40	.50		.05	
7.73	.40	.50		.05	

LINE CONSTRUCTION:
 Cable Splicers; Linemen;
 Welder; Technicians; all rig setting assembled "m" fixtures and steel transmission structures.
 Groundman; Truck Driver (without winch); Experienced (not less than 6 months).
 Groundman; Truck Driver (with winch).
 Blaster; Special Equipment Operator (Bolt Digging Machines, all tractors, transmission lines equipment other than assembled "m" fixtures)
 Groundman - 1st. 6 months
PAINTERS:
 Brush, roller
 Tapers
 Spray
PLASTERERS
PLUMBERS; STEAMFITTERS
ROOFERS
SHEET METAL WORKERS
SOFT FLOOR LAYERS
SPRINKLER FITTERS
TILE SETTERS
TRUCK DRIVERS:
 Up to 6 tons
 Helpers
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS:
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4

BUILDING CONSTRUCTION

ASBESTOS WORKERS
 BOILERMAKERS
 BRICKLAYERS; STONEMASONS
 CARPENTERS:
 Carpenters; Piledriverman
 Millwrights
 CEMENT MASONS
 ELECTRICIANS:
 Electricians
 Cable Splicers
 ELEVATOR CONSTRUCTORS
 ELEVATOR CONSTRUCTORS' HELPS
 ELEVATOR CONSTRUCTORS' HELPS (FRIB.)

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. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

IRONWORKERS:
 Ornamental; Reinforcing; Structural
LABORERS:
 Common laborers; Carpenters' helpers; Moving; Wrecking & demolition
 Mason tenders; Rod carriers; Machine and air tool operators
 Foreman
LATHERS

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoes, dredges, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (livestock)

Group 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (touring, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ ton); Concrete mixers (1 yard and over); Mithing machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dowasting pumps; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air Compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Fireman (boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Granite machine; Self-propelled rollers; Stump chipper; Self-propelled tamper; Air and electric tuggers (other than above); Mithing machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

HEAVY & HIGHWAY CONSTRUCTION

CARPENTERS & FILEDRIVENEN
CEMENT MASONS
LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & M	Provision	Vacation	
GROUP 1	\$ 7.30	.38			
GROUP 2	6.86				
GROUP 3	6.60	.30	.10		
GROUP 4	6.35	.30	.10		
GROUP 5	6.10	.30	.10		
GROUP 6	5.85	.30	.10		
GROUP 7	5.85	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Granite mason; Diamond and core drills, powered by air; all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line or block and tackle;

Drill operator of air tracks, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Sakers; Postenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Fishermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

Group 3 - Power buxman; Concrete and paving women; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete pour curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

Group 4 - Form tapper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dovel bars, reinforcing bars and chairs; Dungen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, matching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor;

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & M	Provision	Vacation	
GROUP 1	\$ 7.30	.40	.40		.03
GROUP 2	6.90	.40	.40		.03
GROUP 3	6.50	.40	.40		.03
GROUP 4	6.34	.35			

HEAVY & HIGHWAY CONSTRUCTION
POWER EQUIPMENT OPERATORS:

GROUP 1
GROUP 2
GROUP 3
TRUCK DRIVERS

DECISION NO. 1A75-4170

CLASSIFICATIONS DEFINITIONS
POWER EQUIPMENT OPERATORS

Group 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Bridge Engineer; Dredge Lowerman; Paver or Spreader Operator; Existing Engineer (Steel Erection); Motor Patrol; Pilot/Driver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C. M.I. Subgrader (or equivalent); Asphalt Plant; Front End Loader; Scraper; Bulldozer; Push Cart; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Beater-Placer; Emit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine

Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Hairs Loader or similar machine; Tractor Pulling Kipper; Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Paving Machine; Conveyor; Finishing Machine (on concrete); Flyplume; Bull Float; Form Grader

Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser Helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compactor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry).

SEPEREMAS DECISION

STATE: Iowa
 COUNTY: Cerro Gordo (City of Mason City)
 DECISION NO.: IA75-4171
 DATE: Date of Publication
 Specified Decision No. IA75-4171, dated August 1, 1975, in 50 FR 32570.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			App. To
		M & W	Pensions	Vacation	
ASBESTOS WORKERS	9.68	.58	.605		.02
BOILERMAKERS	9.45	.70	1.00		
BRICKLAYERS - STONEMASONS	8.17		.35		
CARPENTERS	7.29		.20		.01
Millwrights; Piledrivermen	7.54		.20		.01
CEMENT MASONS	8.55				
ELECTRICIANS	9.40	.30	.11		.11
GLAZIERS	7.13	.45	.25		
IRONWORKERS: Fence erector; Ornamental; Reinforcing; Structural	8.70	.275	.64		.02
LABORERS: Common laborers; Power tools; Barco operator; Mortar mixers; Concrete saw; Sand point setter	5.75	.30	.20		
Tenders to the crafts; Calissons (after 6' depth); Dynamite men; Committing-corrlemen; Backup man; Swinging stage work; wood hoist tower, scaffolds or ladders at a height of 35' or over	6.04	.30	.20		
All underground labor (other than compressed air); Swinging stage work; wood hoist tower, scaffolds or ladders at a height of 75' or over	6.29	.30	.20		
LINE CONSTRUCTION: Cable splicers; linemen; Welders; Technicians; all rigs setting assembled "W" fixtures & steel transmission structures	8.28	.35	.11		1/22
Groundman; Truck Driver (without winch); Experienced (not less than 6 months)	5.38	.35	.11		1/22
Groundman; Truck Driver (with winch)	5.55	.35	.11		1/22

DECISION NO. IA75-4171

LINE CONSTRUCTION: (Cont'd)
 Blaster; Special Equipment Operator (hole Digging Machines, all tractors, transmission lines equipment other than assembled "W" fixtures)
 Groundman - 1st. 6 months
 PAINTERS:
 Brush
 Tapers
 Spray
 PLASTERERS
 PLUMBERS - STEAMFITTERS
 ROOFERS
 SHEET METAL WORKERS
 SOFT FLOOR LAYERS
 SPRINKLER FITTERS
 WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

BUILDING CONSTRUCTION
 POWER EQUIPMENT OPERATORS:
 GROUP 1
 GROUP 2
 GROUP 3
 GROUP 4

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Pensions	Vacation	
8.95	.40	.50		.05
8.83	.40	.50		.05
8.035	.40	.50		.05
7.73	.40	.50		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes, Truck cranes & cherry pickers 12 1/2 ton & over rated capacity; Derricks; Piledrivers and extractors, Calisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (Levamen).

Group 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Locomotives; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (toursapfall, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cart; Truck cranes & cherry pickers (under 12 1/2 ton); Concrete Mixers (1 yard and over); Ditching machine

CLASSIFICATION DEFINITIONS (Cont'd)

LABORERS

chairs-man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete (on or off the job); Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool op.; vibrator, barco hammer, paving breaker, spider, tamper, electric drills, hammer and jack hammer; Tree groomer; Chuck tender; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stripsman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dowl bars, reinforcing bars and chairs; Dwyman and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser; seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor

Basic Hourly Rates	Fringe Benefits Payments		App. Tr.
	M & W	Retirees	
\$ 7.30	.40	.40	.03
6.90	.40	.40	.03
6.50	.40	.40	.03
5.94	.35		

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

Group 1
Group 2
Group 3

TRUCK DRIVERS

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leveerman; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Filedriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Ballöster; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Sced; Asphalt Heater-Flamer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

(8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operator; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Fireman (boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gummite machines; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck crane drivers; Fermentant elevators

Basic Hourly Rates	Fringe Benefits Payments		App. Tr.
	M & W	Retirees	
\$ 6.25	.31		
6.00			
5.15	.30	.10	
4.90	.30	.10	
4.65	.30	.10	
4.50	.30	.10	
4.40	.30	.10	

HEAVY AND HIGHWAY CONSTRUCTION:

CARPENTERS; PILEDRIVERS

CEMENT MASONS

LABORERS:

Group 1

Group 2

Group 3

Group 4

Group 5

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility men; Gummite nozzle-man; Dr wood and core drills, powered by air; all work performed by laborers working from a boss' chair, swinging stage, life belt, etc.; Time or block and tackle; Drill op. of air tracs, wagon drill; etc. similar drills

Group 2 - Tree climber; Form setters; Packers; Bostenders; Asphalt curb machines. Paver (for mechanical); Ball float, hand operated; Scales; Timber - underpinning and shoring; Caissons (over 12'); Grade checker and setting torches on demolition work.

Group 3 - Power bugyman; Concrete and paving seaman; Form lining, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber &

DECISION NO. DA75-4171

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haisc Loader or similar machine; Tractor Pelling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screaming and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flyspans; Bull Float; Form Grader

Group 3 - Roller; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compactor; Tank Car Heater (combination boiler and booster); Pumps on Well Ponds and Deep Wells for Desalting; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

SUPERSEDES DECISION

STATE: Iowa

COUNTY: Clinton (City of Clinton & adjoining municipalities)

DECISION NO. IA75-4172

DATE: Date of Publication
 Supersedes Decision No. IA75-4172, dated August 1, 1975, in 40 FR 32573
 DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

BUILDING CONSTRUCTION

ASBESTOS WORKERS
 BOILERMAKERS
 BRICKLAYERS - STONEMASONS
 CARPENTERS:
 Carpenters; Soft floor layers
 Filledrivenmen
 Millwrights
 CEMENT MASONS
 ELECTRICIANS:
 Electricians
 Cable splicers
 GLAZIERS
 IRONWORKERS
 LABORERS:
 Common laborers
 Operator on air or power tools;
 mortar mixer man; any work
 thirty-five feet high or over;
 cement dumper, puddlers or vi-
 brator man and men working with
 concrete pump hose; ditch work
 eight feet below ground level;
 any men working with creosote
 materials
 Cutting torch burner; caisson
 and cofferdam workers
 MABLE TILE, TERRAZZO WORKERS
 PAINTERS:
 Brush
 Spray; Structural steel
 FLASTIERS
 FLOWERS - STEAMFITTERS
 ROOFERS
 SHEET METAL WORKERS
 SPRINKLER FITTERS
 WELDERS - receive rate prescribed
 for craft performing operation
 to which welding is incidental.

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	M & V	Pensions	Vacation	
99.75	.30	.50		.10
9.45	.70	1.00		.02
9.25		.40		
8.34	.35	.50		.42
8.74	.35	.50		
9.30	61	71		
8.75		.40		
10.05	.45	5.52		.03
10.30	.45	5.52		.03
7.6548	.40	1.00		
10.50	.50	.375		.07
7.27	.30	.25		
7.52	.30	.25		
7.57	.30	.25		
8.75		.30		
8.22	.45	.40		.09
8.47	.45	.40		.09
9.25	.40	.40		.10
9.85	.40	.60		.10
10.25	.40	.40		.10
9.25	.45	.40		.08
10.40	.50	.80		

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	M & V	Pensions	Vacation	
9.45	.40	.50		.08
8.05	.40	.50		.08
7.00	.40	.50		.08

BUILDING CONSTRUCTION
 POWER EQUIPMENT OPERATORS:
 Group 1
 Group 2
 Group 3

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - All hoists or steel erecting equipment; Crane, Shovel, Glassball, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Mpper Dredge Operator, Dipper Dredge Operator, Dual Purpose Truck (boom or winch), Levman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with crew attached (two operator required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Mixing Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Ssaman Trav-L-Plac or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augeting Machine, Mucking Machine, Asphalt Heater-Placer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Greem, Euclid or Sais Loader, Asphalt Pug Mill, Firesaw and Defr, Concrete Pump, Concrete Spreader (servicing one paver); Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, Lefournaupull and similar machines, M-10, Hyster Winch and similar machines, Motor Patrol, Tower Blade, Push Cat, Tractor Pulling Elevating Grader or Tower Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on asphalt or blacktop, Single Drum Point, Jaeger Mix and Place Machine, Pipe Bending Machine, Flareplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Patch Plants (one stop set-up), Ssaman Pulvi-mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Crading Spread), Asphalt Spreader Screed Operator, Apaco Spreader or similar machine, Slusher, Forklift (over 6000 lb. cap. or working at heights above 28 ft.), Concrete Conveyors

Group 2 - Asphalt Booster, Firman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boefing Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Nail Float, Tractor without Power attachments, Dope Pot (agitazing motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fir-

CLASSIFICATION DEFINITIONS (Cont'd)

LABORERS

Group 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and joiner and painter; Timber and chain saw man; Mechanical groeters; Automatic concrete pourer curbing machines; Strasser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

Group 4 - Form tender; Air, gas and electric tool operators, vibrators, baroc hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundsmen; Chuck tenders; Drill helpers, tool room men and chockers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, steel bars, reinforcing bars and chairs; Dumpers and spotters; Carrying reinforcing rods; Corrograted culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodman; Tending to carpenters; Hot asphalt labor

HEAVY AND HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments		App. Tr.
		H & W	Vacation	
Group 1	6.60	.40	.40	.03
Group 2	6.55	.40	.40	.03
Group 3	6.20	.40	.40	.03
Group 4	6.10	.40	.40	.03
Group 5	5.80	.40	.40	.03
Group 6	5.45	.40	.40	.03
Group 7	6.34	.35		

TRUCK DRIVERS

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power shovel, crane, backhoe and dragline; Central mix plant Op.; Dredge engineer; Dredge leverman; Paver or spreader op.; Hoisting engineer (steel erection); Motor Patrol; Piledriver machine op.; Concrete mixer; Tow or push boat op.; Master mechanic

Group 2 - C.M.I. paver; C.M.I. subgrader (or equivalent); Asphalt plant op.; Front end loader op.; Scraper op.; Bulldozer; Push Caf; Tractor pulling scraper; Sideboom tractor; Churn or rotary drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt laydown op.; Asphalt Screed Op.; Asphalt Heater-planer unit; Asphalt roller Op.; Self-propelled elevating grader or similar machine; Spreader Op. (concrete); Horizontal boring machine Op.; Mechanics-Welders; Group equipment greaser; Concrete pump

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

man, Hydro-Hammer, Power Wrench on Paving Work; Self-propelled Roller or Compactor (other than provided for above); Pump Operator (more than one well point pump); Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 or less capacity), Gypsum Pump, Conveyor over 20 HP, Puller-Kenyon Cement Pump or similar machines; Air Compressor (275 CFM or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Bobber-tired Tractors (not including backhoes or endloaders), Self-propelled Curing Machine

Group 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine.

HEAVY & HIGHWAY CONSTRUCTION

CARPENTERS & PILEDRIVERS

CEMENT MASONS

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments		App. Tr.
		H & W	Vacation	
Group 1	7.30	.31		
Group 2	6.60	.30	.10	
Group 3	6.35	.30	.10	
Group 4	6.10	.30	.10	
Group 5	5.95	.30	.10	
Group 6	5.85	.30	.10	

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and Blaster; Pipe Layer, sewer, water, telephone conduits, etc.; Sewer utility man; Granite workmen; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Bakers; Boxtenders; Asphalt curb machines; Fetmen, not mechanical; Ball float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

DECISION NO. DA75-4172

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

- Group 3 - Concrete curb breaking machine; Concrete widening machine op.; Paving breaker op.; Barber-Greene, Haiss Loader or similar machine; Tractor pulling ripper, disc, sheepsfoot or flat roller; Self-propelled sheepsfoot roller
- Group 4 - Self-propelled roller op. (other than asphalt); Distributor op.; Screening and washing plant op.; Self-Proposed vibrating compactor; Trench lag machine op. (other than above); Steel placing machine op.; Conveyor op.; Finishing machine op. (on concrete); Flaplane op.; Bull Float op.; Form Grader op.
- Group 5 - Boiler op.; Mechanical broom op.; Oiler or mechanics' helper or group greaser helper; Farm-type tractor (pulling disc, harrow or roller); Welding machine op.; Pump Op. (other than dredge); Boom and winch truck op.; Compressor op.; Tank car booster (combination boiler & booster); Pumps on wellpoints & deep wells for dewatering; Truck crane combination driver-oiler; Concrete curing machine op.; Safety boat op.
- Group 6 - Batch plant op. - dry

STATE: Iowa

COUNTY: Des Moines (City of Burlington and Abetting-municipalities and Burlington (Gibson's Plant))

DECISION NO.: IA75-4173

Supersedes Decision No. IA75-4123, dated August 1, 1975, in 40 FR 32576.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

DECISION NO. IA75-4173

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Presents	Vacation	
\$9.75	.30	.50	.10	1/72
9.45	.70	1.00	.02	
8.62		.20		
8.45	.45	.40	.02	
9.13	.45	.40	.02	
9.13	.45	.40	.02	
9.35				
10.05	.33	1X	1X	
7.5548	.40	1.00		
9.45	.40	.30		
6.97	.30			
7.13	.30			
7.23	.30			
7.34	.30			
7.44	.30			
8.28	.35	4X	1/72	
5.38	.35	1X	1/72	

BUILDING CONSTRUCTION:

- ASBESTOS WORKERS
- SOILREMOVERS
- BRICKLAYERS - STONEMASONS
- CARPENTERS:
 - Carpenters & soft floor layers
- Millwrights
- Piledrivermen
- CEMENT MASONS
- ELECTRICIANS
- GLAZIERS
- IRONWORKERS:
 - Ornamental; Reinforcing;
- Structural
- LABORERS:
 - Common laborers; Signal men;
 - Wrecking, deck hand
 - Plaster tender; Mortar Mixer;
 - Mason tender; Stone and marble setter tender; Drill op.; Jack-hammer man; Air tamper; Air spade (electric or pneumatic);
 - Spraying equipment and all mechanically operated tools;
 - Excavation work over 6' deep below ground level or basement level
- Tile layers (sewers)
- Committing and sandblasting
- Tunnel & sewer mucker and miner drill op. in tunnel and caisson; Powdermen

- LINE CONSTRUCTION:**
- Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "y" fixtures and steel transmission structures
 - Groundman; Truck Driver (without winch); Experienced (Not less than 6 months)

LINE CONSTRUCTION: (Cont'd)

- Groundman; Truck Driver (with winch)
- Blaster; Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "y" fixtures)
- Groundman - 1st 6 months
- PAINTERS:
 - Brush
 - Rollers
 - Sign
- Structural steel over 25 ft. from the ground or floor; bridges, water towers & stage work
- Spray gun & sandblasting
- PLASTERERS
- PLUMBERS-STEAMFITTERS
- ROOFERS
- SHEET METAL WORKERS
- SPRINKLER FITTERS
- TRUCK DRIVERS:
 - Warehouseman; Helpers; Teamsters;
 - Mechanic helpers; Greasers;
 - Single axle flat-beds and dump trucks; Pulling air compressors and welding machines; Batch trucks 2-34s; Batches or less
 - Chip Spreader;
 - Chester axle; Tandems; 6 wheel trucks; Semi-trailers; Carryall; Winch; Mixers; Batch over 2-34g
 - Truck trucks; Euclid type truck;
 - Oil distributors; Front and rear breakers
 - All types of dumpsters; Pavement breakers
- WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Presents	Vacation	
\$5.55	.35	1X		1/72
6.62	.35	1X		1/72
4.55	.35	1X		1/72
7.35		.45		
7.45		.15		
7.85		.15		
8.05		.15		
8.35		.15		
8.98		.65		.05
9.00	.35		.25	
6.35				
9.00	.45	.40		.10
10.40	.50	.80		.08
7.12	13.50p/w			
7.33	13.50p/w			
7.43	13.50p/w			

CLASSIFICATION DEFINITIONS (Cont'd)

POWER EQUIPMENT OPERATORS

BUILDING POWER EQUIPMENT OPERATORS:

Group	Basic Hourly Rates	Fringe Benefits Payments		App. T.
		H & W	Variates	
Group 1	\$ 9.45	.40	.50	.08
Group 2	8.05	.40	.50	.08
Group 3	7.00	.40	.50	.08

or less capacity), Cypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines; Air Compressor (275 CFM or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Brooms, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled curing machine.

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - All hoists or steel erecting equipment; Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (set-vicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engines, Dipper Dredge Operator, Dipper Dredge Crane-man, Dual Purpose Truck (boom or winch), Levellers or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (two drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Travel-Plant or similar machines, CMI Autograder or similar machines, Sift Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Flamer Unit, Hydraulic Cranes, Mine Hoists; Athey, Barber-Green, Euclid or Hais Loader, Asphalt Pug Mill, Fireman and Driver, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull and similar machines, EM-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexplains or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screen Operator, Agco Spreader or similar machine, Slusher, Forklift (over 6000 lb. capacity or working at heights above 28 ft.), Concrete Conveyors

Group 2 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Float, Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Chop Machine, Distributor (back end), Saddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000

Group 3 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam-boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine.

HEAVY & HIGHWAY CONSTRUCTION:

CARPENTERS & PILEDRIVERS

CEMENT MASONS

LABORERS:

Group	Basic Hourly Rates	Fringe Benefits Payments		App. T.
		H & W	Variates	
Group 1	\$ 7.30	.31		
Group 2	6.86			
Group 3	6.60	.30	.10	
Group 4	6.35	.30	.10	
Group 5	6.10	.30	.10	
Group 6	5.95	.30	.10	
Group 7	5.85	.30	.10	

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Committe mazzelman; Diamond and core drills, powered by air, all work performed by Laborers working from a box's chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air tracs, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Bakers; Bontenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

Group 3 - Power buggyman; Concrete and paving seaman; Form liner, expansion joint assembler; Bottom man; Caulker and joiner and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Strasser or stretchman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool operators, vibrators, baroc hammer, paving breakers, spreaders, tampers; electric drills, hammers and jack hammers; Tree groomers; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stripman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe, Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; water boy; Common labor; Hodmen; Tending to carpenters; Hot asphalt labor

HEAVY & HIGHWAY CONSTRUCTION
POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Vacation	
Group 1	\$ 6.60	.40	.40	.03	.03
Group 2	6.55	.40	.40	.03	.03
Group 3	6.20	.40	.40	.03	.03
Group 4	6.10	.40	.40	.03	.03
Group 5	5.80	.40	.40	.03	.03
Group 6	5.45	.40	.40	.03	.03
TRUCK DRIVERS	6.34	.35			

CLASSIFICATIONS DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power shovel, crane, backhoe and dragline; Central mix plant op.; Bridge engineer; Dredge leverman; Faver or spreader op.; Hoisting engineer (steel erection); Motor Patrol; Piledriver machine op.; Concrete mixer; Tow or push boat op.; Master Mechanic

Group 2 - C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt plant op.; Front end loader op.; Scraper op.; Bulldozer; Push Cat; Tractor pulling scraper; Sideboom tractor; Churn or rotary drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt laydown op.; Asphalt Screed Op.; Asphalt Heater-planer unit; Asphalt roller op.; Self-propelled elevating grader or similar machine; Spreader op. (concrete); Horizontal boring machine op.; Mechanics-Welders; Group equipment greaser; Concrete pump.

Group 3 - Concrete curb breaking machine; Concrete vibrating machine op.; Paving breaker op.; Barber-Greene, Reiss loader or similar machine; Tractor pulling ripper, disc, sheepfoot or flat roller; Self-propelled sheepsfoot roller

Group 4 - Self-propelled roller op. (other than asphalt); Distributor op.; Screening and washing plant op.; Self-Proposed vibrating compactor; Trenching machine op. (other than above); Steel pacting machine op.; Finishing machine op. (on concrete); Flexplane op.; Bull Float op.; Form Grader op.; Conveyor

Group 5 - Boiler op.; Mechanical broom op.; Oiler or mechanics' helper or group greaser helper, Farm-type tractor (pulling disc, harrow or roller); Welding machine op.; Pump op. (other than dredge); Boom and winch truck op.; Compressor op.; Tank car heater (combination boiler & booster); Pumps on wellpotholes & deep wells for dewatering; Truck crane combination driver-welder; Concrete curing machine op.; Safety boat op.

Group 6 - Batch plant op. - dry

STATE: Iowa
 COUNTY: Dubuque (City of Dubuque and adjoining municipalities)
 DECISION NO.: IA75-4174
 DATE: Date of Publication
 SUPERSEDES DECISION NO. IA75-4174, dated August 1, 1975, in 40 FR 32579.
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

DECISION NO. IA75-4174

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		M & W	Vacation	App. Tr.	
BUILDING CONSTRUCTION:					
ASBESTOS WORKERS	\$9.75	.30	.50		.10
BOILERMAKERS	9.45	.30	1.00		.02
BRICKLAYERS - STONEMASONS	8.59	.38			
CARPENTERS	8.37		.37		
Electricians	8.77		.37		
Millwrights	8.87		.37		
CEMENT WORKERS	7.85				
ELECTRICIANS	9.37	.30	11+.25		11
ELEVATOR CONSTRUCTORS	8.74	.445	.29	31 + a	.02
ELEVATOR CONSTRUCTORS' HELPS	7.01R	.445	.29	31 + a	.02
(FROG.)					
ELEVATOR CONSTRUCTORS' HELPS	5.07E				
GLAZIERS	7.6548	.40	1.00		.07
IRONWORKERS (SE Portion)	10.30	.50	.375		.02
IRONWORKERS (Remainder of County)	9.10				
LASERS:					
Common laborers; Gas distributors	5.97	.30	.10		
All air operated tools; Brick-layers' helpers and tenders;					
Carpenter workers; Carpenters' helpers; Handling and cleaning of all steel floor pans and wall forms; Mortar mixers; Plasterers' helpers and tenders; Tile setters (4"-6"-8")	6.07	.30	.10		
Tile Setters (10" and up)	6.22	.30	.10		
LATHERS	8.45				
MARBLE SETTERS; TERRAZZO WORKERS;	8.29	.38			
TILE SETTERS					
PAINTERS:					
Brush or roller epoxy; Paperhanging; Tapers	7.45		.30		
High work and steel; spraying	7.90		.30		
PLASTERERS	7.95				
PLUMBERS - STEAMFITTERS	10.31	.36	.30		.08
ROOFERS	7.89				
SHEET METAL WORKERS	9.10	.45	.40		.10
SPRINKLER FITTERS	10.40	.50	.80		.08
TRUCK DRIVERS:					
Single axle	5.24	9.50 p/w			
Tandem axle; Tractor trailers;					
Winches	5.29	9.50 p/w			

WELDEES - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTE:

a. Employer contributes 41% of basic hourly rate for over 3 years' service and 21% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

PAID HOLIDAYS:

New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

Group 1
 Group 2
 Group 3
 Group 4

\$8.95
 8.83
 8.005
 7.73

.40
 .40
 .40
 .40

.05
 .05
 .05
 .05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 1 1/2 ton & over rated capacity; Berrick; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (Leveesmen)

Group 2 - 1 and 2 drum hoists, Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Sercers (Tournepoll, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Ball-rollers; Push Cat; Truck Cranes and cherry pickers (under 1 1/2 ton); Concrete Mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive

Vibrating concrete spreader (Gomaco, C-450 or equal)
 Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Fireman (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gomite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Blatching machine under 8"

Group 4 - Oilers; Mechanical Hoisters; Truck Crane Drivers; Permanent elevators

HEAVY AND HIGHWAY CONSTRUCTION:

CARPENTERS AND FILEDRIVENMEN
 CEMENT MASONS

LABORERS:

Group	Basic Monthly Rates	Fringe Benefits Payments		App. Tr.
		H & W	Variable	
Group 1	\$ 7.30	.31		
Group 2	6.60	.30	.10	
Group 3	6.35	.30	.10	
Group 4	6.10	.30	.10	
Group 5	5.95	.30	.10	
Group 5	5.85	.30	.10	

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gomite nozzleman; Diamond and core drills, powered by air; all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and

tackle; Drill operators of air tracs, wagon drills and similar drills.
 Group 2 - Tree climber; Form setters; Makers; Boxtimbers; Asphalt curb machines; Potmen, not mechanical; Ball float; hand operated; Sclaler; Timbers; Underplating and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

Group 3 - Power boggyman; Concrete and paving women; Form liner, expansion joint assembler; Bottom man; Caulker and joiner and sideler; Timber and Chain saw man; Mechanical groovers; Automatic concrete pourer curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers and jack hammers; Tree groomer; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers' helpers; Stringman on paving work

Group 5 - Fence erectors; Bending and plating of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Snake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Bodmen; Tending to carpenters; Hot asphalt labor

HEAVY & HIGHWAY CONSTRUCTION
 POWER EQUIPMENT OPERATORS:

Group	Basic Monthly Rates	Fringe Benefits Payments		App. Tr.
		H & W	Variable	
Group 1	\$ 7.30	.40	.40	.03
Group 2	6.90	.40	.40	.03
Group 3	6.50	.40	.40	.03
TRUCK DRIVERS	6.36	.35		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power shovel, Cranes, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leveeman; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Filedriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push Cat; Tractor Pulling Scrapes; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Flamer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine

DECISION NO. 1 1A75-4174

Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Bliss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-Propelled Sheepsfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); **Steel Placing Machine; Comexyst; Finishing Machine (on concrete); Flexplane; Bull Floet; Form Grader**

Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics' Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Hoister (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

SUBORDINATE DECISION

STATE: Iowa
 COUNTY: Johnson (City of Iowa City and
 abutting municipalities).
 DECISION NO.: IA75-4175
 Supersedes Decision No. IA75-4152, dated August 22, 1975, in 40 PR 36913
 DESCRIPTION OF WORK: Building construction, (including single family homes
 and garden type apartments up to and including 4 stories), heavy and highway
 construction.

DECISION NO. IA75-4175

	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H.A.W.	Flextime	Vacation	
PAINTERS:					
Brush & rollers	8.58				
Paperhangers	8.83				
Sandblasting; Spray painting	9.23				
PLASTERERS					
PLUMBERS-STEAMFITTERS	8.50	.40	.30		.10
ROOFERS	9.80				
SPRINKLER FITTERS	7.70				
TRUCK DRIVERS	10.40	.50	.80		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.	4.63				
FOOTNOTE:					
a. Employer contributes 4% of the basic hourly rate for over 5 years' service, and 2% of the basic hourly rate for 6 months to 5 years' of service as Vacation Pay Credit.					
PAID HOLIDAYS:					
New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
BUILDING & CONSTRUCTION POWER EQUIPMENT OPERATORS:					
Group 1	8.95	.40	.50		.05
Group 2	8.83	.40	.50		.05
Group 3	8.095	.40	.50		.05
Group 4	7.73	.40	.50		.05

	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H.A.W.	Flextime	Vacation	
BUILDING CONSTRUCTION:					
ASBESTOS WORKERS	9.75	.30	.50		.10
BONDING AGENTS	9.45	.70	1.00		.02
BRICKLAYERS-STONEMASONS	9.585		.55		
CARPENTERS:					
Carpenters; Soft floor layers	7.23	.35	.30		.03
Primermen	7.48	.35	.30		.03
Millwrights	9.30	.62	.71		.42
CEMENT MASONS	7.23	.25			
ELECTRICIANS	10.00	.40	.11		.12
ELEVATOR CONSTRUCTORS	8.74	.445	.29	31 + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	7.02	.445	.29	31 + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)					
GLAZIERS	7.6548	.40	1.00		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	9.10				.02
LABORERS:					
Common laborers	5.72	.30	.25		
Mason mortar mixers	5.92	.30	.25		
All jack & chipping hammers; All water & sewer tile layers; Chain saw; Cutting torches; Power hammers; Rock drills; Tampers; Vibrators; Well point work					
LATHERS	6.02	.30	.25		
LINE CONSTRUCTION	9.48				
Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "g" fixtures & steel transmission structures	8.28	.35	.11		1/21
Groundman; Truck Driver (without winch); Experienced (Not less than 6 months)	5.38	.35	.11		1/21
Groundman; Truck Driver (with winch)	5.55	.35	.11		1/21
Blaster; Special Equipment Operator (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "g" fixtures)	6.62	.35	.11		1/21
Groundman - 1st 6 months	4.55	.35	.11		1/21

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gummite nozzles; Diamond and core drills, powered by air, all work performed by laborers working from a boss's chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air tracs, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Makers; Extenders; Asphalt curb machines; Potmen, not mechanical; Ball float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

Group 3 - Power boggymen; Concrete and paving women; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete pour curbing machines; Stresser or stretcherman on post-tension or prestressed concrete on or off the job; Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool operators, vibrators, barce hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Trestle groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers' helpers

Group 5 - Fence erectors; Handling and placing of metal mesh; dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work

Basic Hourly Rates	Fringe Benefits Payments		App. Tr.
	M & V	Yearly	
\$ 6.40	.30	.30	.01
6.25	.30	.30	.01
6.00	.30	.30	.01
5.80	.30	.30	.01
5.60	.30	.30	.01
5.30	.30	.30	.01

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12 1/2 ton & over rated capacity; Derricks; Piledrivers and extractors, caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (livesteam)

Group 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Econobolts; Piani mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (touraspull, etc.); Endloaders; Dredge (engineer); Slide boom and winch truck other than Group No. 1; Motor patrol; Bollards; Push cat; Truck cranes and cherry pickers (under 12 1/2 ton); Concrete Mixers (1 yard and over); Ditching machine (8' and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Compressors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Gummite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8'

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

Basic Hourly Rates	Fringe Benefits Payments		App. Tr.
	M & V	Yearly	
\$ 5.91	.25		
5.65			
5.50	.30	.10	
5.25	.30	.10	
5.00	.30	.10	
4.85	.30	.10	
4.75	.30	.10	

HEAVY & HIGHWAY CONSTRUCTION:

CARPENTERS & PILEDRIVERS

CEMENT MASONS

LABORERS:
Group 1
Group 2
Group 3
Group 4
Group 5

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Bridge engineer; Bridge foreman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Motor mechanic, when four or more mechanics are employed; Tow or push boat operator; Floodriver machine operator

Group 2 - Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yds. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooker; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator. Cleveland 80 or similar capacity; Self-propelled shooep-foot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yds.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator

Group 3 - Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yds. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P & M and similar sizes); Soiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.

Group 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, slide loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Pull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator

Group 5 - Boiler operator, single; Apprentice engineer or oil or mechanics helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck

Group 6 - Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS:

Group 1
Group 2

Basic Monthly Rates	Fringe Benefits Payments		
	M & V	Retiremen	App. Tr.
\$ 4.65	.25		
4.75	.25		

DECISION NO. 2475-4175

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck drivers, not otherwise specified; Warehousemen; Drivers on four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cranes and scoopmobiles.

GROUP 2 - Truck drivers for seal and tandem; Ready mix; Dumpator operator; Drivers on tandem service trucks, Korting and similar dumpsters, track trucks, scuffs, bug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units

DECISION NO. IA75-4176

STATE: Iowa COUNTY: Linn
 DECISION NO.: IA75-4176 DATE: Date of Publication
 Supersedes Decision No. IA75-4126, dated August 8, 1975, in 40 FR 33625.
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Penalties	Vacation	
\$8.58				
8.83				
9.23				
8.50	.40	.30		.10
9.90				
7.70				
7.23	.30			.02
10.40	.50	.80		.08
5.64				

BUILDING CONSTRUCTION

PAINTERS:
 Brush & rollers
 Paperhangers
 Sandblasting; Spraying
PLASTERERS
PUMBERS-STEAMFITTERS
ROOFERS
SOFT FLOOR LAYERS
SPRINKLER FITTERS
TRUCK DRIVERS
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.
FOOTNOTE:
 a - Employer contributes 4% of basic hourly rate for over 5 years' service; 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.

PAID HOLIDAYS:

New Years' Day; Memorial Day;
 Independence Day; Labor Day;
 Thanksgiving Day; Christmas Day

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:
 Group 1
 Group 2
 Group 3
 Group 4

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Penalties	Vacation	
\$9.75	.30	.50		.10
9.45	.70	1.00		.02
9.485		.55		
7.23	.30			.02
7.60	.30			.02
7.23	.25			.02
10.00	.40	II	II + 4	II
8.71	.445	.29	II + 4	.02
70LJR	.445	.29	II + 4	.02
50LJR	.60	1.00		
7.5548				.02
9.10				
7.14	.30	.40		
7.265	.30	.40		
7.34	.30	.40		
9.48				
8.28	.35	II		1/2I
5.38	.35	II		1/2I
5.55	.35	II		1/2I
6.62	.35	II		1/2I
4.55	.35	II		1/2I

BUILDING CONSTRUCTION

ASBESTOS WORKERS
BOILERMAKERS
BRICKLAYERS-STONEMAKERS
CARPENTERS:
 Carpenters
 Millwrights; Piledriverman
CEMENT MASONS
ELECTRICIANS
ELEVATOR CONSTRUCTORS
ELEVATOR CONSTRUCTORS' HELPERS
ELEVATOR CONSTRUCTORS' HELPERS (PROS.)
GLAZIERS
IRONWORKERS:
 Ornamental; Reinforcing; Structural
LABORERS:
 Common laborers
 All water services, Mortar mixers; Sewer tile layers
 Air, electric or gasoline powered jackhammers, chipping hammers; Machine rock drills; Power driven buggies; Tampers; Vibrators; Well point work
LATHERS
LINE CONSTRUCTION:
 Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "g" fixtures and steel transmission structures
 Groundman; Truck Driver (without winch); Experienced (Not less than 6 months)
 Groundman; Truck Driver (with winch)
 Blaster; Special Equipment Operator (Bole Digging Machines, all tractors, transmission lines equipment other than assembled "g" fixtures)
 Groundman - 1st 6 months

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 1 1/2 ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotives; Dredge (Levamen)

Group 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loader's, backhoes, attachments, etc.); Scrapers (touring, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 1 1/2 ton); Concrete Mixers (1 yard & over); Ditching machine (8' and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Metering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Compressors; Fireman (boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Concrete pump; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

HEAVY & HIGHWAY CONSTRUCTION:

CEMENT MASONS
LABORERS:

Basic Hourly Rates	# & W	Fringe Benefits Payments		App. Tr.
		Positions	Vacation	
\$ 7.30	.31			
6.66				
6.60	.30	.10		
6.35	.30	.10		
6.10	.30	.10		
5.95	.30	.10		
5.85	.30	.10		

Group 1
Group 2
Group 3
Group 4
Group 5

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sanblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Concrete mason; Diamond and core drills, powered by air, all work performed by Laborers working from a bos's chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air trecs, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Bakers; Boxtenders; Asphalt curb machines; Formmen, not mechanical; Bull float, hand operated; Sealers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade Checker and cutting torches on demolition work

Group 3 - Power buggyman; Concrete and paving machine; Form liner, expansion joint assembler; Bottom man; Caulker and joiner and painter; Limber and chain saw man; Mechanical greasers; Automatic concrete power curbing machines; Strasser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sanblaster helper; Concrete processing material and monitors; Cement finishers helpers; Stringman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dovel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor

Basic Hourly Rates	# & W	Fringe Benefits Payments		App. Tr.
		Positions	Vacation	
\$ 7.30	.40	.40		.03
6.90	.40	.40		.03
6.50	.40	.40		.03
6.34	.35			

HEAVY & HIGHWAY CONSTRUCTION
POWER EQUIPMENT OPERATORS:

Group 1
Group 2
Group 3
TRUCK DRIVERS

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge **Layerman**; **Paver or Spreader Operator**; Hoisting Engineer (Steel Erection); Motor Patrol; Piledriver Machine; Concrete Mixer, Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar specialty); Asphalt Laydown; Asphalt Screed; Asphalt Heater-Plaster Unit; Asphalt Roller; Self-propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-propelled Curb Machine

Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Haiss Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-propelled Sheepsfoot Roller; Self-propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flyspreader; Bull Float; Form Grader

Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for De-watering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

SUPERSEDES DECISION

STATE: Iowa COUNTY: Polk
 DECISION NO.: IA75-4177 DATE: Date of Publication
 SUPERSEDES Decision No. IA75-4153, dated August 22, 1975, in 40 FR 36916
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes
 and garden type apartments up to and including 4 stories), heavy and highway
 construction

DECISION NO. IA75-4177

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Passives	Variable	
\$ 9.68	.58	\$.605		.02
9.45	.70	1.00		.02
9.80	.35	.40		
8.99	.30	.25		.04
9.34	.30	.25		.04
8.48				
10.17	.40	14.50		12
8.73	.445	.29	31 + a	.02
70.17E	.445	.29	3E + a	.02
502.1R				
8.30	.45	.25	4.25%	.01
8.70	.275	.64		.02
6.335	.325	.325		
6.435	.325	.325		
6.46	.325	.325		
6.485	.325	.325		
6.535	.325	.325		
6.585	.325	.325		
6.635	.325	.325		
9.00				
8.28	.35	11		1/22
5.38	.35	11		1/22

BUILDING CONSTRUCTION:

ASBESTOS WORKERS
 BOILERMAKERS
 BRICKLAYERS; STONEMASONS
 CARPENTERS:
 Carpenters
 Millwrights; Piledrivermen
 CEMENT MASONS
 ELECTRICIANS
 ELEVATOR CONSTRUCTORS
 ELEVATOR CONSTRUCTORS' HELPERS
 ELEVATOR CONSTRUCTORS' HELPERS
 (FROG.)
 GLAZIERS
 IRONWORKERS:
 Ornamental; Reinforcing;
 Structural
 LABORERS:
 General laborers
 Mortar mixers; motor buggies,
 when pouring concrete; power
 tool ops. (air tools, concrete
 vibrator, gunnite nozzles,
 electric drills and hammers)
 Plasterers' tenders
 Powdermen
 Air tool, power tampers & other
 similar self-powered tools
 weighing 50 lbs. and over
 All tunnel work
 Paving breakers weighing 50 lbs.
 and over
 LATHERS
 LINE CONSTRUCTION:
 Cable Splicers; Lineman; Welder;
 Technicians; All rigs setting
 assembled "H" fixtures and steel
 transmission structures
 Groundman; Truck Driver (without
 winch); Experienced (not less
 than 6 months)

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & V	Passives	Variable	
\$ 5.55	.35	12		1/22
6.62	.35	12		1/22
4.55	.35	12		1/22
9.595				
9.04	.20	.20		.03
9.29	.20	.20		.03
9.54	.20	.20		.03
10.14	.20	.20		.03
8.50				
9.90	.40	.75		.10
8.49	.25	.25		.07
9.48	.35	.20		.04
8.715	.30	.25		.04
10.40	.50	.80		.08
5.91				

LINE CONSTRUCTION: (Cont'd)
 Groundman; Truck Driver (with
 winch)
 Blaster; Special Equipment Oper-
 ator (Hole Digging Machines, all
 tractors, transmission lines
 equipment other than assembled
 "H" fixtures)
 Groundman - 1st 6 months
 MARBLE, TILE & TERRAZZO SETTERS
 PAINTERS:
 Brush, roller, drywall finisher
 Paperhangers
 Spray; structural steel; sand-
 blasting; Soiling Stage
 Stack; tower work over 100'
 FLASTERS
 ROOFERS
 STEAMFITTERS
 SHEET METAL WORKERS
 SOFT FLOOR LAYERS
 SPRINKLER FITTERS
 TRUCK DRIVERS
 WELDERS - receive rate prescribed
 for craft performing operation to
 which welding is incidental.

FOOTNOTES:

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.

PAID HOLIDAYS:

New Year's Day; Memorial Day;
 Independence Day; Labor Day;
 Thanksgiving Day; Christmas Day.

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Powderman and blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Concrete nozzle man; Bit-wood and core drills, powered by air, all work performed by laborers working from a box's chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Bakers; Bontenders; Asphalt curb machines; Potom, not mechanical; Bull float, hand operated; Scales; Tishermen; Underpinning and shoring; Calissons over 12'; Grade checkers and cutting torches on demolition work

Group 3 - Power buggymen; Concrete and paving sewers; Form liner, expansion joint assembler; Bottom man; Caulker and joiner and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers

Group 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helpers; Concrete processing material and modifiers; Cement finishers' helpers; Stringman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Mochmen; Tending to carpenters; Hot asphalt labor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
\$ 7.30	.40	.40		.03
6.90	.40	.40		.03
6.50	.40	.40		.03
6.34	.35			

Group 1
Group 2
Group 3
TRUCK DRIVERS

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
\$8.95	.40	.50		.05
8.83	.40	.50		.05
8.035	.40	.50		.05
7.73	.40	.50		.05

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:

Group 1
Group 2
Group 3
Group 4

CLASSIFICATION DEFINITIONS:

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower crane; Truck cranes and cherry pickers 1 1/2 ton & over rated capacity; Derrick; Piledrivers and extractors; Coffson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levamen)

Group 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Automobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (conspull, etc.), End-loaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 1 1/2 ton); Concrete Mixers (1 yard and over); Notching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Fireman (Boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

HEAVY & HIGHWAY CONSTRUCTION:

CARPENTERS & FILEDRIVEN CEMENT MASONS LABORERS:

Group 1
Group 2
Group 3
Group 4
Group 5

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Pensions	Vacation	
\$ 7.30	.31			
6.86				
6.60	.30	.10		
6.35	.30	.10		
6.10	.30	.10		
5.95	.30	.10		
5.85	.30	.10		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

- Group 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Leveemas; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Filledriver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; CMI Paver; CMI Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Churn or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown Asphalt Screed; Asphalt Heater-Placer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Greaser; Concrete Pump; Self-Propelled Curb Machine
- Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Fading Breaker; Barber-Greene, Hais Loader or similar machine; Tractor Pulling Ripper, Disc, Sheepfoot or Flat Roller; Self-Propelled Sheepfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bell Float; Form Cradler
- Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

DECISION NO. IA75-4178

SUBSIDIES DECISION

STATE: Iowa
 COUNTY: Scott
 DATE: Date of Publication
 SUPERDEA Decision No. IA75-4129, dated August 22, 1975, in 40 FR 36910
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

Basic Hourly Rates	H & W	Fringe Benefits Payments		App. Tr.
		Pensions	Vacation	
\$8.75		.30		
8.22	.45	.40		.09
8.47	.45	.40		.09
10.00				
9.35	.40	.60		.10
10.35				
9.25	.45	.60		.10
9.06	.35	.50		.04
10.40	.50	.80		.08

BUILDING CONSTRUCTION
 WAREHP, TILE & TERRAZZO WORKERS
 PAINTERS:
 Brush, Rollers
 Spray; Structural steel
 PLASTERERS
 PLUMBERS & STEAMFITTERS
 ROOFERS
 SHEET METAL WORKERS
 SOFT FLOOR LAYERS
 SPRINKLER FITTERS
 WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.
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. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION
 POWER EQUIPMENT OPERATORS:
 GROUP 1
 GROUP 2
 GROUP 3

Basic Hourly Rates	H & W	Fringe Benefits Payments		App. Tr.
		Pensions	Vacation	
\$9.75	.30	.50		.10
9.45	.70	1.00		.02
9.40	.35	.50		.01
9.06	.35	.50		.04
9.31	.35	.50		.04
9.30	6%	7%		4%
8.27	.40	.35		
10.05	.45	5.5%		.03
10.30	.45	5.5%		.03
8.865	.445	.29	3% ^{1/4}	.02
7.01R	.445	.29	3% ^{1/4}	.02
\$0.1R				
7.6548	.40	1.00		
10.50	.50	.375		.07
7.82	.30	.50		.035
8.07	.30	.50		.035
8.32	.30	.50		.035

BUILDING CONSTRUCTION
 ASBESTOS WORKERS
 BOILERMAKERS
 BRICKLAYERS & STONEMASONS
 CARPENTERS:
 Carpenters
 Piledrivers
 Millwrights
 CEMENT MASONS
 ELECTRICIANS:
 Electricians
 Cable splicers
 ELEVATOR CONSTRUCTORS
 ELEVATOR CONSTRUCTORS' HELPER
 ELEVATOR CONSTRUCTORS' HELPER
 (FR28.)
 GLAZIERS
 IRONWORKERS:
 Ornamental; Reinforcing; Structural
 LABORERS:
 Carpenter tenders; Common laborers;
 Mason tenders
 Concrete saw; Pipelayers; Plumber laborer; Power tools (Pawco-Vib-rotor-Mortar Mixers-Dynamite handlers-burner, on dismantling work to be junked); Prime movers; Sand points
 Cafecooks, after 6' in depth;
 Dynamite men; Tunnel miners

DECISION NO. IA75-4178

CLASSIFICATION DEFINITIONS

HEAVY EQUIPMENT OPERATORS

GROUP 1 - All hoists or steel erecting equipment; Crane, Shovel, Classshell, Bapline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (erecting two parts), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Blower (single or double), Dual Purpose Truck (boom or winch), Locomotive or Engineless (hydraulic drive), Mechanical, Paving Mixer with tower attachment (two operators required), Pile Driver, Piling Machine, Stationary, Portable or Floating Piling Machine, Trenching Machine (over 40 HP), Building Hoist (two drums), Hot Joint Welding Machine, Cleaning and Retring Machine, Backfiller (three drums), Locomotive Engine, Qualified Welder, Top or Push Bolt, Concrete Paver, Seaman Tractor-Plant or similar machines, CMI Auto-grader or similar machines, Slip Form Paver, Caisson Amortizing Machine, Asphalt Heater-Plaster Unit, Hydraulic Concrete, Mine Hoists: Athey, Barber-Greene, Euclid or Kaiser-Lauder, Asphalt Paving Mill, Fireman and Defier, Concrete Pump, Concrete Spreader (erecting one part), Bulldozer, End-loader, Log Chipper or similar machines, Elevator Grader, Group Equipment Greaser, Locomotive and similar machines, Pile-10, Hydraulic Winch and similar machines, Motor Vehicle, Tower Blade, Push Out, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scooper, Tractor with Rear Attachment, Roller on Asphalt or Pile-top, Single Drum Hoist, Jigger Mix and Place Machine, Pipe Laying Machine, Flexpans or similar machines, Automatic Curbing Machines, Automatic Concrete and Gravel Batch Plants (one stop set-up), Suman Pulvi-Mixer or similar machines, Blizanthol Self-propelled Rotary Drill or similar machines, Work Foot, Combination Concrete Finishing Machine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apraco Spreader or similar machines, Slusher, Forklift (over 6000 lb. cap. or working at heights above 28 ft.), Concrete Conveyors

GROUP 2 - Asphalt Packer, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Loring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 10E), Power Operated Bull Float, Tractor without Power attachments, Dope Pot (stating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Sub-grader (on form) or similar machines, Forklift (6000 or less cap.), Gyrum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines, Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Tower Batching Machine (Cement Auger or Conveyor), Boiler (Engine or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or end loaders), Self-propelled curing machine

GROUP 3 - Oiler, Mechanical Helper, Mechanical Seater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

DECISION NO. IA75-4178

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP	Basic Hourly Rate	Fringe Benefits Payments		App. To
		H & W	Variable	
GROUP 1	\$6.35	.35	10,000/lw	
GROUP 2	6.55	.35	10,000/lw	
GROUP 3	6.75	.35	10,000/lw	
GROUP 4	6.95	.35	10,000/lw	

TRUCK DRIVERS

GROUP 1 - Drivers on 6-wheel trucks, dumptrucks, scoopable 5 cu. yds. & under or less than 7 1/2 tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-3/4E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, truck drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rates 2 cu. yds. or less, and small pellet type for lift operator & driver on pilot trucks

GROUP 2 - Drivers on 4-wheel trucks over 5 cu. yds. or more than 7 1/2 tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, euclid, tourpulls, hog-bottom dumps, tourtrailers, tourtrucks, euclid, tourtrucks, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 5 1/2 cu. yds., fork lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks wet or dry - over 2 up to & including 4-3/4E batches

GROUP 3 - Drivers on heavy equipment 9 cu. yds. or 1 1/2 tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks euclid, hog-bottom dumps, tourtrailers, tourtrucks, tractor-trailers, tandem A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 5 1/2 cu. yds., batch trucks wet or dry over 4-3/4E batches, single axle loadboy trailers, 6-wheel pole trailers & two-man oil distributors

GROUP 4 - Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, euclid, hog-bottom dumps, tourpulls, tourtrucks or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation pole trailers over 6-wheels, water pulls, loadboy trailers, tandem axles of more no weight limitation, diesel and/or heavy equipment mechanics

DECISION NO. TA75-4178

HEAVY & HIGHWAY CONSTRUCTION

CARPENTERS
CEMENT MASONS
LABORERS:
GROUP 1
GROUP 2
GROUP 3

Basic Monthly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Payroll	Vacation	
\$8.95	.35	.30		.02
7.72	.40			
7.82	.30	.50		.035
8.07	.30	.50		.035
8.32	.30	.50		.035

CLASSIFICATION DEFINITIONS

LARGERS

GROUP 1 - Common laborers; Carpenter tenders; Rod and Chain Man; Fleeman; Gravel Box Man, Dumpmen and spotters; Form Handlers; Material Handlers; Pacing Laborers; Cleaning Lumber Material Checkers; Miscellaneous; Unloading explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Machine Laborers; Driver of Scale Tickets, Scales, Formwork, Rebar or Temporary Plant; Back Hand
GROUP 2 - Laying and jointing of telephone conduit; Barco and Jackhammer operators; Mechanical tamper and air spade; Hedge and Hand Drill; Vibrator Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Dumpers; Puddler; Form setter helper; Power and Hand Saw (when clean-cut timber); Cement strip; reinforcing in concrete; Wire Mesh Concrete Saw-Mortar Mixer; Form mover or any mechanical device taking the place of concrete block or sub-barrow. Sand Point Settler; Asphalt Kettles; Mastic Asphalt Mixerman or other preparations used on joints; Shaking Hopper Driver (2 men); Back-up Man or Joint Man with Pipelayer, Laborers in ditch or tunnel on sewer and water main and telephone conduit; Gas Distribution Man; Pipe setter on laterals, Drain Tiles, Culvert Pipe, and Storm Sewer Connections to Catch Basins, Manholes or Main Lines, Handling of materials treated with oil, creosote asphalt and/or any foreign material harmful to skin or clothing; Chloride Handlers; the unloading and Laborers with steel workers and re-bars; Tunnel Helpers in free air; Barch Dumpers; Tank Cleaners; Cofferdam Workers; Sambaen on Floating Plant
GROUP 3 - String or Wireline (1 man); Head Form Setter; Dynamite Man; Asphalt Mixer; Tunnel Miner; Pipelayer on sewer and water main; Granite Nozzleman; Welders, Cutters, Burners and Torchman; Scaffolding on Asphalt Pavers; Locomotive Asphalt Machine Operator; Laser Beam Operator; Concrete Bureling Machine Operator; Coving Machine Operator; Head Grade Man

DECISION NO. IA75-4179

SUPERSEDES DECISION

STATE: Iowa
 COUNTY: Story (City of Ames and abutting municipalities)
 DECISION NO.: IA75-4179
 SUPERSEDES Decision No. IA75-4130, dated August 8, 1975, in 40 FR 33631.
 DESCRIPTION OF WORK: Building construction, excluding single family houses and garden type apartments up to and including 4 stories, heavy and highway construction.

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & V	Previous	Vacation	
\$5.55	.35	11		1/22
6.82	.35	11		1/22
4.55	.35	11		1/22
9.04	.20			.03
9.29	.20			.03
9.56	.20			.03
10.14	.20			.03
8.50	.75			.10
9.90	.25			.07
8.49	.30			.06
9.48	.25			.07
8.715	.30			.06
10.40	.50			.08

LINE CONSTRUCTION (CONT'D):
 Groundman; Truck Driver (with winch)
 Blaster; Special Equipment Operator (Bole Digging Machines, all tractors, transmission lines equipment other than assembled "H" fixtures)
 Groundman - lat 6 months
 PAINTERS:
 Brush; Roller; Drywall finisher
 Paperhangers
 Spray; Structural steel; Sand-blasting
 Work over 100'; Stack
 PLASTERERS
 FLINERS; STRAIGHTENERS
 ROOFERS
 SHEET METAL WORKERS
 SOFT FLOOR LAYERS
 SPRINKLER FITTERS
 WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTE:
 a. Employer contributes 4% of the basic hourly rate for 5 years of service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

PAID HOLIDAYS:
 New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

BUILDING CONSTRUCTION
 POWER EQUIPMENT OPERATORS:

- Group 1 .40
- Group 2 .50
- Group 3 .40
- Group 4 .50

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & V	Previous	Vacation	
\$ 9.68	.58	\$.605		.02
9.45	.70	1.00		
9.39	.20			
8.65	.15			
9.00	.15			
7.435				
10.17	.40	11 + .50		11
8.79	.445	.29	11 + a	.02
7.012	.445	-.29	11 + a	.02
5.012	.45	.25	4.25%	.01
8.250	.275	.64		.02
6.73	.30	.05		
6.88	.30	.05		
6.93	.30	.05		
6.98	.30	.05		
7.08	.30	.05		
7.23	.30	.05		
9.00				

BUILDING CONSTRUCTION:

ASBESTOS WORKERS
 BOILERMAKERS
 BRICKLAYERS; Stonemasons
 CARPENTERS:
 Carpenters; Filledrivers
 Millwrights
 CEMENT MASONS
 ELECTRICIANS
 ELEVATOR CONSTRUCTORS
 ELEVATOR CONSTRUCTORS' HELPERS
 ELEVATOR CONSTRUCTORS' HELPERS (PROB.)
 GLAZIERS
 IRONWORKERS:
 Ornamental; Reinforcing; Structural
 LABORERS:
 Common laborers
 Mortar, plaster & grout mixers;
 Jackhammer; Taving breaker;
 Rock drill; Vibrator operator;
 Motor buggy operators while pouring concrete
 Plasterers' tenders
 Concrete saw man
 Sandblaster
 Digging of or work within a shaft entering into natural underground cavities or caverns and work within the said shaft or caverns
 LATERS
 LINE CONSTRUCTION:
 Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures
 Groundman; Truck Driver (without winch); Experienced (not less than 6 months)

DECISION NO. 1A75-4179

Page 4

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Fowdaman and blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite mazzelman; Dis-mood and core drills, powered by air, all work performed by Laborers working from a bos'n chair, using stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Embars; Box tenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalars; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

Group 3 - Power buggymen; Concrete and paving swaman; Form liner, expansion joint assembler; Bottom man; Camlkar and joiner and painter; Timber and chain saw man; Mechanical grouters; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powdorman helpers

Group 4 - Form tender; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tapers, electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers; Stringman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, dovel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor

Basic Monthly Rates	Fringe Benefits Payments		App. T.
	H. L. W.	Vacation	
\$ 7.30	.40	.40	.03
6.90	.40	.40	.03
6.50	.40	.40	.03
6.34	.35		

HEAVY & HIGHWAY CONSTRUCTION
POWER EQUIPMENT OPERATORS:

Group 1
Group 2
Group 3
TRUCK DRIVERS

Page 3

DECISION NO. 1A75-4179

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12 $\frac{1}{2}$ ton & over rated capacity; Berricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (livebeam)

Group 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Locomotives; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Strappers (counterspill, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12 $\frac{1}{2}$ ton); Concrete Mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gowaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machine 600 amps or combination thereof; Conveyors; Firemen (boiler); Generator (75 KW & over); Fork lifts (other than above Group No. 2); Gunnite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Blitching machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

Basic Monthly Rates	Fringe Benefits Payments		App. T.
	H. L. W.	Vacation	
\$ 7.30	.31		
6.86			
6.60	.30	.10	
6.35	.30	.10	
6.10	.30	.10	
5.95	.30	.10	
5.85	.30	.10	

HEAVY & HIGHWAY CONSTRUCTION:

CARPENTERS & PILEDRIVERS

CEMENT MASONS

LABORERS:

Group 1

Group 2

Group 3

Group 4

Group 5

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Power Shovel, Crane, Backhoe and Dragline; Central Mix Plant Operator; Dredge Engineer; Dredge Tender; Laverma; Paver or Spreader Operator; Piling Engineer (Steel Erection); Motor Patrol; Pile-driver Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scrapers; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Grouser or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Screed; Asphalt Beater-Planer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Operator; Concrete Pump; Self-Propelled Cub Machine

Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Buiss Loader or similar machine; Tractor Pulling Ripper; Disc, Sheepfoot or Flat Roller; Self-Propelled Sheepfoot Roller; Self-Propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-Propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader

Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

DECISION NO. IA75-4189

SUPERSEDES DECISION

STATE: Iowa
 COUNTY: Webster (City of Fort Dodge)
 DECISION NO.: IA75-4180
 DATE: Date of Publication
 SUPERSEDES Decision No. IA75-4131, dated August 8, 1975, in 40 FR 33534
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), and Heavy and Highway Construction.

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	N & V	Payments	Vacation	
\$6.05	.50	.80		.08
10.40				

BUILDING CONSTRUCTION (Cont'd)

ROOFERS
 SPRINKLER FITTERS
 WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.
 FOOTNOTE:
 a. Employer contributes 4% of the basic hourly rate for over 5 years of service and 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

PAID HOLIDAYS:

New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

POWER EQUIPMENT OPERATORS:

Group 1
 Group 2
 Group 3
 Group 4

8.95	.40	.50		.05
8.83	.40	.50		.05
8.005	.40	.50		.05
7.73	.40	.50		.05

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	N & V	Payments	Vacation	
\$ 9.68	.58	\$.605		.02
9.45	.70	1.00		
8.37		.20		
8.11				
8.36				
6.50				
6.90	.40			1%
6.73	.45	.25	3% + a	.02
702JR	.45	.25	3% + a	.02
502JR				
8.70	.275	.64		.02
4.85				
5.10				
5.05				
9.00				
8.28	.35	1%		1/2%
5.38	.35	1%		1/2%
5.55	.35	1%		1/2%
6.62	.35	1%		1/2%
4.55	.35	1%		1/2%
5.45				
5.70				
5.95				
4.425				
9.90	.40	.75		.10

BUILDING CONSTRUCTION

ASBESTOS WORKERS
 BOILERMAKERS
 BRICKLAYERS - STONEMASONS
 CARPENTERS:
 Carpenters; Piledrivers
 Millwrights
 CEMENT MASONS
 ELECTRICIANS
 ELEVATOR CONSTRUCTORS
 ELEVATOR CONSTRUCTORS' HELPERS
 ELEVATOR CONSTRUCTORS' HELPERS (FRS.)
 IRONWORKERS:
 Ornamental; Reinforcing;
 Structural
 LABORERS:
 Common Laborers
 Machine & Air Tool Operators
 Mortar Mixers
 LAIERS
 LINE CONSTRUCTION:
 Cable Splicers; Lineman; Welder;
 Technicians; All rigs setting assembled "m" fixtures and steel transmission structures
 Groundman; Truck Driver (without winch); Experienced (Not less than 6 months)
 Groundman; Truck Driver (with winch)
 Elaster; Special Equipment Op. (Hole Digging Machines, all tractors, transmission lines equipment other than assembled "m" fixtures)
 Groundman - 1st 5 months
 PAINTERS:
 Brush; Drywall finishers; Rollers
 Paperhangers
 Spray
 FLASTERS
 PLUMBERS-STEAMFITTERS

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12 1/2 ton & over rated capacity; Berricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (Leveeboom).

Group 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economolies; Plant mixers; Farm Type Tractors (with loaders, backhoes, attachments, etc.); Scrapers (tourspull, etc.); Indloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12 1/2 ton); Concrete Mixers (1 yard & over); Mchng machine (6" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; De-watering pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Comaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Indloader (under 35 HP) with or without attachments; Air compressors (one or a combination of 250 cfm or more); Pumps 3" or over; Welding machines 600 amp or combination thereof; Conveyors; Firemen (boiler); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Gummite machine; Self-propelled rollers; Stump chippers; Self-propelled tamper; Air and electric tuggers (other than above); Mchng machine under 8"

Group 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators

HEAVY AND HIGHWAY CONSTRUCTION:

CARPENTERS; FILEDRIVEN

CEMENT MILERS

LABORERS:

Group 1

Group 2

Group 3

Group 4

Group 5

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Variable	
\$ 6.25	.31			
6.00				
5.15	.30	.10		
4.90	.30	.15		
4.65	.30	.20		
4.50	.30	.10		
4.40	.30	.10		

HEAVY & HIGHWAY CONSTRUCTION
POWER EQUIPMENT OPERATORS:

Group 1

Group 2

Group 3

TRUCK DRIVERS

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Variable	
\$ 7.30	.40	.40		.03
6.90	.40	.40		.03
6.50	.40	.40		.03
6.34	.35			

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - Sandblasters; Feedman and blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer, utility man; Gummite mazzles; Diamond and core drills, powered by air, all work performed by laborers working from a box'n chair, swinging stage, life belt, tag line or block and tackle; Drill op. of air tracs, wagon drills and similar drills

Group 2 - Tree climber; Form setters; Babers; Extenders; Asphalt curb machines; Formen (foot mechanical); Ball float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12"; Grade checker and cutting torches on demolition work

Group 3 - Power buggies; Concrete and paving saws; Form liner, expansion joint assembler; Bottom man; Caulker and joiner and painter; Timber and chain saw man; Mechanical grater; Acoustic concrete power curbing machines; Stressor or stretcherman on post-tension or pre-stressed concrete on or off the job; Powdermen helpers

Group 4 - Form tamper; Air, gas and electric tool op.; vibrator, baron hammer, paving breaker, spade, tamper, electric drills, hammer and jack hammer; Tree groundmen; Check tender; Drill helpers tool room man and checker; Sandblaster helper; Concrete processing material and monitors; Cement finishers helpers; Stripman on paving work

Group 5 - Fence erectors; Handling and placing of metal mesh, doveel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying, reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Bobmen; Tending to carpenters; Hot asphalt labor

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

- Group 1 - Power Shovel, Crane, Backhoe and Dredge; Central Mix Plant Operator; Bridge Engineer; Dredge Foreman; Paver or Spreader Operator; Hoisting Engineer (Steel Erection); Motor Patrol; Filldriller Machine; Concrete Mixer; Tow or Push Boat Operator; Master Mechanic; C.M.I. Paver; C.M.I. Subgrader (or equivalent); Asphalt Plant; Front Endloader; Scraper; Bulldozer; Push cat; Tractor Pulling Scraper; Sideboom Tractor; Chain or Rotary Drill; Trenching Machine (Cleveland 80 or similar capacity); Asphalt Laydown; Asphalt Spread; Asphalt Heaver-Flamer Unit; Asphalt Roller; Self-Propelled Elevating Grader or similar machine; Spreader (Concrete); Horizontal Boring Machine; Mechanics-Welders; Group Equipment Operator; Concrete Pump; Self-propelled Curb Machine
- Group 2 - Concrete Curb Breaker; Concrete Widening Machine; Paving Breaker; Barber-Greene, Ball Loaders or similar machine; Tractor Pulling Ripper, Disc, Sheepsfoot or Flat Roller; Self-propelled Sheepsfoot Roller; Self-propelled Roller (other than asphalt); Distributor; Screening and Washing Plant; Self-propelled Vibrating Compactor; Trenching Machine (other than above); Steel Placing Machine; Conveyor; Finishing Machine (on concrete); Flexplane; Bull Float; Form Grader
- Group 3 - Boiler; Mechanical Broom; Oiler or Mechanics Helper or Group Greaser helper; Farm-type Tractor (pulling disc, harrow or roller); Welding Machine; Pump Operator (other than dredge); Boom and Winch Truck; Compressor; Tank Car Heater (combination boiler and booster); Pumps on Well Points and Deep Wells for Dewatering; Truck Crane Combination Driver-Oiler; Concrete Curbing Machine; Safety Boat Operator; Batch Plant (Dry)

SUPERSEDES DECISION

STATE: Iowa
 COUNTY: Woodbury (City of Sioux City and abutting municipalities)
 DECISION NO.: IA75-4181
 SUPERSEDES Decision No. IA75-4132, dated August 8, 1975, in 40 FR 33637
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

DECISION NO. IA75-4181

BUILDING CONSTRUCTION:

	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 9.49	.35	.40		
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS-STONEMASONS	9.26		.20		.01
CARPENTERS:					
Carpenters; Piledriverman	7.00	.30	.25		.01
Millwrights	7.30	.30	.25		.01
CEMENT MASONS	8.255				
ELECTRICIANS	.27	.11			.11
ELEVATOR CONSTRUCTORS	7.64	.395	.26	2-1/23*4	
ELEVATOR CONSTRUCTORS' HELPERS	7.04JR	.395	.26	2-1/23*4	
ELEVATOR CONSTRUCTORS' HELPERS (FROB.)	5.01R				
GLAZIERS	6.95				
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.785	.30	.25		.01
LABORERS:					
Common laborers		.37	.20		
Mortar mixers; Plasterers' mixers; Air tool operators; Mechanical tappers; Concrete saw; Concrete nozzle; Chain saw; Wrecking torch; Sandpot and blasting	7.20	.37	.20		.01
LATHERS					
LINE CONSTRUCTION:					
Cable Splicers; Lineman; Welder; Technicians; All rigs setting assembled "H" fixtures and steel transmission structures	8.28	.35	.11		1/21
Groundman; Truck Driver (without winch); Experienced (not less than 6 months)	5.38	.35	.11		1/21
Groundman; Truck Driver (with winch)	5.55	.35	.11		1/21
Blaster; Special Equipment Operator (Bore Drilling Machines, all tractors, transmission lines equipment other than assembled "H" fixtures)	6.62	.35	.11		1/21
Groundman - 1st 6 months	4.55	.35	.11		1/21
MARBLE SETTERS	9.26		.20		.01

	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H & W	Pensions	Vacation	
PAINTERS:					
Brush	\$ 7.78	.40	.30		
Spray; All swing work; All work higher than 40 Ft. - scaffolds, jacks, ladders, etc.; Pressure roller, sandblasting; Structural steel over 25 Ft.	8.28	.40	.30		
PLASTERERS	7.30				
PLUMBERS-STEAMFITTERS	8.74	.30	.55		.10
ROOFERS:					
Roofers	7.43				
Kettlemen	7.21				
SHEET METAL WORKERS	8.62	.35	.25		
SPRINKLER FITTERS	10.40	.50	.80		.06
TERRAZZO WORKERS	9.26		.20		.01
TILE SETTERS	7.20				
TRUCK DRIVERS	5.49	.37	.20		.02
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
FOOTNOTES:					
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit.					
PAID HOLIDAYS:					
New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:					
Group 1		.40			
Group 2		.40			
Group 3		.40			
Group 4		.40			

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group 1 - Cranes, including those being used as backhoes, draglines, clamshell, etc.; Tower cranes; Truck cranes and cherry pickers 12½ ton & over rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (Leveman)

Group 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixer; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (touringpull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group No. 1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (under 12½ ton); Concrete Mixers (1 yard and over); Ditching machine (8' and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Boasting pump; Temporary hoist cage operated; Second man on locomotive; Vibrating concrete spreader (Gomaco, C-450 or equal)

Group 3 - Tractors (under 35 HP) with or without attachments; Endloaders (under 35 HP) with or without attachments; Air Compressors (one or a combination of 250 CFM or more); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Fireman (Boiler); Generator (75 KW and over); Fork lifts (other than above Group No. 2); Granite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8'

Group 4 - Oilers; Mechanical Hoisters; Truck Crane Drivers; Permanent elevators.

STATE: Maryland

LOCATION: Anse, Arupdel, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Mary's and Washington

DECISION NO.: NE17-3109
 Supersedes Decision No.: AN-2065, dated November 22, 1974 in 33 FR 41100.

DESCRIPTION OF WORK: Highway Construction

	ZONE 1	ZONE 2
BRICKLAYERS	6.75	8.55
CARPENTERS	5.33	5.35
CEMENT MASON/finishers	5.31	5.52
ELECTRICIANS	7.95	8.285
IRONWORKERS:		
Structural	6.47	6.91
Reinforcing	5.38	4.00
Fence Erector	----	3.65
LABORERS:		
General	3.55	3.56
Airtool op., (jackhammer-vibrator) etc.	3.43	3.70
Asphalt Spreaders - Spreader	4.22	5.14
Chain Saw Op.	3.93	4.285
Form Setter	4.17	-----
Form Setter, Roadway	5.23	4.23
Mortar Mixer	4.00	-----
Match blower	3.625	3.85
Pipelayers (concrete, clay, drainage)	4.94	4.00
Powerman blaster	-----	3.85
LINEMEN	-----	8.95
Groundmen	9.72	-----
Painter, structural steel & bridge	6.88	5.70
Filedriermen	5.88	-----
Truck Drivers:	5.83	4.25
1 1/2 ton & under	4.65	3.15
Over 1 1/2 ton	4.65	3.52
POWER EQUIPMENT OP.		
Asphalt distributors, liquid	4.50	4.66
Beck and paver	-----	4.75
Beehive	5.14	5.33
Bituminous-concrete paver finisher	4.77	4.12
Ballboxer	4.86	4.82
Concrete batching plant	-----	4.505
Concrete finishing machine	5.74	4.20
Concrete paving machine	6.60	4.00
Concrete spreading machine	5.75	-----
Driller	-----	7.20
Form grader	-----	4.00

Power Equipment Op. (cont'd)
 Grapple
 Hydro-seeder op.
 Loaders (all types)
 Mechanics
 Mechanics' helper
 Motor patrols
 Oiler-greaser
 Power broom
 Rollers:
 Base
 Finish
 Screed op.
 Scrapers, pans, scoops
 Subgraders
 Tractors Wheel
 Tractors Wheel with attachments
 Tracing Machines
 Truck Cranes
 Welder

ZONE 1	ZONE 2
Basic Hourly Rates	Basic Hourly Rates
\$ 5.00	4.97
3.625	4.85
5.00	4.60
5.52	5.32
4.00	3.39
5.28	4.95
3.75	4.75
-----	3.95
4.44	3.61
4.44	4.00
-----	3.60
4.00	4.33
-----	4.50
4.00	3.75
4.00	-----
4.00	4.92
4.65	4.92
4.25	-----

SUPPLEMENTAL DECISION

STATE: Massachusetts
 DECISION NO.: M175-2117
 COUNTY: Barnstable
 DATE: Date of Publication
 SUPERSEDES DECISION NO. M175-2002, dated May 9, 1975 in to PR 20591
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy construction and marine construction

DECISION NO. M175-2117

1-MASS-1-2-3-a (1-2)

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & V	Pensions	Vacation	
\$ 9.32	.71	.83		
9.66	.65	.80		.01
10.00	.60	10%		.01
9.75	.80	.80		.05
9.30	.50	.65		.02
8.83	.50	.65		.02
8.37	.50	.65		.02
7.44	.50	.65		.02
6.97	.50	.65		.02
9.75	.40	7/4-.50		a
7.80	.40	7/4-.50		a
10.665	.455	.32	1/4-b+c	.02
70.84	.455	.32	1/4-b+c	.02
50.84	.455	.32	1/4-b+c	.02
8.68	.47	.40+.25		.01
8.73	.55	1.40		.05
7.50	.50	.45		.10
7.75	.50	.45		.10
8.00	.50	.45		.10

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION
 BARNSTABLE WORKERS:
 Barnstable, Bourne, Falmouth, Mashpee, & Sandwich
 Remainder of County
ROULETTEMAKERS
BRICKLAYERS: Cement masons; Cement finishers; Plasterers; Stone-masons
CARPENTERS: Soft floor layers
 All work over \$ 1/2 million including residential
 Work over \$ 1 million - 1/2 million
 Work from \$200,000 - 1 million
 Work from \$200,000 - 500,000
 Residential up to 4 stories & commercial up to \$200,000
ELECTRICIANS:
 Electrical contracts \$12,000.00 & over
 Electrical contracts under \$12,000.00
ELEVATOR CONSTRUCTORS
ELEVATOR CONSTRUCTORS' HELPERS
ELEVATOR CONSTRUCTORS' HELPERS (FRIG.)
GLAZIERS
IRONWORKERS
LABORERS (BUILDING):
 Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers
 Jackhammer op.; Pavement breakers; Wagon drills; Asphalt makers; Carbide, core drilling machine; Chain saw op.; Pipelayn; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar tar mixers; Slide-on motorized buggy
 Air track; Block pavers; Tampers; Curb setters

Basic Hourly Rates	Fringe Benefits Payments			App. T.
	H & V	Pensions	Vacation	
8.75	.50	.45		.10
7.50	.50	.45		.10
7.62	.50	.45		.10
8.25	.50	.45		.10
8.37	.50	.45		.10
9.25	.45	.55		.01
9.25	.35		d	.01
11.54	.45	7/4	e	3/8of 7/4
8.68	.45	7/4	e	3/8of 7/4
7.38	.45	7/4	e	3/8of 7/4
10.85	.45	7/4	e	3/8of 7/4
9.05	.70	.80		.07
7.94	.40	.25		
9.30	.60	.65		
8.30	.60	.20		
9.30	.60	.20		
9.50	.50	.50		
9.50	.45	.70		.05
9.15	.76	1.16		.15
8.80	.60	.05		.05
8.10	.50	.05		.05
9.30	.45	.45		.05
10.53	.50	.80		.08
8.65	.60	.25		.05
9.05	.70	.80		.05
7.94	.40	.25		

LABORERS (CONT'D)
 Erectors; Powdermen
 Open air caissons; Cylindrical work & boring crew
 Laborer; Top man
 Helper
 Bottom man
 Driller
LABORERS
IRONWORKERS
LINE CONSTRUCTION:
 Linsmen
 Driver - Groundman
 Groundman
 Equipment Operators
MARBLE SETTERS; TERRAZZO WORKERS
MARBLE SETTERS' HELPERS
MILLWRIGHTS
PALMERS:
 Brush
 Structural Steel - 1' to 50' and Spray
PLUMBERS & STEAMFITTERS
 Boilers, & Sandwich
 Remainder of County
ROOFERS:
 Roofers; Kettlemen & Meterproofers
 Roofers; Helpers, Class 1
SHED METAL WORKERS
SPRINKLER FITTERS
TERRAZZO WORKERS' HELPERS
TILE SETTERS
TILE SETTERS' HELPERS

DECISION NO. 14075-2117

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Employer contributes \$1.00 per journeyman Electricians per week
- b. Employer contributes 1/6 basic hourly rate for 5 years or more of service or 2/6 basic hourly rate for 6 months to 5 years' service as vacation pay credit.
- c. 6 paid holidays: A through F.
- d. 9 paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 125 days during 120 calendar days prior to the holiday & the regular scheduled days immediately preceding and following the holiday.
- e. 7 paid holidays: A through F, & Burker Hill Day, provided the employee has been employed 10 working days prior to the holiday.

HEAVY & HIGHWAY CONSTRUCTION

LANGUAGES:

Class I
Class II
Class III
Class IV

MASS-I - 2-3 I

Basic Hourly Rates	Fringe Benefits Payments			Tot. P.
	R.C.P.	Producers	Tradesmen	
\$7.50	.50	.45		.10
7.75	.50	.45		.10
8.00	.50	.45		.10
8.25	.50	.45		.10

CLASSIFICATION:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, cracking laborers

CLASS II

Asphalt rollers, fence and guard rail erectors, laser beam op., season tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III

Air track op., block pavers, rammers, curb setters

CLASS IV

Blasters, powdermen

BUILDING CONSTRUCTION

Power Equipment Operators:

CLASS	Basic Hourly Rates	Fringe Benefits Payments			App. %
		M.E.P.	Vacation	Appt.	
CLASS I	\$10.66	.75	.80	a	.02
CLASS II	10.34	.75	.80	a	.02
CLASS III	8.71	.75	.80	a	.02
CLASS IV	9.52	.75	.80	a	.02
CLASS V	7.69	.75	.80	a	.02
CLASS VI	8.17	.75	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, draglines, derrick booms, trench hoists, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel loaders, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, rammer machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, tiber jacks, boom over 150', including jib - additional \$1.50 per hour; Boom over 185' including jib - additional \$.70 per hour; Boom 210' including jib - additional \$1.00 per hour; Boom over 250' including jib - additional \$1.50 per hour; Boom over 295' including jib - additional \$2.00 per hour

CLASS II Sonic or vibratory hammers, graders, tandem scrapers, concrete pumps, bulldozers, tractors, yard rakes, mulching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, paving concrete finishing machines, cal trucks, ballast regulators, switch tampers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, beaters (power driven 1-5), well-point systems (operating and installing), syphons-palcoasters, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single diaphragm pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

MS-1-PEO-2-3 F

HEAVY & MEDIUM CONSTRUCTION:

POWER EQUIPMENT OPERATORS

Group 1
Hourly premium for boom lengths including jib

Over 150 feet + \$	.65
Over 185 feet +	.80
Over 210 feet +	1.15
Over 250 feet +	1.75
Over 295 feet +	2.50

Group 2	10.34
Group 3	8.71
Group 4	9.52
Group 5	7.69
Group 6	8.17

FOOTNOTE: a. 10 Paid Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1

Power Snowbls, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist-Fastest Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Rammer's Machines, Vaco Loaders, Shovel Loaders, Front End Loaders, Mulching Machines, Shaft Hoists, Steam Engines, Backhoes, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Post Hole Diggers, Asphalt Plant on Job Site, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Timber Jacks

GROUP 2

Sonic or Vibratory Hammers, Graders, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanic Maintenance, York Rakes, Mulching Machines, Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Front Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place thereof, Tampers, Self Propelled or Tractor Drawn, Cal Trucks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3

Pump (1-3 grouped), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Beaters (Power Driven) (1-5), Syphons-Palcoasters, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4

Assistant Engineers (Firemen)

GROUP 5

Oilers (other than truck cranes & gradalls)

GROUP 6

Oilers (on truck cranes & gradalls)

Basic Hourly Rates	Fringe Benefits Payments			App. %
	M.E.P.	Vacation	Appt.	
\$10.46	.75	.80	a	.02
10.34	.75	.80	a	.02
8.71	.75	.80	a	.02
9.52	.75	.80	a	.02
7.69	.75	.80	a	.02
8.17	.75	.80	a	.02

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS

GROUP	Basic Hourly Rates	Fringe Benefits Payments			App. To
		H & W	Pensions	Vacation	
GROUP I	\$10.46	.75	.80	a	.02
GROUP II	11.46	.75	.80	a	.02
GROUP III	10.41	.75		a	.02
GROUP IV	8.71	.75	.80	a	.02
GROUP V	9.52	.75	.80	a	.02
GROUP VI	7.65	.75	.80	a	.02
GROUP VII	8.17	.75	.80	a	.02
GROUP VIII	8.605	.75	.80	a	.02

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, dropblades, hoisting machines, pneumatic machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammer, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional \$.35 per hour; Booms over 185' including jib - additional \$.70 per hour; Booms over 210' including jib - additional \$.100 per hour; Booms over 250' including jib - additional \$.150 per hour; Booms over 295' including jib - additional \$.200 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, traction yard rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with idle loaders, mechanics - maintenance, cal tracks, ballast regulator, switch tampers, rail anchor machines, tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, sphyon-pulsoimeters, concrete mixers, conveyors

GROUP VI Assistant engineers (fireman)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on scows

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

TRUCK BELIEVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

Station wagons, panel trucks and pickup trucks
Two axle equipments; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators
Three axle equipment and liftman
Four and five axle equipment
Specialized earth moving equipment under 15 tons other than conventional type trucks, low bed, vachaul, mechanics, paving; restoration equipment, Mechanics
Specialized earth moving equipment over 35 tons
Trailers for earth moving equipment, (double hookup)

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
77.24	.545	.575	a+b	
7.39	.545	.575	a+b	
7.44	.545	.575	a+b	
7.54	.545	.575	a+b	
7.64	.545	.575	a+b	
7.85	.545	.575	a+b	
8.14	.545	.575	a+b	

SUPERVISOR'S DECISION

STATE: Massachusetts
 DECISION NO.: MAT-5-1127
 SUPERVISOR'S DECISION NO.: MAT-5-1076 dated May 9, 1975 in 40 Pa. 20595
 DESCRIPTION OF WORK: Building Construction, (Including Residential), heavy and highway construction, marine construction and dredging

COUNTY: Suffolk

DATE: Date of Publication

13-MASS-1-2-1-A (Vol. 2)

Basic Hourly Rate	Fringe Benefits Payments			App. T.
	M & V	Pension	Vacation	
\$ 9.66	.60	.80		.01
10.00	.60	1.06		.01
9.75	.70	.90		.05
10.00	.60	.65		.07
10.20	.75	.45		.07
10.10	.50	10-81.35		.05
10.665	.695	.32	4 1/2-5-4	.02
70648	.495	.32	4 1/2-5-4	.02
50628	.495	.32	4 1/2-5-4	.02
9.20	.15	.56		.03
9.29	.55	1.10		.06
7.50	.50	.15		.10
7.75	.50	.45		.10
8.00	.50	.45		.10
8.25	.50	.45		.10
7.50	.50	.45		.10
7.62	.50	.45		.10
8.25	.50	.45		.10
8.37	.50	.45		.10
9.25	.65	.55		.10
9.25	.35			.01
11.54	.30	1/2	d	3/8of 1/4
10.65	.30	1/2	d	3/8of 1/4
8.68	.30	1/2	d	3/8of 1/4
7.38	.30	1/2	d	3/8of 1/4

DECISION NO. MAT-5-1127

MARBLE SETTERS: MARBLE WORKERS
 MARBLE SETTERS: MARBLE WORKERS
 MILLWRIGHTS
 PAINTERS:
 Brush; New Construction
 Structural steel
 Spray
 10.45
 Repaint, alterations, & residential
 Brush
 Structural steel
 Spray
 9.50
 FILLSMITHSON
 PLASTERERS
 PLASTERERS: WALLS
 PLUMBERS
 ROOFERS; Water
 SHEET METAL WORKERS
 SPRINKLER FITTERS
 STEAMFITTERS
 TENDERS
 TILE SETTERS
 TILE SETTERS: WALLS

PAID HOLIDAYS: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

FOOTNOTES:

1. Employer contributes 1/2 of basic hourly rate for 5 years or more of service or 1/3 of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
2. 6 paid holidays: A through F.
3. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Day provided the employee has worked at least 65 full days during the calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
4. 7 paid holidays: A through F, Bunker Hill Day, provided the employee has been employed 10 working days prior to any one of the listed holidays.

REVENUE CONSTRUCTION

Power Equipment Operators:

CLASS	M & W	Positions	Vacation	App. To
CLASS I	.75	.80	a	.02
CLASS II	.75	.80	a	.02
CLASS III	.75	.80	a	.02
CLASS IV	.75	.80	a	.02
CLASS V	.75	.80	a	.02
CLASS VI	.75	.80	a	.02

CLASS I Cranes, shovels, truck cranes, cherry pickers, derrick cranes, trench hoists, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, boring machines, rotary drills, post hole hammers, post hole diggers, rammer machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, tanker jobs, boom over 150, including job - additional \$.35 per hour; Boom over 185' including job - additional \$.70 per hour; Boom 210' including job - additional \$1.00 per hour; Boom over 250' including job - additional \$1.50 per hour Boom over 295' including job - additional \$2.00 per hour

CLASS II Sonic or vibratory hammers, gradars, tandem scrapers, concrete pumps, bulldozers, tractors, jack raisers, milching machines, portable steam boiler, portable steam generators, rollers, spreaders, tampers (self propelled or tractor drawn), asphalt pavers, mechanics maintenance, paving screed machines, stationary steam boilers, saving concrete finishing machines, cal trucks, ballast regulators, switch tappers, rail anchor machinery, tire trucks (when operated by the employer on the job site)

CLASS III Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), well-point systems (operating and installing), siphons-pneumeters, concrete mixers, valves controlling permanent plant sit or steam, conveyors, Jackson type tampers, single discharge pump, lighting plants

CLASS IV Assistant engineers (firemen)

CLASS V Oilers and apprentices (other than truck cranes and gradalls)

CLASS VI Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES: a. Holidays: A through F, Washington's Birthday, Columbus Day, Veterans Day, and Patriots Day.

DREDGING

Dredge operator

Mates

Scowmen

Deckhand

Tug engineer

Hydraulic Drives

Leverman

Engineer and derrick operators

Maintenance engineer

Dredge carpenter, electricians,

blacksmith, welders & boilermans

Mates

Oiler, Fireman, carpenter's helper,

welder's helper & blacksmith helper

Deckhands and stowman

Tug engineer

Tug deckhand

Drill Boats

Engineer

Blaster

Briller, Welder Machinist

Fireman

Oiler, Drill helper

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;

E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Washington's Birthday and Veterans Day.

b. Holidays: A through F; Washington's Birthday and Veterans Day (6 1/2) days of

vacation with pay for 104 days of service one additional day of vacation with

pay for each additional 21-2/3 days of service, all in one calendar year.

Employees not qualifying for vacation to receive 1 day's vacation with pay

for each full 24 days of service in one calendar year.

c. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence

Day; Labor Day; Veterans Day; Thanksgiving Day; Christmas Day.

d. One week's vacation after one year of employment.

Basic Hourly Rates	M & W	Positions	Vacation	App. To	Or
\$5.935	.25	.25	c+d		
4.05	.742	.197	c+d		
3.31	.742	.161	c+d		
3.36	.742	.163	c+d		
4.10	.742	.197	c+d		
5.47	.25	.15	a+2%		
5.40	.25	.15	a+2%		
5.29	.25	.15	a+2%		
5.17	.25	.15	a+2%		
4.80	.25	.15	a+2%		
4.24	.25	.15	a+2%		
4.00	.25	.15	a+2%		
4.86	.25	.15	a+2%		
4.06	.25	.15	a+2%		
6.3475	.25	.15	b		
6.4375	.25	.15	b		
6.3487	.25	.15	b		
6.6975	.25	.15	b		
5.97	.25	.15	b		

MASS-1-PEO-2-3 F

Basic Hourly Rates	Fringe Benefits Payments		Apr. 15
	H & W	Vacation	
\$10.46	.75	.80	.02
10.34	.75	.80	.02
9.71	.75	.80	.02
9.52	.75	.80	.02
7.65	.75	.80	.02
8.17	.75	.80	.02

GROUP 1
 Hourly premium for boom lengths including Jib
 Over 150 feet + \$.45
 Over 185 feet + .80
 Over 210 feet + 1.15
 Over 250 feet + 1.75
 Over 295 feet + 2.50

GROUP 2
 GROUP 3
 GROUP 4
 GROUP 5
 GROUP 6

FOOTNOTE: a. 10 Paid Holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Columbus Day, Veterans Day, & Patriots Day.

CLASSIFICATIONS:

GROUP 1
 Power Shovels, Cranes, Truck Cranes, Derricks, Pile Drivers, Trenching Machines, Mechanical Hoist Payment Breakers, Cement Concrete Pavers, Incinerators, Hoisting Engines, Three Drum Machines, Pumpcrete Machines, Van Loaders, Shovel Loaders, Front End Loaders, Hoisting Machines, Shaft Hoists, Steam Engines, Backhoes, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Mills, Foot Hole Hammers, Post Hole Diggers, Asphalt Plant on Job Site, Concrete Batching and/or Mixing Plant on Job Site, Crusher Plant on Job Site, Paving Concrete Mixers, Rubber Jacks

GROUP 2
 Semic or Vibratory Hammers, Cradlers, Scrapers, Tandem Scrapers, Bulldozers, Tractors, Mechanical Maintainers, York Babco, Molding Machines, Paving Screed Machines, Stationary Steam Boilers, Paving Concrete Finishing Machines, Cement Pumps, Portable Steam Boilers, Portable Steam Generators, Rollers, Spreaders, Asphalt Pavers, Locomotives or Machines Used in Place Tunnel, Tappers, Self Propelled or Tractor Driven, Cal Trucks, Ballast Regulators, Rail Anchor Machines, Switch Tampers

GROUP 3
 Pump (1-3 groups), Compressors, Welding Machine (1-3 groups), Generators, Lighting Plants, Heaters (Power Drives) (1-5), Siphons-Pulsometers, Concrete Mixers, Valves Controlling Permanent Plant Air Steam, Conveyors, Wellpoint Systems (Operating and Installing)

GROUP 4
 Assistant Engineers (Fireman)

GROUP 5
 Oilers (other than truck cranes & gradalls)

GROUP 6
 Oilers (on truck cranes & gradalls)

MAHLE CONSTRUCTION

POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments		Apr. 15
	H & W	Vacation	
\$10.46	.75	.80	.02
11.46	.75	.80	.02
10.41	.75	.80	.02
10.34	.75	.80	.02
9.71	.75	.80	.02
9.52	.75	.80	.02
7.65	.75	.80	.02
8.17	.75	.80	.02

CLASSIFICATIONS:

GROUP I
 Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional \$.35 per hour; Booms over 185' including jib - additional \$.70 per hour; Booms over 210' including jib - additional \$1.00 per hour; Booms over 250' including jib - additional \$1.50 per hour; Booms over 295' including jib - additional \$2.00 per hour

GROUP II
 Master Mechanic

GROUP III
 Swinger Engines

GROUP IV
 Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractor yard rakes, mulching machines, rollers, spreaders, tamper self-propelled or tractor driven, asphalt pavers, concrete mixers with idle loaders, mechanics - maintenance, cal trucks, ballast regulator, switch tampers, rail anchor machines, tire trucks

GROUP V
 Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plant air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, siphons-pulsometers, concrete mixers, conveyors

GROUP VI
 Assistant engineers (fireman)

GROUP VII
 Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII
 Oilers and apprentices on truck cranes and gradalls

GROUP IX
 Oilers on scoops

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

SUPPLEMENTAL DECISION

STATE: Mississippi
 DECISION NUMBER: MS75-1106
 Separable Decision No. AS-6030 dated September 6, 1974 in 39 FR 32454.
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including four stories).

COUNTY: Hinds
 DATE: Date of Publication

MS75-1106 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
Asbestos workers	\$7.78	.30			
Boilermakers	8.20	.60	.90		.02
Bricklayers	6.92				.02
Carpenters:					
Carpenters	6.35	.30	.20		.05
Millwrights	6.70	.30	.20		.05
Pile-driveman	6.70	.30	.20		.05
Soft floor layers	6.35	.30	.20		.05
Cement masons:					
Cement masons	6.00	.25	.10	a	
Traveling and/or floating machines & power grinder op.	6.20	.25	.10	a	
Electricians	8.35		1% + .50		.04
	8.60		1% + .50		.04
Cable splicers	6.89	.445	.29	3% + a+b	.02
Elevator constructors	4.82	.445	.29	3% + a+b	.02
Elevator constructors' helpers (probationary)	3.445				
Glaziers	5.90				
Ironworkers:					
Ornamental, structural, and reinforcing	6.65	.30	.35		.04
Laborers:					
Laborers, unskilled, wrecking, & demolition	4.25	.15	.15	a	.05
Mortar mixers, mechanical tools, mechanized (Georgia buggy Op.)	4.50	.15	.15	a	.05
Brickmason tenders, cement and plasterer tenders	4.40	.15	.15	a	.05
Line Construction:					
Lineman	7.63		1%	c	
Groundman (over 1 year)	4.63		1%	c	
Groundman (less than 1 year)	4.29		1%	c	
Cable splicers (electric)	7.94		1%	c	
Lathers	7.40				
Painters:					
Brush	5.95	.15			
Paperhangers	5.95	.15			
Spray	6.45	.15			

Painters: (Cont'd)
 Structural steel (br...)
 Structural steel (spray)
 Swing stage
 Plasterers
 Plumbers and steamfitters
 Roofers
 Roofers' helpers
 Sheet metal workers
 Sprinkler fitters
 Stonemasons

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
	6.10	.15			
	6.70	.15			
	6.20	.15			
	7.00	.25	.10		.05
	7.72	.30	.50		
	6.90		.15		
	4.90		.40		.08
	7.75	.30	.70		
	8.60	.50			.02
	6.92				

PAID HOLIDAYS:
 A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, and F-Christmas Day.

FOOTNOTES:

- a. Holidays: A through F
- b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
- c. One week paid vacation after one year's service.

NS75-1106 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation
\$7.75	.25	.25	.25
6.90	.25	.25	.25
6.55	.25	.25	.25
6.10	.25	.25	.25
5.40	.25	.25	.25

Booms, including jib:
 25¢ per hour above regular rate - 100 feet to and including 200 feet.
 50¢ per hour above regular rate - 201 feet to and including 300 feet.
 75¢ per hour above regular rate - 301 feet and above.

Operators servicing other crafts shall draw rate of pay not less than journeyman rate of craft being serviced.

NS75-1106 (Cont'd)

POWER EQUIPMENT OPERATORS:

Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation
\$7.75	.25	.25	.25
6.90	.25	.25	.25
6.55	.25	.25	.25
6.10	.25	.25	.25
5.40	.25	.25	.25

GROUP I: Engineer, operating under air pressure.

GROUP II: Mechanic

GROUP III: Asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick car, derrick boat, dragline, dredge, elevating grader, excavator (power belt), fork lift (5 tons & over), hoists (2 drums in active use), locomotive engineer, marine engineer (chief), master pilot, motor patrol and similar equipment, paver (21 c. f. or larger), pile driver, recharter, scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), turnspull (DS-10 and similar pull type scrapers), Tractor and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, well point pumps.

GROUP IV: Asphalt spreader (bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, forklift (over 2 tons and less than 5 tons), heating plant, hoist (one drum), marine engineer's assistant, mixer payloador and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machines (18" or smaller bucket line width), tugboat, well driller (1st helper), winch truck and tractor, small rubber tired with backhoe attachment.

GROUP V:

Air compressor, batch scale, deckhand, forklift (2 tons & under), form grader, locomotive hostler, mechanic helper, motorboat (in or outboard), oiler, pump, roughneck, seaman, tractor (with attachments), welding machine.

SUPPLEMENTAL DECISION

COURT: Hancock, Harrison, Jackson & Pearl River

DATE: Date of Publication

DECISION NO.: MS75-1107
 Supreme Decision No.: MS75-1099 dated September 20, 1975 in MO PR 14459
 DESCRIPTION OF WORK: Building Construction (excluding single family home and garden type apartments up to and including 4 stories), and heavy construction.

STATE: Mississippi

MS75-1107 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Asbestos workers (Pearl River and Hancock)	7.25	.40	.90			
Asbestos workers (Jackson and Harrison)	9.40 8.20	.395 .60	.75 .90	0	.02 .02	
Boilermakers	7.90	.15	.15			
Bricklayers	7.90	.15	.15			
Brickmasons	7.90	.15	.15			
Caulkers & Pointers	7.90	.15	.15			
Marble masons	7.90	.15	.15			
Stonemasons	7.90	.15	.15			
Plasterers	7.80	.15	.15			
Terrazzo workers	7.80	.15	.15			
Tile setters	7.80	.15	.15			
Cement masons	7.28	.15	.15			
Carpenters:						
Carpenters	7.55	.20	.20		.05	
Soft floor layers	7.55	.20	.20		.05	
Millwrights	7.87	.20	.20		.05	
Electricians:						
Electricians	8.55	.25	.20		1/8%	
Cable splicers	8.80	.25	.20		1/8%	
Elevator constructors:						
Elevator constructors	6.89	.29	.29	.26-4.5	.015	
Helpers	4.82	.29	.29	.26-4.5	.015	
Helpers (probationary)	3.445					
Glaziers	5.00					
Ironworkers:						
Jackson & Harrison Cos (E. 1/3 of Harrison Co. Incl. Biloxi, Pearl River, & towns of Howison & Secrest)						
Structural, Ornamental, & Reinforcing	8.98	.30	.35		.05	
Ironworkers:						
Hancock & Pearl River Counties & remaining portions of Harrison County:						
Structural, Ornamental & Reinforcing	6.98	.30	.30		.04	
Laborers:						
Laborers	4.50	.15	.10			

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Laborers (Cont'd)					
Asphalt raters, mason tenders, mortar mixers, masonry cleaners, pipelayers, power saw oper., pipe wrapping, power post hole digger, railroad men, sandblasting, and vibrator-jackhammer; plasterer tender	4.65 6.00	.15 .10	.10 .10		.01 1/8%
Letbers	8.55 8.80	.25 .25	.20 .20		1/8%
Line Constructors:					
Cable splicers	6.85	.20	.20		.12
Painters (Jackson County):	6.95	.20	.20		.12
Brush	7.70	.20	.20		.12
Roller					
Spray	7.60	.20	.20		.12
Industrial:					
Brush	8.90	.20	.20		.12
Spray & Sandblasting					
Painters (Hancock, Harrison, & Pearl River (Counties):					
Commercial:	5.30 6.55				.03 .03
Brush & roller	5.55				.03
Spray	6.55				.03
Structural steel under 30':	8.84	.30	.35		
Brush & roller					
Spray					
Piledrivers	9.09	.30	.35		.01
Piledrivers on concrete material	9.70	.31	.25		
Plumbers & steamfitters					
Roofers:					
Roofers	6.90		.15		
Helpers	4.95				
Kettlemen	5.50				
Sheet metal workers	7.315	.25	.40	.25	.10
Sprinkler fitters	8.60	.50	.70		.08

MS75-1107 - (Cont'd)

TRUCK DRIVERS:

Basic Hourly Rate	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
6.20	.30	.35		
6.70	.30	.35		
8.06	.30	.35		
8.76	.30	.35		
5.43	.30	.25		
6.20	.30	.35		
6.51	.30	.35		

PAID HOLIDAYS:
 A-New Year's Day
 B-Labor Day

B-Memorial Day
 E-Thanksgiving Day

C-Independence Day
 F-Christmas Day

FOOTNOTES:

- a. Holiday: A through F.
- b. Employer contributes 1/2 of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2/3 of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- c. Holidays: Labor Day and Thanksgiving Day, provided the employee works at least one day out of the 3 workdays prior to the paid holiday, and the first workday after the paid holiday.

GROUP I: Truck drivers on equipment up to but not including 1 1/2 tons, station wagons, jeeps and automobiles, truck spotters, general warehousemen.

GROUP II: Truck drivers on equipment 1 1/2 tons and up to but not including 5 tons.

GROUP III: Truck drivers on equipment rated 5 tons or 6 yards and over, including heavy equipment such as pole trucks, mine or corning wagons, dumpsters, semi-drivers, agitator, roos carriers, demsey dumps, small trucks, forklift trucks in warehouse and similar equipment such as tractors, 70 wheelers, jeeps or dump trucks or pickup trucks pulling two or four wheel trailers hauling equipment.

GROUP IV: Mechanics

GROUP V: Trucks helpers

GROUP VI: Trucks helpers when unloading concrete or Corpetor Materials

GROUP VII: Mechanics helpers

MS75-1107 - (cont'd)

POWER EQUIPMENT OPERATORS:

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & V	Pensions	Vacation	
8.25	.30		.30	
7.30	.30		.30	
7.05	.30		.30	
6.50	.30		.30	
5.70	.30		.30	
5.70	.30		.30	

GROUP 1
GROUP 2
GROUP 3
GROUP 4
GROUP 5
GROUP 6

GROUP 1:

Engineer - operating under air pressure

GROUP 2:

Mechanic

GROUP 3:

Air tagger (2 arms), asphalt plant, backhoe, blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane derrick, derrick boat, derrick car, dragline, dredge, elevating grader, excavator (power belt), fork-lift, hoist (2 arms) locomotive engineer, marine engineer (chief), master pilot, sixmobile, motor patrol & similar type equipment, Haver (21 C.F. or larger), piledriver, recharger, roving greaser (1st), scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), tomrapull, M-10 & similar palltype scrapers, traxavator and similar endloaders, welder, welding machines or S/W pumps (2 to 5), well driller, well point pumps

GROUP 4:

Air tagger, asphalt spreader (bituminous distributor) asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, heating plant hoist, marine engineer (assistant), mixer, payloader, and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machine (18" or smaller bucket line width), tagboat, well driller (1st helper), winch truck

GROUP 5:

Air compressor, form grader, locomotive hoistler, mechanic helper, oiler (truck crane), pump, roughneck, tractor (without attachments), welding machine

GROUP 6:

Batch scale, deckhand, motorboat (in or outboard), oiler scowman

STATE: Texas
 COUNTY: El Paso
 DATE: Date of Publication
 SUPERSEDES Decision No. TX75-4114, dated June 20, 1975, in 40 FR 26240.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See current survey and highway general wage determination for paving incidental to Building Construction).

DECISION NO. TX75-4182

	Basic Hourly Rates	Fringe Benefits Payments		Apr. 75
		N.E.W.	Variable	
AGREING WORKERS	57.66	.50	.97(a)	.02
TOWNSHIP: a- includes 97.07 contribution to Occupational Health Fund.	8.00	.50	.76	.02
WELDERS	7.00	.48	.20	.06
METALS: BLACKSMITHS: BOILERMAKERS: STEELMAKERS	6.83	.65		.02
WELDERS	7.22	.65		.02
Welding radial arm power saw operator	6.96	.45		.02
Welder	6.83	.45		.02
Welder	5.65	.48		.02
Welder	8.30	.25	1%	1/2%
Welder	8.55	.25	1%	1/2%
Welder	6.88	.445	.29	.02
Welder	7.00	.445	.29	.02
Welder	50LJR			
Welders: a-lot 6 mos. - 1 year; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate; b-paid holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day	5.99	.20	.60	.02
Welders	7.25	.55	.60	.10
Welders	5.20	.34	.30	
Welder	4.95	.34	.30	
Welder	4.70	.34	.30	
Welder	4.38	.34	.30	
Welder	4.45	.34	.30	.01
Welder	4.30	.34	.30	
Welder	7.38			
Welder	8.30	.25	1%	1/2%
Welder	8.55	.25	1%	1/2%
Welder	755JR	.25	1%	1/2%
Welder	50LJR	.25	1%	1/2%

	Basic Hourly Rates	Fringe Benefits Payments		Apr. 75
		N.E.W.	Variable	
Welders	56.96	.20		.04
Welders	6.01	.20		.02
Welders	5.00	.30		.02
Welders	6.49	.20		.02
Welders	6.75	.20		.02
Welders	6.30	.20		.02
Welders	6.90	.48		.01
Welders	7.82	.38		.02
Welders	5.59	.35		.10
Welders	5.17	.35		.10
Welders	6.26	.35		.10
Welders	6.21	.35		.10
Welders	6.39	.35		.10
Welders	6.63	.40		.10
Welders	6.79	.35		.10
Welders	6.76	.35		.10
Welders	6.49	.55		.10
Welders	6.79	.55		.10

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Fireman, Oiler; Mechanic, Grease Truck and Welder's Helpers; Scaffolding, Pneumatic roller towed by farm-type tractor or truck; Scale Operator and such as bin-a-batch; Rubber-tired farm type tractors and tractors under 35 HP without attachments

GROUP 2 - Air Compressors, Power Plants, pumps and welding machines (an operating engineer will not be required for an air compressor under 315 c.f.m., a pump under three inches or a light plant generating fifteen kilowatts or less, or one welding machine, if and when there is another operating engineer employed on the job who services the units); Concrete mixers, under 1 yard, and concrete batch plants, under 1 yard, grouters and concrete machines, mechanical bull bladders, spreading and finishing machines. Screening Plants, Drilling machines, Blowers, rotary, core and cable drilling; Well under 6 inches. Hoists, scooper-booms, A frame Air tuggers; building hoist, 1 drum, hydraulic, Hydrocranes, winch, truck. Loaders: Elevating, belt type loader, front end loader (under 2 yds) and over head loaders; Forklift and lumber staker on construction job site. Grease Truck operator, (Road Oiler). Motor man and Industrial Locomotive. Tractors under 35 HP with attachments; and farm type tractor with back, or shovel type attachments

REGISTRATION NO. TD75-4182

UNDER EXISTING CONDITIONS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP 3 - Concrete mixers 1 yard and over and batch plants 1 yard and over, single drum paving machines, tamping plants, drilling machines, 6 tucks and over; front end loaders, 2 yards and over; Paving: Asphalt plants, boiler or rotator heater, distributor, lay down machine, pug mill, breakdown and tandem rollers, Steam finisher, trenching machines. Patrol, rough, not required to blue top or finish

GROUP 4 - Tractor Equipment: Abbey and Harbor Green Loader, Bulldozer, D10, D10, D7H, D6H, Elevating Grader, L66L6, Highlander, Scrapper, Tractorator, Turbopull, Turbadozer and Tractors 35 HP and up

GROUP 5 - Concrete paving machines, double drum. Caterpillar, Hyster, Cherry Picker, Attachment cranes, side and swing boom tractors, Building Hoist, 2 drums and up. Mechanic, Welder, Patrol, finish

GROUP 6 - Shovel, Backhoe, clam and dragline 3/4 yards and under; cranes 25 tons and under

GROUP 7 - Guy and stiff leg derrick, Piledrivers; Crawler or skid rig, Shovel, Backhoe, clam and dragline over 3/4 yards; Cranes over 25 tons

GROUP 8 - Refrigeration, slusher, Jumbo form operators

GROUP 9 - Mucking machines

GROUP 10 - Mine hoists

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Provision	Variable App. Th.
ROOFERS:				
Roofers; Waterproofers; Pipe-wrappers	\$5.30		.30	.025
SHORT METAL WORKERS	6.39	.45		.02
SOFT FLOOR LAYERS	5.95	.30		.08
SPRINKLER FITTERS	10.10	.50	.80	.04
TERRAZZO WORKERS	6.88		.20	
TERRAZZO WORKERS' HELPERS	4.30		.20	
TILE SETTERS	6.95		.20	.04
TILE SETTERS' HELPERS	4.30		.20	
TRUCK DRIVERS:				
Up to and including 2 tons	3.50	.26		
Flat bed dump trucks, mechanically	3.60	.46		
Tank trucks, up to 2500 gallons	3.50	.26		
Standard dump trucks, up to and including 4 cu. yds.	3.60	.26		
Dump trucks, over 4 cu. yds.	3.75	.26		
Trucks over 4 tons including transfer mix, all semi-trucks, etc.	3.75	.26		
Lowboy	3.75	.26		
WELDERS - receiver rate prescribed for performing operation				
for arc welding is incidental.				

STATE: Washington
 COUNTY: Statewide
 DECESSION NUMBER: WA75-5132
 DATE: Date of Publication
 Supersedes Decision No. WA75-5124 dated October 10, 1975, in 40 FR 48070
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

DECISION NO. WA75-5132

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Vacation	
ASBESTOS WORKERS: Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	\$10.11	.51	.75		
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	9.96	.50	.80		.10
Remaining Counties	10.80	.44	.90		
BUILDERS: Adams (except City of Obello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties and Grand Coulee Dam areas in Okanogan County	9.69	.55	.50		.04
Benton, Franklin, and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Seffo-Woolley and Concrete) Counties	10.12	.55	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	9.42	.50	.55		.08
Grant County and that portion of Adams County including the City of Obello	8.25	.45			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Counties	9.75	.50	.50		

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Vacation	
BECKLAYERS: (Cont'd) Grays Harbor, Lewis, Mason, Thurston and Northern portion of Pacific County	8.45	.55	.30		
Pierce County	9.79	.55	.65		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and North thereof), and Whatcom Counties	9.85	.55	.45		
CARPENTERS: All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima)	9.04	.55	.55		.045
Carpenters					
Piledriver; Floor Sanders; Saw Filers; Stationary Power Wood-working Tool Operator	9.19	.55	.55		.045
Shingler (wood or composition)	9.24	.55	.55		.045
Boom Men; Carpenters (Crescoped material)	9.29	.55	.55		.045
Piledriver (crescoped material)	9.44	.55	.55		.045
Millwright and Machine Erector	9.54	.55	.55		.045
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters	9.10	.50	.65		.02
Sawfilers on Crescoped material	9.20	.50	.65		.02
Stationary power saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other stationary power wood-working tools	9.23	.50	.65		.02
Millwrights and Machine Erectors	9.60	.50	.65		.02
Piledrivers; Bridge, dock and wharf builders	9.25	.50	.65		.02
Acoustical Workers	9.26	.50	.65		.02
Boommen	9.30	.50	.65		.02
Drywall Applicators	9.10	.50	.65		.01

DECISION NO. WA75-5132

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	R & W	Pensions	Vacation	
\$8.05	.35	15+.40		.02
8.45	.35	15+.40		.02
9.85	.35	15+.40		.02
10.835	.35	15+.40		.02
9.90	.35	15+.40		.02
10.89	.35	15+.40		.02
10.30	.35	15+.40		.03
11.33	.35	15+.40		.03
10.10	.45	15+.40		.02
10.85	.45	15+.40		.02
9.76	.25	15	5%	.02
10.74	.25	15	5%	.02
8.92	.45	15+.45	.36	.04
9.81	.45	15+.45	.36	.04
9.95	.45	15+.40		.01
10.95	.45	15+.40		.01
8.975	.445	.29	35+%	.02

ELECTRICIANS:

Adams, Ferry, Lincoln, Peed Orellie, Spokane, Stevens and Whitman Counties
 Electricians
 Cable Splicers
 Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties
 Electricians
 Cable Splicers
 Chelem, Douglas, Grant and Okanogan Counties
 Electricians
 Cable Splicers
 Clallam, Jefferson, King and Kitsap Counties
 Electricians
 Cable Splicers
 Clark, Klickitat and Skamania Counties
 Electricians
 Cable Splicers
 Cowlitz and Wahkiakum Counties
 Electricians
 Cable Splicers
 Grays Harbor Lewis, Mason, Pierce, Pacific and Thurston Counties
 Electricians
 Cable Splicers
 Island, San Juan, Skagit, Snohomish and Whatcom Counties
 Electricians
 Cable Splicers
 ELEVATOR CONSTRUCTORS:
 Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Peed Orellie, Spokane, Stevens, Walla Walla, and Whitman Counties
 Elevator Constructors

DECISION NO. WA75-5132

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	R & W	Pensions	Vacation	
\$9.29	.55	.65	.35	.03
9.39	.55	.65	.35	.03
9.44	.55	.65	.35	.03
9.49	.55	.65	.35	.03
9.54	.55	.65	.35	.03
8.93	.50	.65		.04
9.02	.55	.90		.01
8.47	.55	.60	.60	.10
8.62	.55	.60	.60	.10
8.25	.50	.65		.02

CARPENTERS: (Cont'd)

Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties
 Carpenters; Form strippers; Manhole Builders; Acoustical Applicators, Drywall Applicators
 Piledrivers, bridge, dock and wharf builders
 Floor layers; Floor finishers; Stationary power saw operator
 Boorman
 Millwrights; Machine Erectors
CEMENT MASONS:
 Adams, Asotin, Benton, Chelem, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Peed Orellie, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties
 Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion), San Juan, Skagit, Snohomish and Whatcom Counties
 Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties
 Cement Masons
 Composition materials and power machinery
 Lewis, Pierce, Thurston and the City of Auburn in King County

DECISION NO. MA75-5132

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
87.20	.26	.30	6.5%	.01
6.41	.25	.25		
<p>GLAZIERS: (Cont'd) Clark, Cowlitz, Klitchkat, Pacific (southern portion), Skamania and Wahkiakum Counties KITTITAS and YAKIMA COUNTIES TEAMWORKERS: Statewide except Clark, Cowlitz, Klitchkat, Pacific (southern portion), Skamania and Wahkiakum Counties Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen</p>				
10.15	.58	1.00	.05	.05
<p>CLARK, COWLITZ, KLITCHKAT, PACIFIC (southern portion), SKAMANIA and WAHKIAKUM COUNTIES REINFORCING; STRUCTURAL; FENCE ERECTORS; ORNAMENTAL; RIGGERS; SIGNALMEN</p>				
9.50	.58	1.00	.25	.05
<p>LATHERS: Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties Pierce County</p>				
7.50	.40	.50		.02
7.25	.40			
<p>MARBLE SETTERS: Adams (except that portion includ- ing the City of Orfello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam Area in Okanogan County Benton, Franklin and Walla Walla Counties Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam) Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit</p>				
9.69	.35	.40		.04
9.20	.40	.50		
8.27	.45	.40	.25	

DECISION NO. MA75-5131

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
70LR	.445	.29	3%+a	.02
50LR				
59.275	.445	.29	3%+a	.02
70LR	.445	.29	3%+a	.02
50LR				
7.97	.445	.29	3%+a	.02
70LR	.445	.29	3%+a	.02
50LR				
7.455	.31	.10	.545	
8.15	.40	.45	.53	
7.08	.31	.55	.50	
7.28	.31	.25	.29+ b	
8.05	.22	.40	b	.02
<p>ELEVATOR CONSTRUCTORS: (Cont'd) Elevator Constructors' Helpers Elevator Constructors' Helpers (Prob.) Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties Elevator Constructors Elevator Constructors' Helpers Elevator Constructors' Helpers (Prob.) Clark, Cowlitz, Klitchkat, Pacific (southern portion), Skamania and Wahkiakum Counties Elevator Constructors Elevator Constructors' Helpers Elevator Constructors' Helpers (Prob.)</p>				
<p>GLAZIERS: Adams, (northeastern portion), Lincoln (eastern half); Pend Oreille, Spokane and Stevens Counties Adams (southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Counties Asotin, Garfield and Whitman Counties Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Snohomish and Thurston Counties</p>				

DECISION NO. W-75-3132

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Vacation	App. To	
\$8.66	.31	.60	.02	.02
8.71	.31	.60	.02	.02
8.81	.31	.60	.02	.02
8.86	.31	.60	.02	.02
8.59	.35	.45	.03	.03
8.84	.35	.45	.03	.03
9.09	.35	.45	.03	.03
9.59	.35	.45	.03	.03
7.81	.40	.40	.06	.06
8.51	.44	.49	.02	.02
9.16	.44	.49	.02	.02
7.50				
7.75				

PAINTERS:
 Adams, Astoria, Becton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties
 Brush
 Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper
 Swing Stage work or high rate (over 30')
 Bitumastic; Sandblasting; Bridge; Tankroom legs; Tower; Stacks; Steeples
 Clark, Coville, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties
 Brush
 Spray; High Towers, ground to 100'
 High Work over 100'; High Towers, ground to 300'
 High Towers, ground to over 300'
 Drywall Tapers
 Grays Harbor, Island, King, Kitsap, Lewis, Mason, Perice, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties
 Brush; Drywall Tapers
 Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material
 Clallam and Jefferson Counties
 Brush
 Spray, Steel, Sandblasting, and Bitumastic

DECISION NO. W-75-3132

Basic Hourly Rates	Fringe Benefits Payments			App. To
	M & W	Vacation	App. To	
\$10.12	.55	.35	.02	.02
9.42	.50	.55	.08	.08
8.25	.45			
7.25	.50	.50		
8.45	.55	.30	.02	.02
9.86	.55	.65		
9.85	.55	.45		
6.25				
8.12	.55			
8.12	.65	.95	.10	.10

MARBLE SETTERS: (Mont'd)
 (South of the Cities of Burlington, Sedro-woolley and Concrete) Counties
 Clark, Coville, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County
 Grant County and that portion of Adams County including the City of Dufur
 Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River) Counties
 Grays Harbor, Lewis, Mason, Thurston and Northern half of Pacific Counties
 Pierce County
 San Juan, Skagit, (including the Cities of Burlington, Sedro-woolley, Concrete and north thereof) and Whatcom Counties
 MASON, TILE AND TERRAZZO WORKERS
 HELPERS:
 All Counties east of the Cascade Mountain Range in Washington Remaining Counties west of the Cascade Mountain Range (except Clark, Coville, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties)
 MASON TENDERS:
 Clark, Coville, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)

DECISION NO. WA75-5132

PAINTERS: (Cont'd)

Kittitas and Yakima Counties
 Brush
 Spray; Steel; Boiler 9" - .11
 handless; Drywall Taper; 2-sec
 Cleaning
 Swing Stage over 30' high
 Bituminous; Bridges; Towers
 Tanks on legs; Steeples
 Stacks; Sandblasting

PLASTERERS:

Adams, Asotin, Benton, Coconino,
 Ferry, Franklin, Garfield,
 Grant, Kittitas (including the
 City of Ellensburg and the
 thereof); Lincoln, Pend Oreille,
 Spokane, Stevens, Walla Walla,
 Whitman and Yakima Counties
 Chelan, Douglas, Kittitas north
 of the City of Ellensburg and
 Okanogan Counties
 Chlallam, Island, Jefferson, King,
 (except the City of Kent),
 Kitsap, Pacific (Northern
 portion), San Juan, Skagit, and
 Snohomish Counties
 Clark, Cowlitz, Klickitat,
 Pacific (Southern portion),
 Skamania and Wahkiakum Counties
 Grays Harbor, King (City of Renton),
 Lewis, Mason, Pierce and
 Thurston Counties

PLASTERERS' TENDERS:

All Counties and portions of
 Counties East of the 120°
 Meridian

DECISION NO. WA75-5132

PLUMBERS:

Chelan, Chlallam, King, Kittitas
 (north of 47°35' N. Lat.),
 Douglas (west of 119°30' W. Long.),
 Jefferson and Okanogan (except
 the area lying between 119°30' W.
 Long. and south of 48°30' N. Lat.),
 Comities
 Adams (except area between a line
 drawn south from the western
 boundary of Ferry County to
 Highway #10 eastward to Whitman
 County), Asotin, Benton,
 Columbia, Franklin, Garfield,
 Grant, Klickitat, Walla Walla,
 Yakima, Douglas (east of 119°30'
 W. Long.), Ferry (west of a line
 drawn from Creston in Lincoln
 County Northward to the Canadian
 Border), Kittitas (south of 47°
 15' N. Lat.), Lincoln (West of a
 line drawn from Schrag in Adams
 County northward to the Ferry
 County line), and Okanogan (east
 of 119°30' N. Lat.) Counties
 Adams (area between a line drawn
 south from the western boundary
 of Ferry County to Highway #10
 and eastward to Whitman County),
 Asotin, Cowlitz, Ferry (east of a
 line drawn from Creston in
 Lincoln County northward to the
 Canadian Border), Grays Harbor,
 Kitsap, Lewis, Lincoln (east of
 a line drawn from Schrag in Adams
 County northward to the Ferry
 County line), Mason, Pend Oreille,
 Pierce, Skagit, Snohomish,
 Spokane, Stevens, Thurston,
 Wahkiakum, Whitman, Whitman, and
 Clark and Skamania (those por-
 tions lying north of an east-west
 line drawn through Woodland east-
 ward to the Klickitat County line)
 Counties

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PLUMBERS:

Chelan, Chlallam, King, Kittitas
 (north of 47°35' N. Lat.),
 Douglas (west of 119°30' W. Long.),
 Jefferson and Okanogan (except
 the area lying between 119°30' W.
 Long. and south of 48°30' N. Lat.),
 Comities
 Adams (except area between a line
 drawn south from the western
 boundary of Ferry County to
 Highway #10 eastward to Whitman
 County), Asotin, Benton,
 Columbia, Franklin, Garfield,
 Grant, Klickitat, Walla Walla,
 Yakima, Douglas (east of 119°30'
 W. Long.), Ferry (west of a line
 drawn from Creston in Lincoln
 County Northward to the Canadian
 Border), Kittitas (south of 47°
 15' N. Lat.), Lincoln (West of a
 line drawn from Schrag in Adams
 County northward to the Ferry
 County line), and Okanogan (east
 of 119°30' N. Lat.) Counties
 Adams (area between a line drawn
 south from the western boundary
 of Ferry County to Highway #10
 and eastward to Whitman County),
 Asotin, Cowlitz, Ferry (east of a
 line drawn from Creston in
 Lincoln County northward to the
 Canadian Border), Grays Harbor,
 Kitsap, Lewis, Lincoln (east of
 a line drawn from Schrag in Adams
 County northward to the Ferry
 County line), Mason, Pend Oreille,
 Pierce, Skagit, Snohomish,
 Spokane, Stevens, Thurston,
 Wahkiakum, Whitman, Whitman, and
 Clark and Skamania (those por-
 tions lying north of an east-west
 line drawn through Woodland east-
 ward to the Klickitat County line)
 Counties

NOTICES

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H.E.W.	Pensions	Vacation	
57.95	.31	.45		.02
8.20	.31	.45		.02
8.30	.31	.45		.02
8.35	.31	.45		.02
8.88	.45	.60		
8.28	.45	.60		
9.35	.55	.80		.04
8.50	.50	.60		.01
9.50	.50	.70		.04
8.00	.50	.70		.02

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H.E.W.	Pensions	Vacation	
11.20	.65	1.12	1.00	.07
10.66	.65	1.10	1.00	.10
10.02	.65	1.10	1.00	.11

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Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & V	Pensions	Vacation	
\$7.89	.25	.60	.31	
7.29	.40	.60	1.21	
9.26	.46	.70		.05
8.335	.45	.85	c	.05
9.07	.46	.70		.05
7.43	.25	.25	.23	
12.26	.50	.80		.09
10.55	.50	.80		.08
9.50	.55	.40		
9.20	.40	.50		
8.27	.45	.40		.25
9.63	.55	.65		
8.25	.45			

SOFT FLOOR LAYERS:
 Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties.
 Benton, Franklin and Walla Walla Counties
 Clallam, Isjend, Jefferson, Lewis, San Juan, Skagit, Whatcom, King, Kitsap and Snohomish Counties
 Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties
 Grays Harbor, Mason, Pacific (northern portion), Pierce and Thurston Counties
 Yakima and Kittitas Counties

SPRINKLER FITTERS:
 Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Cos. Remaining Counties

TERMAZZO WORKERS:
 Adams (except that portion incl. the City of Otbello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County
 Benton, Franklin and Walla Walla Counties
 Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)
 Clallam, Latahd, Jefferson, King, Kitsap, Skagit, (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties
 Grant County and that portion of Adams County including the City of Otbello

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & V	Pensions	Vacation	
\$7.64	.50	.30		.01
8.25	.30	.30		
8.25	.30	.30		
8.45	.30	.20		
8.70	.30	.20		
7.95	.45	.30		
8.45	.45	.30		
7.80	.45	.75		
8.30	.45	.75		
8.55	.45	.75		
10.91	.52	.50		.03
9.28	.37	.50	.50	.04
8.27	.55	.41	.47	.02
9.45	.37	.77	.47	.02
11.11	.52	.84	.60	.02
11.60	.47	.60	.60	.04
10.17	.57	.60	.60	.04

ROOFERS:
 Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties
 Asotin and Garfield Counties
 Benton, Franklin, Kittitas, Klickitat and Yakima Counties
 Roofers; Kettlewell; Water-proofer; Shingles; Spraying
 Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish, Thurston and Wahkiakum Counties
 Roofers; Waterproofers
 Slate and Tile Roofers
 Island, San Juan, Skagit and Whatcom Counties
 Roofers and Waterproofers
 Slate and Tile Roofers
 Clark and Skamania Counties
 Roofers
 Handling or irritating material (coal, tar or epoxy) in unconfined area
 Handling or irritating material (coal, tar or epoxy) in confined area

SHEET METAL WORKERS:
 Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties
 Clallam, Jefferson, Kitsap and Mason Counties
 Clark and Skamania Counties
 Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties
 King County
 Island and Snohomish Counties
 Whatcom, Skagit and San Juan Counties

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TERRAZZO WORKERS: (Cont'd)
 Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties
 Grays Harbor, Lewis, Mason and Thurston Counties
 Pierce County
 San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties
TILE SETTERS:
 Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co., Benton, Franklin and Walla Walla Counties
 Chelan, Douglas, Okanogan (except area of Grand Coulee Dam) Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties
 Clark, Cowlitz, Pacific (southern portion), Skamania, Wabkiakum and a ten-mile strip bordering the Columbia River in Klickitat County
 Grant County and that portion of Adams County including the City of Othello
 Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Cos.
 Grays Harbor, Lewis, Mason and Thurston Counties
 Pierce County
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
\$7.25	.50	.50		.02
8.45	.55	.30		
9.66	.55	.65		
9.85	.55	.45		
9.50	.55	.40		
8.53	.40	.50		
8.27	.45	.40	.25	
9.83	.55	.65		.04
7.84	.35	.35	.25	
8.25	.45			
7.25	.50	.50		
7.65	.40	.30		.02
9.66	.55	.65		.02

Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wabkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wabkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thankingsgiving Day; F-Christmas Day

FOOTNOTES:

- Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 5 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
- Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.
- 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & V	Pensions	Vacation	
LINE CONSTRUCTION					
Cable Splicers; Leadman Pole Sprayer	\$ 11.12	.35	1%	.10	1/25
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/25
Tree Trimmer	9.06	.35	1%	.10	1/25
Line Equipment Man	8.65	.35	1%	.10	1/25
Head Groundman (chipper); Head man	7.56	.35	1%	.10	1/25
Groundman; Powderman; Jackhammer man	7.12	.35	1%	.10	1/25
Groundman; Tree Trimmer Helper					

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LABORERS (Area 4)
(Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian)

Basic Hourly Rates	Fringe Benefits Payments			App. Tl.
	H & V	Pensions	Vacation	
\$7.41	.65	.95		.06
7.51	.65	.95		.06
7.56	.65	.95		.06
7.61	.65	.95		.06
7.66	.65	.95		.06
7.71	.65	.95		.06
7.76	.65	.95		.06
7.46	.65	.95		.06
7.51	.65	.95		.06
7.61	.65	.95		.06
7.71	.65	.95		.06
7.76	.65	.95		.06
7.86	.65	.95		.06

POWER EQUIPMENT OPERATORS (AREA 1)
(All Counties and portions of Counties East of the 120th Meridian)

Basic Hourly Rates	Fringe Benefits Payments			App. Tl.
	H & V	Pensions	Vacation	
\$8.05	.75	.85		.03
8.35	.75	.85		.03
8.50	.75	.85		.03
9.05	.75	.85		.03
9.20	.75	.85		.03
9.45	.75	.85		.03
9.70	.75	.85		.03
10.20	.75	.85		.03
10.65	.75	.85		.03

*ZONE 1: Within a 15 mile radius from the center of the following Cities: Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d'Alene and Lewiston in Idaho.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities.
*ZONE 3: Over a 45 mile radius from the center of the above named Cities.

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LABORERS (Area 1)
(All Counties and portions of Counties East of the 120th Meridian)

Basic Hourly Rates	Fringe Benefits Payments			App. Tl.
	H & V	Pensions	Vacation	
\$7.50	.50	.70		.02
7.65	.50	.70		.02
7.75	.50	.70		.02
7.80	.50	.70		.02
7.85	.50	.70		.02
7.90	.50	.70		.02
7.95	.50	.70		.02
8.15	.50	.70		.02
7.35	.50	.70		.02
7.60	.50	.70		.02
8.00	.50	.70		.02
8.05	.50	.70		.02

LABORERS (Area 2)
(All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County)

Basic Hourly Rates	Fringe Benefits Payments			App. Tl.
	H & V	Pensions	Vacation	
7.66	.65	.95		.06
7.76	.65	.95		.06
7.81	.65	.95		.06
7.86	.65	.95		.06
7.91	.65	.95		.06
7.96	.65	.95		.06
8.01	.65	.95		.06
7.71	.65	.95		.06
7.76	.65	.95		.06
7.86	.65	.95		.06
7.96	.65	.95		.06
8.01	.65	.95		.06
8.11	.65	.95		.06

LABORERS (Area 3)
(Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Cos.)

Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
\$7.22	\$7.62	\$7.97	\$8.21	\$8.47	\$8.72
7.57	7.97	8.32	8.57	8.82	9.07
7.87	8.27	8.62	8.87	9.12	9.37
8.12	8.52	8.87	9.12	9.37	9.62

FRINGE BENEFITS:
Health and Welfare .65
Pension .95
Vacation .50
Apprenticeship Training .10

NOTICES

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POWER EQUIPMENT OPERATORS (Area 3)

POWER EQUIPMENT OPERATORS (Area 2)
(All Counties and portions of
Counties West of the 120th Meridian
(except those enumerated in Area
3))

Clark, Cowitz, Klitchat, Skamania, Wabikikum and the Southern portion
of Pacific Counties

Group No.	Zone A	Zone B	Zone C	Zone D	Zone E	Zone F
1	\$8.30	\$8.70	\$9.05	\$9.30	\$9.55	\$9.80
2	8.44	8.84	9.19	9.44	9.69	9.94
3	8.54	8.94	9.29	9.54	9.79	10.04
4	8.70	9.10	9.45	9.70	9.95	10.20
5	8.72	9.12	9.47	9.72	9.97	10.22
6	8.80	9.20	9.55	9.80	10.05	10.30
7	8.86	9.26	9.61	9.86	10.11	10.36
8	8.96	9.36	9.71	9.96	10.21	10.46
9	9.02	9.42	9.77	10.02	10.27	10.52
10	9.08	9.48	9.82	10.08	10.33	10.58
11	9.10	9.50	9.85	10.10	10.35	10.60
12	9.16	9.56	9.91	10.16	10.41	10.66
13	9.24	9.64	9.99	10.24	10.49	10.74
14	9.40	9.80	10.15	10.40	10.65	10.90
15	9.56	9.96	10.31	10.56	10.81	11.06
16	9.74	10.14	10.49	10.74	10.99	11.24
17	9.88	10.28	10.63	10.88	11.13	11.38
18	10.06	10.46	10.81	11.06	11.31	11.56
19	10.20	10.60	10.95	11.20	11.45	11.70

WAGE RATES:

FRINGE BENEFITS:

- Health and Welfare \$.75
- Pension 1.00
- Vacation .50
- Apprenticeship Tr. .05

Group	Basic Hourly Rates	Fringe Benefits Payments			Add. Tr.
		N & W	Pension	Vacation	
Group 1	\$9.32	.60	.90	.11	.11
Group 2	9.42	.60	.90	.11	.11
Group 3	9.53	.60	.90	.11	.11
Group 4	9.58	.60	.90	.11	.11
Group 5	9.60	.60	.90	.11	.11
Group 6	9.65	.60	.90	.11	.11
Group 7	9.66	.60	.90	.11	.11
Group 8	9.70	.60	.90	.11	.11
Group 9	9.72	.60	.90	.11	.11
Group 10	9.85	.60	.90	.11	.11
Group 11	9.88	.60	.90	.11	.11
Group 12	9.91	.60	.90	.11	.11
Group 13	9.96	.60	.90	.11	.11
Group 14	9.98	.60	.90	.11	.11
Group 15	10.00	.60	.90	.11	.11
Group 16	10.03	.60	.90	.11	.11
Group 17	10.06	.60	.90	.11	.11
Group 18	10.10	.60	.90	.11	.11
Group 19	10.17	.60	.90	.11	.11
Group 20	10.18	.60	.90	.11	.11
Group 21	10.23	.60	.90	.11	.11
Group 22	10.28	.60	.90	.11	.11
Group 23	10.50	.60	.90	.11	.11
Group 24	10.54	.60	.90	.11	.11
Group 25	10.59	.60	.90	.11	.11
Group 26	10.67	.60	.90	.11	.11
Group 27	10.89	.60	.90	.11	.11
Group 28	11.09	.60	.90	.11	.11
Group 29	11.20	.60	.90	.11	.11
Group 30	11.22	.60	.90	.11	.11
Group 31	11.50	.60	.90	.11	.11

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TRUCK DRIVERS (Area 1)
(All Counties and portions of
Counties East of the 120th
Meridian)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Vacation	App. Tr.	
\$6.00	.82	.65		
8.05	.82	.65		
8.10	.82	.65		
8.20	.82	.65		
8.40	.82	.65		
8.45	.82	.65		
8.50	.82	.65		
8.55	.82	.65		
8.65	.82	.65		
8.70	.82	.65		
9.00	.82	.65		
9.15	.82	.65		
9.30	.82	.65		
9.45	.82	.65		

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POWER EQUIPMENT OPERATORS (AREA 1)
(DREDGING)
(All Counties and portions of
Counties East of the 120th
Meridian)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Vacation	App. Tr.	
\$9.24	.60	.90	.11	
9.34	.60	.90	.11	
9.68	.60	.90	.11	
9.73	.60	.90	.11	
9.78	.60	.90	.11	
10.10	.60	.90	.11	
9.49	.60	.90	.11	
10.04	.60	.90	.11	
9.24	.60	.90	.11	
9.34	.60	.90	.11	
9.68	.60	.90	.11	
9.73	.60	.90	.11	
9.78	.60	.90	.11	
10.10	.60	.90	.11	
9.49	.60	.90	.11	
10.04	.60	.90	.11	
9.40	.75	1.00	.50	.05
10.06	.75	1.00	.50	.05
9.04	.75	1.00	.50	.05
8.80	.75	1.00	.50	.05
8.54	.75	1.00	.50	.05

DREDGING (AREA 2)
(All Counties and portions of
Counties West of the 120th
Meridian (except those
enumerated in Area 3) and
including the Northern portion of
Pacific County)

TRUCK DRIVERS (Area 2)
(All Counties and portions of Cos.
West of the 120th Meridian (except
those enumerated in Area 3) and
including the Northern portion of
Pacific County and all of Kittitas
and Yakima Counties)

DREDGING (AREA 3)
(Clark, Coe, Klickitat,
Pacific (Southern portion),
Skamania and Wabliakum Counties)

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LABORERS (Area 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of concrete or similar machine - 5" and smaller); Concrete Signalman; Crusher Tender; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumping Fence Erector (to include guard rails, slide and reference posts, sign posts, posts and right-of-way markers); General Laborer; Grout Machine Tender; Tender; Mopper; Rippap Man; Scalesman; Stake Jumper; Structural Worker (to include operating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoesman (water nozzle); Track Laborer (RR); Truck Loader; Tinsler, Rucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form setter, paving; Driller Helper (when required to move position machine); Nozzlemann, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrappers; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sambablast Tailhoesman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Sodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Baker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw Walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzlemann (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Linner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caslick, Collarman, Joiner, Mortarman, Rigger, Jacker, Shorer and Logger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

TRUCK DRIVERS (Area 3)

(Clats, Clallam, Klickitat, Skamania, Wabkiakum and the Southern portion of Pacific Counties)

	ZONE A	ZONE B	ZONE C	ZONE D	ZONE E	ZONE F
Group 1	\$8.48	\$9.23	\$9.48	\$9.73	\$9.98	\$9.98
Group 2	8.53	9.28	9.53	9.78	10.03	10.03
Group 3	8.58	9.33	9.58	9.83	10.08	10.08
Group 4	8.63	9.38	9.63	9.88	10.13	10.13
Group 5	8.68	9.43	9.68	9.93	10.18	10.18
Group 6	8.73	9.48	9.73	9.98	10.23	10.23
Group 7	8.78	9.53	9.78	10.03	10.28	10.28
Group 8	8.83	9.58	9.83	10.08	10.33	10.33
Group 9	8.88	9.63	9.88	10.13	10.38	10.38
Group 10	8.93	9.68	9.93	10.18	10.43	10.43
Group 11	8.98	9.73	9.98	10.23	10.48	10.48
Group 12	9.03	9.78	10.03	10.28	10.53	10.53
Group 13	9.08	9.83	10.08	10.33	10.58	10.58
Group 14	9.13	9.88	10.13	10.38	10.63	10.63

FRINGE BENEFITS:
Health and Welfare \$-.53
Pension .65

Vacation \$-.45
Apprenticeship Training .05

ZONE WAGE SCALE (Area 3)

LABORERS: Coláondale, Longview and Vancouver

POWER EQUIPMENT OPERATORS: Astoria, Coláondale, Hood River, Longview, the Dalles and Vancouver

TRUCK DRIVERS: Astoria, Coláondale, Longview, the Dalles and Vancouver

- Zone A - All jobs or projects located within 10 miles of the respective City Hall
- Zone B - More than 10 miles but less than 25 miles from the City Hall
- Zone C - More than 25 miles but less than 35 miles from the respective City Hall
- Zone D - More than 35 miles but less than 45 miles from the City Hall
- Zone E - More than 45 miles but less than 75 miles from the respective City Hall
- Zone F - More than 75 miles from the respective City Hall

LADYBIRDS (Area 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 5: Form Setter (steel forms); Graderman and Stake Setter; Loader; Moxie-man (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sand blast, gunnite, shotcrete); Spreader (carrier grade with loader)

Group 6: Faller and Buckler; Chain Saw; High Scatter; Mortarman and Rod Carrier; Pipe Layer and Coupler; Pipe Wrapper; Timberman - Severt; Wagon Driller and Air Tractor; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Ripper; Brake-man

Group 10: Powderman's Helper

Group 11: Miner (including monolithis work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LADYBIRDS (Area 3)

Clark, Cowitz, Klickitat, Skamania, Wabikikum and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Change-house Man or Dry Stack Man; Choke Setter; Clean Up Laborers; Concrete Laborers; Culvert, Hand Labor; Curbing, concrete; Demolition, wrecking, and moving Laborers; Driller Helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Flagmen. traffic; Form Strippers (not swinging stages); Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Powderman Helper; Pittsburgh Chopper Operator or similar types Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipmen; Slopers; Spraymen; Stake Chaser; Stockpilers; Timber Faller and Buckler (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weight Man - Crusher (aggregate when used)

LADYBIRDS (Area 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 7: Brush Machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3 inch piston or larger and out-of-the-hole drills with 4 inch piston or larger); Gunnite (to include operation of machine and nozzle); Mud Carrier; Monitor Operator, air track or similar mounting; Moxie-man (to include jet blasting moxie-man over 1200 pounds, jet blast machine power propelled, sand blast nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Hests and Drills; Powderman

Group 9: Tunnel and Shaft, Free Air

Class A: Bull Gang, Pump Crete Crewman including distributing pipe, Assembling and dismantle and nipper

Class B: Brake-man, Dumpman

Class C: Miner and Moxie-man for concrete and laser beam operator on tunnels

Class D: Raise and Shaft; Miner and Laser Beam Operator on raises and shafts

LADYBIRDS (Area 2)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 1: General Laborer; Ripper; Truck Spotter; Bitman; Broch Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Beiraman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Buckler; Hand; Powderman's Helper; Sloper (over 10'); Wagon Driller and Air Tractor Helper

Group 3: Crotchman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tappers, and similar electric and air operated tools; Swinging Scaffold or Boatwain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer, Pilement Breaker, Vibrator Tamper (multiple and self-propelled); Railroad spike puller; Rakers-asphalt

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LABORERS (Area 6) (Cont'd)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 5: Form Setter, Steel Forms; Gradsman, Stake Hopper; Spreader, Rodder, Nozzlemen; Concrete Pumps, Concrete, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock and similar types; Clean-up Nozzlemen-Greencutter (concrete, rock, etc.); Concrete Power Jackman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzlemen; Gunite or Sand Blasting Post Tender; Bladford or Movers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Gun, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air gas or electric Vibrating Screed; Tamper, Ribbon Setter, Hoop, Rip Rap Man (head), Sand placed, Sand Blasting (wet), Stake Setter, Tunnel-bucklers, Erikemen, Concrete Crew, Bull Gang (underground)

Group 7: Cement Dumpers - Paving

Group 8: Tunnel Works

Class A: Topman and Bull Gang

Class B: Chuck Tender; Worker and Laborer; Mopper; Brakeman

Class C: Powderman Helper

Class D: Miner (including Moolithic Worker); Re-Timberman;

Class E: Miner; Shaft and Raise

Class F: Powderman

POWER EQUIPMENT OPERATORS (Area 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Backhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, S.D.); Oiler; Oiler and Cable Tender; Mocking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Track (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator; Fireman or Pumper (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Slower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork lift of Lumber Stacker, Hydra-lift and similar; Gas Trucks (pipeline); Hoist, single drum; Loader (bucket elevator and conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regalation Operator, (self-propelled); Railroad Power Tampor Operator (self-propelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (hoop and similar on construction job site); Tractor (farm type 3-T with attachments except backhoe); Tagger Operator; Ditch Witch or similar

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LABORERS (Area 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 3: Applicator (including pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on projects; Brush Cutters (power saw); Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzlemen-Greencutter (concrete, rock, etc.); Concrete Power Jackman; Crusher Feeder; Demolition and Wrecking charred materials; Grade Checker; Gunite Nozzlemen; Gunite or Sand Blasting Post Tender; Bladford or Movers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine, Jackhammer, Chipping Gun, Paving Breakers, Vibrators (less than 4" in diameter); Post Hole Digger, air gas or electric Vibrating Screed; Tamper, Ribbon Setter, Hoop, Rip Rap Man (head), Sand placed, Sand Blasting (wet), Stake Setter, Tunnel-bucklers, Erikemen, Concrete Crew, Bull Gang (underground)

Group 4: Asphalt Baker; Bit Grinders; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar types; Concrete Saw Operator; Gunite Nozzlemen; High Scales, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Laser Beam (pipe laying) - Applicable when employee assigned to move, set up, align Laser Beam; Ambulance Builder; Powderman; Power Saw Operator (backing and falling); Pumcrete Nozzlemen; Sand Blasting (dry); Sewer Pipe Layers; Sewer Timberman; Track liners, Anchor Machines, Ballast regulators, Multiple Tamper, Power Jacks; Tagger Operator; Tunnel - Chuck Tenders, Sippers, and Timberman; Vibrators (3" and larger); Water Blaster; Welder

Group 4: Laser Beam (Tunnel) - Tunnel Miners; Tunnel Powderman

LABORERS (Area 6)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 4: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, faller and backer, hand

Group 3: Drill Chippers; Grinders, Tamper and similar light power tools; Grest Man (power); Top Man, Slinging Scaffold or Boorman Chain over water or over 25' in height

Group 4: Asphalt Baker and Spreader; Cement Handler, Cask or bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar heavy Power Tools; Power Buggy Tamper (multiple and self-propelled)

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POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 4: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cabreway Operator; Clambell Operator (3 yards and over); Cranes, all - 65 tons and over; Derrick and Scuffs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Bollard type); Loader (360 degrees revolving loading Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirls and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (Area 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (heavy duty)

Group 2: Oilers, Grade Checkers and Stake-men and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compessor (excavating and general purposes)

Group 5: Oilier Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotives (Dinky-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oilier; Oilier Driver on Trucks Cranes (100 tons and over)

Group 9: Pump (water); Tractors (farmall type, over 60 h.p.)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw and similar types); Bulldozers (under 90 or similar); Loaders (Fork lifts or Lumber Stacker - on construction job site - Drot Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

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POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operator; Boom Cais (side); Boring Machine (earth); Boring Machine (rock under 5" bit) (Quarry Master, Joy or similar); Pump cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipe-line); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calys, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene or similar); Elevating Grader-type Loader (Buser, Adams or similar); Equipment Serviceman, Greaser and Oilier; Generator Plant Engineers (diesel, electric); Gonic Combination Mixer and Compressor; Hoist (2 or more drums or tower hoist); Loader (overhead and front-end under 4 yards, 8/7); Locomotive Engineer; Mixer; Macking Machines; Paver or Curb Extender (asphalt and concrete); Pump (groat or jet); Roller (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screen Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8')

Group 4: Asphalt Plant Operator; Crusher, Grizzly and Screening Plant Operator; H.D. Machine; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine Power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R. A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clambell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over) (Robbins' reverse circulation and similar); Loader Operator (front end and overhead 4 yards to 8 yards); Pile-driving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirls, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strabo Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Arley, Barber Greene and similar types, and overhead and front-end, under 24 yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Keovyn and Concrete and Pumpcrete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed man; Spreaders (blow Knox, Cedarapids, Joeger, Flatroty or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Creasers (including Model 14 and similar); Tournapolls, Caterpillar, Euclid Scrapers and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Graber type, Demor and similar); Locomotive (greated or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case and similar type 60 h.p. and under)

Group 18: Ball Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Pump Cutter (Concut, Christmanson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Belcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - Over 200 yards per hour through 400 yards per hour, and paving deal)

POWER EQUIPMENT OPERATORS (Area 2) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bellhose engaged in Yo Operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" Frame trucks, double power drum and Crawler; truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under; and Hydrallifts, Hyster Cat Cranes and attachments and Chippet, wood with boom attachment); Berricks, all; Drilling Machine (core, cable rotary and exploitation); Loader (fork lift with power boom and swing attachment, and overhead and front end, 24 yards and up to 6 yards); Miners (mobile type with hoist combination); Motor Patrol Creasers (over Model 14 and similar); Rucking Machines (mole, tunnel drill, and/or shield); Paydoser and Linker Pusher (Quad-9 and similar); Piledriver Engleer, (L.S. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Curtiles, CMJ and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapolls, Caterpillar, Euclid Scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapolls, Caterpillar, Euclid, Scrapers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Crane (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons) and Tower Cranes, Pecco, Lorraine, Eucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMJ and similar types)

Group 27: Tournapolls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapolls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

Group 30: Cranes (Crawler, Truck type, floating, Locomotive, Whirley, either 5 yards and over 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapolls, Caterpillar, Euclid, Scrapers and similar types equipment (over 85 yards through 100 yards)

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POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)

Clark, Coulters, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Magimix Internal Full Slab Vibrator; Concrete Finishing Machine; Clary, Johnson, Shovel, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Form, Curb and/or Curb and Caster; Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Spreaders; Loaders, rubber-tired type, 2-1/2 cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Bitcrete; Pumpcrete Operator (any type); Concrete Pump, Roller-Kompon and similar; Concrete Pump; Grooving Machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Freeze Truck double drum; Boom Truck; Gurn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without front end attachments 2-1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot Hammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loaders, Kolman and Le Cal types; Asphalt Paver Operator

Group 9: Belldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blades; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type Lifting Device, 5 ton capacity or less; Cherry Picker or similar type Crane-boist, 5 ton capacity or less; Getzley Crusher; Crusher Plant; Drill Doctor; Sorting Machine; Gaudrill Pouch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2-1/2 cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (bit grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag, Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC12 and similar); Cable plov (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired Jokers and Pushers (Michigan, Cat, Hough type); Driller-Perccussion, Diamond, Core, Cable, Rotary and similar type

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POWER EQUIPMENT OPERATORS (Area 3)

Clark, Coulters, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties

Group 1: Oiler, including plant, crane, crawler, guadrail equipment, and trenching machine; Assistant Conveyor Operator; Crusher Feedman; Rock-hand; Self-propelled Scaffolding Operator; Coardrail Punch Oiler; Pump Operator, under 4", Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Freeze Truck Operator, single drum, Tugger or Coffin type Hoist Operator; Drill Helper; Auger Oiler; Boorman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, Combination Coardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); S.D. Repriman Welder; Welder's Helper; Helicopter Radioeman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Asphalt Plant Fireman; Popmill Operator (any type); Truck mounted Asphalt Spreader, with screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Boss Carrier Operator (on job site); Bucket Elevator Loader, Barber-Creene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motormm; Ballast Jack Tamper; Bell Boy phones, etc.; Tamping Machine, mechanical self-propelled; Hydrographic Sander Machine, straw, pulp or seed; Broad Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Concrete work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment; Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Factor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wynn type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

POWER EQUIPMENT OPERATORS (Area 3) (Cont'd)
Clark, Cowlitz, Klückittat, Skamania, Wahkiakum and Southern portion of Pacific, Counties

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shoreline Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grapple, under 1 cu. yd.; Mucking Machine (tunnel)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Bending Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Atby and similar; Pile-driver (not crane type); Rubber-tired Scraper, single and twin engine, Single Scraper, with push-pull attachments, self-loading; Paddle Wheel, Auger type; Blade mounted Spreaders, Witrich and similar types; Shield Operator

Group 13: Blade Operator, Finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, Multi-engines; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cablesway Operator 25 ton and over; Crane, over 25 ton and including 50 tons; Pile-driver Operator; Floating Clamshell, etc., under 3 cu. yds.; Floating Crane (derrick barge), less than 30 ton; Elevating Cradle, Operated by tractor operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grapple, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gentry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, Auger type, Finish and/or 2 or more units

Group 15: Rock Bound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cablesway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, Multi-engine; Shovel, etc., 3 cu. yds., but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating Crane (derrick barge) 80 ton less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Sand Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane 250 ton and over; Remote Controlled Earth Moving Equipment; Underwater Equipment, remote or otherwise

POWER EQUIPMENT OPERATORS (Areas 1 and 2)
(DREDGING)

Group Description for Areas 1 and 2

Group 1: Assistant Mate (deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatman

Group 4: Engineer Welder; Creamman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper

(a) 5 yards and under
(b) Over 5 yards

Group Description for Area 3

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate

Group 3: Tenderman (Boatman, Attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

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TRUCK DRIVERS (Area 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat and Yakima Counties)

- Group 12: Transit Mixers and Trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)
- Group 13: Truck, side, end and bottom dumps (over 50 yards to 100 yards)
- Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (Area 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

- Group 1: Leverman and Leaders at bunkers and batch plants; Pickup Truck, Escort or Pilot Car; Sweepers; Warehouseman and Checkers
- Group 2: Team Drivers
- Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Youmarockers, Youmawagon, Turmatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Ecclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material; Dump Trucks - side, end and bottom dump, including Semi-trucks and trailers or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel Truck; Grease Truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor Truck; Spreader, Flaberry; Tractor (small, rubber-tired); Vacuum Truck; Water Wagon and Tank Truck (up to 1,600 gallons); Winch Truck, single rear axle; Wrecker, tow truck and similar equipment
- Group 4: Flatbed, dual rear axle
- Group 5: Buggy/Mobile; Hyster Operators; Straddle Carrier (Boss, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons
- Group 6: Transit-mix, 0 to and including 44 yds.
- Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive Truck (field mix) and similar equipment; Loaded and Heavy Duty Trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Scoop-go and similar equipment; Winch Truck, dual rear axle

DECISION NO. WA75-5132

TRUCK DRIVERS (Area 1)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat and Yakima Counties)

- Group 1: Flat Bed Truck single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Hooper and Sweeper; Leverperson loading Trucks at Bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.
- Group 2: Bus Driver or Employeehaul Driver; Flat Bed Truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson
- Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, Low Bed, Truck and Trailer; Straddle Carrier (Boss Hyster and similar); Transit Mixers and Trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yds.); Water Tank Truck (1,801 - 4,000 gallons)
- Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumpster (6 yards and under); Flaberry Spreader, Box Driver; Flat Bed Truck (using power take off); Fork lift (over 3,000 pounds); Oil Distributor Driver (road, bottom, leverperson helper); Rubber-tired tunnel jumbo; Scissor Truck; Slurry Truck Driver; Transit Mixers and Trucks hauling concrete (over 3 yds. to 6 yds.); Water Tank Truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks
- Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)
- Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hytrolift); Water Tank Truck (over 6,001 - 8,000 gallons)
- Group 7: Dumpster (over 6 yards); Transit Mixers and Trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)
- Group 8: Low Boy (over 50 tons); Water Tank Truck (8,001 - 10,000 gallons); Tractor with Steer Trailer
- Group 9: Transit Mixers and Trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 30 yards including 30 yards); Water Tank Truck (10,001 - 12,000 gallons)
- Group 10: Mechanic, Field
- Group 11: Youmarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, 8 blonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water Tank Truck (12,001 - 14,000 Gallons)

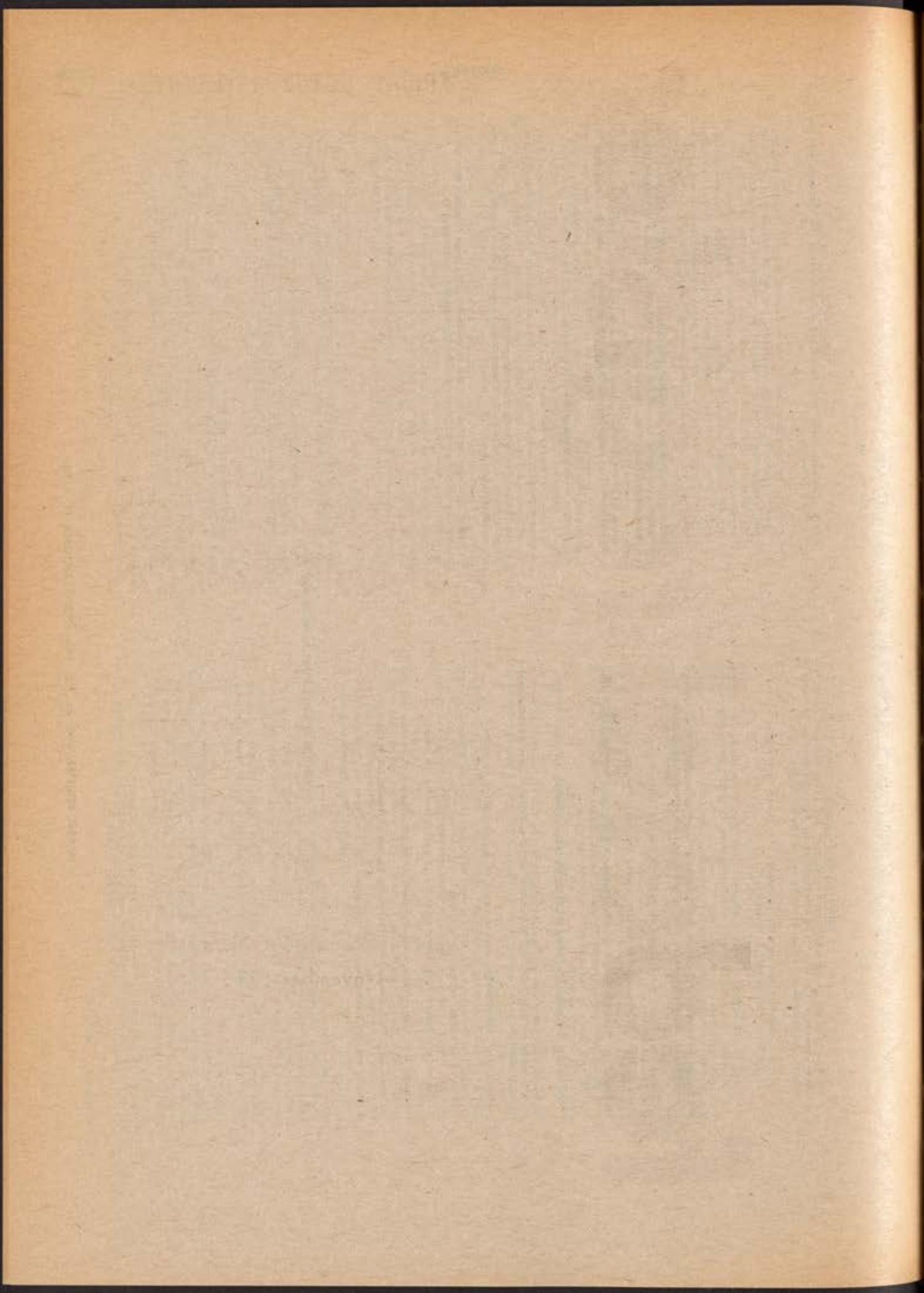
TRUCK DRIVERS (Area 2) (Cont'd)
All Counties and portion of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

- Group 8: Dumpster and shidler equipment (as listed in Group 3) - over 12 yards to and including 16 yards
- Group 9: Bulk Cement Tanker; Dumpsters and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons
- Group 10: Full lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing
- Group 11: Transit-mix, over 45 yards to and including 6 yards
- Group 12: "A" Frame or Hydraulic Trucks or similar equipment
- Group 13: Dumpsters and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Loaded and Heavy Duty Trailer, over 50 tons gross to and including 100 tons gross
- Group 14: Transit-mix, over 6 yards, to and including 8 yards
- Group 15: Dumpsters and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Loaded and Heavy Duty Trailer, over 100 tons gross
- Group 16: Transit-mix, over 8 yards to and including 10 yards
- Group 17: Dumpsters and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards
- Group 18: Transit-mix, over 10 yards to and including 12 yards
- Group 19: Transit-mix, over 12 yards to and including 16 yards
- Group 20: Transit-mix, over 16 yards to and including 20 yards
- Group 21: Transit-mix, over 20 yards

[FR Doc.75-29119 Filed 10-30-75;8:45 am]

TRUCK DRIVERS (Area 3)
Clark, Cowlitz, Klickitat, Skamania, Washikam and the Southern portion of Pacific, Counties

- Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof; 6 cu. yds. and under Lift Jibs; Fork Lifts (all sites used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 8-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool room and parts chaser, checkers and receivers); Water Wagons (rated capacity) - up to 1,600 gallons
- Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers
- Group 3: Dump Trucks, side, end and bottom dumps, including Semi-trucks and Trains or combinations thereof; over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and wet or dry mix trucks; 5 cu. yds. and under; Tireman (full-time basis); Water Wagons (rated capacity) - 1,600 to 3,000 gallons
- Group 4: Flaberty Spreader Driver or Leverman; Loaded Equipment, Flat Bed Semi-trailer, Truck and Trailers of doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons
- Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.



federal register

FRIDAY, OCTOBER 31, 1975



PART VI:

FEDERAL ENERGY ADMINISTRATION



NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice For
November 1975

**FEDERAL ENERGY
ADMINISTRATION**

**NATIONAL UTILITY RESIDUAL FUEL OIL
ALLOCATION**

**Supplier Percentage Notice for November
1975**

Pursuant to the provisions of 10 CFR 211.163(b)(2), 211.165 and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility and the percentage of such volumes required to be supplied by each supplier for delivery in November 1975. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities and suppliers, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendix.

The utility allocations were determined after review of the relative availability of supplies of residual fuel oil for allocation to both utility and non-utility uses. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163(b)(2) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC) Form 23B submitted by utilities;
2. Natural gas curtailments;

3. FEA's prediction that the supply level of residual fuel oil is expected to generally equate to the total demand.

The amounts shown in the Appendix are the quantities of residual fuel oil that suppliers are obligated to make available for November, 1975 in the event FEA's allocation authority is extended to include the entire month. FEA intends to publish shortly a notice providing guidance for allocation through November 15 if the Allocation Act is not extended. Some utilities will not receive any allocation for this month for various reasons including the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendix provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEA burn level. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available, to be the supplier of the utility's supplier. This informa-

tion is provided for the convenience of such suppliers and the FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of November to avoid undue hardship. FEA will consider special circumstances such as unexpected outages which cause fuel consumption to exceed FEA burn levels in any month. Such corrections or adjustments shall be made pursuant to Subparts B and C of 10 CFR Part 205.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings or FPC Form 23B. Thus, the timely submission of FPC Form 23B will be a necessary prerequisite to receiving future allocations if the Mandatory Petroleum Allocation Program is extended beyond its November 15, 1975, expiration date.

Reports should be addressed to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., October 27, 1975.

DAVID G. WILSON,
Acting General Counsel.

APPENDIX

RESIDUAL FUEL ALLOCATIONS TO UTILITIES FOR NOVEMBER 1975

	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				

UNITED ILLUMINATING CU	561,000			561,000
WYATT INC (EXXON)		13.00	72,930	
TEXACO		87.00	488,070	
NORTHEAST UTILITIES	1,691,000			1,691,000
MN-HARTWELL&SONS-INC		1.00	16,910	
WYATT-INC-(EXXON)		10.00	169,100	
AMERADA-HESS		68.00	1,149,880	
TAD-JONES-CO-(GULF)		21.00	355,110	
MAINE				

BANGOR HYDRU ELEC. CO.	26,310			26,310
SPRAGUE		100.00	26,310	
CENTRAL MAINE POWER CO.	238,000			238,000
TEXACO		100.00	238,000	
MAINE PUBLIC SERVICE CO.	190			190
DEAD RIV. CO. (SPRAGUE)		100.00	190	
MASSACHUSETTS				

BOSTON EDISON CU.	1,329,000			1,329,000
SPRAGUE		12.00	159,480	
WHITE FUEL (TEXACO)		46.00	611,340	
EXXON		42.00	558,180	
FITCHBURG GAS & EL.	13,000			13,000
NORTHEAST PETROLEUM		100.00	13,000	
E. UTIL. ASSOC. (MONTAUP&BL)	253,000			253,000
TEXACO		100.00	253,000	
BRAINTREE ELEC. LT. DEPT	15,648			15,648
CK SMITH(GOLD,EAGLE)		100.00	15,648	
HOLYOKE GAS AND ELECTRIC	13,074			13,074
WYATT INC (EXXON)		100.00	13,074	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT, QUINCY OIL CO (EXXON)	104,844	100.00	104,844	104,844
NEW ENG. G & E NEW ENGLAND PETRO WHITE FUEL (TEXACO)	953,000	84.80 15.20	808,144 144,856	953,000
NEW ENG. ELEC ASIATIC PETRO CORP PRULEASE PETRO-MKT-CURP	2,011,000	60.00 .10 39.90	1,206,600 2,011 802,389	2,011,000
NEW HAMPSHIRE				

PUB SER OF N.H., SPRAGUE CONOCO	433,000	26.30 73.70	113,879 319,121	433,000
NEW YORK				

CENTRAL HUDSON GAS & ELE AMERADA HESS CORP	822,270	100.00	822,270	822,270
CONSUL EDISON OF NY NEW ENGLAND PETRO AMERADA HESS CORP EXXON TEXACO	3,532,000	45.50 22.30 20.80 11.40	1,607,060 787,636 734,656 402,648	3,532,000
LONG ISLAND LIGHT CO, NEW ENGLAND PETRO	1,585,000	100.00	1,585,000	1,585,000
ORANGE & ROCKLAND UTILIT GUSTAFSON OIL CO HOWARD-FUEL-CURP AMERADA-HESS-CORP ASIATIC-PETRO-CORP	815,219	51.50 11.20 29.90 7.40	419,837 91,304 243,750 60,326	815,219
ROCHESTER GAS & ELECTRIC ALLIED U MONOCO OIL COMPANY	133,043	29.70 70.30	39,513 93,529	133,043
FREEPORT, VILLAGE OF	0			0

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
NIAGARA MOHAWK POWER CO. NEW ENGLAND PETRO	850,386	100.00	850,386	850,386
RHODE ISLAND				

NEWPORT ELECTRIC CURP CK SMITH	4,125	100.00	4,125	4,125
2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)				
DELAWARE				

DELMARVA PWR & LT GULF	580,000	8.00	46,400	580,000
STEUART PETROLEUM CO		22.00	127,600	
CONOCO		65.00	377,000	
TEXACO		5.00	29,000	
DOVER, CITY OF TEXACO	62,300	100.00	62,300	62,300
DISTRICT OF COLUMBIA				

POTUMAC ELEC. PWR. STEUART PETROLEUM CO	427,000	21.00	89,670	427,000
ASIATIC PETRO CORP		79.00	337,330	
MARYLAND				

BALTIMORE GAS & ELECTRIC AMERADA HESS CORP	722,958	52.70	380,998	722,958
EXXON		47.30	341,959	
NEW JERSEY				

PUBLIC SERVICE ELECTRIC AMERADA HESS CORP	1,035,000	78.00	807,300	1,035,000
EXXON		22.00	227,700	
VINELAND, CITY OF ELEC. BRITISH PETROLEUM	38,620	100.00	38,620	38,620

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	7 RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
ATLANTIC CITY ELECTRIC C	280,797			280,797
AMERADA HESS CORP		60.00	168,478	
CONOCO		40.00	112,318	
GPU INTEGRATED SYSTEM	238,304			238,304
SHIPLEY-HUMBLE		1.00	2,383	
AMERADA HESS CORP		94.00	224,005	
SWANN OIL INC		5.00	11,915	
----- PENNSYLVANIA -----				
PENNSYLVANIA PWR & LT	370,000			370,000
AMERADA-HESS-CORP		100.00	370,000	
PHILADELPHIA ELECTRIC CO	1,321,100			1,321,100
NEW ENGLAND PETRO		2.10	27,743	
AMERADA HESS CORP		21.50	284,036	
ARCO		28.50	376,513	
GULF		9.00	118,899	
CONOCO		14.90	196,843	
TEXACO		24.00	317,064	
3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)				
----- FLORIDA -----				
FLORIDA P & L	2,569,000			2,569,000
EXXON		15.00	385,350	
BELCHER OIL (EXXON)		85.00	2,183,650	
FLORIDA POWER CORPORATIO	1,700,000			1,700,000
AMERADA HESS CORP		40.00	680,000	
EXXON		60.00	1,020,000	
GULF POWER CO,	24,224			24,224
BAKER SERVICE (EXXON)		100.00	24,224	
TAMPA ELECTRIC CO,	121,686			121,686
WESTERN (NEW ENG PET)		100.00	121,686	
FORT PIERCE, CITY OF	45,000			45,000
BELCHER-OIL-(EXXON)		100.00	45,000	
GAINESVILLE, CITY OF	86,710			86,710
EASTERN SEABOARD		100.00	86,710	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
JACKSONVILLE ELEC. AUTH. VEN FUEL INC NEW ENGLAND PETRO AMERADA HESS CORP	600,000	82.60 8.70 8.70	495,600 52,200 52,200	600,000
KEY WEST UTILITIES STD.OIL-KY	56,000	100.00	56,000	56,000
LAKE WORTH UTIL AUTHORIT BELCHER OIL(EXXON)	6,910	100.00	6,910	6,910
LAKELAND LIGHT & WTR DEP BELCHER(STD,OIL=KY)	111,300	100.00	111,300	111,300
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM. BELCHER	383,000	100.00	383,000	383,000
SEBRING UTILITIES COMM. UNION OIL OF CA	2,164	100.00	2,164	2,164
TALLAHASSEE, CITY OF UNION OIL OF CA	18,743	100.00	18,743	18,743
VERO BEACH MUNICIPAL POW BELCHER OIL(EXXON)	31,965	100.00	31,965	31,965
FLORIDA KEYS ELEC COOP	0			0
GEORGIA				

GEORGIA POWER COMPANY NEW ENGLAND PETRO	88,863	100.00	88,863	88,863
SAVANNAH ELECTRIC & POWE COLONIAL OIL(EXXON)	226,500	100.00	226,500	226,500
MISSISSIPPI				

MISSISSIPPI POWER CO. BAKER SERVICE(EXXON) ERGON(INTL TRADING)	53,800	55.00 45.00	29,590 24,210	53,800
SOUTH MISSISSIPPI ELEC SOUTHLAND OIL AMERADA HESS CORP	23,827	83.00 17.00	19,776 4,051	23,827

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	9 RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
NORTH CAROLINA				

CAROLINA POWER & LT.	0			0
SOUTH CAROLINA				

S. CAROLINA PUB SERV AUTH	0			0
S. CAROLINA ELEC & GAS CO EXXON	399,300	100.00	399,300	399,300
VIRGINIA				

VIRGINIA ELECTRIC POWER	1,654,600			1,654,600
ASIATIC PETRO CORP		16.60	274,663	
NEW-ENGLAND-PETRO		15.60	258,117	
EXXON		47.30	782,625	
AMOCO		20.50	339,193	
4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)				
ARKANSAS				

JUNESBORO WATER AND LIGH	0			0
ARKANSAS ELEC COOP	138,429			138,429
LOGICON INC (SHELL)		80.00	110,743	
E L BRIDE (TEXACO)		20.00	27,685	
COLORADO				

CT&U, S. CULU PWR DIV.	150			150
CONOCO		100.00	150	
KANSAS				

CENTRAL KANSAS PWR	6,765			6,765
GR, PLS (CRA-FARMLAND)		100.00	6,765	
CT&U, WESTERN PWR DIV	101,000			101,000
CARTER-WTR		4.00	4,040	
AMOCO		73.00	73,730	
NO-AMER-PETRO		23.00	23,230	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
KANSAS GAS & ELEC ASPH&PETRO INDUST FRONTIER PRODUCTION	145,000	84.70 15.30	122,815 22,185	145,000
KANSAS POWER & LIGHT GR,PLS NTL COOP REFINERY PHILLIPS PETROLEUM	209,500	38.40 15.50 46.10	80,448 32,472 96,579	209,500
CHANUTE, CITY OF MID AMER. REFINING	2,269	100.00	2,269	2,269
CLAY CENTER LT&WTR	0			0
COFFEYVILLE LT & PWR	0			0
LARNED WTR & ELEC	0			0
MCPHERSON BD OF PUB UTIL NTL COOP REFINERY	2,500	100.00	2,500	2,500
OTTAWA WTR & LT CARTER WTR (AMUCU)	680	100.00	680	680
LOUISIANA				

CENTRAL LOUISIANA ELECTK FALCO ATLAS (PENNZOIL)	40,000	66.70 33.30	26,680 13,320	40,000
JONESBORO POWER & LIGHT	0			0
SOUTHWESTERN ELECTRIC PO FALCO	20,000	100.00	20,000	20,000
MIDDLE SOUTH SERVICES E L BRIDE (OKC REF.) TAUBER OIL CO ERSON INC (EXXON) REESE OIL (SUN OIL) SHELL EXXON MURPHY OIL CORP TEXACO	1,829,000	1.70 20.50 3.80 .30 21.30 12.90 30.00 9.50	31,093 374,945 69,502 5,487 389,577 235,941 548,700 173,755	1,829,000

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	11 RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
MISSISSIPPI				

CLARKSDALE WTR & LT SOUTHLND OIL	9,703	100,00	9,703	9,703
YAZOO CITY PUB SERV	0			0
MISSOURI				

ST JOSEPH LT & PWR E L BRIDE	5,500	100,00	5,500	5,500
EMPIRE DIST ELEC E L BRIDE	1,220	100,00	1,220	1,220
OKLAHOMA				

OKLAHOMA GAS & ELEC	0			0
BLACKWELL WTR & LT	0			0
WESTERN FARMERS ELEC COO	0			0
TEXAS				

GULF STATES UTILITIES	200,000			200,000
LAJET		4,00	8,000	
EXXON		20,10	40,200	
SOUTH HAMPTON CO		22,30	44,600	
TENNECO		16,10	32,200	
COASTAL STATES MKTG		37,50	75,000	
5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)				
DALLAS POWER & LT, WINSTON REF CO	1,000	18,20	182	1,000
BEE OIL&REFINING		15,60	156	
KERR MCGEE OIL CO		18,90	189	
J&W REFINING		47,20	472	
HOUSTON LIGHT & PWR AMERADA HESS CORP	1,111	100,00	1,111	1,111

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
TEXAS ELEC SERV	114,690			114,690
SHELL		24,10	27,640	
WINSTON REFINING		61,30	70,304	
J&W REFINING		4,10	4,702	
TESORO		10,50	12,042	
TEXAS PWR & LT	1,677			1,677
LA GLORIA OIL&GAS CO		31,10	521	
KERR MCGEE		19,90	333	
J&W REFINING		49,00	821	
WEST TEXAS UTIL	100,200			100,200
PRIDE REFINING INC		100,00	100,200	
AUSTIN CITY ELEC DEPT	11,905			11,905
TESORO		100,00	11,905	
BRYAN, CITY OF	7,460			7,460
PETROLEUM T&T(3 RIVE		100,00	7,460	
GARLAND, CITY OF	1,500			1,500
DELTA REFINING CO		25,30	379	
PRIDE REFINERY INC		74,70	1,120	
LOWER COLORADO RIVER AUT	0			0
SAN ANTONIO PUB SERV	10,224			10,224
TESORO		100,00	10,224	
BRAZOS ELEC COOP	0			0
MEDINA ELEC COOP	2,620			2,620
TESORO		100,00	2,620	
6. MID-AMERICA INTERPOOL NETWORK (MAIN)				
ILLINOIS				

COMMONWEALTH EDISON CO.	343,000			343,000
ALLIED O.		98,00	336,140	
CLARK OIL&REF,CORP		2,00	6,860	
ILLINOIS POWER CO	42,000			42,000
ALLIED O.		100,00	42,000	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
MISSOURI				

UNION ELECTRIC APEX OIL CO	78,500	100.00	78,500	78,500
WISCONSIN				

SUPERIOR WTR & LT MURPHY OIL CORP	10,953	100.00	10,953	10,953
WISCONSIN ELEC PWR INDUST FUEL&ASPHALT	18,424	100.00	18,424	18,424
7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)				
IOWA				

ATLANTIC MUNICIPAL UTILI MCMILLAN OIL CO	5,875	100.00	5,875	5,875
INTERSTATE POWER NORTHWESTERN REF	13,330	100.00	13,330	13,330
MINNESOTA				

MINNESOTA PWR & LT MURPHY OIL	30,700	100.00	30,700	30,700
AUSTIN UTILITIES GUSTAFSON OIL CO	12,437	33.00	4,104	12,437
NORTHWESTERN REF		48.30	6,007	
W H BARBER		18.70	2,325	
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	0			0
OWATONNA MUN UTIL GUSTAFSON OIL CO	16,047	40.00	6,418	16,047
NORTHWESTERN REF		60.00	9,628	
WORTHINGTON, CITY OF ALLIED O.	2,726	100.00	2,726	2,726

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	14 RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
NORTHERN STATES PWR E L BRIDE (TEXACO, WC)	21,290	100.00	21,290	21,290
NEBRASKA -----				
CENTRAL NEBRASKA PUBLIC FARMLAND INDUSTRIES	64,366	100.00	64,366	64,366
FAIRBURY LT & WTR CARTER WTR (TEXACO)	5,240	100.00	5,240	5,240
GRAND ISLAND ELEC E L BRIDE	6,122	100.00	6,122	6,122
HASTINGS UTILITIES DEPT CARTER WTR	2,354	100.00	2,354	2,354
LINCOLN ELECTRIC SYSTEM E.L. BRIDE CO	4,843	100.00	4,843	4,843
NEBRASKA PUBLIC POWER DI PANHANDLE COOP ASSOC	27,090	100.00	27,090	27,090
OMAHA PUB PWR DIST MILDER OIL CO	14,470	100.00	14,470	14,470
WISCONSIN -----				
LAKE SUPERIOR DIST PWK	0			0
8, EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)				
MICHIGAN -----				
CLINTON LT & WTR CRYSTAL REFINING CO	762	100.00	762	762
GRAND HAVEN BD PUB OSCEOLA REF	1,556	100.00	1,556	1,556
HILLSDALE BD OF PUB WORK LEWIS (GLADIEUX REF)	2,800	100.00	2,800	2,800
CONSUMERS POWER	773,785			773,785
MURPHY MI, DIV, AMOCO		6.00	46,427	
ENTERPRISE OIL CO		6.00	46,427	
INDUST FUEL & ASPHALT		2.00	15,475	
RUPP OIL COMPANY		2.00	15,475	
CONSUMERS PWR-CRUDE		54.00	417,843	
BORON OIL (STANDARD)		3.00	23,213	
GLADIEUX REF		1.00	7,737	
LAKESIDE REFINING CO		14.00	108,329	
TOTAL LEONARD INC		4.00	30,951	
OSCEOLA REFINING CO		8.00	61,902	

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	15 RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
DETROIT EDISON CO.	528,155			528,155
ENTERPRISE OIL CO		4.80	25,351	
CANADIAN FUEL MKTRS		9.90	52,287	
PETRO PRODUCTS		5.40	28,520	
SUN OIL LTD		70.00	369,708	
MARATHON OIL		9.90	52,287	
OHIO				

CLEVELAND ELEC ILLUMIN	22,286			22,286
ALLIED O. (ASHLAND)		100.00	22,286	
TOLEDO EDISON	11,984			11,984
SUN OIL		100.00	11,984	
PENNSYLVANIA				

ALLEGHENY POWER SERVICE	46,550			46,550
ALLIED O. (NEPCO)		100.00	46,550	
9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)				
ARIZONA				

TUCSON GAS & ELEC	204,637			204,637
GOLDEN GATE PETRO		22.00	45,020	
HOLLAND OIL (TOSCO)		5.00	10,231	
SD-UNION-OIL		51.00	104,364	
NAVAJO-REFINING		22.00	45,020	
SALT RIVER PROJECT	63,000			63,000
GUSTAFSON OIL CO		0.90	567	
DOUGLAS OIL CO		2.80	1,764	
LITTLE AMERICA		19.70	12,411	
TESORO		12.40	7,812	
MACMILLAN		17.00	10,710	
POWERINE OIL CO		18.10	11,403	
SAN JOAQUIN REF		29.10	18,333	
ARIZONA PUBLIC SERVICE C	311,791			311,791
PACIFIC SOUTHWEST		16.50	51,445	
BASIN FUELS		4.00	12,471	
UNION OIL OF CAL		63.00	196,428	
SAN JOAQUIN REF		16.50	51,445	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
CALIFORNIA				

PACIFIC GAS & ELECTRIC C	3,215,000			3,215,000
ARCO		71.30	2,292,295	
PHILLIPS PETROLEUM		24.00	771,600	
UNION OIL OF CA		4.70	151,105	
SAN DIEGO GAS & ELECTRIC	1,045,000			1,045,000
HIRI		60.00	627,000	
TESORO		40.00	418,000	
BURBANK CITY PUBLIC SER,	103,000			103,000
ARCO		100.00	103,000	
GLENDALE PUBLIC SERVICES	99,000			99,000
POWERINE OIL CO		100.00	99,000	
IMPERIAL IRRIGATION DIST	40,900			40,900
CRESCENT REF&O(GULF)		100.00	40,900	
LUS ANGELES DEPT OF WATE	1,678,000			1,678,000
PETROBAY		7.60	127,528	
ARCO		59.80	1,003,444	
EDGINGTON OIL CO		20.90	350,702	
NEWHALL REFINING CO		5.00	83,900	
POWERINE OIL CO		3.20	53,696	
SAN JOAQUIN REF		3.50	58,730	
SOUTHERN CALIF EDISON	4,553,000			4,553,000
EXXON		20.40	928,812	
ARCO		7.80	355,134	
CONOCO		2.20	100,166	
TEXACO		9.70	441,641	
STD,OIL-CAL		50.10	2,281,053	
MACMILLAN R.F.OIL		3.00	136,590	
PACIFIC RESOURCES		6.80	309,604	
PASADENA POWER CO,	93,789			93,789
GOLD,EAGLE		100.00	93,789	
COLORADO				

PUB SERV CULORADU	127,343			127,343
CONOCO		36.40	46,352	
REF,CURP		43.50	55,394	
PLATEAU INC		20.10	25,595	

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	17 RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
COLORADO SPRINGS LT & PW	0			0
LAMAR LT & PWR	0			0
MONTANA				

MONTANA POWER	0			0
NEVADA				

NEVADA POWER COMPANY	24,100			24,100
GUSTAFSON OIL CO		54,00	13,014	
HUSKY OIL COMPANY		46,00	11,086	
SIERRA PACIFIC POWER	71,215			71,215
GOLDEN GATE PETRO		100,00	71,215	
NEW MEXICO				

PUB SERV NEW MEXICO	62,230			62,230
SHELL		26,40	16,428	
STD,OIL-TEXAS		4,30	2,675	
PLATEAU INC		39,80	24,767	
THRIFTWAY		5,40	3,360	
NAVAJO REFINING		24,10	14,997	
PLAINS ELEC GEN & TRANSM	23,810			23,810
CARIBOU 4 CORNERS		2,20	523	
PLATEAU INC		97,80	23,286	
OREGON				

PACIFIC POWER & LIGHT CU	197			197
STD,OIL(IND)		100,00	197	
TEXAS				

COMMUNITY PUB SERV	28,341			28,341
STD,OIL-TEXAS		100,00	28,341	
EL PASO ELECTRIC	131,097			131,097
SOUTHERN UNION		74,50	97,667	
TESORO		25,50	33,429	

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	RECOMMENDED FEA BURN	BY SUPPLIER PCT	BARRELS	TOTAL (BARRELS)
UTAH				
UTAH POWER & LIGHT CU, BLACKLINE ASPH, SALES	25,000	100.00	25,000	25,000
WASHINGTON				
PUGET SOUND POWER & LIGHT	0			0
SEATTLE DEPT OF LI SHELL	8,640	100.00	8,640	8,640
TACOMA DEPT OF PUBLIC UT	0			0
10. ALASKA SYSTEMS COORDINATING COUNCIL (ASCC)				
ALASKA				
CURDUVA, TOWN OF	0			0
HAWAII				
HAWAIIAN ELECTRIC CUMPAN STD, OIL-CA	685,254	100.00	685,254	685,254
HILO ELEC LT STD, OIL-CA	35,435	100.00	35,435	35,435
KAUAI ELECTRIC STD, OIL--CA	12,002	100.00	12,002	12,002
MAUI ELECTRIC STD, OIL-CA	28,312	100.00	28,312	28,312
11. NOT OTHERWISE CLASSIFIED (NUC)				
UNKNOWN				
GUAM PWR AUTH GORCO	162,505	100.00	162,505	162,505
PUERTO RICO WATER RESOUR COMMONWEALTH OIL	1,844,256	50.00	922,128	1,844,256
PUERTO RICO SUN OIL		30.00	553,277	
CARIBBEAN GULF REF		20.00	368,851	
ST. CROIX, V.I. WTR PWR AMERADA HESS CORP.	45,000	100.00	45,000	45,000
ST. THOMAS, V.I. WTR. PWR. AMERADA HESS CORP.	45,000	100.00	45,000	45,000

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FRIDAY, OCTOBER 31, 1975



PART VII:

DEPARTMENT OF
HEALTH,
EDUCATION, AND
WELFARE

Human Development Office

■

HEAD START PROGRAM
PERFORMANCE
STANDARDS

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Office of Human Development, Office of
Child Development

**HEAD START PROGRAM PERFORMANCE
STANDARDS**

**Proposed Self-Assessment/Validation
Instrument**

Regulations prescribing goals, component objectives and program performance standards for the operation of Head Start programs by grantee and delegate agencies and for their enforcement were published in the FEDERAL REGISTER at 40 FR 27562 on June 30, 1975.

The proposed Self-Assessment/Validation Instrument published herewith is

to be used by Head Start grantees and delegate agencies in conducting an annual assessment of grantee activities in light of the Head Start Program Performance Standards. The instrument contains questions which directly relate to the performance standards in the areas of Education, Health, Social Services, and Parent Involvement.

The local Head Start grantee is responsible for conducting a self-assessment each program year to ensure that all requirements set forth in the Head Start Program Performance Standards are being met. The grantee must look at all its delegate agencies by doing a substantial review of a sample of their activities.

The proposed Self-Assessment/Validation Instrument is published as a general

notice pursuant to the requirement of section 17(d) of the Headstart-Follow Through Act. Also, as required by the Act, it is being sent directly to each grantee with a notification of a right to submit comments pertaining thereto in writing on or before December 1, 1975.

Comments of Head Start grantees should be sent to the Director, Office of Child Development, P.O. Box 1182, Washington, D.C. 20013.

(Catalog of Federal Domestic Assistance Programs Number 13,600; Child Development—Head Start)

DATED: October 21, 1975.

STANLEY B. THOMAS, Jr.,
*Assistant Secretary for
Human Development.*

Grantee Transmittal Form

Name of Grantee _____

Address _____

Telephone No. _____

Grantee # _____

Name of Grantee Executive Director _____

Signature _____

Name of Head Start Director _____

Signature _____

Chairman of Head Start Policy Council _____

Signature _____

Members of Self Assessment Team: _____

Date: _____

INTRODUCTION

The Head Start Program Performance Standards Self-Assessment/Validation Instrument is for use of Head Start grantees and delegate agencies in conducting an annual assessment of grantee activities in light of Head Start Program Performance Standards. This instrument contains questions which directly relate to the performance standards in the areas of Education, Health, Social Services, and Parent Involvement. These standards pertain to the methods and processes to be used by Head Start grantees to meet the needs of children.

Each component of Head Start has developed along with its program Performance Standards, guidance that serves as an elaboration of the standards as well as a "how to" for implementation. The guidance can also serve as the criteria against which to make assessments relating to compliance.

The local Head Start grantee is responsible for conducting a self-assessment each program year to ensure that all requirements set forth in the Head Start Program Performance Standards are being met. The method used to carry out this self-assessment is described below.

The grantee must look at all delegate agencies by doing a substantial review of a sample of their activities.

In conducting assessments several procedures may be used to verify the taking place of the activities required to be in compliance with the performance standards. These are (1) actual observations of the activities, (2) reading of sample

records relating to the activities (education plans, minutes of meetings, training plans and records, job descriptions, work schedules, etc.); and (3) interviewing various personnel on activities performed.

The grantee should form a self-assessment team composed of staff and parents. In the case of programs with delegates, it will be necessary for the grantee to assist each delegate in carrying out an individual self-assessment of its program. Further, the grantee will be responsible for providing the composite document, a copy of which will be mailed to the OCD Regional Office. Regional Offices will be responsible for reviewing and validating grantee performance. All grantee and delegate agency staff scheduled to participate in the self-assessment activities must be familiar with OCD Notice N-30-364-4, Head Start Program Performance Standards.

This instrument has been designed so that questions included refer directly to the Performance Standards. The first column on the form provides a cross reference to the Performance Standards for each of the questions listed in column two (Individual Specific Policy). The third column requires the grantee to check if the specific policy is in or out of compliance and if out of compliance, the grantee is to explain the reason for non-compliance in column four. Columns five and six are used by the OCD Regional Office to review the grantee's findings. Column seven is designed to assist the grantee by providing methods of guidance for assessing compliance. At the end of each of the components, a summary sheet is provided to record both grantee and OCD findings as to compliance or non-compliance with each performance standard contained therein.

TABLE OF CONTENTS

- * EDUCATION-----
- * HEALTH, GENERAL, MEDICAL, AND DENTAL-----
- * HEALTH, MENTAL HEALTH-----
- * HEALTH, NUTRITION-----
- * SOCIAL SERVICES-----
- * PARENT INVOLVEMENT-----

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 1-4	1. Has an overall written education plan been developed which contains the following elements: a) Is updated periodically (at least annually)----- b) Reflects actual program activities----- c) Meets the individual needs of children, the special needs of handicapped children, and the needs of populations being served----- d) Prepared by the educational staff in conjunction with policy groups, parents, other Head Start staff, and appropriate consultants----- e) Outlines approaches for assisting parents in understanding and employing alternative ways to foster each child's learning and development----- f) Specifies strategies for implementing the educational objectives-----					1. Review the Education Plan and, if more than a year old, note when updated. Must look at classroom activities and daily plans. Compare with education plan. Note any special needs outlined in daily plans for ethnic, handicapped, and other children and validate by observation in classroom and discussion with teachers. In addition, interview other staff members and parents to determine how and to what extent they participate in the program and in the planning. Also, discuss with policy council chairman and parents on how they are assisted in fostering a child's learning and development. Finally, determine if specific strategies have been identified for carrying out the educational objectives and determine if there is a process for reviewing children's progress and updating program goals. Look for records or documents that reflect such activities.
1-4						
2-2(a)						
2-2(e)						
1-4						
2-2(a)						
2-2(a)						

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 2-2(a)	2. Do the educational plan and program activities include provision for:					
2-2(e)	a) The individual differences of children enrolled in the program					2. Review medical and developmental records of children. Discuss with psychologist, medical staff, teachers and parents. Check out specific examples where age or development, cultural or ethnic experiences, and/or handicapping differences determine program strategies.
2-2(a)	b) A supportive social/emotional climate					It is important to observe activities and/or uses of materials which encourage children's self awareness and positive self concept. Are there materials which reflect the cultural/ethnic/language background of the population served? Are there mirrors, photographs of children, individual cubbies or places allocated for each child's personal possessions? Is children's work attractively displayed? Are children's names used? Are materials and situations free of sex role and racial/ethnic stereotyping? Note if such items as props for dramatic play are available and if dramatic play is encouraged as a valid means for promoting social/emotional and intellectual development.
2-2(a)	c) Developing intellectual skills					Are material and activities, appropriate to the children's ages and level of development, utilized to encourage children to solve problems, to explore and experiment, to communicate their
2-2(a)	d) Promoting physical growth					

EDUCATION

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
2-2(d)	<p>3. Does the plan outline procedures for:</p> <ul style="list-style-type: none"> a) On-going observation, recording and evaluation of each individual child's growth and development b) Using the information generated through 3a to plan activities to suit individual needs 					<p>2. (cont.)</p> <p>ideas and feelings, and to organize their experiences toward understanding increasingly complex concepts?</p> <p>Is there evidence that equipment, materials and activities are provided (both indoor and out) in keeping with children's physical development?</p> <p>Are there adequate provisions for children to use their large and small muscles to increase their physical skills and motor coordination? Is there appropriate guidance and supervision, both indoor and out, while children are using equipment?</p> <p>3. Check to see if individual records of children are maintained and that periodic evaluation and recording of children's developmental growth are included.</p> <p>Is there evidence that this information is used to plan activities suited to individual needs?</p>

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 2-2(d)	<p>4. Have procedures been established to integrate the educational aspects of other Head Start components into the daily educational program?</p>					<p>4. Check daily plans to determine if and how other Head Start component such as Health and Nutrition are incorporated into the daily program.</p>
2-2(c)	<p>5. Has the program been individualized to meet the specialized needs of children from various populations by:</p> <p>a) Having a curriculum which is relevant and reflective of the needs of the population</p> <p>b) Having staff and program reflective of the racial and ethnic characteristics of children in the program</p> <p>c) Including parents in curriculum development and having them serve as resource persons</p>					<p>Also observe classrooms to see if activities and materials reflect integration of other Head Start components. For example, learning experiences through food preparation, experiences provided to prepare children for physicals, shots, dental examinations.</p>
2-2(c) (1)						<p>5. Is the curriculum relevant and reflective of the needs of the population? (Curriculum is the learning environment plus the varied experiences provided for participating children). Observer should look at selection of books, play materials, records, pictures to ascertain if there is adequate representation of children from various populations. A key element to observe is the use of resource persons in the classrooms where the majority of the children do not speak English or are bilingual, is there at least one adult available to speak with the children in their native language? Parents should be interviewed regarding their participation in the development of the curriculum.</p>

EDUCATION

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 2-2(e) (5) (6)	6. Is there a comprehensive orientation and training program jointly developed with all components for parents and staff which includes exposure to:					6. Review orientation and training plans and determine who participated in the planning process (e.g., parents, other Head Start staff, representatives of local health organizations and health delivery agencies) to ensure that comprehensive orientation and training takes place. Were provisions made for parents who do not speak English to participate? Were interpreters available? Review training schedules and interview selected staff and parents regarding their involvement in orientation and training.
2-2(e) (5) (6)	a) Behavioral and developmental problems for pre-school children					
2-2(e) (5) (6)	b) Observation skills to identify and work with children with special needs					
2-2(e) (5) (6)	c) Education and consultation resources for parents of children having special needs					
2-2(e) (5) (6)	d) Appreciation of diverse cultures and ethnic groups					
2-3(a)	7. Is a physical environment provided which:					7. Is the overall appearance of the program facility safe, attractive and inviting? Walk through the center and outdoor play area to determine if equipment and materials are in adequate supply, in good repair, and appropriate to the ages and developmental levels of the children served. Are there specific interest areas with sufficient materials and equipment readily available for use by children? Is there evidence that children are encouraged to accept reasonable responsibility for the use and care of materials and equipment? Are materials and supplies kept in convenient locations and orderly arranged? Can many
2-3(a)	a) is conducive to learning					
2-3(a)	b) Reflects the different stages of development in children					
2-3(a)	c) Ensures that space, light, ventilation, heat and other physical arrangements are consistent with the children's health, safety, and developmental needs					
2-3(b)	d) Organizes space into interest areas which are recognized by the children					

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
2-3(b)	<p>7. (con't)</p> <p>e) Arranges furniture, equipment and materials to facilitate learning--</p> <p>F) Provides a sufficient number of appropriate materials and equipment-----</p>					<p>7. (con't)</p> <p>of the materials and much of the equipment be used in a variety of ways? Are there materials which reflect the cultural/ethnic/language background of the population served?</p> <p>Check to see if adequate provisions have been made for handicapped children, such as ramps, rails, and special educational equipment and supplies.</p> <p>Does center comply with local licensing requirements? If not have safety standards been determined in cooperation with local health and fire department? Does center comply with standards as determined through above process?</p> <p>Check outdoor play area. If adjacent to hazards such as busy streets, bodies of water etc., is it enclosed?</p>
2-2E	<p>8. Are the following specific provisions made for enhancing parents' knowledge and understanding of the child's educational activities:</p> <p>a) Arranging for parents to participate in the planning of the educational program-----</p>					<p>8. Review plan for specific strategies for parent involvement in the education program. Teachers should be interviewed concerning specific activities designed for parents' participation in the education program. Such activities as parent-teacher meetings, conferences, and</p>

EDUCATION

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
2-2E(1)	b) Involving parents in appropriate Head Start program activities and by helping them apply child development principles in the home-----					8. (con't)
2-2E(3)	c) Assisting parents to observe and develop child development skills-----					seminars are ways that parents can be involved. Emphasis should be placed on parents' acquiring skills in child development. The mental health coordinator and/or psychologist should also be contacted to determine additional activities provided for parents.
2-2E(4)	d) Establishing relationships with parents that facilitates information sharing about the children-----					Parents should be interviewed to determine how and to what extent they participate in planning and program activities. Note specific methods which are used to facilitate communication between staff and parents such as use of bulletin boards, newsletters, phone calls, radio and television announcements, meetings, etc. Records should be reviewed to ensure that the required number of home visits are planned or have taken place.
2-2E(4)	e) Providing information to parents regarding major educational program activities-----					

EDUCATION
Performance Summary

Please indicate the compliance status with individual performance standards.

Performance Standard Number	Grantee		OCD	
	Compliance	Non-Compliance	Compliance	Non-Compliance
1304.1-4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.2-2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.2-2a,b,c	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.2-2d	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.2-2e	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.2-2e	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.2-2e	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.2-3a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.2-3b	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-2	Do the Health Services Plan and program provide a properly organized functioning Health Services Advisory Committee which includes Head Start parents, health services providers and health specialists? Does the committee assist staff in planning, operation and evaluation of the Health Services program?					<p>Review with Health Coordinators and the Health Advisory Committee the composition and membership of the committee. It should consist of parents, health services, providers in the community and other specialists in the various health discipline.</p> <p>Review minutes or other documentation of Committee meetings to determine their role regarding advising in planning, operation, and evaluation of the Health Services program.</p> <p>Interview Committee members to determine role in the above function.</p>
3-3(a)	Do the plan and program provide for the completion of a medical, dental, and developmental history for each child in the program?					<p>Review enrollment and health records to ensure that medical and developmental histories are obtained for each child. These records should be completed, where feasible, at the time of enrollment. If medical histories are not completed at that time, check and insure that forms for obtaining this information are available. Determine if program has a specific time frame for completion prior to physical exam. Check forms to ensure there is a provision for obtaining medical history and background for child for the screenings and examinations. Question staff about procedures used for updating records. Spot check selected child health records to determine that histories are complete and up-to-date.</p>

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-3(a) (cont'd)	Do the plan and program provide for advance parent or guardian authorization for health services?					Check enrollment forms for parent's authorization of health services.
3-3(b)	<p>Do the plan and program provide health screening that includes:</p> <ol style="list-style-type: none"> (1) Growth assessment (head circumference up to two years old) height, weight and age? (2) Vision testing? (3) Hearing testing? (4) Hemoglobin or hematocrit determination? (5) Tuberculin testing where indicated in guidance? (6) Urinalysis? (7) Based on community health problems, other selected screenings where appropriate, e.g., sickle cell anemia, lead poisoning, and intestinal parasites? (8) Assessment of current immunization status? (9) Identification of speech problems, determining their cause and provision of services? (10) Identification of special needs of handicapped children? 					<p>Review procedures used for screenings.</p> <p>(1) - (8) Spot check health records determine if the required and other appropriate screenings were provided to the children. If health screenings are not completed, then interview health coordinator and other appropriate staff to determine which screenings will be provided and the planned completion date.</p> <p>(9) Review plan and procedures for identifying speech problems, determination of cause and services provided.</p> <p>(10) Review plan and procedures for identifying special needs of handicapped children in the program.</p>

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-3(c)	Have medical examinations been given to all children in the program?					<p>Check health services plan and medical examination procedures to ensure that examinations include:</p> <ul style="list-style-type: none"> a. examination of all systems or regions made suspect by history or screening test. b. search for defects in specific regions common or important to this age group, i.e., skin, eye, ear, nose, throat, heart, lungs, and groin (inguinal) area. <p>Selected individual children's records should be thoroughly reviewed as to whether regions found suspect by the medical history have been examined by the health examiner and noted on the form.</p> <p>Interview Head Start Director and Health Services Coordinator to determine how medical examinations are arranged.</p> <p>Check health services plan for procedures in accordance with local and State health regulations for initial exams and periodic checkups. Review staff health records to determine if they are complete and up-to-date. Interview selected staff on initial and periodic checkups.</p> <p>Interview Health Services Coordinator and other appropriate staff to determine the extent and frequency of examinations and checkups and to what degree measures are taken to insure freedom from communicable diseases.</p>
3-3(d)	Depending upon local and State health regulations, are all employed program staff given initial health examinations and periodic checkups, and found to be free of communicable diseases?					

Cross Reference Part 1304 section 3-3(d) (Cont'd)	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
	Is each volunteer screened for tuberculosis?					Check with health coordinator and other appropriate staff for validation of tuberculin testing for volunteers who serve Head Start program on a regular schedule.
3-4(a)(1)	Do the plan and program provide for treatment for health problems detected?					Check for procedures for follow-up treatment for all health problems detected. Check individual child health records for follow-up treatment.
	Are Head Start funds used only when there is no other source of funding?					Ask Health Coordinator and other appropriate staff about follow-up procedures. Interview Head Start Director to determine to what extent Head Start funds are used. Inquire as to any documentation which supports the use of Head Start funds only when no other source of funding is available.
	Do the plan and program provide for completion of immunizations?					Check for procedures for follow-up to complete immunizations. Check individual child records for completion of immunizations for diphtheria, pertussis, tetanus (DPT), polio, measles, German measles, and mumps -- where appropriate.

Cross Reference Part 1304 section 3-4(a)(3)	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
3-4(a)(3)	<p>Do the plan and program provide for the basic dental care of the children which includes the following:</p> <ul style="list-style-type: none"> (i) Dental examination. (ii) Services required for the relief of pain or infection. (iii) Restoration of decayed primary and permanent teeth. (iv) Pulp therapy for primary and permanent teeth as necessary. (v) Extraction of non-restorable teeth. (vi) Dental prophylaxis and instruction in self-care oral hygiene procedures. (vii) Application of topical fluoride in communities which lack adequate fluoride levels in the public water supply. 					<p>Check the plan and individual child health records to determine that each child is receiving basic dental care.</p> <p>Review procedures with Health Coordinator and other appropriate staff for follow-up as may be indicated for individual child.</p>
3-4(b)	<p>Do the plan and program provide for medical emergencies?</p>					<p>Check medical emergency plan. Interview Health Coordinator and other appropriate staff on how medical emergencies are dealt with in the program Spot check child's records for permission and consent form.</p> <p>Observe classroom for posted first aid and emergency procedures.</p> <p>Interview staff to learn if at least one member is being trained or knowledgeable in first aid.</p>

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Cross Reference Part 1304 section	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
3-5(a)	Does the plan and program provide for complete and up-to-date medical and dental records for each child containing the child's medical and developmental history, screening results, medical and dental examination data and evaluation of this material, and up-to-date information about treatment and follow-up?					Review health plan for procedures for establishing and maintaining health records. Spot check individual health records to determine that they are up-to-date and complete.
3-5(b)	Does the plan and program have procedures for forwarding with parental consent, health records to school and/or health delivery system?					Review the health services plan. Review procedures for obtaining parental consent including signed forms or other evidence. Determine if consent is obtained for all records forwarded. Review documentation of records forwarded to the school.
3-5(c)	Does the plan and program provide for giving a summary of medical records to child's parents?					Check the health services plan or other written procedures which include methods to provide parents with medical summaries including information on immunization and follow-up treatment. Review procedures to ensure that child is linked to an ongoing health care system. Ask Health Coordinator and other appropriate staff about process of providing summaries to parents, and inspect any attendant records. Interview parents to determine what medical information they receive regarding their child's health needs.

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-5(d)	Does the program utilize the Health Program Assessment Report?					Review EPAR records and discuss with Health Coordinator how the EPAR is being used in planning and evaluating the health program.
3-5(e)	Do the plan and program provide assurance to parents concerning the nature, use and restrictions on use of medical data to be collected?					Review health services plan to determine procedures for informing parents in all cases of: a. the nature of child medical data to be collected b. uses to which data will be put c. assurances that data uses will be restricted to stated purposes
3-6(a)	Do the plan and program provide for an adequate organized health education program for staff, parents and children which ensures that 1. parents are provided with information about all available health resources					Review any program-parent correspondence or notification in this regard. Ask Health Coordinator and other appropriate staff how program conforms to a-c above. Review lesson plans or other documentation on Health Education program Interview selected parents to determine if they were provided information about health resources

Cross Reference Part 1304 Section 3-6(a) (Cont'd)	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
	<p>2. parents are encouraged to become involved in their child's health care process</p> <p>3. staff are taught and parents are provided the opportunity to learn the principles of preventive health, emergency first-aid measures, and safety practices.</p> <p>4. health education is integrated into on-going classroom and other program activities</p> <p>5. children are familiarized with all health services they will receive prior to the delivery of those services</p>					<p>Interview selected parents to determine if staff encouraged them to become involved with their child's health care process.</p> <p>Interview staff and selected parents to determine the kind of health education program being provided.</p> <p>Interview teachers concerning integration of health education into other program activities. Review lesson plans or other documentation of integration.</p> <p>Review curriculum with teachers and lesson plans on health education.</p>
3-8(a)	<p>Do the plan and program provide that a mental health professional be available, at least on a consultation basis with specified duties, to the program and the children?</p> <p>Does the mental health professional</p> <p>(1) assist in planning mental health program activities?</p>					<p>Check with Health Coordinator to determine availability of a mental health professional. If consultation is part time, determine frequency.</p> <p>Check the health services plan to determine that the mental health professional assists in planning mental health program activities.</p> <p>Interview mental health professional on program and mental health activities (if feasible).</p>

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Cross Reference Part 1304 Section 3-8(a) (Cont'd)	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
	(2) train Head Start staff?					Teachers and appropriate staff should be interviewed on the types of training assistance and evaluation provided to staff.
	(3) periodically observe children and consult with teachers and other staff?					Check documentation and plan for frequency of observation of children.
	(4) advise and assist in developmental screening and assessment?					Review selected individual child health records for developmental screening and assessment procedures.
	(5) assist in providing special help for children with atypical behavior or development?					Teachers, appropriate staff and parents should be interviewed on the types of assistance the mental health professional is providing for children with atypical behavior or development.
	(6) advise in the utilization of other community resources and referrals?					Teachers, appropriate staff and parents should be interviewed on the assistance in using community resources and referrals.
	(7) orient parents to mental health programs?					Interview selected parents on their orientation to the mental health program.
	(8) take appropriate steps in conjunction with health and education services to refer children for diagnostic examination to confirm that their emotional or behavior problems do not have a physical basis?					Review records of individual children receiving the assistance of the mental health program for referral for diagnostic examination.

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Cross Reference Part 1304 Section 3-8(b)	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
	<p>Do the mental health plan and program provide for:</p> <p>(1) attention to pertinent medical and family history of each child so that mental health services can be made readily available if needed?</p> <p>(2) use of existing community mental health resources?</p> <p>(3) coordination with education services?</p> <p>(4) confidentiality of records?</p> <p>(5) regular group meetings of parents and program staff?</p> <p>(6) parental consent for special mental health services?</p>					<p>Ask Health Coordinator, other appropriate staff including teachers and the mental health professional, if feasible, the process by which children with potential behavioral problems are recognized. Spot check referral and/or treatment records.</p> <p>Check with appropriate staff to determine if all mental health resources have been identified and the extent to which they are being utilized. Review any lists of resources and referrals. Where feasible, contact a sample of local mental health resources and interview selected staff.</p> <p>Review the education and mental health plans, and interview coordinator for both components. Ask about procedure for consultation between the two components.</p> <p>Check for locked cabinet or other suitable system for keeping of mental health records. Check mental health services plan to determine that access to files is restricted. Interview staff to determine that restrictions are followed.</p> <p>Review plan. Interview staff and parents on type and frequency of group sessions.</p> <p>Spot check appropriate records for parental consent for special mental health services.</p>

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-8(b) (Cont'd)	<p>(7) opportunity for parents to obtain individual assistance?</p> <p>(8) active involvement of parents in planning and implementing the individual mental health needs of their children?</p>					<p>Interview staff and mental health professional (if feasible) and parents concerning requests, opportunities, and referrals for individual assistance. Review any related records that will substantiate this type of assistance.</p> <p>Interview parents and staff concerning nature and extent of parents involvement in mental health needs of their own children.</p>

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantor Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10	Nutrition services.					(a) Check written plan for procedure to identify needs of children and their family's and to meet the needs.
3-10(a)	Does the nutrition services performance standard plan identify the nutritional needs and problems of the children in the Head Start program and their families? In so doing is account taken of					
3-10(a)(1)	The nutrition assessment data (height, weight, hemoglobin, hematocrit) obtained for each child?					(1) Spot check children's health records for presence of height-weight data; hemoglobin and/or hematocrit data. Is the data on height and weight put on graphs? Spot check health records for evidence of consideration of nutritional status of child and handicapping conditions affecting food intake.
3-10(a)(2)	Information about family eating habits and special dietary needs and feeding problems, especially of handicapped children; and					(2) Spot check parent-interview records for information relating to child's and families special needs such as <ul style="list-style-type: none"> - underdeveloped feeding skills - emotional problems - specific chronic conditions (allergy, diabetes, etc.) - cultural-ethnic background and food preferences - adequacy of resources: financial, equipment, fuel, transportation, etc. - adequacy of nutrition information concerned with feeding family

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(a)(2) (continued)						<p>Are other means than children's health records or parent interviews used to identify needs of children and families? Ask of nutritionist or health personnel.</p>
3-10(a)(3)	Information about major community nutrition problems?					<p>(3) Check the written plan for identification of the community nutrition problems that are to be addressed such as</p> <ul style="list-style-type: none"> - inaccessibility of food markets and transportation - unavailability of fluoridated water, enriched cereals, iodized salt, pasteurized milk - unavailability and inaccessibility to food and financial family assistance programs
3-10(b)	Does the plan, designed to assist meeting the daily nutritional needs of the children, provide that:					<p>(1) & (2) Check the written plan on provisions for feeding the children at the center appropriate meals according to number of hours spent at center and in keeping with Performance Standards Guidance.</p>
3-10(b)(1)	Every child in a part-day program will receive a quantity of food in meals (preferably hot) and snacks which provides at least 1/3 of daily nutritional needs with consideration for meeting any special needs of children, including the child with a handicapping condition?					<p>Review posted menus and past menus for meals and snacks served</p>

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(b)(1) & (2) (continued)	Every child in full-day program will receive snack(s) lunch, and other meals as appropriate which will provide 1/2 to 2/3 of daily nutritional needs depending on the length of the program?					<ul style="list-style-type: none"> - Check for following of OCD meal pattern in the Guidance - Use of good to excellent source of Vitamin C daily - Use of dark green leafy or yellow vegetable every other day - Desserts are integral part of meals used to supply nutrients other than just calories
3-10(b)(2)						<ul style="list-style-type: none"> - Check supplies for use of <ul style="list-style-type: none"> -enriched or whole grain bread, cereals -iodized salt -full strength fruit juices - If breakfast is used as the main meal instead of lunch, the breakfast would need to be very substantial using a protein-rich food and a snack containing milk in addition to other foods suggested in snack pattern to meet 1/3 the needs of the child. To meet 2/3 the child's nutrient needs will necessitate the feeding of lunch or supper pattern plus 2 well-planned snacks that contribute milk in one of them.
3-10(b)(1) & (2) (continued)						

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(b)(1) & (2) (continued)						<p>Spot check with food service personnel on records or prescriptions for special dietary needs of specific children.</p> <p>Ask role of program nutritionist in assuring menu adequacy and in meeting of special dietary needs.</p> <p>Spot check adequacy of budget to meet food needs for children and adults.</p>
Section 3-10(b)(3)	<p>All children in morning programs who have not received breakfast at the time they arrive at the Head Start program will be served a nourishing breakfast?</p>					<p>(3) Ask how many children receive breakfast and how the need is determined.</p> <p>Spot check other records for indications that other children may need breakfast such as:</p> <ul style="list-style-type: none"> - extremely low income family - parents working very late or very early hours - children traveling long distances to center - history of the child being hungry or physical evidence of undernutrition.
3-10(b)(4)	<p>The kinds of food served conform to minimum standards for meal patterns indicated in OCD Head Start Guidance Material?</p>					<p>(4) Crosscheck with Guidance and spot check menu patterns for compliance.</p>

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(b)(5)	The quantities of food served conform to recommended amounts indicated in OCD Head Start guidance materials?					(5) Observe a sampling of centers at mealtime to see if sufficient food is available for children to have seconds as well as average size first portions for their age. (See Guidance for portion sizes.)

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(b)(6)	Meal and snack periods are scheduled appropriately to meet children's needs and are posted along with menus; e.g., breakfast must be served at least 1 1/2 hours before lunch, and snacks must be served at least 1 1/2 hours before lunch or supper?					<p>(6) Spot check meal and snack schedule to see if:</p> <ul style="list-style-type: none"> - Programs of 3 hours duration serve snack and meal. If all children receive breakfast, the snack should be omitted in a 3 hour program. 1 1/2 - 2 hours interval is suggested between snack and meal and 2 1/2 - 3 hours between breakfast and lunch. Is any time allowed after lunch for brushing teeth, handwashing, etc.? - Programs of 4 1/2 - 5 hours duration serve 2 snacks and meal or 2 meals and a snack appropriately spaced. - Longer programs may need to serve 2 meals and 2 snacks.
3-10(c)	Does the plan undertake to ensure that the nutrition services contribute to the development and socialization of the children by providing that:					<p>(c) Check the written plan for provisions for meeting developmental and socialization needs of children.</p>
3-10(c)(1)	A variety of foods which broaden the child's food experience in addition to those that consider cultural and ethnic preferences is served?					<p>(1) Spot check menus for</p> <ul style="list-style-type: none"> - introduction of new foods and old foods prepared new ways - serving of cultural and ethnic foods - variety in color, flavor, texture, etc.

Cross Reference Part 1304 Section	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
3-10(c)(2)	Food is not used as punishment or reward, and that children are encouraged but not forced to eat or taste?					(2) thru (7) Observe and participate in mealtime at a sampling of centers: (2) Check that food is not used as punishment or reward including <ul style="list-style-type: none"> - some food is not withheld until other is eaten - dessert is a part of the total meal and not a reward
3-10(c)(3)	The size and number of servings of food reflect consideration of individual children's needs?					(3) Note whether: <ul style="list-style-type: none"> - individual appetites are considered - portion sizes may vary and are appropriate to children for easy eating, bite size and include finger foods.
3-10(c)(4)	Sufficient time is allowed for children to eat?					(4) Note whether the meal is unrushed (about 30 minutes).
3-10(c)(5)	Chairs, tables, and eating utensils are suitable for the size and developmental level of the children with special consideration for meeting the needs of children with handi-capping conditions?					(5) Observe whether: <ul style="list-style-type: none"> - chair size allows for the child's feet to be on the floor - the table size is in relation to the child and chair and allows the child to be able to easily cut food and eat - children have access to knives, forks and spoons - glasses are small enough for the child to grasp easily - any needed modification or purchase of equipment has been done to meet any special eating needs of the child with a handi-capping condition

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(c)(6)	Children and staff, including volunteers, eat together sharing the same menu and a socializing experience in a relaxed atmosphere?					<p>(6) Look for:</p> <ul style="list-style-type: none"> - interactions between children and adults - children and children to promote socialization - adults eating with children and same food - adults attitudes as model for children
3-10(c)(7)	Opportunity is provided for the involvement of children in activities related to meal service (For example: family style service)?					<p>(7) Note:</p> <ul style="list-style-type: none"> - child's participation in food service and mealtime activities --serving, cleaning up, setting table, etc. and ask cook about children's participation in mealtime food preparation activities
3-10(d)	Does the plan set forth an organized nutrition education program for staff, parents and children? Does the program assure that:					<p>(d) Check the written plan for provisions for nutrition education of staff, parents and children: Are provisions based on identified needs?</p> <p>Ask nutritionist about plans for nutrition education for administrative staff-teaching staff-parents-food service staff.</p> <p>Check schedules for delivery of nutrition education; check mechanisms for delivery of nutrition education</p>

Cross Reference Part 1304 Section	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
3-10(d)(1)	Meal periods and food are planned to be used as an integral part of the total education program?					<p>(1) Participate in a sampling of visits at mealtime and check that mealtime and snacktime are used to develop good food habits.</p> <p>Spot check menus to see if classroom food preparation and food-related activities are coordinated with mealtime.</p>
3-10(d)(2)	Children participate in learning activities planned to effect the selection and enjoyment of a wide variety of nutritious foods?					<p>(2) Spot check teacher's lesson plans for food-related activities for children designed to guide children toward selection and enjoyment of a wide variety of nutritious foods.</p> <p>Spot check nutrition education materials in use in classroom activities. Are they appropriate to be used with preschool children?</p>
3-10(d)(3)	Families receive education in the selection and preparation of foods to meet family needs, guidance in home and money management and help in consumer education so that they can fulfill their major role and responsibility for the nutritional health of the family?					<p>(3) Ask nutritionist if plans are developed with parents and are based on needs identified through parent interview and knowledge of community nutrition problems.</p> <p>Spot check nutrition education materials for appropriateness:</p> <ul style="list-style-type: none"> - identified needs of group - cultural, ethnic, educational background - economic limitations

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(d)(4)	All staff, including administrative, receive education in principles of nutrition and their application to child development and family health, and ways to create a good physical, social and emotional environment which supports and promotes development of sound food habits and their role in helping the child and family to achieve adequate nutrition?					(4) Is nutrition education for staff designed to meet their specific responsibilities for nutrition component in addition to improving their own nutrition? Is it part of total staff training and orientation program?
3-10(e)	Does the plan make special provision for the involvement of parents and appropriate community agencies in planning, implementing, and evaluating the nutrition services? Does it provide that:					(e) Check plan for provision for parent and community involvement. Spot check with classroom staff and with food service staff on opportunities for parent involvement. Spot check volunteer records for frequency and type of parent involvement. Interview a sampling of parents for opportunities for involvement and communication on nutrition activities. Check with the nutritionist on use of community resources for nutrition services.

Cross Reference Part 1304 Section	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
3-10(e)(1)	The Policy Council or Committee and the Health Services Advisory Committee have opportunity to review and comment on the nutrition services?					(1) Check with the Policy Committee and HSAC on input into written plan and other roles.
3-10(e)(2)	The nutritional status of the children will be discussed with their parents?					(2) Spot check children's folders for record of interview with parents on child's nutritional status related to height-weight, eating skills, etc., and for any counseling on special needs.
3-10(e)(3)	Information about menus and nutrition activities will be shared regularly with parents.					(3) Ask how this was done and how often.
3-10(e)(4)	Parents are informed of the benefits of food assistance programs?					(4) Check with the social services for indication of referrals of families to community agencies for food assistance.
3-10(e)(5)	Community agencies are enlisted to assist eligible families participate in food assistance programs?					Ask social service what proportion of eligible families are participating in food assistance programs. (5) Ask sampling of parents if community agencies are providing the help they need.

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Cross Reference Part 1304 Section 3-10(f)	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
	<p>Does the plan provide for compliance with applicable local, State and Federal sanitation laws and regulations for food service operations including standards for storage, preparation and service of food, and health of food handlers, and for posting of evidence of such compliance?</p>					<p>(f) Check the plan for provisions for meeting Federal, local and State sanitation regulations for facilities, personnel, and food vendors.</p> <p>Spot check current licensing and inspection certificates and posting of such.</p> <p>In absence of inspection by a governmental agency, what documented evidence of compliance is there?</p> <p>Are any violations being corrected?</p> <p>Check the current food handler's health certificate and posting of such.</p> <p>Check documented evidence for compliance of sanitation standards by caterers and food vendors.</p>
3-10(g)	<p>Does the plan also provide that vendors and caterers supplying food and beverages comply with similar applicable laws and regulations?</p> <p>Does the plan provide for direction of the nutrition services by a qualified full-time staff nutritionist or for periodic and regularly scheduled supervision by a qualified nutritionist or dietitian as defined in the Head Start Guidance material?</p>					<p>(g) Check the plan for involvement and role of qualified nutritionist.</p> <p>Check with the Head Start Director for name of person, qualifications, frequency of service, type of service. Ask to see job description.</p> <p>Interview nutritionist for role and frequency.</p> <p>Interview teachers, parents and food service personnel on role of nutritionist.</p>

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Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(g) (continued)	Does the plan also provide that all nutrition services staff will receive preservice and in-service training as necessary to demonstrate and maintain proficiency in menu planning, food purchasing, food preparation and storage, and sanitation and personal hygiene?					<p>Check plan for method of provision of training to meet needs.</p> <p>Spot check personnel folders for record of performance evaluation and type of individualized training planned. Does this relate to job responsibilities, previous experience and qualifications?</p> <p>Ask cooks if they feel they are getting type of training needed.</p> <p>Observe food preparation. Does planned training seem consistent with needs seen?</p>
3-10(h)	Does the plan provide for the establishment and maintenance of records covering the nutrition services budget, expenditures for food, menus utilized, numbers and types of meals served daily with separate recordings for children and adults, inspection reports made by health authorities, recipes and any other information deemed necessary for efficient operation?					<p>Taste and look at food served.</p> <p>Does planned training relate to production of high quality food appropriate to needs of children?</p> <p>(h) Check plan for type of records kept. Spot check for accessibility and orderliness of records.</p> <p>Spot check adequacy of inventory and purchasing records.</p> <p>Spot check written menus for indication that substitutions are noted.</p> <p>Check for record of daily meal counts - adults and children.</p> <p>Check nutrition services budget for inclusion of food costs. (adults and children) food service and nutri-</p>

HEALTH

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
Section 3-10(b) (Continued)						<p>tion staff, equipment and nutrition education materials and supplies for children and parent activities and staff training.</p> <p>Check accounting of expenditure of OCD monies made available by use of USDA-SFSP. Is priority use give to maintenance of a high quality nutrition component?</p> <p>Are standardized recipes based on numbers of children served used?</p>

HEALTH SERVICE
GENERAL, MEDICAL, AND DENTAL
Performance Summary

Please indicate the compliance status with individual performance standards.

Performance Standard Number	Grantee		OCD	
	Compliance	Non-Compliance	Compliance	Non-Compliance
1304.1-4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-3d	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-4(a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-4(b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-4,1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MENTAL HEALTH
Performance Summary

Please indicate the compliance status with individual performance standards.

Performance Standard Number	Grantee		OCD	
	Compliance	Non-Compliance	Compliance	Non-Compliance
1304.1-4 Written plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-8a Staff/Training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-8a Services to children	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-8b2 Use of community resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-b,3 Developmental education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-8b, 5,6,8 Parent Involvement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-8b, 7 Services for parents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-8b, 4 Record keeping	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

NUTRITION
Performance Summary

Please indicate the compliance status with individual performance standards.

Performance Standard Number	Grantee		OCD	
	Compliance	Non-Compliance	Compliance	Non-Compliance
1304.1-4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-10a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-10b	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-10c	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-10d	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-10e	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-10f	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-10g	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.3-10h	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SOCIAL SERVICES

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
<p>45 CFR Part 1304 1304.4-2</p>	<p>1. Do the Social Services Plan and Program provide procedures for:</p> <ul style="list-style-type: none"> a. recruitment of children with cognizance of community needs and demographic make-up? b. recruitment of handicapped children? c. providing or referral for appropriate counselling? d. emergency assistance or crisis intervention? e. furnishing information about available community resources and how to use them? f. follow-up to assure delivery of needed assistance? g. establishing a role of advocacy and spokesman for Head Start families? h. contacting parents or guardian of child with irregular attendance, or who has been absent four (4) consecutive days? 					<p>1. Review the Social Services Plan. Check the plan for procedures to implement a-h in policy column. Discuss with Social Services staff the methods by which the policies/procedures are implemented.</p> <ul style="list-style-type: none"> a. Check recruitment procedures, and look/ask for evidence that demographic makeup of community and local needs have been identified and considered. b. Look for and ask about specific procedures to recruit handicapped children. Review enrollment and recruitment files to determine that type and number of handicapped children enrolled in program meet HEW/OCD requirements. c. d, e, f, g Review lists of services provided to determine consistency with performance standards. Review records and/or documents of referrals made or services provided to parents/children/families. Ask staff how it functions as advocate for Head Start parents. Review Social Services files to determine contacts made, referrals, counseling, services provided, etc.

SOCIAL SERVICES

Cross Reference Part 1304	Individual Specific Policy ^c	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
45 CFR Part 1304 1304.4-2	2. Do the plan and program provide for close cooperation with existing community resources?					<p>h. Interview teaching staff and Social Services staff regarding procedures for communicating information about children's irregular attendance or absence of four (4) consecutive days. Look for evidence of communication and contact with parents/guardians where appropriate.</p> <p>2. Check the plan to determine if it provides procedures for:</p> <p>a. helping Head Start parent groups work with other groups with similar concerns.</p> <p>b. communicating to other community agencies the needs of Head Start families and ways of meeting those needs.</p> <p>c. helping to assure better coordination, cooperation and information sharing with community agencies.</p> <p>d. calling attention to the inadequacies of existing community services or to the need for additional services and assisting in improving available services, or bringing in new services.</p>

SOCIAL SERVICES

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
<p>45 CFR Part 1304.4-2</p>	<p>3. Does the program have complete and up-to-date records of family data?</p>					<p>e. preparing and making available a community resource list to Head Start staff and families.</p> <p>Ask staff how procedures for a - e above are implemented.</p> <p>Review community resource directory or file. Ask about procedures for and obtain documentation relating to coordination with other community agencies. Review files for evidence (e.g., letters of referral, formal communications, requests, etc.) on how other agencies and groups have been utilized.</p> <p>3. Spot check Social Services records. Determine if family needs are specified and if records are current. Check for plans for or documentation of follow-through. Check for enrollment forms, referral and follow-up.</p>

SOCIAL SERVICES
Performance Summary

Please indicate the compliance status with individual performance standards.

Performance Standard Number	Grantee		OCD	
	Compliance	Non-Compliance	Compliance	Non-Compliance
1304.4-2a Recruitment & Direct Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.4-2b Service Integration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.4-2c Record Keeping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PARENT INVOLVEMENT

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
45 CFR Part 1304 1304.5-2	1. Does the plan describe detailed implementation of Appendix B (45 CFR part 1304)?					<p>1. Check that the plan provides opportunities by which parents can:</p> <ul style="list-style-type: none"> a. participate in the process of making decisions about the nature and operation of the program. b. participate in the classroom as paid employees, volunteers, or observers. c. participate in activities which parents themselves have helped develop. d. work with their children in cooperation with the staff of the center. <p>Interview parents and Policy Council to determine that the above opportunities exist in reality.</p> <p>Review the entire plan and policy council minutes to determine proper implementation and Policy Group approval of Appendix B (45 CFR part 1304).</p>
45 CFR Part 1304 1304.5-3	2. Do the parent involvement plan and program adequately provide methods and opportunities for enhancing parents' "parenting" skills?					<ul style="list-style-type: none"> a. experiences and activities which lead to enhancing development of parent skills, self-confidence and sense of independence in fostering an environment in which their children can develop to their full potential.

PARENT INVOLVEMENT

Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCID In Compliance Yes No	OCID Reasons for Non-Compliance	Guidance for Assessing Compliance
						<p>b. ways of providing educational and developmental activities for children in the home and community.</p> <p>c. health, mental health, dental and nutrition education.</p> <p>d. identification and use of family and community resources to meet basic needs of the family.</p> <p>e. identification of opportunities for continuing education which may lead towards self-enrichment and employment.</p> <p>f. parent meetings with teachers and other appropriate staff for discussion and assessment of children's individual needs and progress.</p>

PARENT INVOLVEMENT

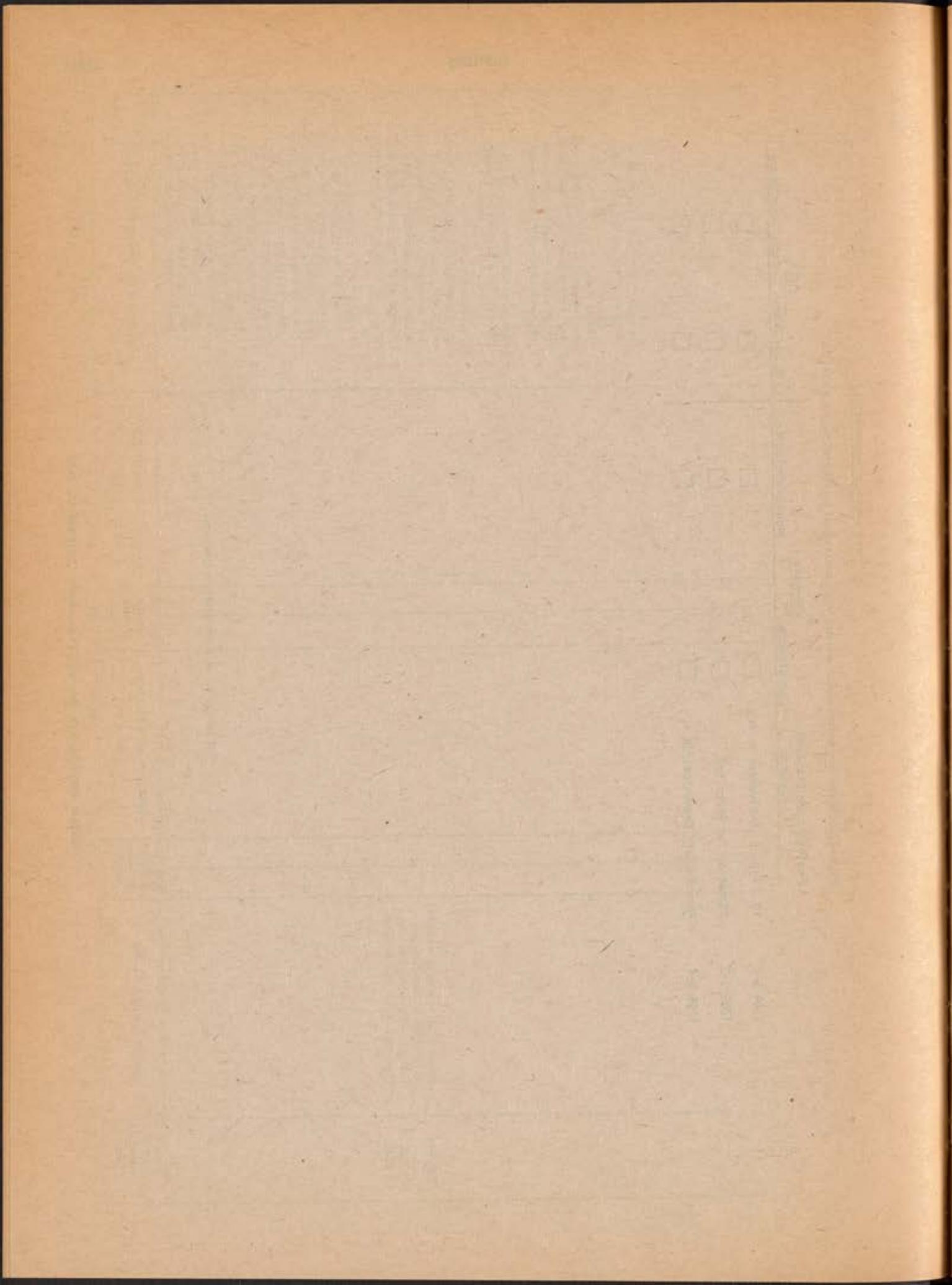
Cross Reference Part 1304	Individual Specific Policy	Grantee In compliance Yes No	Grantee Reasons for Non-Compliance	OCD In Compliance Yes No	OCD Reasons for Non-Compliance	Guidance for Assessing Compliance
<p>45 CFR Part 1304 1304.5-4</p>	<p>3. Does the plan and program provide for complete and effective communication between staff and parents?</p>					<p>Check parent involvement files and I/TA plans to determine what opportunities are provided for parents in education and development of early childhood and home-making skills. Ask parents about their view of the relevancy of parent involvement activities and what opportunities exist for their continuing education. Ask parents, Parent Coordinator, and other relevant staff about the implementation of a-f above.</p> <p>3. Check the plan for procedures for communication of information concerning: program activities for the children; the program and its services; policy groups; and resources within the program and the community.</p> <p>Ask selected parents and staff if they receive such information.</p> <p>Interview policy groups, staff, and parents to determine that they participate in planning and development of the communication system used.</p> <p>Review copies of relevant communications, mailing lists, etc.</p>

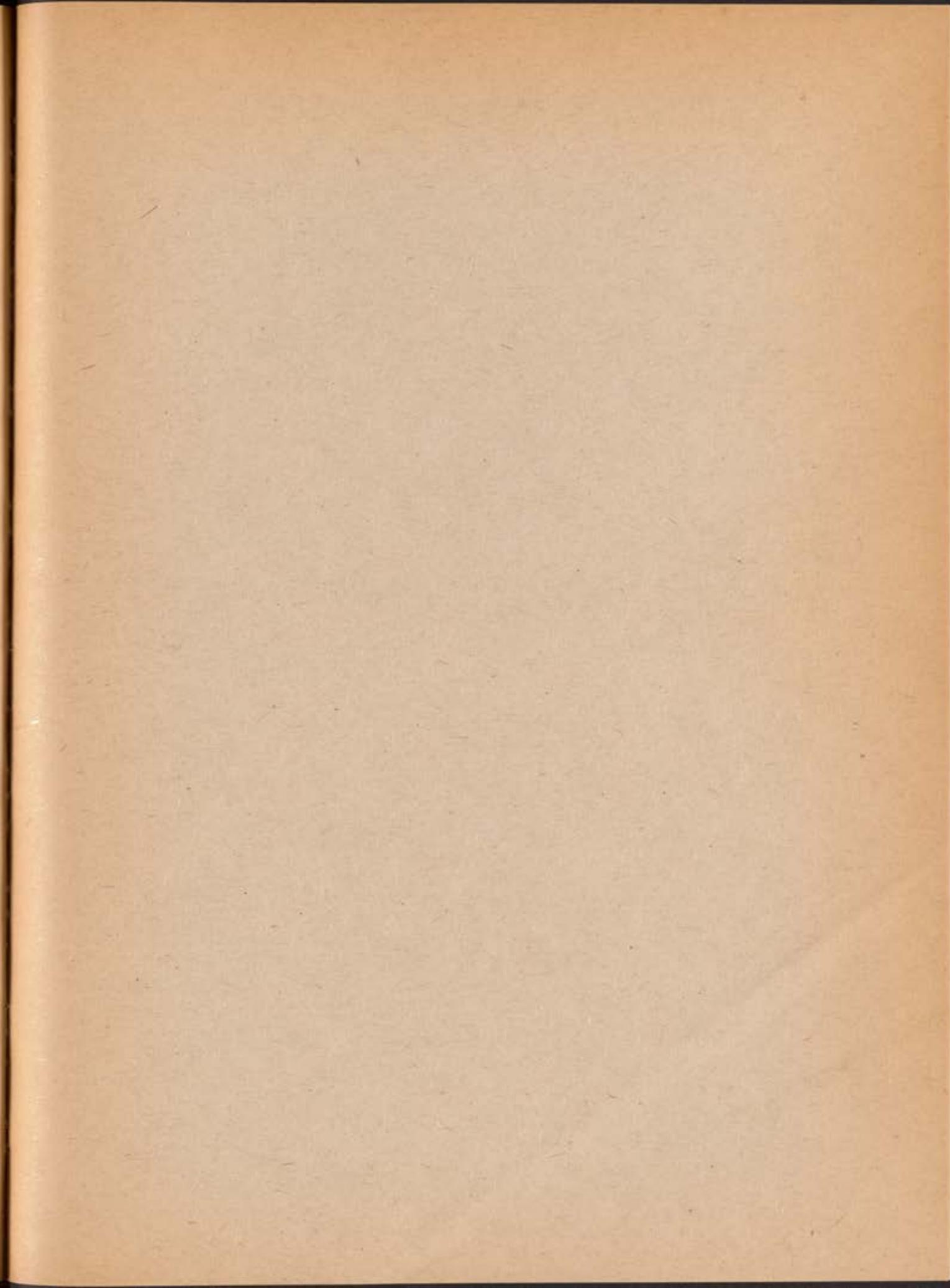
PARENT INVOLVEMENT
Performance Summary

Please indicate the compliance status with individual performance standards.

Performance Standard Number	Grantee		JCD	
	Compliance	Non-Compliance	Compliance	Non-Compliance
1304.5-2 70.2 Parent Involvement Policy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.5-3 Education for Parenting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1304.5-4 Parent-Staff Communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[FR Doc 75-29104 Filed 10-30-75; 8:45 am]





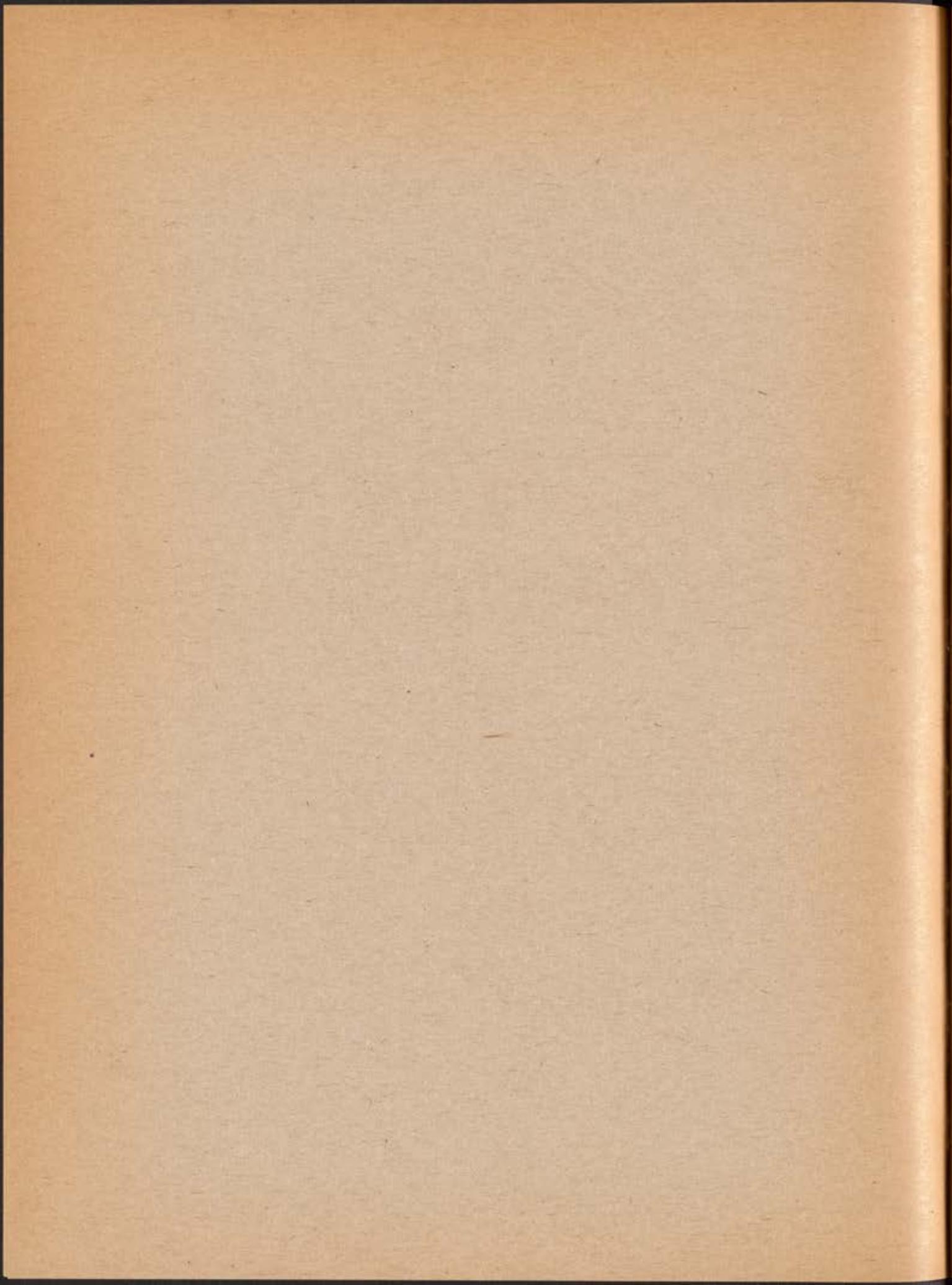


TABLE I	
Year	Value
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1913	115
1914	120
1915	125
1916	130
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1918	140
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2023	665
2024	670
2025	675
2026	680
2027	685
2028	690
2029	695
2030	700

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