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

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

PART 701—NATIONAL RURAL ENVIRONMENTAL PROGRAMS FOR 1975 AND SUBSEQUENT YEARS

Correction

In FR Doc. 75-30198, appearing at page 52340 of the issue for Monday, November 10, 1975, the following changes are made:

1. On page 52344;

a. In the first column, fifth line from the bottom, the word "in" is changed to "is".

b. In the middle column, second line from the top, the word "pelted" is changed to "pleted".

2. On page 52346, in § 701.43, the fourth line should read "accordance with all applicable specifications".

3. On page 52347, in § 701.63, eleventh line the word "at" is changed to "and".

4. On page 52348, in § 701.71(a), tenth line, the word "his" is changed to "this".

5. On page 52349, third column, first line, the section number reading "§ 701.16" is changed to read "§ 701.76".

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

[Navel Orange Regulation 354]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period November 21-27, 1975.[1] It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.654 Navel Orange Regulation 354.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is firm on light volume. Prices f.o.b. to date this season have averaged $5.06 per carton compared with $5.29 per carton last season. Average f.o.b. prices last week on a reported sales volume of 177 carlots was $5.10 per carton. Track and rolling supplies at 15 cars were up 15 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 18, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 21, 1975, through November 27, 1975, are hereby fixed as follows:

(i) District 1: 930,809 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 144,003 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

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

Dated: November 19, 1975.

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

[FR Doc.75-31592 Filed 11-19-75;10:09 am]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes expenses of $125,000 for the California-Arizona Grapefruit Adminstrative Committee, under Marketing Order No. 909, for the 1975-76 fiscal period and fixes a rate of assessment of two and one-half cents ($0.025) per carton of grapefruit handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses.

On November 3, 1975, notice of proposed rulemaking was published in the

[1] This document was received by the Office of the FEDERAL REGISTER on November 19, 1975.

FEDERAL REGISTER (40 FR 51052) regarding proposed expenses, the proposed rate of assessment, and the proposed carryover of unexpended assessment funds, for the fiscal period September 1, 1975, through August 31, 1976, pursuant to Marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Said notice invited interested persons to file written data, views, or arguments in connection with said proposals not later than November 15. None were filed. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to the said amended marketing order), it is hereby found and determined that § 909.214 is added as set forth below:

§ 909.214 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Administrative Committee during the period September 1, 1975, through August 31, 1976, will amount to $125,000.

(b) *Rate of assessment.* The rate of assessment for such period, payable by each handler in accordance with § 909.41, is hereby fixed at two and one-half cents ($0.025) per carton, or equivalent quantity of grapefruit.

(c) *Operating reserve.* Unexpended assessment funds of approximately $35,287, in excess of expenses incurred during the 1974–75 fiscal period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of grapefruit grown in the designated production area are now being made; (2) the relevant provisions of said marketing order require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period; and (3) such period began on September 1, 1975, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

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

Dated: November 17, 1975.

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

[FR Doc.75-31472 Filed 11-20-75;8:45 am]

PART 932—OLIVES GROWN IN CALIFORNIA

Expenses, Rate of Assessment for the 1975–76 Fiscal Year, and Carryover of Unexpended Funds

This document authorizes Olive Administrative Committee expenses of $870,450 and an assessment rate of $15.00 per ton of regulated California olives to support committee activities during the 1975–76 fiscal year under marketing Order No. 932. It is also authorized that unexpended assessment income from 1974–75 and prior years be carried over as a reserve.

On October 24, 1975, notice of rulemaking was published in the FEDERAL REGISTER (40 FR 49791) regarding proposed expenses and the related rate of assessment for the fiscal year ending August 31, 1976, pursuant to the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), which regulate the handling of olives grown in California and are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons until November 15, 1975, to submit written data, views, or arguments pertaining to the proposal. None were submitted. After consideration of all relevant matter presented, including the proposals set forth in such notice which were submitted by the Olive Administrative Committee established pursuant to said marketing agreement and order, it is hereby found and determined that § 932.210 is revised to read as follows:

§ 932.210 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the period September 1, 1975, through August 31, 1976, will amount to $870,450.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each first handler in accordance with § 932.39, be fixed at $15.00 per ton of olives.

(c) *Reserve.* The unexpended assessment funds in excess of expenses incurred during the fiscal year ended August 31, 1975, and prior years be carried over as a reserve in accordance with the applicable provisions of § 932.40.

(d) *Terms.* 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.

It is hereby further found that good cause exists for not postponing the effective date 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 fiscal year shall be applicable to all assessable olives from the beginning of such year; and (2) such year began on September 1, 1975, and the rate of assessment herein fixed will automatically apply to all assessable olives beginning with such date.

Dated: November 18, 1975.

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

[FR Doc.75-31556 Filed 11-20-75;8:45 am]

PART 966—TOMATOES GROWN IN FLORIDA

Handling Regulation

This regulation, designed to promote orderly marketing of Florida tomatoes, imposes minimum grade, size, quality and maturity standards and requires inspection of fresh shipments to keep undesirable tomatoes from being shipped to consumers.

Notice of rule making with respect to a proposed handling regulation, to be effective under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area, was published in the October 30, 1975, FEDERAL REGISTER (40 FR 50540). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons through November 14, 1975, to file written data, views or arguments pertaining to that proposal. None was filed.

The recommendations of the committee reflect its appraisal of the composition of the 1975–76 crop of Florida tomatoes and the marketing prospects for this season. The requirements for containers, container net weights, and size classifications are intended to standardize shipments in the interest of orderly marketing and thereby improve returns to producers. The requirements with respect to special purpose shipments are designed to meet the different requirements for shipments. The requirements concerning special pack shipments are intended to help handlers in the production area compete on an equal basis with those outside the area by not requiring reinspection of previously inspected tomatoes when repacked in consumer size packages. The minimum grade and size requirements will preclude shipments to fresh market of tomatoes which usually are of negligible economic value to producers.

After consideration of all relevant matters presented, including the above proposal recommended by the Florida

Tomato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that shipments of 1975–76 crop tomatoes grown in the production area have begun and the regulation should become effective at the time herein provided to maximize the benefits to producers. The Florida Tomato Committee held an open meeting on September 8, 1975, to consider recommendations for a handling regulation, after giving du due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendation by the committee has been disseminated among the growers and handlers of tomatoes in the production area; and compliance with this section should not require any special preparation on the part of handlers subject thereto which cannot be completed by such effective date.

The regulation is as follows:

§ 966.314 Handling regulation.

During the period November 24, 1975, through June 20, 1976, no person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the requirements of paragraph (a) or are exempted by paragraphs (b) or (d).

(a) *Grade, size, container and inspection requirements.*

(1) *Grade.* Tomatoes shall be graded and meet the requirements specified in § 51.1855 U.S. No. 1, § 51.1856 U.S. Combination, § 51.1857 U.S. No. 2 or § 51.1858 U.S. No. 3, of the U.S. Standards for Grades of Fresh Tomatoes except that when not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) Tomatoes shall be over $2\frac{6}{32}$ inches in diameter and be sized in accordance with § 51.1859 of the U.S. tomato standards.

(ii) Tomatoes of designated sizes may not be commingled unless they are over $2^{11}/_{32}$ inches in diameter and each container shall be marked to indicate the designated size.

(iii) Only the generic terms as defined in § 51.1859 may be used to indicate size designations on containers of tomatoes; except that the following abbreviations may be used—sml for small, med for medium, lg for large, ex lg for extra large, or max lg for maximum large.

(3) *Containers.* (i) Tomatoes shall be packed in containers of 20, 30 or 40 pounds designated net weights and comply with the requirements of § 51.1863 of the U.S. tomato standards.

(ii) Each container shall be marked to indicate the designated net weight.

(iii) If the container in which the tomatoes are packed has been previously used, the lid of such container shall be marked with the words "USED BOX" in letters not less than three-fourths inch high.

(4) *Inspection.* Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handled who applies for inspection shall register with the committee pursuant to § 966.113 Registered handlers shall pay assessments as provided in § 966.42. Inspection certificates must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, relief, charity or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, relief, charity or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a Certificate of Privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

(3) Bill or consign each shipment directly to the designated applicable receiver.

(4) Forward one copy of such report to the committee office and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within ten days after shipment shall be cause for cancellation of such handler's certificate and or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption.* (1) *For types.* The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes, hydroponic tomatoes, and greenhouse tomatoes.

(2) *For minimum quantity.* For purposes of these regulations each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of these regulations but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.* Tomatoes resorted, regraded and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from the tomato grade classifications of paragraph (a)(1) and the size classifications of paragraph (a)(2) except that tomatoes shall be over 2-4/32 inches in diameter; and the container weight requirements of paragraph (a)(3) if such tomatoes comply with the inspection requirements of paragraph (a)(4).

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regrading, resorting, and repacking tomatoes into consumer sized packages and has been certified as such by the committee. "U.S. tomato standards" means the revised United States Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877), effective December 1, 1973, or variations thereof specified in this section. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

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

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

Dated November 19, 1975. To become effective November 24, 1975.

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

[FR Doc.75-31633 Filed 11-20-75;8:45 am]

PART 980—VEGETABLES: IMPORT REGULATIONS: TOMATOES

Proposed Grade, Size and Inspection Requirements

Findings. (a) Notice of rule making regarding these requirements to be made effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), was published in the October 30, 1975, FEDERAL REGISTER (40 FR 50541). The notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than November 14, 1975. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the proposal as published in the notice should be made effective, and that the minimum grade, size, quality and maturity requirements are the same as those in effect under Marketing Order No. 966, as amended (7 CFR Part 966), for shipments of tomatoes grown in the Florida production area. This regulation is subject to amendment with reasonable notice.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under Section

8e of the act; (2) notice of the proposed regulation was given by publication in the FEDERAL REGISTER of October 30, 1975; (3) in fixing the effective date hereof consideration was given to the time required for transportation of the tomatoes and entry into the United States; and (4) such notice is in excess of the three day minimum required by the act.

The regulation is as follows:

§ 980.210 Tomato import regulation.

Except as otherwise provided, during the period November 25, 1975, through June 20, 1976, no person may import fresh tomatoes, except pear shaped, cherry, hydroponic and greenhouse tomatoes as defined herein, unless they are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements.* (1) At least U.S. No. 3 grade and over 2 2/32 inches in diameter;

(2) Not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(b) *Minimum quantity exemption.* Any importation which in the aggregate does not exceed 60 pounds may be imported without regard to the provisions of this section.

(c) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of tomatoes that are imported into the United States under the provisions of Section 8e of the act.

(e) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the tomatoes meet the United States import requirements for tomatoes under Section 8e (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specified lot is required on all imports of fresh tomatoes.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice (in days)
All Texas points	L. M. Denbo, P.O. Box 107, San Juan, Tex. 78589. (Phone 512-787-4091 or 512-787-6881.)	1
All Arizona points	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621. (Phone 602-287-2902.)	1
All California points	D. P. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021. (Phone 213-622-8756.)	3
All Hawaii points	Stevenson Ching, P.O. Box 5425, Pawaa Substation, 1428 South King St., Honolulu, Hawaii 96814. (Phone 808-941-3071.)	1
All Puerto Rico points	John L. Coulen, P.O. Box 9112, Santurce, P.R. 00908. (Phone 809-783-2230 or 809-783-4116.)	2
New York City	Carmine J. Cavallo, Room 28A, Hunts Point Market, Bronx, N.Y. 10474. (Phone 212-991-7669 or 212-991-7668.)	1
New Orleans	Leonard E. Mixon, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113. (Phone 504-589-6741 or 504-589-6742.)	1
Miami	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 530, Miami, Fla. 33136. (Phone 305-324-6116 or 305-324-6117.)	1
All other Florida points	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880. (Phone 813-294-3511, extension 33 and 813-294-2089.)	1
All other points	Chief, FPSI Branch, Fruit and Vegetable Division, AMS, Washington, D.C. 20250. (Phone 202-447-5870.)	3

(4) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation.

(g) *Definitions.* For the purpose of this section, "Importation" means release from custody of the United States Bureau of Customs. "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes." "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top and Roma varieties. "Hydroponic tomatoes" means tomatoes grown in solution without soil. "Greenhouse tomatoes" means tomatoes grown indoors. The terms relating to grade and size, as used herein, shall have the same meaning as when used in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877 of this title).

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

Dated November 19, 1975, to become effective November 25, 1975.

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

[FR Doc.75-31634 Filed 11-20-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES

Development, Conservation, Utilization Community Facility Loans; Miscellaneous Amendment

Section 1823.7 of Subpart A of Part 1823, Title 7, Code of Federal Regulations (38 FR 29026) is amended. The purpose of this amendment is to clarify the requirements for the overall review of an applicant's financial status, including a review of all assets and liabilities as a part of the docket review process. It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking because of possible risks to the Government of loan default where applicants total financial condition in addition to the economic feasibility of the project, is not thoroughly examined, and for that reason proposed rulemaking procedure is impracticable. Interested persons are invited, however, to submit written comments, suggestions, or objections regarding this amendment to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, South Building, Washington, D.C. 20250, on or before December 22, 1975. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Chief, Directives Management Branch during regular business hours. (8:15 a.m.–4:45 p.m.)

The introductory text of § 1823.7 is revised to read as follows:

§ 1823.7 Economic feasibility requirements.

All projects financed under the provisions of this Subpart must be based on taxes, assessments, revenues, fees, or

other satisfactory sources in an amount sufficient to provide for facility operation and maintenance, a reasonable reserve, and debt payment. An overall review of the applicant's financial status, including a review of all assets and liabilities, will be a part of the docket review process by the FmHA staff and approval official.

* * * * *

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

Effective date. This amendment is effective on November 21, 1975.

Dated: November 10, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-31559 Filed 11-20-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-28-AD; Amdt. 39-2437]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models A45 (Military T-34A, B-45) and D45 (Military T-34B) Airplanes

Amendment 39-518, AD 62-27-1, published in the FEDERAL REGISTER on December 14, 1962, is an Airworthiness Directive (AD) applicable to civilly certified Beech Model A45 (Military T-34A, B-45) airplanes. AD 62-27-1 requires repetitive inspections of the rudder and aileron interconnect system until such time as certain modifications are made. Recently failures of the Part Number 45-524028 bellcrank modified per AD 62-27-1 have been reported. This condition causes undesirable forces to be introduced into the rudder and aileron control systems. Since this condition is likely to exist or develop in other airplanes of the same type design, an AD is being issued superseding AD 62-27-1. The new AD will incorporate the requirements of the superseded AD, require repetitive inspections of modified airplanes and extend AD applicability to Beech Model D45 airplanes originally manufactured with the modification required by AD 62-27-1.

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

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

BEECH. Applies to all civilly certificated Models A45 (Military T-34A, B-45) and D45 (Military T-34B) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of the P/N 45-524504 and 45-524505 rudder-aileron bungee interconnect cable assembly and the P/N 45-524697 or P/N 45-524028 bellcrank assembly, accomplish the following:

(A) On Model A45 (Military T-34A, B-45) airplanes not incorporating P/N MS-20219-2 pulleys (1.75 inch O.D.) per Beech Kit 45-325 and Beech P/N 105740B-ZF-0105 bronze bushings per Beech Drawing 45-000060, Rev. C, or later revision, within 50 hours' time in service after the effective date of this AD, or within 100 hours' time in service after the last inspection per AD 62-27-1, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, accomplish Paragraphs 1(a) and 1(b).

(B) On Models A45 (Military T-34A, B-45) and D45 (Military T-34B) airplanes incorporating P/N MS-20219-2 pulleys (1.75 inch O.D.) per Beech Kit 45-325 and Beach P/N 105740B-ZF-0105 bronze bushings per Beech Drawing 45-000060, Rev. C, or later revision, within 50 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 300 hours' time in service from the last inspection, accomplish Paragraphs 1(a) and 1(b).

1. (a) Disconnect the turn buckles P/N 45-524504 and 45-524505 rudder-aileron bungee interconnect cable assemblies, visually inspect the cables and replace frayed, internally broken or excessively worn cables.

(b) Disconnect the two AN 161-8RS forks that attach to the P/N 45-524697 or P/N 45-524028 bellcrank assembly and visually inspect the 3/16-inch diameter holes in the bellcrank for elongation or cracks. If elongation exceeds 0.02 inches or if cracks are found, replace the bellcrank. If no elongation or cracks are found, lubricate the holes in the bellcrank prior to reinstallation of the AN 161-8RS forks.

2. The airplane may be flown in accordance with FAR 21.197 to a location where parts replacement can be accomplished.

3. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Bulleting No. 32 on Model A45 (Military T-34A, B-45) airplanes covers the cable inspection.

This AD supersedes AD 62-27-1.

This amendment becomes effective November 28, 1975.

(Secs. 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)).)

Issued in Kansas City, Missouri, on November 12, 1975.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.75-31444 Filed 11-20-75;8:45 am]

[Docket No. 75-EA-67; Amdt. 39-2438]

PART 39—AIRWORTHINESS DIRECTIVE

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to deHavilland DHC-6 airplanes.

There have been reports that the subject serial numbered aircraft have been manufactured and released as airworthy with slow blow fuses installed in conjunction with Flitetronic type PC 15 and 15A inverters. AD 71-21-9 had been issued to remove such fuses. This noncompliance with the AD requirements by the manufacturer presents a hazard, and since the deficiency can exist or develop in airplanes of similar type design, an airworthiness directive is being issued to require an inspection and replacement of the fuses, if necessary.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

DEHAVILLAND. Applies to deHavilland Aircraft of Canada Model DHC-6 airplanes serial nos. 290 through 427 with the exception of S/N 426, certificated in all categories and incorporating flitetronic type PC 15 or PC 15A inverters.

Compliance is required within 25 hours time in service after the effective date of this AD unless already accomplished.

To prevent a total loss of A.C. power in the airplane in the event of a fault occurring in an A.C. circuit inspect for and replace all slow blow fuses with the appropriate fast blow fuses in accordance with instructions contained in the deHavilland DHC-6 Service Bulletin No. 6/263, Revision D, dated September 30, 1974, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Upon request with substantiating data submitted through an FAA Maintenance Inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective November 28, 1975.

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

Issued in Jamaica, N.Y., on November 13, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-31447 Filed 11-20-75;8:45 am]

[Airspace Docket No. 75-RM-18]

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

Alteration of Transition Area

On October 6, 1975 a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 46116) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Gwinner, North Dakota.

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

Effective date. This amendment shall be effective 0901 g.m.t., January 29, 1976.

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

Issued in Aurora, Colorado, on November 12, 1975.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

In § 71.181 (40 FR 441) the description of the Gwinner, North Dakota 1200 foot transition area, as designated effective August 14, 1975, is amended to add:

. . . and from 5 miles west of the 017° bearing from the Gwinner NDB clockwise to 5 miles south of the 088° bearing from the NDB, extending from the 12 mile radius area to the boundary of the Fargo, North Dakota transition area.

[FR Doc.75-31445 Filed 11-20-75;8:45 am]

[Airspace Docket No. 75-WE-26]

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

Designation of Control Zone

On October 7, 1975 a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 46321) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new control zone at Phoenix, Arizona (Deer Valley).

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

Effective date. This amendment shall be effective 0901, g.m.t., January 29, 1976.

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

Issued in Los Angeles, California on November 12, 1975.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (40 FR 354) the following control zone is added:

PHOENIX, ARIZONA (DEER VALLEY)

Within a 3-mile radius of Deer Valley Airport (latitude 33°41'13" N., longitude 112° 04'57" W.). This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established as published in the Airman's Information Manual.

[FR Doc.75-31446 Filed 11-20-75;8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1206—AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Freedom of Information Regulations

Pursuant to the authority vested in me by 42 U.S.C. 2473, Subpart 5 and § 1206.702(a) of Part 1206 of the National Aeronautics and Space Administration regulations are amended.

The purpose of this amendment is to delegate to the Associate Deputy Administrator the authority to make final agency decisions on appeal from a denial of an agency record in response to a request under the Freedom of Information Act, 5 U.S.C. 552, to provide overall supervision and coordination of NASA's implementation of the act, and to provide consultation on and determine whether unusual circumstances exist that would justify the extension of certain time limits. Under the regulations promulgated February 19, 1975, the Assistant Administrator for Public Affairs had been given responsibility for those functions, and under this amendment that will no longer be the case. Responsibility for preparing the annual reports required to be submitted to the Congress under the act under this amendment is assigned to the Director of Headquarters Administration.

The purpose of this amendment of § 1206.702(a) of this part is to permit the Official-in-Charge of each Information Center to waive all or part of a fee upon the determination that such action is in the public interest because making the record available can be considered as primarily benefiting the general public.

Since these amendments are concerned only with a change in internal administrative responsibilities, notice and public procedure thereon is not required.

1. Subpart 5 of Part 1206 of Title 14 of the Code of Federal Regulations is amended to read as follows:

Subpart 5—Responsibilities

Sec.
1206.500 Associate Deputy Administrator.
1206.501 General Counsel.
1206.502 Field and component installations.
1206.503 NASA Headquarters.
1206.504 Delegation of authority.

AUTHORITY: (Sec. 203, National Aeronautics and Space Act of 1958, as amended, 72 Stat. 429, 42 U.S.C. 2473 and 5 U.S.C. 552 as amended by Pub. L. 93-502, 88 Stat. 1561.)

Subpart 5—Responsibilities

§ 1206.500 Associate Deputy Administrator.

The Associate Deputy Administrator is responsible for the following:

(a) Providing overall supervision and coordination of the implementation of the policies and procedures set forth in this Part 1206;

(b) After consultation with the General Counsel and the Assistant Administrator for Public Affairs, making final determinations under § 1206.607, within the time limits specified in Subpart 6 of this part;

(c) Providing consultation on whether unusual circumstances exist under § 1206.608 as would justify the extension of the time limit for an initial determination; and

(d) Determining whether unusual circumstances exist under § 1206.608 as would justify the extension of the time limit for a final determination.

§ 1206.501 General Counsel.

The General Counsel is responsible for the interpretation of 5 U.S.C. 552 and this part, and for the handling of litigation in connection with a request for an agency record under this part.

§ 1206.502 Field and component installations.

(a) The Director of each NASA Field Installation or the Official-in-Charge of each Component Installation is responsible for the following:

(1) After consultation with the Chief Counsel or the Counsel charged with providing legal advice to a Field or a Component Installation, making initial determinations under §§ 1206.603 and 1206.604;

(2) After consultation with the Associate Deputy Administrator, determining whether unusual circumstances exist under § 1206.608 as would justify the extension of the time limit for an initial determination; and

(3) Insuring that requests for agency records under the cognizance of his respective installation are processed and initial determinations made within the time limits specified in Subpart 6 of this part.

(b) If so designated by the Director or Official-in-Charge of the respective installation, the principal Public Affairs Officer at the installation may perform the functions set forth in paragraphs (a) (1) and (2) of this section.

§ 1206.503 NASA Headquarters.

(a) The Director of Headquarters Administration is responsible for the following:

(1) Preparing the annual reports required by § 1206.900, including establishing reporting procedures throughout NASA to facilitate the preparation of such report;

(2) After consultation with the Office of General Counsel, making initial determinations under §§ 1206.603 and 1206.604;

(3) After consultation with the Associate Deputy Administrator, determining whether unusual circumstances exist under § 1206.608 as would justify the extension of the time limit for an initial determination; and

(4) Insuring that requests for agency records under the cognizance of Headquarters are processed and initial determinations made within the time limits specified in Subpart 6 of this part.

(b) The functions set forth in paragraphs (a) (2) and (3) of this section may be delegated by the Director of Headquarters Administration to a Public Affairs Officer designated by the Assistant Administrator for Public Affairs.

§ 1206.504 Delegation of authority.

Authority necessary to carry out the responsibilities specified in this subpart is delegated to the officials named in this subpart.

2. Section 1206.702(a) of Part 1206 of Title 14 of the Code of Federal Regulations is amended to read as follows:

Subpart 7—Search and Duplication Fees

§ 1206.702 Waiver of fees.

(a) The NASA official making an initial or final determination on a request for an agency record or the Official-in-Charge of each Information Center (see

§ 1206.401) may waive all or part of a fee which would be chargeable under this subpart if the official determines that such action is in the public interest because making the record available can be considered as primarily benefiting the general public.

Effective date: Subpart 5 and § 1206.-702(a) of this part shall become effective on November 21, 1975.

JAMES C. FLETCHER,
Administrator.

[FR Doc.75-31449 Filed 11-20-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5639, IC-9011]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Statements of Investment Policies of Money Market Funds Relating to Industry Concentration

The Securities and Exchange Commission today authorized publication of and the solicitation of comments on a statement of the views of its staff with respect to statement of investment policies of money market funds relating to industry concentration. The views expressed in this release are those of the Commission's Division of Corporation Finance and Division of Investment Management Regulation. These staff views are not rules of the Commission nor are they published as bearing the Commission's official approval.

The Commission is aware that questions regarding the application of the disclosure and other provisions of the federal securities laws have been raised by a relatively new investment vehicle known as the money market fund, an investment company whose investment policies call for investment of its assets in short-term money market instruments such as commercial paper, various bank instruments, U.S. Treasury bills and securities issued or guaranteed by the U.S. Government or its agencies and instrumentalities. One area where such a question arises relates to the statement of investment policy relating to industry concentration. Accordingly, the Commission has authorized the publication of certain of the views of its staff in this area.

Section 8(b)(1) of the Investment Company Act of 1940 (the "Act") requires that every registered investment company include in its registration statement under the Act a recital of its policies with respect to certain activities, including concentration of investments in a particular industry or group of industries. This section also provides that if a registrant reserves freedom of action to engage in any of such activities, the recital of its investment policy should include a brief statement indicating the extent to which the registrant intends to engage therein.

Historically, the Commission staff has taken the position that if a registrant invests more than 25 percent of its assets in the securities of issuers in a single industry, the registrant is concentrating in that industry.[1] Accordingly, a registrant stating an intention to concentrate in a particular industry would be expected to be at least 25 percent invested in securities of issuers in that industry unless adverse economic conditions temporarily reduced the value of its assets so invested.[2] Conversely, a registrant electing not to concentrate its investments would be considered to be bound by its policy not to invest more than 25 percent of its assets in any one industry. The freedom of action to concentrate pursuant to management's investment decision has been considered by the staff to be prohibited by the Act unless the statement of investment policy clearly indicates when and under what conditions any changes between concentration and nonconcentration would be made. Statements of concentration policy pursuant to which registrants reserve the right to concentrate in particular industries "without limitation if deemed advisable and in the best interests of shareholders" are viewed by the staff as failing to comply with Section 8(b)(1) of the Act.[3]

The staff has considered the applicability of its historical position on concentration to money market funds. The staff is of the view that such funds may declare an investment policy on industry concentration reserving freedom of action to concentrate their investments in government securities, as defined in the Investment Company Act of 1940, and certain bank instruments issued by domestic banks provided that, with respect to the latter, additional disclosure is made concerning the type and nature of the various instruments in which the registrant intends to invest and the criteria used by the registrant in evaluating and selecting such investments.

However, the staff is of the view that Section 8(b)(1) of the Act does not permit money market funds to reserve freedom of action in their declaration of investment policy insofar as it relates to concentration of investments in the commercial paper of issuers in any one industry. Thus, the staff believes such declarations of investment policy are subject to the historical staff position discussed above.[4]

[1] See Investment Company Act Release No. 7221, "Guidelines for the Preparation of Form N-8B-1", June 9, 1972, at p. 9.

[2] Id., at p. 10.

[3] Id.

[4] The staff views expressed in this release are limited to the interpretation of Section 8(b)(1) of the Act as it relates to industry concentration and are not addressed to the interpretation of the definition of the term "diversified company" in Section 5(b)(1) of the Act.

The Commission has authorized the publication of and solicitation of comments on this statement of staff views pursuant to Sections 7 and 10 of the Securities Act of 1933 and section 8(b)(1) of the Investment Company Act of 1940. The Commission would welcome comments from interested persons on these staff views. However, the staff intends to follow these views pending consideration of any comments. Interested persons should refer to "Statements of Investment Policies of Money Market Funds Relating to Industry Concentration" and should direct their comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549.

(Sec. 7, 10, 48 Stat. 78, 81; sec. 205, 48 Stat. 906; sec. 8, 68 Stat. 685; sec. 8(b)(1), 54 Stat. 803 (15 U.S.C. 77g, 77j, 80a-8(b)(1))).

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

OCTOBER 30, 1975.

[FR Doc.75-31547 Filed 11-20-75;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Revenue Sharing

The date following the preamble to the amendments published on November 3, 1975 at 40 FR 51035, filed on October 23, 1975, to 31 CFR Part 51, creating a new subpart for civil rights regulations, should read "October 23, 1975" instead of "October 29, 1975."

Dated: November 18, 1975.

JOHN K. PARKER,
Acting Director
Office of Revenue Sharing.

Approved: November 18, 1975.

RICHARD R. ALBRECHT,
General Counsel.

[FR Doc.75-31580 Filed 11-20-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 75-172]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Deep River, Washington

This amendment changes the regulations for the state highway bridge across Deep River, Washington, mile 3.5, to require at least 4 hours notice at all times. This amendment was circulated as a public notice dated September 11, 1975 by the Commander, Thirteenth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 75-172) on September 8, 1975 (40 FR 14524). Five responses

were received, all of which offered no objection to the proposed change.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.810(f)(9) to read as follows:

§ 117.810 Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(9) Deep River, Wash., mile 3.5, state highway bridge one mile south of the town of Deep River. The draw shall open on signal if at least four hours notice is given.

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

Effective date. This revision shall become effective on December 31, 1975.

Dated: November 17, 1975.

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

[FR Doc.75-31496 Filed 11-20-75;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 135—RULES FOR MEASUREMENT OF VESSELS

Revision

On July 31, 1975, the Panama Canal Company published in the FEDERAL REGISTER (40 FR 32140) a notice of proposed changes in the rules for measurement of vessels for the Panama Canal. A correction of a typographical error in the notice of July 31, 1975, was published in the FEDERAL REGISTER on August 18, 1975, (40 FR 34619).

In the notice of July 31, 1975, interested persons were invited to submit written data, views or arguments not later than September 2, 1975. Written comments were received from 29 interested parties. All the written comments received, except one, opposed the proposed changes in the measurement rules.

At the public hearing held on October 6, 1975, pursuant to the notice published in the FEDERAL REGISTER on July 31, 1975, thirteen interested parties submitted supplementary data, views and arguments in opposition to the proposed amendments of the measurement rules.

Following the hearing on October 6, 1975, six of the parties furnished further supplementary data requested at the hearing.

Opposition to the proposed amendments of the rules in the written comments and at the hearing was primarily addressed to the cumulative effect of tolls increases for use of the Canal resulting from the rules amendments with special emphasis on the effect on operations of containerships and forest product carriers principally caused by the proposed new rule 35 CFR 135.113 providing for the addition to net tonnage of space occupied by deck cargo. Opponents of the rules contended that the increases in tolls charges would cause ocean freight increases that would lead to diversion of cargo movements from routes now using the Canal to other routes, including rail transportation across the United States, with resulting economic loss to the Panama Canal Company, the ports now used as terminals for shipments through the Canal, labor organizations and stevedores in the affected ports, and shipping companies in the intercoastal trade, trade with Hawaii and Puerto Rico, and foreign commerce now using the Canal.

Opponents of the rules changes also argued that the proposed rules changes as a group, and the proposed new rule on deck cargo in particular, are arbitrary and capricious, discriminatory, unecessary, inflationary, inconsistent with the measurement system adopted in the International Convention on Tonnage Measurement of 1969, and undesirable in view of pending treaty negotiations and possible effect on tolls policies of other canals.

Three of the parties asserted that the proposed rules changes constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Enviromnental Policy Act of 1969, and a fourth party contended that the environmental assessment accompanying the proposal is insufficient.

On November 17, 1975, the panel appointed by the Board of Directors of the Panama Canal Company to conduct the hearing submitted a complete report to the Board analyzing the objections to the proposed amendments of the rules. The panel found that the proposed rules are in accordance with the standard prescribed by 2 C.Z. Code 412, and that no sufficient reasons had been shown which would warrant disapproval of the proposed rules. Accordingly, the panel recommended such approval.

After consideration of all relevant matter presented, the Board of Directors found that the proposed amendments of the rules will not significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, and adopted the proposed amendment of 35 CFR Part 135 as set forth below.

The amendments of the rules will become effective upon approval by the President of the United States but not earlier than January 30, 1976, the end of the statutory notice period prescribed by section 411 of Title 2 of the Canal Zone Code (76A Stat. 27).

Adopted by the Board of Directors of the Panama Canal Company on the 17th day of November 1975.

THOMAS M. CONSTANT,
Secretary.

§ 135.82 [Amended]

1. In § 135.82 the references to § 135.86 are amended to read § 135.85.

§ 135.83 [Amended]

2. In the last line of § 135.83 the reference to § 135.86 is amended to read § 135.85.

3. Section 135.85 is revised to read as follows:

§ 135.85 Certain spaces between inner and outer plating of double bottom.

Space or spaces between the inner and outer plating of the double bottom of a vessel shall be exempted from measurement, except when used, designated or intended for carrying cargo or fuel; but the tonnage of such spaces within the double bottom as are or may be used for carrying cargo or fuel shall be determined and included in the gross tonnage. The tonnage of double bottom tanks available for cargo or fuel may be obtained by multiplying the liquid-capacity weight by the proper conversion factor to get tons of 100 cubic feet.

§ 135.86 [Revoked]

4. Section 135.86 is revoked.

5. Following § 135.112 a new § 135.113, preceded by the undesignated center heading "DECK CARGO," is added, reading as follows:

DECK CARGO

§ 135.113 Deck cargo.

If any ship carries stores, timber, livestock, containers, or other cargo in any space upon an open deck not permanently covered or in spaces exempted under paragraphs (a) and (b) of § 135.82, all tolls and other charges payable on the vessel's net tonnage shall be payable upon the vessel's net tonnage (as defined below in §§ 135.271-287 and §§ 135.321-327) increased by the tonnage of the space occupied at the time at which the tolls or other charges become payable by the goods carried upon deck and not permanently covered or closed-in. The deck space occupied by the goods thus carried shall be determined at the time of the application of the vessel for passage through the canal and shall be deemed to be the space limited by the area occupied by the goods and by straight lines enclosing a rectangular space sufficient to include the goods. The tonnage of the space occupied by the goods shall be ascertained by multiplying together the length, breadth and depth of said rectangular space or spaces and dividing the product by 100 or 2.83, according as the measurements are taken in feet or meters. Nothing in this section shall in any manner affect the provisions of §§ 135.41-42; 135.61-63; or 135.81-88.

§ 135.142 [Amended]

6. In § 135.142 the reference to §§ 135.171-135.182 is amended to read §§ 135.171-135.183.

§ 135.175 [Amended]

7. In § 135.175 the last sentence is amended by adding the words "or fuel" between the words "cargo" and "the tonnage."

8. Following § 135.182 a new § 135.183 is added, reading as follows:

§ 135.183 Hatchways.

The cubical contents of hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from

the top of beam to the underside of the hatch cover.

§ 135.211 [Amended]

9. In § 135.211 the reference in the fourth line to § 135.182 is amended to read § 135.183.

§ 135.271 [Amended]

10. In § 135.271 the reference in the second line to § 135.286 is amended to read § 135.285.

§ 135.273 [Amended]

11. In § 135.273 the reference in the last line to § 135.286 is amended to read § 135.285.

12. In § 135.274, paragraph (c) is amended to read as follows:

§ 135.274 Spaces for stowage of stores or cargo, not deducted.

* * * * *

(c) On supply ships, stores, supplies of all kinds, distilling machinery and distilled water, machines, tools and material for repair work, mines and mining materials, torpedoes, arms, and ammunition.

13. Section 135.281 is revised to read as follows:

§ 135.281 Spaces used for boatswain's stores, deducted.

Spaces used exclusively for boatswain's stores, including paint and lamp rooms, shall be deducted. The deduction of spaces under this section shall be reasonable in extent.

14. Section 135.282 is revised to read as follows:

§ 135.282 Spaces used for engineer's shops, deducted.

Spaces used exclusively for engineer's shops shall be deducted. The deduction of spaces under this section shall be reasonable in extent.

15. In § 135.285 the heading of the section and paragraph (a) are revised to read as follows:

§ 135.285 Water ballast spaces, deducted.

(a) Water ballast spaces, other than spaces in the vessel's double bottom, shall be deducted if they are adapted and used only for water ballast, have for entrance only ordinary circular or oval manholes whose greatest diameter does not exceed 30 inches, and are not available for the carriage of cargo, stores, or fuel. Spaces that would otherwise qualify as water ballast except that they are also used for fuel for the vessel's own use shall be regarded as part of the vessel's fuel space as defined in § 135.390.

* * * * *

§ 135.286 [Revoked]

16. Section 135.286 is revoked.

17. Section 135.287 is revised to read as follows:

§ 135.287 Marking and use of deducted spaces.

Each of the spaces enumerated in §§ 135.275–135.285, unless otherwise specifically stated, shall be subject to such conditions and requirements as to marking or designation and use or purpose as are contained in the navigation or registry laws of the several countries, but no space shall be deducted unless the use to which it is to be exclusively devoted has been appropriately designated by official marking. In no case, however, shall an arbitrary maximum limit be fixed to the aggregate deduction made under §§ 135.271–135.285.

§ 135.322 [Amended]

18. In § 135.322 the reference to § 135.286 in the heading and in the second line of the section is amended to read § 135.285.

§ 135.324 [Amended]

19. In § 135.324 the reference to §§ 135.381–135.383 is amended to read §§ 135.252–135.354, 135.382.

20. Section 135.327 is revised to read as follows:

§ 135.327 Propelling power deductions, how made.

The deductions made for propelling power provided for in §§ 135.323–135.325 shall be made by adding to the space occupied by the engine room as defined in §§ 135.352–135.354 and 135.382, the spaces available for fuel as defined in §§ 135.390 and 135.391.

21. The undesignated center heading preceding § 135.351 is amended to read as follows:

SPACE OCCUPIED BY ENGINE ROOM

§ 135.351 [Revoked]

22. Section 135.351 is revoked.

23. In § 135.352 the last four sentences are revised to read as follows:

§ 135.352 What understood by space occupied by engine rooms.

* * * When a portion of the space within the boundary of the engine or boiler room is occupied by a tank or tanks for the storage of fresh water, lubricating oil, or fuel, including settling tanks, the space considered to be within the engine room shall be reduced by the space taken up by such tanks. Installations not strictly required for the working of the engines or boilers are not to be included in the engine room measurement no matter where situated but given separate deductions when they qualify under §§ 135.271–135.285 and are listed under the appropriate item on page 2 of the Panama Canal Certificate.

24. In § 135.353 the last sentence is revised to read as follows:

§ 135.353 Manner of ascertaining cubical content of spaces occupied by engine room.

* * * Add such contents, as well as those of the space occupied by the shaft trunk and by any donkey engine and boiler located within the boundary of the engine room or of the light and air casing above the engine room and used in connection with the main machinery for propelling the ship, to the cubical contents of the space below the crown of the engine room; divide the sum by 100 or by 2.83, according as the measurements are taken in feet or meters, and the result shall be deemed to be the space occupied by the engine room for purposes of calculating the deduction for propelling power.

25. Section 135.354 is revised to read as follows:

§ 135.354 Manner of ascertaining cubical content of spaces occupied by engine room; where engines and boilers are in separate compartments.

If in any ship in which the space for propelling power is to be measured the engines and boilers are in separate compartments, the contents of each compartment shall be measured separately in like manner, according to the above method; and the sum of the tonnage of the spaces included in the several compartments shall be deemed to be the space occupied by the engine room for purposes of calculating the deduction for propelling power.

§ 135.381 [Revoked]

26. Section 135.381 and the undesignated center heading preceding that section reading "PROPELLING POWER DEDUCTION FOR VESSELS WITH FIXED BUNKERS, OR HAVING FUEL-OIL COMPARTMENTS THAT CANNOT BE USED TO STOW CARGO OR STORES" are revoked.

§ 135.383 [Revoked]

27. Section 135.383 is revoked.

28. Two new sections numbered §§ 135.390 and 135.391, preceded by an undesignated center heading "SPACES AVAILABLE FOR CARRIAGE OF FUEL" are added, reading as follows:

SPACES AVAILABLE FOR CARRIAGE OF FUEL

§ 135.390 Spaces available for the carriage of fuel.

The spaces available for the carriage of fuel will include the actual volume of tanks or fixed compartments for the storage of lubricating oil or fuel, including settling tanks, which cannot be used to stow cargo or stores and which have been certified by official marking to be spaces for the vessel's own fuel. Dual purpose fuel tanks whose only other use is for the carriage of water ballast will be included in the fuel deduction provided they have been included in the gross tonnage and qualify in all other respects for a deduction.

§ 135.391 Manner of ascertaining cubical contents of spaces available for the carriage of fuel.

The cubical contents of the above-named spaces available for the carriage of fuel shall be ascertained in accordance with the following provisions: For each fuel tank or compartment, measure the mean length. Ascertain the area of three transverse sections of the ship (as set forth in §§ 135.141 or 135.142–135.241 for the calculation of the gross tonnage) to the deck which covers the tank or compartment. One of these three sections must pass through the middle of the aforesaid length, and the two others through the two extremeties. Add to the sum of the two extreme sections four times the middle one, and multiply the

sum thus obtained by the third of the distance between the two section. This product, divided by 100 if the measurements are taken in English feet, or by 2.83 if they are taken in meters, gives the tonnage of the spaced measured. When they cannot be readily measured, the tonnage of tanks may also be obtained by using liquid capacity times the conversion factor with one-sixth off for frames in case of peak tanks and one-twelfth off in case of wings or deep tanks.

§ 135.412 [Amended]

29. In § 135.412 the words and figures in the second, third, and fourth lines "other than fuel spaces deducted under §§ 135.351–135.354" are revoked.

30. Section 135.511 is revised to read as follows:

§ 135.511 Administration of rules.

The rules of measurement provided in this part shall be administered by the President of the Panama Canal Company.

[FR Doc.75-31475 Filed 11-20-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Oversnow Vehicles, Yellowstone National Park, Wyoming

Pursuant to the authority contained in Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of May 7, 1894 (28 Stat. 73, as amended; 16 U.S.C. 26), 245 DM 1 (34 FR 13879), as amended, National Park Service Order No. 77 (38 FR 7478), as amended, Regional Director, Rocky Mountain Region Order No. 1 (39 FR 12369), § 7.13(*l*) is hereby amended.

The purpose of this amendment is to partially relax an existing restriction on the operation of oversnow vehicles on park routes by persons under 16 years of age and to provide for controls on the operations resulting from this relaxation.

The snowmobile routes in Yellowstone National Park are snowcovered summer roads that are marked and groomed in the winter season for oversnow-vehicle travel. Due to the grooming and the high-speed traffic attainable with the modern snow machine, the hazards on park routes are quite similar to those of normal summer automobile traffic. The National Park Service, therefore, felt that an age limit on operators of snow machines was necessary. The age originally chosen was 16 years, as it was felt that this closely coincided with the motor-vehicle operation laws of most states and was generally accepted as a minimum age for responsible and mature drivers.

No objections to the 16 year age limitation were received in response to the proposal of this regulation in the FEDERAL REGISTER. This regulation was published as a notice of final rulemaking at page 33313 of the FEDERAL REGISTER of September 17, 1974, and became effective on October 17, 1974. During the first season of enforcement of this regulation, many comments regarding the age limitation were received from individuals and groups.

In summary, these comments stated that, while it was generally agreed that 16 was a proper minimum age for snowmobile operators without supervision or training, those persons under this age, who were directly supervised by a responsible adult or had received adequate training in oversnow-vehicle operation, should not be prevented from operating a snowmobile in the park.

In response to these comments and experience gained in this past year, the National Park Service is hereby amending its regulations on age limits for oversnow-vehicle operators.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since this regulation relieves an existing restriction and is based upon extensive public comment, it is determined that the rulemaking procedure is unnecessary and not in the public interest. Accordingly, this revision shall become effective November 21, 1975.

36 CFR 7.13(l)(1)(iv) is revised and (l)(1)(v) is added as set forth below:

* * * * *

§ 7.13 Yellowstone National Park.

(l) * * *

(1) * * *

(iv) Operation of a snowmobile by any person under the age of 16, provided, however, that persons who are at least 12 years of age, but have not reached their 16th birthday, may operate an oversnow vehicle when one or more of the following special conditions have been met. The person shall:

(A) Remain under the immediate and direct supervision of at least one parent to the extent the underage operator of a moving snowmobile shall be not more than 50 yards ahead of, or behind, a parent, or

(B) Remain under the immediate and direct supervision of a person 21 years of age or older to the extent the underage operator of a moving snowmobile shall be not more than 50 yards ahead of, or behind, the supervising person, and produce, at the time of entry to the park documentary evidence (certificate or qualification card) showing the underage operator has successfully completed a formal snowmobile safety training course which may be legally required within the operator's residing state or may be voluntarily provided, but with statewide-adopted training standards as specified by a nationally recognized snowmobile organization or as provided by the nationally recognized Snowmobile Safety and Certification Committee of the International Snowmobile Industry Association, provided, however, a person 21 years of age or older may not supervise the snowmobile use of more than one person under 16 years of age at any one time.

(v) Permitting Unauthorized Minor to Operate a Snowmobile: Except as provided by Paragraph (iv), no person shall cause or knowingly permit a child or ward under the age of 16 years to drive a snowmobile upon any snowmobile route in Yellowstone National Park when such minor is not authorized as herein provided or is in violation of any of the provisions of this section.

* * * * *

ROBERT C. HARADEN,
Acting Superintendent
Yellowstone National Park.

[FR Doc.75-31539 Filed 11-20-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 2—DELEGATIONS OF AUTHORITY

Employees Authorized To Conduct Investigations, Etc.

Section 2.74 is revised to read as follows:

§ 2.74 Field personnel in office of Veterans Services Division and other employees who are qualified and designated by Field Station Director are authorized, when assigned, to conduct investigations (field examinations) and examine witnesses upon any matter within jurisdiction of Veterans Administration, to take affidavits, to administer oaths and affirmations, to certify copies of public or private documents and to aid claimants in preparation of claims.

This delegation of authority is identical to § 13.2(a) of this chapter.

Approved: November 14, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75-31513 Filed 11-20-75;8:45 am]

PART 3—ADJUDICATION

Eligibility for Educational Benefits

At 40 FR 45853, October 3, 1975, there was published a notice of proposed regulatory development to amend § 3.807 to incorporate the provisions of Pub. L. 91-584 (84 Stat. 1575) which amended section 1701 to extend basic eligibility for educational benefits under chapter 35, title 38, United States Code, to the child or wife (husband) of a member of the Armed Forces on active duty who, for more than 90 days, has been listed as (1) missing in action, (2) captured by hostile forces, or (3) forcibly detained or interned by a foreign government or power. Minor editorial changes are made in §§ 3.805 and 3.806 to reflect these provisions apply to male and female veterans and beneficiaries.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are

hereby adopted without change and are set forth below.

Effective date. Section 3.807 is effective December 24, 1970 and §§ 3.805 and 3.806 are effective November 14, 1975.

Approved: November 14, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.805, paragraphs (d), (e), (f) and the cross reference are revised to read as follows:

§ 3.805 Loan guaranty for widows; certification.

* * * * *

(d) The widow (widower) meets the requirements of the term "widow" ("widower") as outlined in § 3.50; and

(e) The veteran's widow (widower) is unmarried; and

(f) The applicant is not herself (himself) an eligible veteran.

CROSS REFERENCES: Wife, widow or spouse. See § 3.50(b). Terminated marital relationships. See § 3.55.

2. In § 3.806 the portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 3.806 Death gratuity; certification.

(a) Where a veteran dies on or after January 1, 1957, and during the 120-day period which begins on the day following the date of his or her discharge or release from active duty, active duty for training, or inactive training duty, the Veterans Administration will certify that fact to the Secretary concerned if the Veterans Administration determines on the basis of a claim filed with it that:

* * * * *

3. In § 3.807, the introductory portion preceding paragraph (a) and paragraphs (a) and (b) are revised to read as follows:

§ 3.807 Dependents' educational assistance; certification.

For the purposes of dependents' educational assistance under 38 U.S.C. ch. 35 (see § 21.3020 of this chapter), the child, wife (husband) or widow (widower) of a veteran or serviceman (servicewoman) will have basic eligibility if the following conditions are met:

(a) *General.* Basic eligibility exists if the veteran:

(1) Was discharged from service under conditions other than dishonorable, or died in service; and

(2) Has a permanent total service-connected disability; or

(3) A permanent total service-connected disability was in existence at the date of the veteran's death; or

(4) Died as a result of service-connected disability; or (if a serviceman or servicewoman)

(5) Is on active duty as a member of the Armed Forces and now is, and, for a period of more than 90 days, has been listed by the Secretary concerned as missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign Government or power.

(b) *Service.* Service-connected disability or death must have been the result of active military, naval, or air service on or after April 21, 1898. (Pub. L. 89-358; 80 Stat. 12) Effective September 30, 1966, educational assistance for a child (but not for a wife (husband) or widow (widower)) may be authorized based on service in the Philippine Commonwealth Army or as a Philippine Scout as defined in § 3.8 (b), (c), or (d), 38 U.S.C. 1765)

* * * * *

[FR Doc.75-31509 Filed 11-20-75;8:45 am]

PART 3—ADJUDICATION

Increased Compensation Rates and Clothing Allowance

At 40 FR 41540, September 8, 1975, there was published a notice of proposed regulatory development to amend Part 3 of Title 38, Code of Federal Regulations, to implement provisions of Pub. L. 94-71 (89 Stat. 395). The following changes were proposed. An amendment to § 3.5 to reflect rates of additional dependency and indemnity compensation payable to widows and widowers because of children under age 18 or because of need for aid and attendance. Amendments to §§ 3.350 and 3.552 to incorporate the increased disability compensation rates. An amendment to § 3.400(o) to incorporate the provision for paying increased disability compensation effective the date the disability increased and an amendment to § 3.400(j) to delete obsolete provisions. A change to § 3.810 to reflect the increase in the clothing allowance.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA Regulations are effective August 1, 1975, except § 3.400(j) which is effective November 14, 1975.

Approved: November 14, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.5, paragraph (e) (1) and (3) is revised and (e) (4) is added so that the revised and added material reads as follows:

§ 3.5 Dependency and indemnity compensation.

* * * * *

(e) *Widow's or widower's rate.* (1) The monthly rate of dependency and indemnity compensation for a widow or widower is based on the "pay grade" of the veteran. This rate is subject to increase as provided in paragraph (e) (3) and (4) of this section. (38 U.S.C. 411 (a))

* * * * *

(3) If there is a widow or widower with one or more children under the age of 18 (including a child not in the widow's or widower's actual or constructive custody and a child who is in active military, air, or naval service) the total amount payable shall be increased by $29 for each child. (38 U.S.C. 411(b); Pub. L. 94-71, 89 Stat. 395).

(4) If the widow or widower is determined to be in need of aid and attendance under the criteria in § 3.352 or is a patient in a nursing home, the total amount payable shall be increased by $72. (38 U.S.C. 411(c))

2. In § 3.350, the introductory portion of paragraphs (a), (b), (c), (e) and (i) preceding subparagraph (1) and paragraphs (d), (f) (1) and (2) (i) through (iv) and (h) are revised to read as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314.

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation ($52) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed $814 monthly when authorized in conjunction with any of the provisions of 38 U.S.C. 314 (a) through (j) or (s). When there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed $1,139 per month. The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r). (Pub. L. 94-71, 89 Stat. 395)

* * * * *

(b) *Ratings under 38 U.S.C. 314(l).* The special monthly compensation provided by 38 U.S.C. 314(l) is payable for anatomical loss or loss of use of both hands, both feet, one hand and one foot, blindness in both eyes with visual acuity of 5/200 or less or being permanently bedridden or so helpless as to be in need of regular aid and attendance. The monthly rate is $814.

* * * * *

(c) *Ratings under 38 U.S.C. 314(m).* The special monthly compensation provided by 38 U.S.C. 314(m) is payable for anatomical loss or loss of use of two extremities at a level or with complications

preventing natural elbow or knee action with prosthesis in place; or for blindness in both eyes having light perception; or for blindness in both eyes rendering the veteran so helpless as to be in need of regular aid and attendance. The monthly rate is $896.

* * * * *

(d) *Ratings under 38 U.S.C. 314(n).* The special monthly compensation provided by 38 U.S.C. 314(n) is payable for the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or anatomical loss of both eyes. The rate is $1,018 per month. Amputation is a prerequisite. If a prosthesis cannot be worn at the present level of amputation but could be applied if there were a reamputation at a higher level the requirements of this paragraph are not met; instead, consideration will be given to loss of natural elbow or knee action.

(e) *Ratings under 38 U.S.C. 314(o).* The special monthly compensation provided by 38 U.S.C. 314(o) is payable for conditions entitling to two or more of the rates (no condition being considered twice) provided in 38 U.S.C. 314 (l) through (n) or for bilateral deafness rated at 60 percent or more disabling, and the hearing impairment in one or both ears is service connected, in combination with service-connected blindness with bilateral visual acuity 5/200 or less. The monthly rate is $1,139.

* * * * *

(f) *Intermediate or next higher rate; 38 U.S.C. 314(p)*—(1) *Extremities.* (i) Anatomical loss or loss of use of one extremity with the anatomical loss or loss of use of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m). The monthly rate is $855.

(ii) Anatomical loss or loss of use of one extremity with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate equal to 38 U.S.C. 314(m). The monthly rate is $896.

(iii) Anatomical loss or loss of use of extremity at a level preventing natural elbow or knee action with prosthesis in place with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is $957.

(2) *Eyes, bilateral, and blindness in connection with deafness.* (i) Blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m). The monthly rate is $855.

(ii) Blindness of one eye with 5/200 visual acuity or less and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the other eye, will entitle to a rate equal to 38 U.S.C. 314(m). The monthly rate is $896.

(iii) Blindness of one eye having only light perception and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the eye, will entitle to a rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is $957.

(iv) Total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement will entitle to a rate equal to 38 U.S.C. 314 (n). The monthly rate is $1,018.

* * * * *

(h) *Special aid and attendance benefit in maximum monthly compensation cases; 38 U.S.C. 314(r).* A veteran receiving the maximum rate ($1,139) of special monthly compensation under any provision or combination of provisions in 38 U.S.C. 314 who is in need of regular aid and attendance is entitled to an additional allowance during periods he or she is not hospitalized at United States Government expense. (See § 3.552(b)(2) as to continuance following admission for hospitalization.) The rate is $489. Determination of this need is subject to the criteria of § 3.352. This additional allowance is payable whether or not the need for regular aid and attendance was a partial basis for entitlement to the maximum $1,139 rate, or was based on an independent factual determination.

(i) *Total plus 60 percent, or housebound; 38 U.S.C. 314(s).* The special monthly compensation at the rate of $732 provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent without resort to individual unemployability and,

* * * * *

3. In § 3.400, paragraphs (j) and (o) are revised to read as follows:

§ 3.400 General.

* * * * *

(j) *Election of Veterans Administration benefits (§ 3.700 series).* Unless otherwise provided, the date of receipt of election, subject to prior payments.

* * * * *

(o) *Increases (38 U.S.C. 3010(a) and 3010(b)(2), Pub. L. 94-71, 89 Stat. 395; §§ 3.109, 3.156, 3.157)*—(1) *General.* Except as provided in paragraph (o)(2) of this section and § 3.401(b), date of receipt of claim or date entitlement arose, whichever is later. A retroactive increase or additional benefit will not be awarded after basic entitlement has been terminated, such as by severance of service connection.

(2) *Disability compensation.* Earliest date as of which it is factually ascertainable that an increase in disability had occurred if claim is received within 1 year from such date otherwise, date of receipt of claim.

* * * * *

4. In § 3.552, paragraphs (g) and (h) are revised to read as follows:

§ 3.552 Adjustment of allowance for regular aid and attendance.

* * * * *

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314 (l), (m), or (n) by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation of $1,139 because of entitlement to another rate under section 314(l) on account of need for aid and attendance the compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314(l) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be $896 since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314(p)).

(2) If entitlement is under section 314(m), $1,018.

(3) If entitlement is under section 314(n), $1,139 would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling the veteran to the maximum rate under 38 U.S.C. 314(p).

(h) If, because of blindness, a veteran requires regular aid and attendance, but has better vision than "light perception only" the award under 38 U.S.C. 314(m) $896 will be reduced while hospitalized to the rate payable under 38 U.S.C. 314 (l) ($814).

* * * * *

5. In § 3.810, the introductory portion of paragraph (a) is revised to read as follows:

§ 3.810 Clothing allowance.

(a) A veteran whose service-connected disability is compensable under laws administered by the Veterans Administration is entitled, upon application therefor, to an annual clothing allowance of $175 (payable in a lump sum).

* * * * *

[FR Doc.75-31510 Filed 11-20-75;8:45 am]

PART 13—DEPARTMENT OF VETERANS BENEFITS, FIDUCIARY ACTIVITIES

FIDUCIARY ACTIVITIES

Miscellaneous Amendments

At 40 FR 31960, July 30, 1975, there was published a notice of proposed regulatory development to revise §§ 13.1 through 13.111 to change references to the Chief Attorney (now known as District Counsel) as the initiator of fiduciary actions of a nonlegal nature to the Veterans Services Officer; to eliminate authority pertaining to commitment, restoration and appointment of State court fiduciaries, which is now under the jurisdiction of the General Counsel; to conform citations to a redesignation of paragraphs in section 3202 of title 38, United States Code; to reflect substantive changes in section 102(b) of title 38, United States Code, which provides that the term "wife" includes the husband of any female veteran and the term "widow" includes the widower of any female veteran; to reflect changes in section 3202 of title 38, United States Code, which

permit complete discretion in the selection of fiduciaries; and to reflect amendment to section 1701 of title 38, United States Code, which changes one of the definitions of a "guardian" from one who is legally vested with the care of the eligible person to one who has been appointed by the Administrator to receive payment of Veterans Administration benefits for the use and benefit of the eligible person.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA Regulations are effective November 14, 1975.

Approved: November 14, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

1. The title of Part 13 is changed from "Department of Veterans Benefits, Chief Attorneys" to "Department of Veterans Benefits, Fiduciary Activities" and §§ 13.1, 13.2 and 13.3 are revised to read as follows:

§ 13.1 Authority.

The regulations in this part are issued pursuant to 38 U.S.C. 210 to reflect action under 38 U.S.C. 212 and to implement 38 U.S.C. 3101, 3202, 3203, 3311 and 5220. The duties, the delegations of authority, and all actions required of the Veterans Services Officer set forth in §§ 13.1 through 13.111 inclusive, are to be performed under the direction of, and authority vested in, the Director of the field station.

§ 13.2 Field examinations.

(a) *Authority to conduct; generally.* Field personnel in the Office of the Veterans Services Division and other employees who are qualified and designated by the field station Director are authorized, when assigned, to conduct investigations (field examinations) and examine witnesses upon any matter within the jurisdiction of the Veterans Administration, to take affidavits, to administer oaths and affirmations, to certify copies of public or private documents and to aid claimants in the preparation of claims.

(b) *Scope of field examinations; fiduciary activities.* Field examinations include but are not limited to the following:

(1) Matters involving the administration of estates and the welfare of beneficiaries of the Veterans Administration who are under legal disability or in need of supervision by the Veterans Services Officer.

(2) Matters involving the welfare and needs of dependents of incompetent beneficiaries.

(3) Recovery of amounts due the Government or General Post Fund under laws administered by the Veterans Administration.

§ 13.3 State legislation.

Field station Directors are authorized to cooperate with the affiliated organizations, legislative committees, and through the General Counsel with local and State bar associations, to the end that deficiencies of the State laws relating to Veterans Administration operations may be removed. No action to commit the Veterans Administration regarding any proposed legislation relating to fiduciary matters will be taken without the approval of the Chief Benefits Director or designee.

§§ 13.4, 13.50, 13.51, 13.52, 13.53, 13.54 [Revoked]

2. Sections 13.4, 13.50, 13.51, 13.52, 13.53 and 13.54 are revoked.

3. Sections 13.55, 13.56, 13.57, 13.58 and 13.59 are revised to read as follows:

§ 13.55 Veterans Services Officer to select and appoint or recommend for appointment the person or legal entity to receive Veterans Administration benefits in a fiduciary capacity.

(a) *Authority.* The Veterans Services Officer is authorized to select and appoint (or in the case of a court-appointed fiduciary, to recommend for appointment) the person or legal entity best suited to receive Veterans Administration benefits in a fiduciary capacity for a beneficiary who is mentally ill (incompetent) or under legal disability by reason of minority or court action, and beneficiary's dependents.

(b) *Payees.* Authorized payees include:

(1) The beneficiary (§ 13.56(c));

(2) The beneficiary under supervision (supervised direct payment) (§ 13.56(a) and (b));

(3) The wife or husband of an incompetent veteran (§ 13.57);

(4) The legal custodian of a beneficiary's Veterans Administration benefits (§ 13.58);

(5) A court-appointed fiduciary of a beneficiary (§ 13.59);

(6) The chief officer of the institution in which the veteran is receiving care and treatment (§ 13.61);

(7) The bonded officer of an Indian reservation (§ 13.62);

(8) A custodian-in-fact of the beneficiary (§ 13.63);

(9) Dependents of the veteran by an apportioned award (§ 13.70).

(c) *Certification.* The Veterans Services Officer's certification is authority to make payments to the designated payee.

§ 13.56 Direct payment.

(a) *Veterans.* Veterans Administration benefits payable to a veteran rated incompetent may be paid directly to the veteran in such amount as the Veterans Services Officer determines the veteran is able to manage with continuing supervision by the Veterans Services Officer, provided a fiduciary is not otherwise required.

(b) *Other adults.* Veterans Administration benefits payable to a mentally ill or infirm adult may be paid directly to the beneficiary in such amount as the Veterans Services Officer determines the beneficiary is able to manage with continuing supervision by the Veterans Services Officer, provided a fiduciary is not otherwise required.

(c) *Minors.* Veterans Administration benefits payable to a minor:

(1) May be paid direct when:

(i) Arising in connection with a program of education or training under 38 U.S.C. ch. 35.

(ii) The Veterans Services Officer determines it would be in the minor's best interests.

(2) Will be paid direct when:

(i) The beneficiary's only legal disability is minority and he or she is in active military, naval, or air service, or the widow or widower of a veteran.

(ii) The minor is deemed otherwise emancipated under State law.

§ 13.57 Payment to the wife or husband of incompetent veteran.

Compensation, pension or emergency officers' retirement pay of a veteran rated or judicially declared incompetent, may be paid to the veteran's spouse, provided the spouse is qualified to administer the funds payable and agrees to use the amounts paid for the veteran and the veteran's dependents, if any.

§ 13.58 Legal custodian.

(a) *Authority.* The Veterans Services Officer is authorized to make determinations as to the person or legal entity to be appointed legal custodian to receive Veterans Administration payments on behalf of a beneficiary who is incompetent or under legal disability by reason of minority or court action. In the absence of special circumstances, the person or legal entity to be appointed legal custodian will be the person or legal entity caring for and/or having custody of the beneficiary or the beneficiary's estate.

(b) *Payment to.* Veterans Administration benefits may be paid to a legal custodian subject to the following conditions:

(1) The Veterans Services Officer has determined that it would be in the best interests of the beneficiary to appoint a legal custodian.

(2) The proposed legal custodian is qualified to administer the benefits payable and will agree to:

(i) Apply the benefits paid for the best interests of the beneficiary,

(ii) Invest surplus funds as provided by Veterans Administration regulations,

(iii) Furnish, upon request, evidence of compliance with agreement as to usage and investment of Veterans Administration benefits, and

(iv) Inform the Veterans Services Officer of any change in the beneficiary's estate or any other circumstances that might affect entitlement or the manner in which payments are to be made.

§ 13.59 Court-appointed fiduciary.

(a) *Payment to.* Any Veterans Administration benefit may be paid to the fiduciary appointed by a State court for a beneficiary who is a minor, or incompetent or under other legal disability adjudged by a court of competent jurisdiction. Formal or informal accountings

may be required from such fiduciaries, with or without judicial proceedings.

(b) *Veterans Services Officer's responsibility.* The Veterans Services Officer shall:

(1) Determine and recommend to the District Counsel the person or legal entity best fitted for appointment as State court fiduciary for the particular beneficiary. Necessary legal action will be taken by the District Counsel.

(2) Upon advice from the District Counsel that the fiduciary has been appointed, issue appropriate certification thereof so that payment of benefits can be made to such fiduciary.

§ 13.60 [Revoked]

4. Section 13.60 is revoked.

5. Sections 13.61 and 13.62 are revised to read as follows:

§ 13.61 Payment to the chief officer of institution.

The Veterans Services Officer may authorize the payment of all or part of the pension, compensation or emergency officers' retirement pay payable in behalf of a veteran rated incompetent by the Veterans Administration to the chief officer of the institution wherein the veteran institutional, nursing or domiciliary care, for the veteran's use and benefit, when the Veterans Services Officer has determined such payment (called an institutional award) will adequately provide for the needs of the veteran and obviate need for appointment of another type of fiduciary.

§ 13.62 Payment to bonded officer of Indian reservation.

Any benefits due an incompetent adult or minor Indian, who is a recognized ward of the Government, may be awarded to the superintendent or other bonded officer designated by the Secretary of the Interior to receive funds under 25 U.S.C. 14.

§§ 13.64, 13.65, 13.67, 13.68 [Revoked]

6. Sections 13.64, 13.65, 13.67 and 13.68 are revoked.

7. Sections 13.69, 13.70, 13.71, 13.72, 13.73 and 13.74 are revised to read as follows:

§ 13.69 Limitation of beneficiaries to individual fiduciary.

For purposes of payment of Veterans Administration benefits, the number of beneficiaries for whom an individual fiduciary may act will be limited to the number the fiduciary may be reasonably expected to properly serve. When, in the judgment of the Veterans Services Officer, a fiduciary has been appointed or is seeking appointment in a case in excess of that number, the Veterans Services Officer will initiate action to obtain a suitable substitute fiduciary.

§ 13.70 Apportionment of benefits to dependents.

(a) *Incompetent veterans being furnished hospital treatment, institutional or domiciliary care by United States or political subdivision thereof.* (1) When compensation, pension or emergency officers' retirement pay is payable in behalf of a veteran who is incompetent or under other legal disability by court action, the Veterans Services Officer may recommend such apportionment to or in behalf of the veteran's wife, husband, child or dependent parent as may be necessary to provide for their needs.

(2) When payment of compensation, pension or emergency officers' retirement pay, in behalf of a veteran rated incompetent by the Veterans Administration by reason of mental illness has no wife, husband or child and is being furnished hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof, has been stopped because his or her estate equals or exceeds $1,500, the Veterans Services Officer may recommend the payment of so much of the benefit otherwise payable as is necessary to provide for the needs of dependent parent or parents. (See §§ 13.74(b) and 13.108(b).)

(b) *Dependent parents.* When the compensation of a veteran paid to his or her fiduciary includes an additional amount for a dependent parent or parents and the fiduciary neglects or refuses to make an equivalent contribution for their support, the Veterans Services Officer may recommend the apportionment to the parent or parents of the additional amount.

(c) *Payments withheld because of fiduciary's failure to properly administer veteran's estate.* When payments of compensation, pension or emergency officers' retirement pay in behalf of a veteran have been stopped because of the fiduciary's failure or inability to properly account or otherwise administer the estate, the Veterans Services Officer may recommend the apportionment to the veteran's wife, husband, child or dependent parent of any benefit not paid under an institutional award or to a custodian-in-fact.

§ 13.71 Payment of cost of veteran's maintenance in institution.

(a) *By institutional award.* (1) The payment of part of compensation, pension or emergency officers' retirement pay for the cost of a veteran's hospital treatment, institutional or domiciliary care in an institution operated by a political subdivision of the United States may be authorized as provided in paragraph (a)(2) of this section when:

(i) The veteran is rated incompetent by the Veterans Administration.

(ii) It has been determined the veteran is legally liable for the cost of his or her maintenance, and

(iii) The institution's representative has asserted or probably will assert a claim for full maintenance costs.

(2) Subject to these conditions and the further condition that the responsible official of the institution or political subdivision will agree not to assert against Veterans Administration benefits any further claim for maintenance during the veteran's lifetime, the Veterans Services Officer may agree with such official to the payment of the veteran's benefits through an institutional award to be applied to:

(i) A monthly amount determined by the Veterans Services Officer to be needed for the veteran's personal use,

(ii) An amount to be agreed upon to be accumulated to provide for the veteran's rehabilitation upon release from the institution, and

(iii) So much of the amount of the benefit as remains not exceeding the amount the Veterans Services Officer shall determine to be the proper charge as fixed by statute or administrative regulation, to the cost of the veteran's maintenance.

(3) Upon execution of an agreement as provided in paragraph (a)(2) of this section, the Veterans Services Officer may certify to the Adjudication Division the total amount to be released to the chief officer of the institution.

(b) *By care and maintenance award.* When payment of compensation, pension or emergency officers' retirement pay in behalf of a veteran rated incompetent by the Veterans Administration by reason of mental illness, who has no wife, husband or child and is being furnished hospital treatment, institutional or domiciliary care by a political subdivision of the United States, has been stopped because his or her estate has reached $1,500, the Veterans Services Officer may certify to the Adjudication Division the amount to be released to the responsible official to pay for the cost of the veteran's current care and maintenance. The amounts paid in such cases shall not exceed the amount of the benefit otherwise payable less any amounts apportioned to dependent parents and in no event exceed the amount which the Veterans Services Officer shall determine to be the proper charge as fixed by statute or administrative regulation. (See §§ 13.74(b) and 13.108(b).)

§ 13.72 Release of funds from Personal Funds of Patients.

Veterans Services Officers may authorize release of funds from Personal Funds of Patients for the needs of veterans and their dependents, including amounts fixed by statute or administrative regulations as the cost of current maintenance of veterans in institutions of the United States or a political subdivision thereof other than Veterans Administration institutions.

§ 13.73 Transfer of funds from funds due incompetent beneficiaries.

Veterans Services Officers may, when required for the benefit of the veteran and/or the veteran's dependents, authorize the transfer of amounts credited to veterans in Funds Due Incompetent Beneficiaries to Veterans Administration Personal Funds of Patients accounts or to chief officers of non-Veterans Administration institutions for the accounts of institutionalized veterans.

§ 13.74 Recommendation for payment.

(a) *General.* When veterans' benefits are discontinued under 38 U.S.C. 3203(b)(1), Veterans Services Officers are delegated authority to recommend ap-

portionments or awards in accordance with paragraphs (b) and (c) of this section.

(b) *Needy dependent parent.* If the veteran's estate is $4,000 or more, the Veterans Services Officer may authorize payment from Personal Funds of Patients or recommend payment from the veteran's estate for the needs of the dependent parent and for the care and maintenance of the veteran if hospitalized by the United States or a political subdivision thereof other than a Veterans Administration institution. If the estate is $2,500 or more but less than $4,000, the Veterans Services Officer may recommend an apportionment from appropriated funds to the dependent parent or parents, predicated upon need, not to exceed the veteran's discontinued award, and authorize an award to the hospital from Personal Funds of Patients if available, otherwise, the hospital must look to the veteran's estate for payment. If the veteran's estate is less than $2,500, the Veterans Services Officer may recommend an apportionment to the dependent parents, predicated upon need, and an award of so much of the balance, if any, of the veteran's discontinued award as is necessary for the current care and maintenance of the veteran, to the hospital.

(c) *No dependents.* If the veteran is hospitalized by the United States or a political subdivision thereof other than a Veterans Administration institution and has no dependent parent, and the estate is less than $2,500, the Veterans Services Officer may recommend an award from appropriated funds, not to exceed the amount of the veteran's discontinued award, to the hospital for current care and maintenance. When the veteran's estate is $2,500 or more, no award from appropriated funds should be made but the Veterans Services Officer may authorize an award from Personal Funds of Patients if available; otherwise, the hospital must look to the veteran's estate for payment.

(d) *Hardship cases.* Veterans Services Officers are authorized, in exceptional cases, to deviate from the criteria stated to avoid hardship.

8. In § 13.75, paragraph (b) is revised to read as follows:

§ 13.75 Beneficiaries in penal institutions.

* * * * *

(b) *Incompetent veterans; 38 U.S.C. 3203(b)(1).* In addition to paragraph (a) of this section as to payment in pension cases, the provisions of 38 U.S.C. 3203(b)(1) governing payment of compensation, pension or emergency officers' retirement pay to an incompetent veteran are applicable during his or her confinement in a penal institution whether awaiting trial, sentence or after conviction.

9. Sections 13.76, 13.77 and 13.100 are revised to read as follows:

§ 13.76 Appeals from Veterans Services Officer's determination under 38 U.S.C. 3203(b)(2).

(a) *Notification.* The Veterans Services Officer will be responsible for notification of action taken and the right to initiate an appeal by filing a Notice of Disagreement and of the time limits within which such notice may be filed (§ 19.109 of this chapter) when he or she determines that:

(1) The dependent is not in need.

(2) The needs of the dependent parent are to be met from the veteran's estate or from Personal Funds of Patients and no payments or partial payments will be made for the dependent parents' support from appropriated funds.

(3) No award from appropriated funds for care and maintenance for the veteran in a non-Veterans Administration hospital will be made, and that the veteran's estate will have to defray the cost.

(b) *Appeals.* Part 19 of this chapter will be followed in connection with appeals to the Board of Veterans Appeals from determinations of the Veterans Services Officer. Appeals may be initiated by a dependent parent on questions of need and payments for his or her support from appropriated funds, and by a fiduciary for the disallowance of the use of appropriated funds for the veteran's institutional care and maintenance.

(c) *Statement of the case.* When a Notice of Disagreement is filed, the Veterans Services Officer will be responsible for furnishing the claimant and the claimant's representative with a Statement of the Case and such notification regarding the filing of an appeal as is provided for in §§ 19.114(b) and 19.115 of this chapter.

§ 13.77 Administrative review of the Veterans Services Officer's determination made under 38 U.S.C. 3203 (b)(2).

(a) *Veterans Services Officer (revisions).* (1) The Veterans Services Officer may revise any previous determination upon review of the evidence of record, provided a specific finding is made in writing that it was clearly and unmistakably erroneous.

(2) The Veterans Services Officer may revise a previous determination upon receipt of new evidence.

(b) *Chief Benefits Director.* Upon request for further review by the dependent parent, the Chief Benefits Director or designee will review and may revise the determination of the Veterans Services Officer as to the amount to be paid from Personal Funds of Patients for the support of the dependent parent, predicated upon need.

§ 13.100 Supervision of fiduciaries.

(a) *Federal fiduciaries.* In Federal fiduciary cases, the Veterans Services Officer may, when he or she deems it necessary for the protection of the beneficiary's interests:

(1) Require an accounting, formal or informal, of Veterans Administration benefits paid.

(2) Terminate the appointment of a Federal fiduciary and appoint a successor Federal fiduciary.

(b) *Court-appointed fiduciaries.* In court-appointed fiduciary cases, the Veterans Services Officer will take such informal action as may be necessary to assure that the needs of the beneficiary are provided for and Veterans Administration benefits are prudently administered and adequately protected.

(c) *Unsatisfactory conditions.* In any case where a fiduciary fails to render a satisfactory account or has collected or paid, or is attempting to collect or pay, fees, commissions, or allowances that are illegal or inequitable or in excess of those allowed by law, or has failed to use Veterans Administration funds for the benefit of the beneficiary or the beneficiary's dependents, or has otherwise failed or neglected to properly execute the duties of his or her trust, and informal efforts by the Veterans Services Officer to correct the situation prove unsuccessful, the case will be referred to the District Counsel. In such cases the Veterans Services Officer may have all Veterans Administration benefits suspended.

(d) *Misappropriation, embezzlement or violation of Federal statutes.* When the evidence indicates a prima facie case of misappropriation, embezzlement or violation of the Federal statutes, the matter will be submitted to the District Counsel for review and, if appropriate, the District Counsel's referral to the U.S. Attorney.

10. In § 13.102, paragraph (a) is revised to read as follows:

§ 13.102 Accountability of legal custodians.

(a) *Institutionalized veterans without wife, husband or child.* The legal custodian of Veterans Administration benefits of any incompetent veteran who has neither wife, husband nor child and who is being furnished hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof, will account upon request to the Veterans Administration for funds received from the Veterans Administration for the beneficiary and will submit a statement of all other income received and the total assets from any source held for the beneficiary.

* * * * *

11. Sections 13.103, 13.104, 13.105 and 13.106 are revised to read as follows:

§ 13.103 Investments by legal custodians.

(a) *Type authorized.* Veterans Administration benefits paid a legal custodian in a beneficiary's behalf may be invested only in U.S. savings bonds, or in interest or dividend-paying accounts in State or federally insured institutions, whichever is to the beneficiary's advantage.

(b) *Savings bond registration.* When funds are invested in bonds, they will be registered in this form: (*Beneficiary's name*), (*Social security number*), under custodianship by designation of the Veterans Administration.

(c) *Savings account registration.* When funds are invested in interest or dividend-paying accounts in State or federally insured institutions, the account will be registered in this form: (*Beneficiary's name*), by (*Legal custodian's name*), legal custodian.

§ 13.104 Accounts of court-appointed fiduciaries.

(a) *Requirement to account; notices of filings and hearings.* Accounts may be required from court-appointed fiduciaries as provided by State law, but in no event less frequently than once every 3 years. Arrangements will be made with the courts whereby notices of filing of all petitions, accounts, etc., and of hearings on same, relative to court-appointed fiduciary cases wherein the Veterans Administration is an interested party, will be sent to the Veterans Services Officer for review, distribution and such action as may be appropriate. Matters which require legal action will be referred to the District Counsel, and will include any matter in which the Veterans Administration has any objections to offer.

(b) *Fiduciary and beneficiary in jurisdiction other than a State of the United States.* Accounts will not be required, in the discretion of the Veterans Services Officer, in cases where the fiduciary and beneficiary permanently reside in a jurisdiction other than a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico or the Republic of the Philippines, and the fiduciary appointment was made in said jurisdiction.

§ 13.105 Surety bonds.

(a) *Federal fiduciaries.* (1) The Veterans Services Officer may require a legal custodian, custodian-in-fact or chief officer of a private institution recognized to administer Veterans Administration benefits on behalf of a beneficiary, to furnish a corporate surety bond in an amount determined to be sufficient to protect the interest of the beneficiary. Such bond shall run to the Administrator of Veterans Affairs for the use and benefit of the beneficiary.

(2) The Veterans Services Officer may require a legal custodian to furnish an agreement in lieu of a surety bond or additional surety bond when funds are deposited in an interest or dividend-paying account in a State or federally insured institution. The agreement will provide that the legal custodian and institution agree that all funds received from the Veterans Administration on behalf of the beneficiary, which have been or will be deposited by the legal custodian in the account, will be withdrawn only with the written consent of the Veterans Services Officer or designee.

(b) *Substitution of surety; claims against defunct companies.* If any surety company is placed in receivership or ceases to do business in the particular State, the Veterans Services Officer will take the necessary action to have proper bonds substituted in Federal fiduciary cases and refer the matter to the District Counsel for such other action as may be appropriate.

§ 13.106 Investments by court-appointed fiduciaries.

The Veterans Services Officer will review and to the extent possible determine the legality and prudence of investments involving Veterans Administration income or estate. It is Veterans Administration policy to invest income or estate derived from Veterans Administration benefits only in legal investments which have safety, assured income, stability of principal and ready convertibility for the requirements of the beneficiary and his or her dependents. When notice of a contemplated or actual illegal or imprudent investment comes to the attention of the Veterans Services Officer, he or she will take remedial action to protect the beneficiary's estate. Cases in which it becomes necessary to institute court action will be referred to the District Counsel.

12. Section 13.108 is revised to read as follows:

§ 13.108 Estate $1,500; incompetent veteran, without wife, husband or child, is being furnished hospital treatment, institutional or domiciliary care by the United States or a political subdivision thereof.

(a) *Discontinuance of payments.* Where a veteran, rated incompetent by the Veterans Administration by reason of mental illness, without wife, husband or child as defined in 38 U.S.C. 101(4), is receiving hospital treatment, domiciliary or institutional care in a public institution other than a Veterans Administration institution or has a fiduciary and is receiving hospital treatment or domiciliary care in a Veterans Administration institution, and his or her estate equals or exceeds $1,500, the Veterans Services Officer shall immediately notify the Adjudication Division so that payments, other than insurance, may be discontinued. In those cases in which the payment has been discontinued, the Veterans Services Officer shall, when such estate has been reduced to $500, immediately notify the Adjudication Division of that fact.

(b) *Apportionment to dependent parent; care and maintenance award.* In any case in which a veteran, without wife, husband or child, is hospitalized by the United States or a political subdivision thereof and his or her award of compensation, pension or emergency officers' retirement pay has been discontinued because his or her estate equals or exceeds $1,500, an apportionment of the award otherwise payable may nevertheless be made to a dependent parent, if any, based upon actual need as determined by the Veterans Services Officer. So much of any monthly remainder of the discontinued payments as equals the amount charged to the veteran for his or her current care and maintenance in the institution in which treatment or care is furnished, but not more than the amount determined by the Veterans Services Officer to be the proper charge as fixed by statute or administrative regulation, may be paid to the institution. The Veterans Services Officer shall recommend to the Adjudication Division the amount of either award.

(c) *Death of veteran; Personal Funds of Patient.* In the event of the incompetent veteran's death in other than a Veterans Administration institution, the Veterans Services Officer should make certain that the provisions of the pertinent laws are applied as to the gratuitous benefits in Personal Funds of Patients.

13. Section 13.109 is revised to read as follows:

§ 13.109 Determination of value of estate; 38 U.S.C. 3203(b)(1).

Except as stated in paragraph (d) of this section, all funds, including accumulated social security and amounts on deposit in Funds Due Incompetent Beneficiaries and to the veteran's credit in Personal Funds of Patients at Veterans Administration regional offices, hospitals, State institutions, hospitals or institutions of any nature whatsoever, as well as other property, both personal and real (which is capable of being liquidated), and interest therein owned by the veteran, will be included in arriving at the value of the veteran's estate.

(a) The value of such property, including any interest therein, will be established at the estimated net price the veteran's equity in the property will bring at a forced sale after payment of all costs incident to liquidation.

(b) U.S. savings bonds, war bonds, adjusted service bonds, and other appreciation bonds, the current value, including accrued interest, will be used.

(c) Bonds and stocks, the current price listed on recognized stock exchange or by over-the-counter dealers will be the value to be used. In the absence of either, other reliable evidence of value may be used.

(d) The following will not be included as assets:

(1) Adjusted service certificate.

(2) Insurance policy having cash surrender or loan value.

(3) Dividend credits on National Service Life Insurance and United States Government Life Insurance policies.

(4) Personal property, such as furniture and household equipment, working tools, livestock and jewelry, which are included under State exemption statutes.

NOTE: Cash in the estate will be considered, notwithstanding it was derived from any of the above excluded items.

14. In § 13.110, paragraphs (b) and (c) are revised to read as follows:

§ 13.110 Escheat; post fund.

* * * * *

(b) *General Post Fund; 38 U.S.C. 5220(a).* Upon the death of a veteran intestate while a member or patient in any facility while being furnished care or treatment therein by the Veterans Administration, who is not survived by a spouse, next of kin, or heirs entitled under the laws of the veteran's domicile, the veteran's fiduciary, if any, or the veteran's personal representative shall account for and turn over to the Veterans Administration all personal prop-

erty, including money and choses in action owned by the veteran at the time of his or her death. (See also § 14.514(c) of this chapter)

(c) *Refusal of fiduciary or personal representative to cooperate.* If the fiduciary or personal representative, if any, refuses to voluntarily comply with the provisions of paragraph (a) or (b) of this section, the Veterans Services Officer will submit a complete report to the District Counsel.

15. Section 13.111 is revised to read as follows:

§ 13.111 Claims of creditors.

Under 38 U.S.C. 3101(a), payments made to or on account of a beneficiary under any of the laws relating to veterans are exempt, either before or after receipt by the beneficiary, from the claims of creditors and State and local taxation. The fiduciary should invoke this defense where applicable. If the fiduciary does not do so, the Veterans Services Officer should refer the matter to the District Counsel for appropriate action.

[FR Doc.75-31511 Filed 11-20-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

1. The *First Report and Order* in Docket No. 20325, adopted April 23, 1975 (FCC 75-461), amended the FM Table of Assignments (§ 73.202 of the Commission's Rules) by making channel assignments to various communities, including the assignment of Channel 224A to Bloomfield, Indiana. The channel has not been applied for. The *Order* stated that the assignment was technically feasible. However, it now appears that this assumption was based on an erroneous identification of the location of an existing station with respect to zone. Bloomfield, Indiana, is located in Zone I. In order for Channel 224A to be assigned to Bloomfield, it must meet the spacing requirement to, among others, Channel 223 at Owensboro, Kentucky, licensed to Station WBKR. Owensboro, Kentucky, is located in Zone II, just south of the boundary dividing the zones. The initial calculation was based on the assumption that Station WBKR was located in Zone I. Since the distance between Station WBKR and Bloomfield is approximately 88 miles, the assignment of Channel 224A complied with the minimum mileage separation requirement of 65 miles for stations in that zone. However, Station WBKR is located in Zone II, and the required separation is 105 miles. Since it is not possible for a station operating on Channel 224A at Bloomfield to meet the provisions of Sections 73.207 and 73.315 of the Rules, the Channel 224A assignment there will be deleted.

2. The Table of FM Assignments presently lists Channel 295 at City of Nansemond, Virginia, and Channel 244A at Oceanlake, Oregon. It appears that, on January 1, 1974, the merger of the City of Nansemond and the city of Suffolk was effected and the name of Suffolk was retained. It also appears that the city of Oceanlake merged, during the last U.S. Census period, with the cities of DeLake and Taft, Oregon, and was renamed Lincoln City, Oregon. Thus the FM Table will be amended to reflect the changes in the identification of communities of assignments.

3. In view of the above action to change the community identification, the FM Table should also reflect the present FM channel usage at Suffolk, Virginia. Presently Channel 225 is listed as assigned to Norfolk-Newport News, Virginia. However, it is used at Suffolk by Station WFOG. Thus, concurrently with the change reflecting the Nansemond reassignment, the table will also be amended by deleting Channel 225 at Norfolk-Newport News and assigning it to Suffolk.

4. This amendment to the rules is adopted pursuant to the authority contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules. Since this amendment constitutes a corrective measure, imposes no new requirements, and will not adversely affect the rights of any licensee, prior notice of proposed rulemaking and the usual effective date requirements of the Administrative Procedure Act are unnecessary. 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3).

5. Accordingly, *It is ordered*, That effective December 23, 1975, the Table of FM Assignments, Section 73.202(b) of the rules and regulations, *is amended* to read as follows:

City:	*Channel No.*
Bloomfield, Ind.	----
Lincoln City, Oreg.	244A
Oceanlake, Oreg.	----
City of Nansemond, Va.	----
Norfolk-Newport News, Va.	239, 247, 254, 259, 263, 275, 283, 287
Suffolk, Va.	225, 295

Adopted: November 10, 1975.

Released: November 12, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-31523 Filed 11-20-75;8:45 am]

[Docket No. 20265]

PART 73—RADIO BROADCAST SERVICES

Correction

1. In its Report and Order, FCC 75-769 released July 14, 1975, and published at 40 F.R. 29850 in Docket No. 20265, 54 F.C.C. 2d 1, the Commission adopted certain amendments to §§ 73.14, 73.37, 73.41, and 73.51 of the rules and regulations. In an Errata adopted July 16, 1975, FCC 75-684, certain corrections were made in the amendments to §§ 73.37 and 73.51, and by a Memorandum Opinion and Order, adopted August 19, 1975 (FCC 75-974), 54 F.C.C. 2d, 1027 disposing of petitions for reconsideration, amendments were made of the Notes appended to Section 73.37, and of the text of Section 73.41.

2. It has now been brought to our attention that, through an erroneous formulation of the instructions for the amendment of § 73.37, as contained in the Report and Order of June 27, paragraph (e)(3) has been retained, whereas it was intended that this subparagraph be deleted in its entirety. This error has remained undetected and uncorrected up to the present time.

3. Accordingly, paragraph (e)(3) of § 73.37 should now be deleted.

Released: November 17, 1975.

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

[FR Doc.75-31524 Filed 11-20-75;8:45 am]

proposed rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 913]

HANDLING OF GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Proposed Rulemaking With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1975–76 Fiscal Period

This notice invites written comments relative to the proposed Interior Grapefruit Marketing Committee expenses of $30,500 and an assessment rate of $0.005 per standard packing box of grapefruit to support the activities of the committee during the 1975–76 fiscal period under Marketing Order No. 913.

Consideration is being given to the following proposals submitted by the Interior Grapefruit Marketing Committee, established pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), as the agency to administer the terms and provisions thereof. Said agreement and order regulate the handling of grapefruit grown in the Interior District in Florida, and are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposals are as follows:

(a) That the expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee, during the fiscal period August 1, 1975, through July 31, 1976, will amount to $30,500.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 913.31, be fixed at $0.005 per standard packing box of grapefruit.

(c) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than December 10, 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: November 17, 1975.

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

[FR Doc.75-31471 Filed 11-20-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

[Docket No. 75N-0325]

LEVODOPA

Revocation of Requirement for Continuation of Long-Term Studies, Records, and Reports

The Commissioner of Food and Drugs is proposing to revoke the listing of levodopa in § 310.304(a) (21 CFR 310.304(a)), which requires continuation of long-term studies, records, and reports after marketing approval. Levodopa is indicated for symptomatic relief in treating Parkinson's disease. Interested persons have until January 20, 1976 to submit comments on the proposal.

Some drugs, because of the nature of the conditions for which they are intended, must be used for long periods of time. To acquire necessary data for determining the safety and effectiveness of long-term use of such drugs, extensive animal and clinical tests are required for approval. Nevertheless, the therapeutic or prophylactic usefulness of such drugs may make it contrary to the public interest to delay their availability for widespread clinical use pending completion of long-term studies. In such cases, in accordance with § 310.303 (21 CFR 310.303), the Food and Drug Administration may approve the new drug application on condition that the necessary long-term studies will be conducted and the results recorded and reported in an organized fashion. When it is concluded that such special studies are required for a drug, these requirements are published in § 310.304.

Such a determination was made for levodopa when the drug was approved for marketing in 1970. The drug was shown to be of value for symptomatic relief in treating Parkinson's disease. The nature of this disease requires that the drug be taken over a protracted period of time. The Commissioner concluded that in view of the benefits attributable to levodopa, it was not in the public interest to withhold the drug from the market until long-term studies were completed to determine its long-term safety and effectiveness. Therefore, levodopa was approved, and the requirements for special studies were listed in § 310.304.

The specific requirements for special studies were as follows:

1. The applicant was to carry to conclusion the 1-year chronic toxicity studies in dogs and 18-month chronic toxicity studies in rats, including the necessary histopathology.

2. The clinical studies then being conducted under a standard protocol were to be extended in at least 600 of the patients under treatment. This included the blood chemistry and medical evaluations that were being done under the existing protocol.

3. The applicant was to arrange for a central tissue registry to examine human autopsy material obtained from patients in the study who died while under treatment with levodopa.

The 1-year chronic toxicity studies in dogs and the 18-month chronic toxicity studies in rats, including the necessary histopathology, have been completed. The clinical studies conducted under a standard protocol were extended in over 600 of the patients under treatment. Blood chemistry and medical evalutions were done under the existing protocol. A tissue registry system was established to examine human autopsy material obtained from patients in the study who died while under treatment with levodopa. Biochemical assays were performed on brain specimens, and a study of the specimens was conducted that compared morphological, biochemical, histofluorescent, and electron microscopic studies of Parkinsonian patients with normal brain specimens.

The completion of all of the above-described studies has revealed no significant new toxicity information. Review of all of the data generated reveals no suggestion of effects that may have a long latent period. Tissue studies of brain specimens from Parkinsonian patients receiving levodopa have not revealed any new or unexpected findings.

In addition to the completion of the special studies listed in § 310.304, the use of this drug under marketing conditions has been monitored for 5 years. The Commissioner considers that the 5-year marketing period, consisting of over 2½ million prescriptions and at least 1 billion dosage units, constitutes sufficient exposure of patients to the drug to conclude that the activity and potential toxicity of levodopa have been adequately characterized in humans, that any adverse reactions that could develop under these conditions have appeared, and that additional extensive monitoring of this type has no further potential for uncovering previously unknown effects of levodopa.

In view of the foregoing, the Commissioner is of the opinion that it is no longer in the public interest for holders of approved new drug applications for levodopa to continue the special studies since such studies will serve no further purpose.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly af-

fect the quality of the human environment, has concluded that an environmental impact statement is not required. The Commissioner has also carefully considered the inflation impact of the proposed regulation and no major inflation impact has been found, as defined in Executive Order 11821, OMB circular A-107, and interim guidelines issued April 1, 1975 by the Department of Health, Education, and Welfare. A copy of the inflation impact assessment is on file with the Hearing Clerk, address below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505(j), 701 (a), 52 Stat. 1055, 76 Stat. 782–783 (21 U.S.C. 355(j), 371(a))) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 310 be amended in § 310.304 *Drugs that are subjects of approved new-drug applications and that require special studies, records, and reports* by revoking and reserving paragraph (a).

Interested persons may, on or before January 20, 1975, submit to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

It is hereby certified that the economic and inflationary effects of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Dated: November 14, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-31454 Filed 11-20-75;8:45 am]

Office of Education

[45 CFR Part 100a, 187]

INDIAN EDUCATION ACT, PART B

Notice of Proposed Rulemaking

Pursuant to the authority contained in the Indian Education Act, Part B (20 U.S.C. 887c, 887c-1, and 887c-2), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 187 of Title 45 of the Code of Federal Regulations to read as set forth below, and to make a conforming amendment to Part 100a of Title 45.

The purposes of the amendments are:

(1) To streamline and improve the existing regulations; and

(2) To reflect amendments of Part B of the Act made by the Education Amendments of 1974 (Pub. L. 93–380), including the establishment of the two new programs provided in Subparts C and D.

The new program provided in Subpart C of the regulations, *Special Educational Training Programs for Educators of Indian Children*, is one of assistance to institutions of higher education, Indian organizations, and Indian tribes in order to:

(1) Prepare individuals for teaching in or administering special programs and projects designed to meet the special educational needs of Indian children; or

(2) Provide in-service training to persons already teaching in these programs and projects, or both.

Awards may include fellowships and traineeships for individuals and the provision to applicants of cost of education allowances for individuals. Indians shall be given preference for fellowships and traineeships.

The new program provided in Subpart D, *Fellowships for Indian Students*, is one of fellowships to Indian students enrolled on a full-time basis at an institution of higher education. An applicant's program of study must be one of three to four years leading to a post-baccalaureate degree in medicine or law, a baccalaureate or a post-baccalaureate degree in engineering, business, or forestry, or a degree to be specified by the Commissioner in a field related to one of these five areas.

Interested persons are invited to submit written comments on the proposed regulations to Office of Indian Education, 400 Maryland Avenue, S.W., Room 4047, Washington, D.C. 20202. All comments must be received not later than December 22, 1975. These comments will be available for public inspection in the above office between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program No. 13.535; Indian Education Act, Part B)

Dated: October 8, 1975.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 14, 1975.

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

1. Section 100a.10 the introductory part of paragraph (a) and (a)(31) of Part 100a of Title 45 of the Code of Federal Regulations are revised to read as follows:

§ 100a.10 Scope.

(a) *Programs.* Except to the extent inconsistent with an applicable statute or regulation, the provisions contained in this part apply to all Federal programs of assistance authorized under the following authorities:

* * * * *

(31) Special programs and projects to improve educational opportunities for Indian children and Indian graduate and professional students under Part B of the Indian Education Act (20 U.S.C. 887c, 887c-1, 887c-2); and

* * * * *

2. Part 187 of Title 45 of the Code of Federal Regulations is revised to read as follows:

PART 187—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN AND INDIAN GRADUATE AND PROFESSIONAL STUDENTS

Subpart A—Scope; Definitions; General Provisions; Applicable Related Statute

Sec.
187.1 Scope.
187.2 Definitions.
187.3 General provisions.
187.4 Applicability of section 7(b) of Indian Self-Determination and Education Assistance Act.

Subpart B—Improvement of Educational Opportunities for Indian Children

187.11 Planning, pilot, and demonstration projects for improving educational opportunities.
187.12 Educational services and exemplary programs and centers.
187.13 Training.
187.14 Dissemination and evaluation.
187.15 Additional criteria for improving applications.
187.16 Applications.

Subpart C—Special Educational Training Programs for Educators of Indian Children

187.21 Eligible applicants and authorized activities.
187.22 Criteria and priority for consideration of applications.
187.23 Eligible recipients of education or training.
187.24 Selection of beneficiaries of fellowships, traineeships, and cost of education allowances.
187.25 Applications.

Subpart D—Fellowships for Indian Students

187.31 Eligible applicants and authorized activities.
187.32 Criteria and priorities for consideration of applications.
187.33 Designation of alternate recipients of fellowships.
187.34 Applications.

Subpart A—Scope; Definitions; General Provisions; Applicable Related Statute

§ 187.1 Scope.

This part governs: (a) The provision of assistance to State and local educational agencies; Indian tribes, organizations, and institutions; federally supported elementary and secondary schools for Indian children; and institutions of higher education for carrying out special programs and projects to improve educational opportunities for Indian children under section 810 of the Elementary and Secondary Education Act of 1965 (as added by section 421 of the Indian Education Act) and (through special programs for educators of Indian children) section 422 of the Indian Education Act; and

(b) The awarding of fellowships to Indian students in graduate and professional programs at institutions of higher education under section 423 of the Indian Education Act.

(20 U.S.C. 887c, 887c-1, and 887c-2)

§ 187.2 Definitions.

As used in this part: "Academic year" means a period of time, generally of not less than eight months, in which a full-time student would normally be expected to complete the equivalent of two semes-

ters, two trimestsers, three quarters, or 900 clock hours of instruction.

(20 U.S.C. 887c-2)

"Allowance for dependents" means a payment, in a sum approved by the Commissioner, to a recipient of a fellowship or traineeship on account of his dependents, if any.

(20 U.S.C. 887c, 887c-1, and 887c-2)

"Cost of education allowance" means a payment to an eligible applicant (or, in the case of a fellowship under Subpart D, to the institution of higher education attended by the fellowship holder) in a sum approved by the Commissioner and on behalf of an eligible recipient of a fellowship, or of education or training described in § 187.23, to cover the cost of the education or training to be provided to the eligible recipient by the eligible applicant (or, in the case of a fellowship under Subpart D, by the institution of higher education attended by the fellowship holder).

(20 U.S.C. 887c, 887c-1, and 887c-2)

"Dependent" means a person over half of whose support, for the calendar year in which a fellowship or traineeship begins, was received from the recipient of the fellowship or traineeship, and whose relationship with the recipient is otherwise within the definition of "dependent" contained in the Internal Revenue Code.

(20 U.S.C. 887c, 887c-1, and 887c-2)

"Exemplary" as applied to an educational program, project, service, or activity, refers to a program, project, service or activity designed to be so educationally effective or outstanding that it could be identified as a promising solution to a basic Indian education problem.

(20 U.S.C. 887c (a) (2) and (c))

"Federally supported elementary and secondary school for Indian children" means an elementary or secondary school for Indian children operated or supported by the Department of the Interior.

(20 U.S.C. 887c(b))

"Fellowship" means an award to an eligible recipient thereof described in § 187.16(f)(2), an eligible recipient of education described in § 187.23(a), or an eligible applicant under Subpart D, and consists of a cost of education allowance, a stipend, and an allowance for dependents, if any.

(20 U.S.C. 887c, 887c-1, and 887c-2)

"Guidance and counseling" refers to: (a) Services to Indian pupils to assist them in assessing and understanding their particular abilities, educational needs, and career and vocational interests; and

(b) Assistance in personal and social development, including the development of a positive self-concept for Indian children and their parents.

(20 U.S.C. 887c(c)(1)(D))

"Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired children, who by reason thereof require special educational and related services.

(20 U.S.C. 887c(1)(E))

"Indian" means any individual, living on or off a reservation, who is:

(a) A member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member; or

(b) Considered by the Secretary of the Interior to be an Indian for any purpose; or

(c) An Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1221h)

"Institution of higher education" means an educational institution in any State which:

(a) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(b) Is legally authorized within the State to provide a program of education beyond high school;

(c) Provides an educational program for which it awards a bachelor's degree; or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(d) Is a public or other nonprofit institution; and

(e) Is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided, however*, that in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which requires the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this part and shall also determine whether particular institutions meet such standards.

(20 U.S.C. 887c, 887c-1, and 887c-2)

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 887c)

"State" refers to, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 887c, 887c-1, and 887c-2)

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(20 U.S.C. 887c)

"Stipend" means a payment, in a sum approved by the Commissioner, to a recipient of a fellowship or traineeship without regard to his dependents.

(20 U.S.C. 887c, 887c-1, and 887c-2)

"Traineeship" means an award to an eligible recipent of training described in § 187.23(b), and consists of a cost of education allowance, a stipend, and an allowance for dependents, if any.

(20 U.S.C. 887c-1)

§ 187.3 General Provisions.

Assistance under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 887c, 887c-1, and 887c-2)

§ 187.4 Applicability of section 7(b) of Indian Self-Determination and Education Assistance Act.

Assistance under this part is subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638) and any regulations promulgated thereunder, to the extent that such statutory provision and regulations are by their terms applicable to assistance under this part. Section 7(b) provides for preference to Indians, in

the contexts of training and employment and the awarding of subcontracts and subgrants, in connection with assistance under Federal legislation for the benefit of Indians.

(20 U.S.C. 450e(b))

Subpart B—Improvement of Educational Opportunities for Indian Children

§ 187.11 Planning, pilot, and demonstration projects for improving educational opportunities.

(a) *Eligible applicants and authorized activities.* State and local educational agencies, federally supported elementary and secondary schools for Indian children, and Indian tribes, organizations, and institutions may apply for grants to support planning, pilot and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs for improving educational opportunities for Indian children, including:

(1) Innovative programs related to the educational needs of educationally deprived children;

(2) Bilingual and bicultural education programs and projects;

(3) Special health and nutrition services and other related activities which meet the special health, social, and psychological problems of Indian children; and

(4) Coordinating the operation of other federally assisted programs which may be used to assist in meeting the needs of these children.

(20 U.S.C. 887c (a)(1) and (b))

(b) *Criteria.* In considering whether to approve applications submitted under this section and in determining the amount of the awards under those applications, the Commissioner will take into account the following criteria (in addition to the criteria referred to in § 187.15):

(1) The degree to which the project addresses a demonstrated and substantial educational need of Indian children which is not being adequately met by projects supported with resources under other Federal, State, or local programs;

(2) The degree to which the successful carrying out of the project will measurably contribute to improving the educational opportunities of Indian children throughout the Nation;

(3) The numbers of Indian children who are estimated to require educational or other related services or programs of the kind which will be demonstrated or improved by the proposed project;

(4) In the case of projects which address themselves primarily to academic needs, the degree to which the level of academic achievement of Indian children is likely to be improved by accomplishing or replicating the results of the proposed projects;

(5) The degree of innovation of the proposed project; and

(6) The degree to which the project can be replicated for the purpose of providing educational services or programs for Indian children.

(20 U.S.C. 887c(b))

(c) *Priority.* In considering applications under this section, the Commissioner will give priority to applications from Indian educational agencies, organizations, and institutions, and to projects which will provide models for coordinating the operation, at the local level, of Federally assisted programs or projects designed to assist in meeting the educational needs of Indian children.

(20 U.S.C. 887c (b), (f))

§ 187.12 Educational services and exemplary programs and centers.

(a) *Eligible applicants and authorized activities.* State and local educational agencies, and tribal and other Indian community organizations, may apply for grants to assist them:

(1) To provide educational services, specifically designed to improve educational opportunities for Indian children, which are not available to Indian children in sufficient quantity or quality, including:

(i) Remedial and compensatory instruction, school health, physical education, psychological, and other services designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school;

(ii) Comprehesive academic and vocational instruction;

(iii) Instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

(iv) Comprehensive guidance, counseling, and testing services;

(v) Special education programs for the handicapped;

(vi) Preschool programs;

(vii) Bilingual and bicultural education programs; and

(viii) Other services which meet the purposes of this subparagraph; and

(2) To establish and operate exemplary and innovative educational programs and centers which involve new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children and which will serve as models for regular elementary and secondary school programs in which Indian children are educated.

(20 U.S.C. 887c (a)(2) and (c))

(b) *Criteria.* In considering whether to approve applications submitted under this section and in determining the amount of the awards under those applications, the Commissioner will take into account the following criteria (in addition to the criteria referred to in § 187.15):

(1) The degree to which the application demonstrates that the services to be stimulated by the project are not available in sufficient quantity or quality to the Indian children to be served;

(2) The significance, in terms of long term improvement of the educational opportunities of Indian children, of the provision of the educational service, or the widespread application of the exemplary program or center, for which assistance is requested;

(3) In the case of an exemplary educational program or center, the degree to which the application demonstrates that the educational approach, method, or technique involved in the program or center has not previously been tested or applied in the education of Indian children; and

(4) The extent to which the program or project involves Indian parents in the educational process and demonstrates new methods for involving those parents generally in activities to meet the educational needs of Indian children.

(20 U.S.C. 887c(c))

(c) *Priority.* In considering applications under this section, the Commissioner will give priority to:

(1) Applications from tribal and other Indian community organizations;

(2) Programs which are directed at meeting the needs of Indian children who are handicapped;

(3) Programs designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school; and

(4) Programs designed to assist Indian children to prepare to enter post-secondary or career education programs.

(20 U.S.C. 887c (c) and (f))

§ 187.13 Training.

(a) *Eligible applicants and authorized activities.*

(1) Institutions of higher education, and State and local educational agencies in combination with institutions of higher education, may apply for grants to assist them in carrying out programs or projects:

(i) To prepare persons to serve Indian children as teachers, teacher aides, social workers, or ancillary educational personnel; and

(ii) To improve the qualifications of those persons serving Indian children in those capacities.

(20 U.S.C. 887c(a) (3) and (d))

(2) The programs and projects may but need not involve one or more of:

(i) The establishment of fellowship programs leading to a post-baccalaureate degree;

(ii) Institutes; and

(iii) As part of a continuing program, seminars, symposia, workshops, and conferences.

Under the programs and projects authorized by this section, preference must be given to the training of Indians.

(20 U.S.C. 887c (a) (3) and (d))

(b) *Criteria.* In considering whether to approve applications submitted under this section and in determining the amount of the awards under those applications, the Commissioner will take into account the following criteria (in addition to the criteria referred to in § 187.15):

(1) The need with regard to Indian education for the type of educational or other personnel for which the training is to be provided;

(2) The likelihood that the training to be assisted will be applied to meet the educational needs of Indian children;

(3) The degree to which the training would involve educational approaches which take into account the culture and heritage of Indian children;

(4) The degree to which the training program would focus on approaches, methods, and techniques which are pertinent to the education of Indian children;

(5) The extent to which there is expertise or has been previous experience on the part of the applicant or its personnel in conducting the type of education or training for which application for funds is made; and

(6) The extent of planning for operation of the education or training.

(20 U.S.C. 887c (a) (3) and (d))

(c) *Priority.* In approving applications under this section, the Commissioner will give priority to:

(1) Applications from Indian institutions of higher education;

(2) Applications for projects including inservice training for qualified persons already serving in the education of Indian children; and

(3) Applications for projects involving short-term training (6 months or less).

(20 U.S.C. 887c (a) (3); 887 (d); and 887c (f))

§ 187.14 Dissemination and evaluation.

(a) *Eligible applicants and authorized activities.* Public agencies and institutions and Indian tribes, institutions, and organizations may apply for assistance (by grant or contract) for carrying out programs or projects for:

(1) The dissemination of information concerning education programs, services and resources available to Indian children, including evaluations thereof; and

(2) The evaluation of the effectiveness of federally assisted education programs in which Indian children may participate in achieving the purposes of such programs with respect to such children.

(20 U.S.C. 887c (a) (4) and (e))

(b) *Criteria.* In considering whether to approve applications submitted under this section and in determining the amount of the awards under those applications, the Commissioner will take into account the criteria set forth in § 100a.26 (b) of this chapter.

(20 U.S.C. 887c (a) (4) and (e))

(c) *Priority.* In approving applications under this section, the Commissioner will give priority to:

(1) Applications from Indian institutions and organizations; and

(2) Applications for projects involving the dissemination of information and materials relating to, and the evaluation of the effectiveness of, academic programs and educational services which affect academic achievement in basic educational areas (such as reading, language arts, mathematics, and sciences).

(20 U.S.C. 887c(e))

§ 187.15 Additional criteria for approving applications.

In considering whether to approve applications and in determining the amount of the award under approved applications under §§ 187.11–187.13, the Commissioner will take into account the following general criteria (in addition to the criteria set forth in §§ 187.11–187.13 and in § 100a.26(b) of this chapter):

(a) The number of Indian children to be involved in the program or project and the number of Indian children that would be affected by a successful outcome of the program or project;

(b) The degree to which the program or project to be assisted addresses the particular educational needs of Indian children;

(c) The relative isolation (geographic or social) of the Indian community which will be served by the program or project; and

(d) The degree to which the activities to be supported would be coordinated with other activities to meet the special educational needs of Indian children (including programs supported under Part A of the Indian Education Act, the Elementary and Secondary Education Act, and the Vocational Education Act).

(20 U.S.C. 887c)

§ 187.16 Applications.

(a) *General.* An eligible applicant's application for assistance under this subpart shall set forth:

(1) The nature of the applicant;

(2) The problems to be addressed;

(3) The objectives of the proposed program or project;

(4) The activities through which the proposed program or project would carry out the purpose, as described in one of §§ 187.11–187.14, to which the proposed program or project relates;

(5) The size and qualifications of the proposed staff;

(6) The amount of, and a budget for, the award being requested; and

(7) Other information and assurances which the Commissioner may require.

The application shall indicate the manner in which the proposed program or project relates to the applicable criteria and priorities set forth or referred to in §§ 187.11–187.15. The application shall also describe proposed methods of administration which would provide proper and efficient administration of the program or project for which assistance is requested.

(20 U.S.C. 887c(f))

(b) *Evaluation.* An application under this subpart must contain an assurance to the Commissioner that:

(1) The applicant will arrange for an independent and objective evaluation of the effectiveness of the project in achieving its purposes and the purposes of this subpart; and

(2) The applicant will cooperate with any evaluation conducted or arranged by the Commissioner.

(20 U.S.C. 887c(f)(4))

(c) *Participation of children enrolled in private schools.* Applications under § 187.11, § 187.12, or § 187.13 for assistance for programs or projects to serve children enrolled in the schools of local educational agencies must provide information and materials sufficient to establish that to the extent consistent with the number of Indian children in the area to be served who are enrolled in private non-profit elementary and secondary schools whose needs are of the type which the proposed program or project is intended to meet, such children will have an opportunity to participate in the program or project on an equitable basis.

(20 U.S.C. 887c(f))

(d) *Community participation.* Applications under §§ 187.11 and 187.12 must provide information and materials sufficient to establish that parents of the Indian children to be served and tribal committees:

(1) Were consulted and involved in the planning and development of the project; and

(2) Would actively participate in the operation and evaluation of the project, if it were assisted by the Commissioner.

(20 U.S.C. 887c(f))

(e) *Coordination of resources.* Applications for assistance under § 187.12 (educational services and exemplary programs and centers) must contain an assurance that the program or project to be assisted will be coordinated with programs or projects carried out with other resources which may be available to the applicant in order that, within the scope of the assisted program or project, funds awarded under § 187.12 and those other resources will be used for a comprehensive program for the improvement of educational opportunities for Indian children.

(20 U.S.C. 887c(f)(2))

(f) *Training of personnel.*

(1) Applicationr under § 187.12 (relating to educational services and exemplary programs and centers) must provide a description of the methods to be used for training personnel who would be participating in the project. Before he may approve an application under § 187.12, the Commissioner must be satisfied that these methods are adequate.

(20 U.S.C. 887c(f)(3))

(2) Applications under § 187.13 (training) must provide:

(i) Information as to the number and percentage of persons to be trained who are Indians; and

(ii) An assurance that all persons, if any, selected or to be selected as beneficiaries of fellowship programs assisted under § 187.13 have at least a baccalaureate degree, will be, during the education or training to be provided under § 187.13, full-time students at a participating institution of higher education, and intend to seek employment at the conclusion of that education or training in a capacity which will enable them to teach in, administer, or be a social worker

in connection with, programs and projects designed to meet the special educational needs of Indian children.

(20 U.S.C. 887c (d) and (f))

(g) *Cooperative arrangements for training.* Applications from State and local educational agencies under § 187.13 must contain such information and assurances as the Commissioner may require with respect to the cooperative arrangements with institutions of higher education required of those applicants under that section.

(20 U.S.C. 887c (d) and (f))

Subpart C—Special Educational Training Programs for Educators of Indian Children

§ 187.21 Eligible applicants and authorized activities.

Institutions of higher education, Indian organizations, and Indian tribes may apply for assistance (by grant or contract) in order to:

(a) Prepare individuals for teaching in or administering special programs and projects designed to meet the special educational needs of Indian children; or

(b) Provide in-service training for persons already teaching in such programs and projects, or both.

Applicants other than institutions of higher education are encouraged to have entered into an arrangement with an institution of higher education whereby such institution has agreed to provide such education or training in the manner previously specified by the applicant. Awards may include fellowships and traineeships for individuals and the provision to applicants of cost of education allowances for individuals. Indians shall be given preference for fellowships and traineeships.

(20 U.S.C. 887c–1)

§ 187.22 Criteria and priority for consideration of applications.

(a) *Criteria.* In considering whether to approve applications and in determining the amount of the award for approved applications under this subpart, the Commissioner will take into account the following criteria (in addition to the criteria set forth in § 100a.26(b) of this chapter):

(1) The criteria set forth in § 187.13 (b), except that the criterion set forth in § 187.13(b)(5) will not preclude awards to Indian organizations and tribes where there is a reasonable probability that such applicants will be able to successfully conduct their proposed education or training; and

(2) In the case of applications focusing in whole or in part on providing in-service training for persons already teaching in special programs and projects designed to meet the special educational needs of Indian children, the criteria set forth in § 187.15.

(20 U.S.C. 887c–1)

(b) *Priority.* In approving applications under this subpart, the Commissioner will give priority to applications submitted by Indian organizations and tribes.

(20 U.S.C. 887c–1)

§ 187.23 Eligible recipients of education or training.

(a) A person provided with education under this subpart to prepare him for teaching in or administering special programs and projects designed to meet the special educational needs of Indian children must be enrolled as a student in a participating institution of higher education, be pursuing a course of study which will lead to an undergraduate or graduate degree in education or educational administration, and intend to seek employment at the conclusion of the education or training to be provided under this subpart in a capacity which will enable him to teach in or administer special programs and projects designed to meet the special educational needs of Indian children.

(20 U.S.C. 887c–1)

(b) Persons provided with in-service training under this subpart must have at least a baccalaureate degree and be teaching in special programs and projects designed to meet the special educational needs of Indian children.

(20 U.S.C. 887c–1)

§ 187.24 Selection of beneficiaries of fellowships, traineeships, and cost of education allowances.

Applicants for assistance under this subpart must select beneficiaries, if any, of fellowships, traineeships, and cost of education allowances either before or after submission of applications, as described in § 187.25(c).

(20 U.S.C. 887c–1)

§ 187.25 Applications.

(a) *General.* An eligible applicant's application for assistance under this subpart shall set forth:

(1) The nature of the applicant;

(2) The methods by which the applicant proposes to provide education or training, or both;

(3) The objectives of such education or training;

(4) The size and qualifications of the proposed staff;

(5) The amount of, and a budget for, the award being requested; and

(6) Such other information and assurances as the Commissioner may require.

The application shall set forth the manner in which it relates to the applicable criteria and priorities referred to in § 187.22. The application shall also describe methods of administration which would provide proper and efficient administration of the assistance requested.

(20 U.S.C. 887c–1)

(b) *Evaluation.* An application made under this subpart must contain an assurance to the Commissioner that:

(1) The applicant will arrange for an independent and objective evaluation of the effectiveness of its use of assistance in achieving its purposes and the purposes of this subpart; and

(2) The applicant will cooperate with any evaluation which the Commissioner may conduct or arrange.

(20 U.S.C. 887c–1)

(c) *Information and assurances as to recipients of education or training.* An application under this subpart must include information as to specific persons, if any, proposed as beneficiaries (and alternate beneficiaries, so as to provide for awards being vacated) of fellowships, traineeships, or cost of education allowances, including their names, their eligibility under § 187.23, whether they are Indians (in the case of fellowships and traineeships), and the number of their dependents. Alternatively, an application may:

(i) Make no provision for fellowships, traineeships, or cost of education allowances; or

(ii) Include an assurance that proposed beneficiaries thereof have not yet been selected but that beneficiaries of fellowships or traineeships, if any, will be selected in such a manner as to give preference to Indians, and a description of the manner in which such preferential selection will be conducted.

(2) An application must in any case include an assurance that all persons to receive education or training under this subpart shall be eligible therefor under § 187.23.

(20 U.S.C. 887c–1)

(d) An application under this subpart from an entity other than an institution of higher education must contain such information and assurances with respect to the cooperative arrangement encouraged under § 187.21 as the Commissioner may require.

(20 U.S.C. 887c–1)

Subpart D—Fellowships for Indian Students

§ 187.31 Eligible applicants and authorized activities.

(a) An Indian who is in attendance, or who has been accepted for admission, as a full-time student at an institution of higher education for study in a graduate or professional program may be awarded a fellowship under this subpart. The applicant's program of study must be one of not less than three, nor more than four, academic years and provide a professional or graduate degree in engineering, medicine, law, business, forestry, or a field related to one of these areas.

(20 U.S.C. 887c–2)

(b) A program of study in medicine or law to be undertaken by a fellowship holder must be one leading to a post-baccalaureate degree. A program of study in engineering, business, or forestry to be undertaken by a fellowship holder must be one leading to a bachelor's or post-baccalaureate degree.

(20 U.S.C. 887c–2)

(c) A program of study in a field related to one of the five areas specifically designated in paragraph (a) of this section must be in a field which has been specifically approved by the Commissioner. The Commissioner shall determine which fields to approve, and the type of degree to which programs of study in these fields must lead, in the course of reviewing applications under this subpart.

(20 U.S.C. 887c-2)

§ 187.32 Criteria and priorities for consideration of applications.

(a) *Criteria.* In considering whether to approve applications under this subpart, the Commissioner will take into account the following criteria:

(1) The academic record of the applicant, as indicated by transcripts of the individual's education:

(i) At the secondary and (if applicable) undergraduate level in the case of an applicant to be pursuing an undergraduate course of study; and

(ii) At the undergraduate and (if applicable) post-baccalaureate level in the case of an applicant to be pursuing a post-baccalaureate course of study;

(2) Any other evidence submitted by the applicant indicating his potential for success in his program of study and the profession for which the program of study is intended to prepare him; and

(3) Evidence submitted by the applicant indicating that he intends to provide services to Indians, through the profession for which he is seeking education, at the conclusion of this education.

(20 U.S.C. 887c-2)

(b) *Priority.* In approving applications under this subpart, the Commissioner will, if there are sufficient numbers of approvable applications, award not less than five percent of the fellowships to be awarded for any fiscal year for fellowship holders in each of the following areas of study: engineering, medicine, law, business, and forestry.

(20 U.S.C. 887c-2)

§ 187.33 Designation of alternate recipients of fellowships.

The Commissioner will establish a rank order of as many successful applicants for fellowships for any fiscal year and in as many categories of study as he may deem appropriate for the purpose of designating alternate recipients of fellowships, or the unused portions thereof, in the event that recipients of fellowships are deemed by the Commissioner to have discontinued their course of study, or decline their fellowships, before the period thereof has elapsed.

(20 U.S.C. 887c-2)

§ 187.34 Applications.

An individual's application for a fellowship under this subpart shall be submitted to the Commissioner and shall be in such form as the Commissioner may require. No such application may be submitted to the Commissioner unless it includes the following:

(a) The applicant's name, permanent address, statement that he is an Indian (as that term is defined in § 187.2), and number of dependents;

(b) Evidence that the applicant is in attendance or has been accepted for admission as a full-time student at an institution of higher education which is, or will be during the period for which the applicant is applying for a fellowship, conducting a program of study described in § 187.31, except that:

(1) If an individual has not yet been accepted for admission, he may submit an application which shall be considered by the Commissioner, provided that the individual is accepted by an institution by a subsequent date to be specified by the Commissioner; and

(2) The Commissioner may, in an appropriate case, require as a condition for approval of an application evidence that the institution which the applicant is attending or intends to attend is in fact an institution of higher education which is, or will be during the period for which the applicant is applying for a fellowship, conducting a program of study described in § 187.31;

(c) Copies of transcripts referred to in § 187.32(a)(1) and evidence described in § 187.32(a)(2) and (3);

(d) Such information as the Commissioner may require in order to determine the amount of a cost of education allowance for a fellowship holder; and

(e) Such other information and assurances as the Commissioner may require.

(20 U.S.C. 887c-2)

[FR Doc.75-31542 Filed 11-20-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 75-215]

DRAWBRIDGE OPERATION REGULATIONS

Bayou Grosse Tete, La.

At the request of the Texas and Pacific Railroad Company, the Coast Guard is considering revising the regulations for the railroad bridge across Bayou Grosse Tete, mile 14.7, to permit the removal of the operating machinery from the movable span bridge and allow the draw to permanently remain in a closed to navigation position. The draw was last opened in 1951. The completed Corps of Engineers project for Bayou Grosse Tete ends approximately five miles below this bridge. An additional Corps of Engineers project for approximately 20 miles beyond the completed portion has been authorized by Congress. However, no appropriations have been forthcoming to do this work. If this work is funded at a later date, the desirability of returning this bridge to operable condition will be examined.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, Louisiana 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before December 31, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.245(j)(9) to read as follows:

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

* * * * *

(j) * * *

(9) Bayou Grosse Tete, La.

(i) Texas and Pacific Railroad Bridge, mile 14.7. The draw need not open for the passage of vessels, and paragraphs (b) through (e) of this section shall not apply to this bridge. However, the owner of or agency controlling this bridge shall restore the draw to full operation within six months of notificaton to take such action by the Commandant, U.S. Coast Guard.

(ii) The Louisiana Department of Highways bridge near Rosedale, mile 15.3. The draw shall open on signal if at least 48 hours notice is given.

* * * * *

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

Dated: November 17, 1975.

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

[FR Doc.75-31499 Filed 11-20-75;8:45 am]

[33 CFR Part 117]

[CGD 75 216]

DRAWBRIDGE OPERATION REGULATIONS

Norwalk River, Conn.

At the request of the Penn Central Transportation Company, the Coast Guard is considering revising the regulations for the Penn Central railroad drawbridge across the Norwalk River, mile 0.1, Norwalk, Connecticut to permit more re-

strictive operations. The proposed regulations provide that the draw open on signal from 5 a.m. to 9 p.m., except during morning and evening commuter train traffic periods. The draw will also be required to open on signal from 9 p.m. to 5 a.m. if notice is given to the railroad's chief dispatcher before 4 p.m. The draw is presently to open on signal at all times except from 7 a.m. to 9 a.m., and from 4 p.m. to 6 p.m.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, N.Y., N.Y. 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before December 31, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.145(d) to read as follows:

§ 117.145 Norwalk River, Norwalk, Conn. bridges.

* * * * *

(d) * * *

(2) *The railroad bridge.* (i) The draw shall open on signal from 5 a.m. to 9 p.m. except that—

(A) Monday through Friday, excluding holidays or an emergency, the draw need not open from 7 a.m. to 8:45 a.m., and from 4 p.m. to 6 p.m.; and

(B) the draw need not open more than once in any 60-minute period from 5:45 a.m. to 7 a.m., and from 6 p.m. to 7:45 p.m.

(ii) From 9 p.m. to 5 a.m., the draw shall open on signal if the vessel operator gives notice to the chief dispatcher of the railroad before 4 p.m. on the day of the intended passage.

(iii) A delay of up to 20 minutes in the opening of the draw may be expected if a train is approaching the bridge so closely that the train may not be safely stopped.

* * * * *

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

Dated: November 17, 1975.

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

[FR Doc.75-31497 Filed 11-20-75;8:45 am]

[33 CFR Part 117]
[CGD 75-214]

DRAWBRIDGE OPERATION REGULATIONS

Old Fort Bayou, Mississippi

At the request of the Jackson County Board of Supervisors, the Coast Guard is considering revising the regulations for the old U.S. 90 swing span bridge across Old Fort Bayou, mile 1.6, at Ocean Springs, Mississippi, to require that from 9 p.m. to 5 a.m. at least eight hours notice be given. Present regulations require that the draw open on signal at all times. This change is being considered because of limited openings from 9 p.m. to 5 a.m. (from 1 September 1974 through 31 August 1975 only four of 415 openings were within this period). The bridge will be required to open on signal at all times during periods of storms and hurricanes.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, Louisiana 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before December 31, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.505 immediately after § 117.495 to read as follows:

§ 117.505 Old Fort Bayou, Miss.

The draw of the old U.S. 90 bridge across the Old Fort Bayou, Ocean Springs, Miss., shall open on signal from 5 a.m. to 9 p.m. From 9 p.m. to 5 a.m. the draw shall open on signal if at least eight hours notice is given. However, during periods of storm or hurricane warnings issued by the National Weather Service, the draw shall open on signal at all times.

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

Dated: November 17, 1975.

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

[FR Doc.75-31500 Filed 11-20-75;8:45 am]

[33 CFR Part 117]
[CGD 72-168]

DRAWBRIDGE OPERATION REGULATIONS

St. Lucie River, Florida

At the request of the Board of County Commissioners, Martin County, Florida, the Coast Guard is considering revising the regulations for the Roosevelt Bridge across the St. Lucie River (Okeechobee Waterway), mile 7.5, at Stuart, Florida, to require that the draw open for the passage of vessels on the hour and half-hour from 7:30 to 9:00 a.m., and from 4:30 to 6:00 p.m., Monday through Friday. At all other times, the draw shall open on signal. The draw is presently required to open on signal at all times. An earlier proposal published on August 26, 1972, (37 FR 17422) provided for the same closed periods but only one opening period in the morning and afternoon. The city of Stuart objected to the single opening periods in the morning and afternoon and proposed two opening periods. This change is being considered because of an increase in vehicular traffic during the proposed restrictive periods. Vehicular traffic counts and draw openings in 1975 both show significant increases.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 SW. First Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before December 31, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.438b immediately after § 117.438a to read as follows:

§ 117.438b St. Lucie River, Florida, Roosevelt Bridge, U.S. Highway No. 1, Stuart.

(a) From 7:30 a.m. to 9:00 a.m. and 4:30 p.m. to 6:00 p.m., Monday through Friday, the draw need not open for passage of vessels except that on the hour and half-hour the draw shall open to pass awaiting vessels. At all other times the draw shall open on the signals set forth in § 117.240.

(b) The draw shall open at any time for the passage of public vessels of the United States, state or local government vessels used for public service, tugs with tows, and vessels in distress. The opening

signal from these vessels is four blasts of a whistle or horn or by shouting.

(c) The owner of or agency controlling the bridge shall conspicuously post notices containing the substance of these regulations both upstream and downstream on the bridge or elsewhere in such a manner that they can easily be read at all times from an approaching vessel.

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

Dated: November 18, 1975.

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

[FR Doc.75-31498 Filed 11-20-75;8:45 am]

[33 CFR Part 117]

[CGD 75-195]

DRAWBRIDGE OPERATION REGULATIONS

Tacoma Harbor, Tacoma, Wash.

At the request of the Washington State Highway Commission, the Coast Guard is considering revising the regulations for the drawbridges at East 11th Street across Blair (formerly Port Industrial) Waterway and Hylebos Waterway, Tacoma, Washington, to require at least 15 minutes notice from 10 p.m. Friday to 6 a.m. Monday and from 10 p.m. to 6 a.m. Monday through Thursday. The draws are presently required to open on signal during these periods. This proposal is being considered because of limited openings at these times.

The name of Port Industrial Waterway has been changed to Blair Waterway and this change is reflected in this proposal. The opening signal for the East 11th Street bridge across Blair Waterway is being changed to avoid possible confusion with the opening signal for the East 11th Street bridge across the Hylebos Waterway because these bridges are in close proximity and the signals for both are presently the same. Minor editorial changes to § 117.785(f) (3) and (4) are made for clarity.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District, will forward any comments received before December 31, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by amending § 117.785 to read as follows:

§ 117.785 Tacoma Harbor, Tacoma, Wash.; bridges.

* * * * *

(e)(1)(i) * * *

(*d*) Blair Waterway; State of Washington highway bridge at East 11th Street: One long and two short blasts.

* * * * *

(f) * * *

(3) *Blair Waterway, State of Washington highway bridge at East 11th Street and Hylebos Waterway, State of Washington highway bridge at East 11th Street.*

(i) The draw need not open from 6:30 a.m. to 8:30 a.m., and from 3:30 p.m. to 5:30 p.m., Monday through Friday, except federal holidays, for vessels of less than 1,000 gross tons, unless—

(*A*) The vessel has a vessel of 1,000 gross tons or over in tow; or

(*B*) The vessel is proceeding to pick up a vessel of 1,000 gross tons or over for towing.

(ii) From 10 p.m. Friday to 6 a.m. Monday, and from 10 p.m. to 6 a.m., Monday through Thursday, the draw shall open on signal if at least 15 minutes notice is given to the City of Tacoma Department of Public Works.

(iii) The draw shall open as soon as possible, in an emergency situation, after notice is given to the City of Tacoma Department of Public Works.

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

Dated: November 17, 1975.

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

[FR Doc.75-31501 Filed 11-20-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 75-NW-33-AD]

BOEING MODEL 727 SERIES AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 727 series airplanes. There has been a failure of a main landing gear trunnion link that resulted in a collapse of the landing gear. The failure was attributed to a fatigue crack which initiated at a leading edge corner of the drag strut lug due to a sharp transition radius and thick chromium plating in the radius, both apparently incorporated during overhaul. During the investigation of this incident, it was discovered that Boeing Service Bulletin No. 727-32-150, "MAIN GEAR DRAG STRUT MODIFICATION," contained a typographical error which called for a 0.05 inch blend out radius rather than the desired 0.50 inch. Revision 3 to this service bulletin corrected this error. Although the operator involved in the gear collapse incident did not accomplish Boeing Service Bulletin No. 727-32-150, the possibility exists that trunnion links reworked per the service bulletin, may have 0.05 inch sharp radii. Also, as a result of the gear collapse incident, it was determined that a need exists to assure that trunnion links have been overhauled or reworked in a manner which provides smooth transition of the lug surfaces and proper chrome plate runout. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require an inspection of the main landing gear trunnion links on Boeing Model 727 series airplanes which have been overhauled and/or reworked in a manner which would provide the intended smooth transition (blend-out) and chrome plate runout.

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 Department of Transportation, Federal Aviation Administration, Northwest Region, Office of Regional Counsel, Attention: Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before December 31, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in 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.

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to all Model 727 series airplanes certificated in all categories with main landing gear trunnion links which have been overhauled and/or reworked in accordance with procedures that would not provide blend-out radii and chrome plate runout equivalent to that specified in Boeing Service Bulletin No. 727-32-239, or later FAA approved revisions. Exemption from the applicability of this AD may be approved by the operator's assigned FAA Principal Maintenance Inspector if he determines that the main landing gear trunnion link overhaul and/or rework was performed in accordance with the Boeing 727 Overhaul Manual or equivalent, and the operator's procedures for obtaining the required smooth transition and chrome plate runout in the area of the drag strut attach lug were equivalent to that described in Boeing Service Bulletin No. 727-32-239, or later FAA approved revisions.

To detect cracks in the main landing gear trunnion links which have been overhauled and/or reworked, accomplish the following:

A. Within the next 300 landings from the effective date of this AD, unless already accomplished, inspect per paragraph B all main landing gear trunnion links with 4,000 or more landings since overhaul and/or rework.

B. Dye penetrant inspect the trunnion link in accordance with paragraph III of Boeing Service Bulletin No. 727-32-239, or later FAA revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

1. If crack(s) are found, replace the trunnion link, prior to further flight, with a serviceable part.

2. If no cracks are found and the part is in compliance with the blend-out radius and chrome plate runout criteria of Figure 1 of the service bulletin, no further action is required by this AD.

3. If no cracks are found but the part is not in compliance with the blend-out radius and chrome plate runout criteria of Figure 1 of the service bulletin, reinspect the trunnion link at intervals not to exceed 800 landings, until the trunnion link is (a) reworked in accordance with Boeing Service Bulletin No. 727-32-239, or later FAA approved revisions; (b) reworked in accordance with Boeing Service Bulletin No. 727-32-150, Revision 3, or later FAA approved revisions; (c) reworked in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region; or (d) replaced with a trunnion link which has never been reworked or overhauled.

C. For the purpose of this AD, when conclusive records are not available to show the number of landings accumulated by a particular trunnion link, the number of landings may be computed by dividing the airplane time in service since the link was installed on the airplane by the operator's fleet average time per flight for his Model 727 airplane.

(Secs. 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)).)

Issued in Seattle, Washington, November 13, 1975.

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

[FR Doc.75-31443 Filed 11-20-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20414, RM-2452, RM-2420, RM-2396]

FM BROADCAST STATIONS

Table of Assignments, (Harlan and Red Oak, Iowa; Blair, Nebraska)

1. The Commission has under consideration comments and reply comments filed in response to the *Notice of Proposed Rule Making* adopted March 31, 1975 (40 FR 16682), which set forth two mutually exclusive proposals. The first plan would assign Channel 292A to Harlan, Iowa. This assignment would necessitate the substitutions of Channel 272A for Channel 292A at Onawa, Iowa, Channel 221A for Channel 272A at Cherokee, Iowa, and Channel 285A for Channel 221A at Spencer, Iowa. The second proposal would assign Channel 272A to Blair, Nebraska, and Channel 292A to Red Oak, Iowa. This in turn would require the deletion of Channel 292A from Clarinda, Iowa.

2. *The Red Oak Proposal*—A conflict existed between Red Oak Broadcasting, proponent of the Red Oak assignments and John W. Talbott, proponent of the Harlan assignment. Since Harlan and Red Oak are 45 miles apart, the assignment of Channel 292A to both of these communities would violate the minimum mileage separation rules. Section 73.207 (b) of the Commission's Rules. However, subsequent to the issuance of the *Notice of Proposed Rule Making*, Red Oak Broadcasting withdrew its proposal to assign Channel 292A to Red Oak and applied for a construction permit to operate on Channel 292A at Clarinda, Iowa, where that channel is currently assigned.[1] Consequently, there is no longer a conflict between the Red Oak and Harlan parties.

3. *The Harlan Proposal*—A conflict still exists between the Harlan proponent and W.B.B.C. Enterprises, the proponent of the Blair assignment. Under the Harlan proposal, in order to assign Channel 292A to Harlan, substitution of Channel 272A for Channel 292A at Onawa, Iowa, would be required. If this substitution were made, then Channel 272A could not be assigned to Blair because the assignment of Channel 272A at both Blair and Onawa would violate the minimum mileage separation rules as these communities are only 34 miles apart.

4. *The Blair Counterproposal*—A solution to the conflict between the Harlan and Blair parties over the assignment of Channel 272A was suggested by W.B.B.C. Enterprises in its reply comments. Under this counterproposal, Channel 292A would be assigned to Blair instead of Harlan. This would require substituting Channel 272A for Channel 292A at Onawa, Iowa, Channel 221A for Channel 272A at Cherokee, Iowa, and Channel 285 A for Channel 221A at Spencer, Iowa. These substitutions are the same ones proposed in the *Notice of Proposed Rule Making*. However, the difference between the proposal set forth in the *Notice* and the Blair counterproposal is that Harlan would be assigned Channel 288A instead of Channel 292A under the counterproposal.

5. The Commission's engineering staff believes that this plan would work subject to two conditions. First, Channel 292A at Blair would have to be located at least 6.5 miles northeast of Blair in order to meet the spacing requirement with Station KHAT(FM), which operates on Channel 292A at Lincoln, Nebraska. Secondly, Channel 288A at Harlan would have to be utilized at a site 2.5 miles east of Harlan to meet the spacing requirement with Station KHUB(FM), which operates on Channel 288A at Fremont, Nebraska. No other engineering problems would be created by the implementation of this counterproposal.

6. *Blair's Procedural Errors*—Although the Blair counterproposal presents a good solution that would enable both Blair and Harlan to have first local aural service, there were three procedural errors committed by the counsel for the Blair party that could prevent the Commission from considering the counterproposal. First, the counterproposal and the entire reply comments of which it was part could be ignored because they were filed 23 days late. Under the Commission's procedural rules, a reasonable amount of time is provided for the submission of both comments and reply comments. Section 1.415 (b) and (c) of the Commission's Rules. Once the deadline has expired, "no additional comments may be filed unless specifically requested or authorized by the Commission. Section 1.415(d) of the Commission's Rules. Also, under a recent amendment to the rules that became effective December 20, 1974, motions for extension of time to file comments or reply comments must be filed at least 7 days before the filing date; however, "in emergency situations, the Commission will consider a late-filed motion for a brief extension of time related to the duration of the emergency and will consider motions for acceptance of comments, reply comments, or other papers filed after the filing date." Section 1.46(b) of the Commission's Rules.

7. Counsel for Blair filed his reply comments in violation of these rules. He filed no reply comments by the due date. Four days after the due date he filed a request for extension of time in which to file, but specified no emergency. Counsel then filed reply comments 23 days after the due date. In addition, the reply comments were submitted without any request for late acceptance and without any explanation of an "emergency" to justify the late acceptance. Finally, it is interesting to note that counsel for Blair submitted his initial comments 3 days late, and his engineering report was received 8 days late. As a result of these late filings, the Harlan party filed a motion to strike Blair's initial comments. This motion is denied because for important public interest considerations that will become apparent below, a further notice of proposed rule making is necessary.

8. The second procedural error of the Blair counsel was to submit an important counterproposal in reply comments. The Commission's rules provide that a counterproposal advanced in reply comments will not be considered because other parties do not have an opportunity to comment on it. Section 1.420(d) of the Commission's Rules. This procedural requirement was set forth in the *Appendix* to the *Notice of Proposed Rule Making* in this docket.

9. The third procedural problem is that the Commission's records do not indicate that Blair's reply comments were accompanied by a certificate of service. It is required that reply comments filed in proceedings for amendment of the FM Table of Assignments be served on the party toward whose comment the reply is directed. Section 1.420(b) and (c) of the Commission's Rules. Consequently, certificate of service should have been included and should have shown that Blair's reply comments were served on the Harlan party.

[1] This was the subject of a brief letter written by counsel for Red Oak Broadcasting to the Secretary of the Commission, May 19, 1975, on file in Docket No. 20414.

10. *Procedure and the Public Interest*—In deciding whether or not to consider Blair's counterproposal, we must decide between two competing Commission policies. On the one hand, the Commission has taken the position that late-filed comments or reply comments should not be considered because orderliness, expedition, and finality are important goals of the administrative process. To allow the Commission to consider late-filed comments would serve notice that the Commission's rules and orders can be effectively ignored. See Time Life Broadcast, Inc.," 33 F.C.C. 2d 1100, 1102–03 (1972) and "St. Marys, Ohio," 40 F.C.C. 2d 421 (1973). On the other hand, Section 303(c) of the Communications Act of 1934, gives the Commission the power to assign frequencies only when the public interest would be served by it. Because of this mandate, the Commission has been willing to overlook procedural errors when the public interest would be truly served by considering a late filed proposal. For example, in "Time-Life," the Commission allowed an addendum to a pleading to be filed 39 days late because it dealt with facts that became available after the reply comments were filed and because these facts went to the "heart of the application," 33 F.C.C. 2d 1100, 1105.

11. The situation in the present case is not unlike *Time-Life* because there are some unique facts that suggest that the Commission should consider the counterproposal. The underlying problem is that Blair's counsel apparently did not know that its initial proposal to assign Channel 272A to Blair could not be made. This development occurred as a result of the grant of the application of Station KFOR(FM), formerly KHKS (FM), located at Lincoln, Nebraska, to move its transmitter 3 miles closer to Blair (BPH–8870). This in turn meant that the Blair transmitter would have to be situated farther outside Blair than originally anticipated in order to comply with the required spacing as to KFOR (FM) in Lincoln, and that, consequently, the Blair station could not provide a city-grade signal over all of Blair. Apparently, unaware of the fact that Channel 272A could not be assigned to Blair, Blair's counsel had no way of knowing that adoption of his counterproposal assigning Channel 292A to Blair would be the only way that Blair could receive an FM assignment in this rule making proceeding.

12. Having studied the circumstances here, we believe that it would be very harsh to deny Blair an opportunity to have a first local radio station solely because a good counterproposal was submitted in late-filed reply comments. Under the unique facts of this case, in balancing procedure and the public interest, we conclude that Blair's counterproposal should be the subject of a further notice of proposed rule making. However, parties should not look upon this decision as a relaxation of our consistent view that procedural rules are to be followed. We have made an exception to our procedural rules in this case because no parties will be hurt. The counterproposal requires changes in the table only at Onawa, Cherokee and Spencer, where changes had been originally proposed in the *Notice*. Moreover, there is an overriding public interest in that the adoption of Blair's counterproposal would enable both Blair and Harlan to have first local aural service. Since both communities are about the same size and have shown sufficient need for first local service, it would be unfair to deny the 13,300 people of Washington County, of which Blair is the seat, first local aural service because of procedural errors, especially when there is a workable counterproposal that could satisfy both communities.

13. By adopting this *Further Notice of Proposed Rule Making*, we are not condoning Blair's violation of § 1.420 (c) and (d) of the Commission's Rules. In regard to the latter provision which states that the Commission will not consider counterproposals advanced in reply comments, it should be pointed out that by Blair's own admission, its plan was not submitted as a formal counterproposal.[2] However, since the counterproposal will now be the subject of comment by the parties, the purpose of § 1.420(d) is being complied with. Secondly, with respect to Blair's apparent failure to show proof of service of its reply comment on the Harlan party, this *Further Notice of Proposed Rule Making* will offset that error because the Harlan party will now have notice of the Blair counterproposal.

14. In view of the foregoing and pursuant to the authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend § 73.202(b) of the Commission's rules and regulations as follows:

City	Channel No.	
	Present	Proposed
Blair, Nebr.		292A
Onawa, Iowa	292A	272A
Cherokee, Iowa	272A	221A
Spencer, Iowa	221A	295A
Harlan, Iowa		288A

15. Pursuant to applicable procedures set out in § 1.415 of the Commission's Rules, interested parties may file comments on or before December 31, 1975, and reply comments on or before January 20, 1975. However, no more information should be submitted on the need for aural service in Blair and Harlan because sufficient need has already been demonstrated. Any arguments of any engineering value or otherwise on the proposed amendment are invited.

16. The Commission's authority to institute rule making proceedings; showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated herein.

(Secs. 4, 5, 303, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

Adopted: November 11, 1975.

Released: November 13, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules. IT IS PROPOSED TO AMEND the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.419 of the Commission's Rules and Regulations, an original and fourteen copies of all comments, reply

[2] Blair stated in its reply comments: This is not proposed as a new alternative to the enumerated Commission proposals, though admittedly it could have been so filed as part of the initial comments. Blair's reply comments at page 4. If Blair's counsel had been aware of the situation as described in paragraph 11, *supra*, then he might have submitted this counterproposal in the initial comments.

comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc.75-31526 Filed 11-20-75; 8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

GRAVITY PRICE DIFFERENTIALS FOR CRUDE OIL IN CALIFORNIA

Withdrawal of Notice of Proposed Rulemaking

On July 1, 1975, the Federal Energy Administration gave notice (40 FR 28637, July 8, 1975) of a proposed rulemaking and public hearing to consider whether to amend 10 CFR 212.73 (Ceiling price rule) to permit an adjustment to the May 15, 1973 gravity price differential for heavy California crude oil, which pursuant to the ceiling price rule is currently reflected in prices charged for crude oil subject to that rule.

Comments were received from more than thirty-five interested parties (predominantly California producers and royalty owners, and State and local governments), and a public hearing was held on August 5, 1975, at which oral presentations were received from thirteen interested parties. After consideration of all the written and oral presentations received in connection with this proceeding, and after consideration of FEA's analysis of the impact of adopting the proposed amendments, the FEA has determined that there should be no adjustment to May 15, 1973 crude oil prices in California. Accordingly, the proposed amendment will not be adopted.

Background. Crude oil normally is and has been sold at prices that reflect, among other factors affecting quality, differences in "gravity," which is a measure of density or weight per unit volume. The American Petroleum Institute (API) system for measuring the density of crude oil is in degrees, with oil at a gravity of ten degrees (10° API) equivalent to the density of water, and with higher degree measurements indicating lesser densities. Water at 10° API, for example, weighs 351 pounds per barrel, while gasoline at 60° API weighs 259 pounds per barrel. While the gravity of most domestically-produced crude oil falls within the 26° to 36° API range, crude oil produced in California is generally heavier, most falling below 20° API.

Historically, since the lighter density crude oil (with a higher API degree measurement) could more easily be separated into products such as gasoline, diesel fuel, and jet fuel, for which demand (and prices) was higher, and since the heavier crude oils, on the other hand, generally produced products such as residual fuel oil, for which demand was considerably less, refiners generally have paid a premium for higher degree (or lighter density) crude oils.

On May 15, 1973, gravity price differentials for crude oil averaged between 2 and 2.5 cents per degree per barrel nationally, while gravity price differentials in California, however, averaged 6.2 cents per degree per barrel. Pursuant to 10 CFR 212.73, which establishes for each grade of crude oil in each field a ceiling price equal to the highest posted price on May 15, 1973 plus $1.35 per barrel, "old" crude oil prices continue to reflect the gravity price differentials existing on May 15, 1973.

Thus, since most crude oil produced in California is heavy, and reflects a 6.2 cents per degree gravity price differential, the current average price for old crude oil in California is $4.21 per barrel, compared with the FEA-computed national average price of $5.25 per barrel.

The proposed rule. The current rulemaking proceeding was initiated in response to suggestions that the gravity price differential that existed for California crude oil on May 15, 1973 resulted from two major historical factors that may no longer be relevant. First, as noted above, since most crude oil produced in California is heavy and difficult to refine into the lighter products, California crude oil was primarily used in 1973 to produce residual fuel oil. Since residual fuel oil competed primarily with natural gas, which was available in abundant quantities at low prices as a fuel for electric utilities, the price of residual fuel oil was relatively low. Second, although technology in the refining industry made possible the conversion of heavy crude oil into lighter products, the higher cost of the equipment necessary for this process tended further to restrain prices of heavy crude oil since recovery of these additional costs was possible only in sales of lighter products refined from light crude oil.

Petitioners urged that these factors might no longer be as significant as in May, 1973, and pointed to the fact that current sales of California crude oil not subject to the ceiling price rule (*i.e.*, "new," "released," and "stripper well lease" crude oil) are no longer sold at prices reflecting the same gravity price differentials as existed in May, 1973, but are sold instead at prices reflecting gravity price differentials that more closely approximate the differentials that prevailed with respect to crude oils throughout the rest of the United States in May, 1973. California producers maintained that this phenomenon reflects the market response to changes in the circumstances that led initially to the higher price differentials for California crude oil. Thus, residual fuel oil, particularly the low-sulfur type, now demands a higher price in view of the lessened availability of natural gas, and commands a relatively higher price than it formerly did compared to the lighter petroleum products. Producers further maintained that the large capital expenditures needed to develop the advanced technology refining capacity to convert heavy crude oil into the lighter products may well be fully amortized by now, and that new refining techniques have been developed whereby heavy crude oils may be more desirable than light crude oils to produce new higher demand products such as unleaded gasoline.

Recognizing that it is not possible to promulgate price regulations broad enough to encompass an entire industry while accounting for all differences in factual conditions that might possibly result in inequities, the FEA nevertheless initiated the current rulemaking proceeding in response to the numerous petitions requesting an amendment to 10 CFR 212.73 that would permit the May 15, 1973 gravity price differentials to be adjusted with respect to low gravity crude oil produced in California. However, in the current rulemaking proceeding, which was initiated in response to the petitions referred to above, the FEA sought to determine not solely whether conditions with respect to the market value of low gravity crude oil had changed, but whether an adjustment in the ceiling price of such crude oil to reflect any changed market conditions would be consistent with FEA's general objectives and statutory mandates. Specifically FEA sought to determine (1) whether such an amendment would be in keeping with FEA's commitment to stimulate domestic production by increasing the incentive and economic feasibility of recovering a greater percentage of the proven reserves that exist in the California heavy crude oil areas; (2) whether the benefits consumers would realize from any resultant increased production of domestic crude oil would more than offset the adverse impact of the price increase that would result from a permitted adjustment in the gravity price differential; and (3) whether any increased production resulting from such an adjustment would help to reduce our dependence on higher-priced foreign imports.

Comments were requested as to the effect of the suggested adjustment in the gravity price differential from that which existed on May 15, 1973, to a lesser amount, possibly 2 or 3 cents per degree. An amendment was proposed that would have permitted determinations of the ceiling price pursuant to 10 CFR 212.73 for crude oil produced in California to be based upon the posted price in a given field less a reduction of an amount to be decided by FEA following a public hearing.

Findings. The FEA has decided, based upon its consideration of the comments submitted in connection with this proceeding, that the proposed regulatory amendment is not justified.

Although it is true that the gravity price differential for heavy crude oil is currently less for "new" and "released" crude oil produced in California than it was for crude oil produced in May, 1973, the FEA does not believe that this necessarily reflects long-term market changes. It may instead reflect the fact that FEA's current price regulations allow a disproportionate amount of increased crude oil costs to be reflected in residual fuel oil prices and that refiners have tended to price domestic residual

fuel oil at imported price levels. Thus, domestic refiners of residual fuel oil are now able to charge higher prices compared with other domestic products such as middle distillates than was the case in May 1973. This may be a significant reason for the relatively greater current demand for heavier crude oils and thus their relatively higher prices. FEA is not able to determine whether such values would continue to be reflected in California crude oil prices absent the current regulatory scheme.

FEA also has not been convinced that the upward price adjustment sought by California producers would be likely to result in the recovery of a significantly greater percentage of the proven reserves that exist in the California heavy crude oil areas than the increased percentage of proven reserves that could be expected to be recovered from other old oil fields outside California if similar price incentives were applied. Although FEA fully recognizes the necessity for new price incentives to maintain old oil production at or above current levels, it finds no reason to believe that greater incentives are needed in California than the rest of the nation or that a particular inequity exists with respect to the pricing of California crude oil because production costs have increased there more rapidly than elsewhere in the United States. It should be also noted that the $1.35 increment above May 15, 1973 prices which FEA allows in computing old oil prices has already had the effect of raising the price of heavy California crude oil by a greater percentage than the more expensive lighter density crude oil, and thus reduced the relative differential between them.

FEA intends, to the fullest extent permitted by its statutory authority, to provide any new incentives necessary to increase all old crude oil production in the United States above levels otherwise obtainable in order to reduce our dependence on imports. Of course, in determining the proper level of incentive, the ultimate benefits to consumers resulting from the increased production will be balanced against the price increases that may be necessary. Finally, if any producer, whether in California or elsewhere, believes that special relief is necessary to permit continued crude oil production, FEA will examine the specific situation on a case-by-case basis pursuant to the exceptions process to determine if individual price adjustments are needed.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159 as amended, Pub. L. 93-511, Pub. L. 94-99, and Pub. L. 94-133; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185)).

In view of the foregoing, the Federal Energy Administration has determined that adoption of the proposed amendment is not appropriate at the present time, and that the Notice of Proposed Rulemaking should be withdrawn.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (40 FR 28637, July 8, 1975) entitled "Adjustment to May 15, 1973 Gravity Price Differentials for Crude Oil in California" is hereby withdrawn.

Issued in Washington, D.C., November 17, 1975.

DAVID G. WILSON,
Acting General Counsel
Federal Energy Administration.

[FR Doc.75-31412 Filed 11-18-75;9:28 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 556]

[No. 75-1032]

BRANCH OFFICES AND MOBILE FACILITIES IN RURAL AREAS

Proposed Amendment Relating to Locating

NOVEMBER 14, 1975.

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

I. *Existing regulations.* Applications to establish or maintain branch offices or mobile facilities to be located in an urban area or in a rural area are subject to the same regulatory provisions. The restriction against locating such offices or facilities more than 100 miles from an applicant's home office (with certain regulatory exceptions) applies equally to all such applications.

II. *Proposed amendment.* A. The proposal would make an exception from the above 100-mile limitation for any application to establish or maintain a branch office or mobile facility which would be located in a rural area.

B. The proposal would make it clear that Principal Supervisory Agents may make the findings of facts which trigger exceptions to the above 100-mile limitation.

C. The proposal would clarify the Statement of Policy as to an application for permission to establish or maintain a branch office or mobile facility which would be located exactly 100 miles from the applicant's home office.

III. *Reason for the proposal.* To improve the savings and loan services offered in rural areas.

The Federal Home Loan Bank Board considers it desirable to propose amendments to § 556.5(b)(3) of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 556.5(b)(3)) for the purposes of (1) liberalizing the Board's Statement of Policy regarding applications to establish or maintain branch offices or mobile facilities which are to be located in rural areas and (2) clarifying that the Principal Supervisory Agents (in addition to the Board) may make the determinations which trigger certain exceptions to the general policy that a branch office or mobile facility must be located not more than 100 miles from the association's home office.

The present Statement of Policy provides in part and in substance that it is the Board's general policy to consider an application for permission to establish or maintain a branch office or mobile facility only when the proposed branch office or mobile facility is to be located not more than 100 miles from the applicant's home office, unless certain specified situations exist or certain determinations are made regarding other financial institutions operating in the State in which the applicant's home office is located.

This proposal would add a subdivision (*d*) to this § 556.5(b)(3), providing that the above 100-mile limitation does not apply to an application for permission to establish or maintain a branch office or mobile facility which is to be located in a rural area. This proposal would make no change as to applications concerning a branch office or mobile facility to be located in an urban area.

This proposal would make it clear that the Principal Supervisory Agents (usually the President of the Federal Home Loan Bank of the district in which the applicant's home office is located) are authorized to make any determinations needed to trigger the exceptions in paragraph (b)(3) (*a*), (*b*), (c) and the proposed (*d*) of this § 556.5.

This proposal would make it clear that the Board's general policy of considering applications for permission to establish or maintain a branch office or mobile facility applies to an application as to which the branch office or mobile facility would be located exactly 100 miles from the applicant's home office. This clarification is accomplished by deleting from the first sentence of § 556.5(b)(3) the phrase "within 100 miles of" and substituting therefor the phrase "not more than 100 miles from".

Accordingly, the Board hereby proposes to amend said § 556.5(b)(3) by (1) deleting from the first sentence thereof the phrase "within 100 miles of" and substituting therefor the phrase "not more than 100 miles from" and (2) adding a new paragraph (b)(3)(*d*) to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552, by December 23, 1975, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address.

§ 556.5 **Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.**

* * * * *

(b) * * *

(3) It is the Board's general policy to consider an application by such an association for permission to establish or maintain a branch office or mobile facility only when the proposed branch office or mobile facility is to be located not more than 100 miles from the association's home office unless (i) the association's home office is located in Alaska, Hawaii, Puerto Rico, or the Vir-

gin Islands, (ii) such application is for permission to maintain, as a branch office, an existing home or branch office of an institution which is to be absorbed by merger or other approved acquisition, or (iii) such application is by a Federal association which has converted (or is in the process of converting) from a State-chartered association for permission to upgrade an office facility, which is located outside the State in which the applicant's home office is located but inside the applicant's regular lending area as prescribed in § 545.6–6 of this chapter, to the status of a branch office located at or in the same vicinity as such existing office facility is located. However, the Board may permit consideration of applications for permission to establish branch offices or mobile facilities in a State without regard to the 100-mile geographical limitation contained in the preceding sentence if the Board or its Principal Supervisory Agent, as defined in § 545.14(a)(3)(i) of this chapter determines that:

* * * * *

(d) Such branch office or mobile facility is to be located in a county (or similar political subdivision) which is primarily rural in character and which is presently served by 3 or less savings and loan associations having home or branch offices or mobile facilities in such county. For this purpose, a county will not be determined to be primarily rural in character if it is part of a Standard Metropolitan Statistical Area.

* * * * *

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

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.75-31561 Filed 11-20-75;8:45 am]

[12 CFR Part 563]

[No. 75-942]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Amendments Relating to Sales Commissions

The Federal Home Loan Bank Board proposes to amend Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) by excluding from the sales commission restrictions of § 563.25 thereof such commissions paid to brokers, agents, and salesmen engaged in the solicitation of certain retirement accounts.

Present § 563.25 restricts the amount of sales commissions which an insured institution may pay to brokers, agents, and salesmen engaged in the solicitation of new or increased savings accounts in the institution, and limits the aggregate of such brokered savings accounts to 5 percent of total savings. The Board believes that the retirement funds market, which consists of systematically saved long-term funds, would not be subject to rapid shifts of funds and other factors connected with brokered accounts which necessitated adoption of § 563.25. The proposed amendments would, therefore, exclude from the restrictions of § 563.25 payment of sales commissions to brokers, agents, and salesmen engaging in solicitation of Keogh and Individual Retirement Account (IRA) savings accounts.

The Board also takes this opportunity to propose to revoke paragraph (b) of § 563.25, because paragraph (b)(1) is redundant and paragraph (b)(2) refers to subsequently-modified provisions and is therefore obsolete.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552, by December 22, 1975, as to whether this proposal should be adopted, rejected, or modified. Copies of all written material submitted will be available for public inspection at the above address during normal business hours.

Accordingly, the Board hereby proposes to amend § 563.25 by revising paragraph (a) and revoking paragraph (b) thereof, and adding a new paragraph (f) thereto, to read as set forth below.

§ 563.25 Sales commissions.

(a) *General provisions.* Except as provided in paragraphs (c), (d), (e) and (f) of this section, no insured institution shall, directly or indirectly—

* * * * * *

(b) [Revoked effective (date of final amendment)]

(f) *Saving clause; soliciting for retirement accounts.*

(1) *General.* The provisions of this section do not apply to payment by an insured institution of sales commissions to brokers, agents, or salesmen retained by the institution to solicit the opening or increasing of employee retirement fund savings accounts which qualify under sections 401(d) or 408(a) of the Internal Revenue Code of 1954, as amended.

(2) *Recordkeeping requirements.* An insured institution which pays a sales commission in connection with the opening or increasing of a retirement account as provided in paragraph (f)(1) of this section must (i) establish and maintain a record which shows at all times the aggregate outstanding balance of the account, (ii) make and retain an itemized record of payment of the sales commission, identifying the payee, account, and applicable amounts, and (iii) retain in its files a written agreement relative to each such sales commission agreement.

(Sec. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Dated: October 15, 1975.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN, *Secretary.*

[FR Doc.75-31560 Filed 11-20-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[19 CFR Part 201]

CONFIDENTIAL BUSINESS INFORMATION

Practice and Procedure; Notice of Proposed Rulemaking

Notice is hereby given that the United States International Trade Commission is considering amendments and additions to its *Rules of Practice and Procedure* 19 CFR Chapter II.

Pursuant to section 335 of the Tariff Act of 1930, as amended (72 Stat. 680; 19 U.S.C. 1335), section 201(d)(2) of the Trade Act of 1974 (88 Stat. 2012; 19 U.S.C. 2251), section 406(a)(4) of the Trade Act of 1974 (88 Stat. 2062; 19 U.S.C. 2436), section 201(d)(3) of the Antidumping Act, 1921, as amended (88 Stat. 2045; 19 U.S.C. 160), and 18 U.S.C. 1905, the Commission proposes to revise Title 19, § 201.6.

Interested persons may participate in the rulemaking proceeding by submitting written comments in triplicate to:

Secretary, United States International Trade Commission, 701 E. Street, NW., Washington, D.C. 20436

All comments received on or before January 5, 1976, will be considered. Comments received after publication of this proposal will be available for public inspection during normal working hours at the Office of the Secretary, United States International Trade Commission.

Final regulations, modified as the Commission deems appropriate after consideration of comments, will be adopted as soon as practicable after such consideration. The Commission presently intends to make the final regulations effective December 22, 1975. It is anticipated that publication of the final regulations will take place on or about the 7th of February, 1976.

It is hereby proposed that the present provisions of § 201.6 be revised, as follows:

§ 201.6 Confidential business information.

(a) *Definition.* Confidential business information is information which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of customers, inventories, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or other organization, the disclosure of which information is likely to have the effect of either (1) impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions, or (2) causing substantial harm to the competitive position of the person, firm, partnership, corporation, or other organization from whom the information was obtained, unless the Commission is required by law to disclose such information.

(b) *Procedure for submitting business information in confidence.*

(1) A request for confidential treatment of business information shall be addressed to the Secretary, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436 and shall indicate clearly on the envelope that it is a request for confidential treatment.

(2) In the absence of good cause shown, any request relating to material to be submitted during the course of a hearing shall be submitted at least three working days prior to the commencement of such hearing.

(3) With each submission of, or offer to submit, business information which a submitter desires to be treated as confidential under (a)(2), the submitter shall provide the following which may be disclosed to the public: (a) a written description of the nature of the subject information, (b) a justification for the request for its confidential treatment, and (c) a certification in writing under oath that substantially identical information is not available to the public.

The submission of the documents itemized in this paragraph will provide the basis for rulings on the confidentiality of submissions, including rulings on the confidentiality of submissions offered to the Commission which have not yet been placed under the possession, control, or custody of the Commission.

(c) *Identification of business information submitted in confidence.* Business information which a submitter desires to be treated as confidential shall be clearly labeled as "confidential business information" when submitted, and shall be segregated from other information and material being submitted.

(d) *Approval or denial of requests for confidential treatment.* Approval or denials of requests shall be made only by the Secretary or Acting Secretary. Denials of requests shall be in writing, specify the reason therefor, and shall advise the submitter of the right to appeal to the Commission.

(e) *Appeals from denial of confidential treatment.* (1) An appeal from a denial of a request for confidential treatment of a submission shall be made to the Commission and addressed to the Chairman, United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436. Any appeal shall clearly indicate that it is a confidential submission appeal. An appeal may be made within 20 days of a denial or whenever the approval or denial has not been forthcoming within 10 days (excepting Saturdays, Sundays, and Federal legal holidays) of the receipt of a confidential treatment request, unless an extension notice in writing with the reasons therefor, has been provided the person requesting confidential treatment. (2) An appeal will be decided within 20 days of its receipt (excepting Saturdays, Sundays, and Federal legal holidays) unless an extension, noticed in writing with the reasons therefor, has been provided the person making the appeal.

(f) *Appeals from approval of confidential treatment.* An appeal from the approval of a request for confidential treatment of a submission shall be made to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall comply with §§ 201.17 through 201.19 of the Commission's Rules of Practice and Procedure, and shall show that a copy thereof has been served upon the submitter.

(g) *Granting confidential status to business information.* Any business information submitted in confidence and determined to be entitled to confidential treatment shall be maintained in confidence by the Commission and not disclosed except as required by law. In the event that any business information submitted to the Commission is not entitled to confidential treatment, the submitter will be permitted to withdraw its tender unless it is the subject of a request under the Freedom of Information Act or of judicial discovery proceedings.

The provisions of §§ 201.6 (b) and (d) through (f) shall not apply to adjudicative investigations under subchapter C, Part 210 of the Commission's Rules of Practice and Procedure.

Issued: November 18, 1975.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-31575 Filed 11-10-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE FOURTEENTH NATIONAL BANK REGION

Meeting

A meeting of the Advisory Committee on Banking Policies and Practices for the Fourteenth National Bank Region will be held December 18 and 19, 1975 at the Las Vegas Hilton Hotel, Las Vegas, Nevada. The meeting on December 18 will be from 9:00 a.m. until 12:00 noon and will be open to the public; the meeting on Friday, December 19 will be from 9:00 a.m. until 12:00 noon and will be closed to the public. Interested members of the public will be admitted on a first come basis.

Topics to be discussed include an economic update by the Regional Economist, the progress on implementation of the Haskins & Sells Study, the CBCT developments, reserves for bad debts and changes in Reports of Income and Con-

Dated: November 18, 1975.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-31561 Filed 11-20-75;8:45 am]

Office of the Secretary

PORTLAND HYDRAULIC CEMENT, OTHER THAN WHITE NON-STAINING CEMENT FROM MEXICO

Antidumping

On October 16, 1975, information was received in a proper form pursuant to sections 153.26 and 153.27 Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that portland hydraulic cement, other than white nonstaining cement from Mexico is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*)

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States. Available information indicates that the merchandise in question is a heavy fungible commodity which appears to have U.S. market impact on a regional area. Sales by the Mexican exporter to the appropriate regional area in 1974 appear to have been approximately 2.2% of the total market in that area of 272,000 tons of cement which was down from the exporter's 3.5% of the market in 1973. Other information indicates that the U.S. producer within the respective regional market from 1973 to June of 1975 had sales of 90 to 95% of that regional market. Also information indicates that any possible loss of sales may be due to the fact that the United States cement industry is in a period of oversupply due to great decline of the domestic demand in the United States. On the basis of such evidence, there appears to be substantial doubt as to whether there is injury to, likelihood of injury to, or prevention of establishment of an industry in the United States by reason of such imports from Mexico. Accordingly, the United States International Trade Commission is being advised of such doubt pursuant to section 201(c)(2) of the Antidumping Act (19 U.S.C. 160(c)(2)).

Having conducted a preliminary investigation as required by section 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value. Should the International Trade Commission, within 30 days of receipt of the information cited in the preceding paragraph, advise the Secretary that there is no reasonable indication that an industry of the United States is being or is likely to be injured, or is prevented from being established by reason of the importation of such merchandise into the United States, the Department will publish promptly in the FEDERAL REGISTER a notice terminating the investigation. Otherwise the investigation will continue to conclusion.

A summary of price information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for export to the United States are less than the prices for home consumption.

This notice is published pursuant to section 153.30 of the Customs Regulations (19 CFR 153.30).

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

NOVEMBER 17, 1975.

[FR Doc.75-31415 Filed 11-20-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, NY 10014 on 10 December 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: November 18, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.75-31533 Filed 11-20-75;8:45 am]

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, New York 10014 on 10 December 1975.

The purpose of the Advisory Group is to provide the Director of Defense Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infrared systems, and microelectronics. The review

will include classified program details throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: November 18, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives OSAD (Comptroller).

[FR Doc.75-31534 Filed 11-20-75;8:45 am]

Office of the Secretary

EXPORT OF U.S. TECHNOLOGY; IMPLICATION TO U.S. DEFENSE

Meeting

A task force of the Defense Science Board on "Export of U.S. Technology; Implication to U.S. Defense" will meet in the Pentagon, Arlington, Virginia, in Room 1E801, Suite #7, at 0900 on 9 December 1975.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense. The Task Force will provide an assessment of the implications to U.S. defense of current and impending exports of U.S. technology to serve as a basis for determination of defense policy.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that all portions, except the morning session from 0900 to 1100, of this Defense Science Board Task Force meeting concern matters listed in Section 552(b) of Title 5 of the United States Code, and specifically sub-paragraph (1), and that accordingly all sessions except the 0900 to 1100 morning session on 9 December will be closed to the public.

During the open portion of the morning session, the Task Force will provide a status briefing and will receive written statements from persons and/or organizations concerning DoD policy on export of U.S. technology. Persons desiring to present statements or attend the open session should provide notice, either by mail or telephone by 5 December 1975 to:

Executive Secretary, DSB Task Force on Export of U.S. Technology, OSD—ODD&E (E&PS), Room 3D1079, Pentagon, Washington, D.C. 20301, Telephone: 202-697-3749 (Mrs. S. Sims).

Attendees should plan to be at the Pentagon River Entrance Information Desk by 0845 for escort to the meeting. A reasonable quantity of seating will be available, and will be allocated in the order that notices are received.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

NOVEMBER 18, 1975.

[FR Doc.75-31451 Filed 11-20-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

FY 1976 PROGRAM PLAN OF THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Availability

The purpose of this notice is to announce that the Program Plan of the National Institute of Law Enforcement and Criminal Justice for FY 1976 is now available. The plan outlines the Institute's program objectives in planned research, evaluation and technology transfer for FY 1976. Current priorities and ongoing research efforts of individual Institute offices are described. The plan also contains information regarding funding and application procedures. Requests for single copies of the Program Plan may be sent to the National Criminal Justice Reference Service, P.O. Box 24036, Southwest Post Office, Washington, D.C. 20024.

GERALD M. CAPLAN,
Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc.75-31469 Filed 11-20-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order No. 701, Amendment No. 22]

LANDS AND RESOURCES

Redelegation of Authority

Bureau Order No. 701, dated July 23, 1964, is further amended to read as follows:

1. Subparagraph (1) of paragraph (h) of Sec. 1.2 is amended to read as follows:

Sec. 1.2 *General and Miscellaneous Matters.*

* * * * *

(h) *Cooperative Agreements.*

(1) Enter into cooperative agreements setting forth comprehensive policy concerning the improvement, management, use and protection of the public lands and their resources under any statute which specifically authorizes cooperative agreements or under any statute requiring or authorizing cooperation. Cooperative agreements through which the Bureau receives goods and services are negotiated contracts, delegations for which are set forth in Bureau Manual 1510.03.

2. Subparagraph (7) is added to Sec. 2.9(t) as follows:

Sec. 2.9 *Land Use.*

* * * * *

(t) *Matters Pertaining to Alaska Only.*

* * * * *

(7) *Alaska Native Selections.*

3. A new paragraph (c) is added to Sec. 4.6 as follows:

Sec. 4.6 *Outer Continental Shelf Leasing.*

* * * * *

(c) Rights-of-Way Permits for pipeline purposes for the transportation of oil and gas issued pursuant to Sec. 5(c) of the Outer Continental Shelf Lands Act of August 7, 1953, (67 Stat. 464) and the regulations under 43 CFR Subpart 2883, with the exception of advance permission to construct under 43 CFR 2883.2-3.

4. Footnote 7 is amended to read as follows:

The New Orleans OCS Office has responsibility for the Gulf of Mexico OCS and the Atlantic OCS from and including Florida to the east-west tract line common to tracts 404 and 448 found on OCS official Protraction Diagram NJ 18-11 (the approximate State line between North Carolina and Virginia). The New York City OCS Office has responsibility for the Atlantic OCS from the east-west tract line common to tracts 404 and 448 found on OCS official Protraction Diagram NJ 18-11 (the State approximate line Virginia and North Carolina) to the International boundary between the United States and Canada. The Pacific OCS Office has responsibility for the Pacific OCS from the International boundary between the United States and Mexico north to the International boundary between the United States and Canada, and off-shore Hawaii. The Alaska OCS Office has responsibility for the Alaska OCS.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.75-31462 Filed 11-20-75;8:45 am]

Geological Survey

NATURAL GAS

Value for Royalty Purposes

Notice is hereby given that the Geological Survey proposes to revise, effective July 1, 1976, its method of determining value for royalty purposes on gas produced from, or for the benefit of, onshore Federal and Indian oil and gas leases. In accordance with 30 CFR 221.47, the Notice prescribes that royalty computations will be based on the value of the gas production at the time of sale or other disposition.

Interested persons may submit written comments, objections, and suggestions to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, 12201 Sunrise Valley Drive, Reston, Virginia 22092, on or before February 1, 1976.

It is hereby certified that the economic and inflationary impacts of proposed Notice to Lessees and Operators, NTL–5, have been carefully evaluated in accordance with OMB Circular A–107.

W. A. RADLINSKI,
Acting Director.

NOTICE TO LESSEES AND OPERATORS OF FEDERAL AND INDIAN ONSHORE OIL AND GAS LEASES (NTL–5)

VALUE OF NATURAL GAS FOR ROYALTY PURPOSES

This Notice is issued pursuant to the authority prescribed in 30 CFR 221.47 which provides:

This value of production, for the purpose of computing royalty shall be the estimated reasonable value of the product as determined by the supervisor, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee, to posted prices and to other relevant matters. Under no circumstances shall the value of production of any of said substances for the purposes of computing royalty be deemed to be less than the gross proceeds accruing to the lessee from the sale thereof or less than the value computed on such reasonable unit value as shall have been determined by the Secretary. In the absence of good reason to the contrary, value computed on the basis of the highest price per barrel, thousand cubic feet, or gallon paid or offered at the time of production in a fair and open market for the major portion of like-quality oil, gas, or other products produced and sold from the field or area where the leased lands are situated will be considered to be a reasonable value.

In accordance with this provision and with the terms of the various oil and gas leases issued pursuant to the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181–287), the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351–359), the implied authority of the Executive Branch as defined in the Attorney General's Opinion of April 2, 1941 (Vol. 40 Op. Atty. Gen. 41), and the authority contained in Title 25 CFR, the Area Oil and Gas Supervisor (Supervisor) has the authority to establish royalty values for gas produced and sold, vented, flared, or otherwise lost from such leases. This authority will be exercised to insure that royalties are computed on the value of gas production at the time of sale or other disposition.

I. *Establishment of Product Values.* Effective July 1, 1976, the Supervisor will compute royalties on all gas produced from, or for the benefit of, onshore Federal and Indian oil and gas leases, as follows:

A. *Interstate Sales Subject to Jurisdiction.* For interstate sales subject to the price jurisdiction of the Federal Power Commission (FPC), the value for royalty purposes shall be the higher of the following:

1. The price received by the seller in accordance with the provisions of his sales contract, or

2. The highest ceiling rate established by the FPC for the same vintage, quantity, type, and quality of gas on a sub-area, area, or national basis.

B. *Intrastate or Other Sales Not Subject to Jurisdiction.* For intrastate or other sales not subject to the price jurisdiction of the FPC, the value for royalty purposes shall be the higher of the following:

1. The highest price paid or offered by a bona fide purchaser who is physically and financially able to purchase the gas in question, or

2. The highest price paid for a majority of comparable gas sold in the sub-area or area, as designated by the FPC, with due regard for quality and other pertinent factors, or

C. *Contracts Entered into Prior to July 1, 1976.* For contracts entered into prior to July 1, 1976, the price received by the seller in accordance with the provisions of the applicable sales contract, or such other value as previously established by the Supervisor, will be accepted for royalty purposes until such time as a new value is established by the Supervisor pursuant to this Notice. Provided, however, that royalty shall not be calculated at less than 15.3004 cents per MCF at 15.025 psia and 60° F (equivalent to 15 cents per MCF at 14.73 psia and 60° F). Whenever the Supervisor establishes a new value for royalty computation purposes, it will be effective for production beginning on and after the first of the month next following the date on which the Supervisor sends the lessee or operator written notification thereof by certified or registered mail, and will remain in effect until the beginning of the next year. As used in this Notice, the term "year" means the 12-month period following the effective date of the Supervisor's initial determination of product value, or redetermination thereof, unless the Supervisor prescribes a different period of time for a particular lease, field, or area.

D. *Contracts Entered or Renegotiated on or After July 1, 1976.* For contracts entered into or renegotiated on or after July 1, 1976, royalty based on the price received by the seller in accordance with the provisions of the sales contract will be accepted until an initial value has been established. This initial value will be established by the Supervisor during the first year of the sales contract and the lessee or operator will be furnished written notification thereof by certified or registered mail. Such value will be effective as of the date of first production under the sales contract and will remain in effect until the beginning of the next year.

II. *Redetermination.* The values established for royalty purposes pursuant to paragraph I will be subsequently redetermined by the Supervisor, as follows:

A. *Interstate Sales Subject to Jurisdiction.* For interstate sales subject to the price jurisdiction of the FPC, the value established for royalty purposes shall be redetermined to conform with any subsequent FPC sub-area, area, or national ceiling rate which may be prescribed for the same vintage, quantity, type and quality of gas. Such increased value shall be effective as of the date FPC prescribes or permits such higher price.

B. *Intrastate or Other Sales Not Subject to Jurisdiction.* For intrastate or other sales not subject to the price jurisdiction of the FPC, the value established for royalty purposes shall be redetermined yearly as the higher of the following:

1. The highest price paid or offered by a bona fide purchaser who is physically and financially able to purchase the gas in question, or

2. The highest price paid for a majority of comparable gas sold in the sub-area or area, as designated by the FPC, with due regard for quality and other pertinent factors, or

3. An annual escalation of one cent per MCF over the value established for royalty purposes during the previous year.

Provided, however, that the Supervisor may redetermine such rates at any time during the year to reflect significant price changes in the field or area. Otherwise, redetermined gas values under this part (B) shall be effective for production commencing on the first day of the next year. At least 30 days prior to the expiration of each year, the Supervisor should notify the lessee or operator, by certified or registered mail, of the gas value that has been established for royalty purposes for the coming year. If such redetermination is not made, the value of production for the subsequent year will be based on a value of one cent per MCF over the royalty value established for the previous year.

C. *Failure of Supervisor to Exercise the Right of Redetermination.* The failure of the Supervisor to exercise the right of redetermination at the end of any yearly period, as provided in part (B) of this paragraph, shall not constitute a waiver of his prerogative to exercise that right at the end of any subsequent year or for any year in which no redetermination was made as scheduled. In such later event, the effective date of the redetermination shall be the first day of production for that year. Likewise, his failure to notify a lessee or operator prior to commencement of a new year of a minimum annual escalation of one cent per MCF or the applicability of a higher FPC sub-area, area, or national ceiling rate shall not abrogate the lessee's or operator's obligation to pay royalties on such appropriate basis.

III. *Gross Proceeds.* Under no circumstances will royalty be computed on less than the gross proceeds accruing to the lessee from the sale of leasehold production. Gross proceeds include, but are not limited to, tax reimbursements (even though the Government interest is tax-exempt), and payments to the lessee for the performance of certain services such as measuring, gathering, compressing, sweetening, and dehydrating, which are necessary to place the gas into marketable condition and which the lessee is obligated to perform at no cost to the lessor.

IV. *Production on Which Royalty is Due.* Royalty is due on the value of all gas which is produced from, or for the benefit of, onshore Federal oil and gas leases except that gas which is specifically exempted by the provisions of Notice to Lessees and Operators (NTL–4) dated November 15, 1974. Likewise, in accordance with NTL–4, where gas is determined to have been lost because of a violation of the regulations, lease terms, approved plan of operations, written orders of the Supervisor, negligence, or failure to exercise due caution, payment will be due on the full volume rather than the royalty portion only.

For Indian tribal and allotted oil and gas leases, royalty is due on the value of all gas which is produced and saved from, or for the benefit of, such leases as provided by Notice to Lessees and Operators (NTL–4A).

The value for gas disposed of without sale will be calculated in the same manner as the Supervisor calculates the value of other gas sold from the lease, communitized or unitized area, field, or general area in accordance with the provisions of this Notice and Notices to Lessees and Operator, NTL–4 and –4A.

V. *Establishment of Market.* The value of gas used for royalty computation purposes will be based on one of the following:

A. For gas disposed of by contract, the best available market at the time the contract for its sale is made, or

B. For gas disposed of without sale, the best available market at the time of production, or

C. In the absence of an available market, gas which is lost or otherwise disposed of without sale will be valued on the applicable FPC sub-area, area, or national ceiling rate.

Where a contract is the basis for royalty computations, such market will continue to be used for royalty purposes as long as the contract remains in effect. Generally, gas which is sold in interstate commerce will be valued for royalty purposes pursuant to paragraphs I(A) and II(A) unless a more advantageous intrastate market was available at the time the contract was executed. If a higher-priced intrastate market was available at the time the contract is entered

into, gas production will be valued for royalty purposes based on such market pursuant to paragraphs I(B) and II(B), regardless of the market into which production is actually sold, unless the lessee or operator can submit convincing evidence that the gas from a newly completed well, although not yet under contract, is effectively committed or dedicated to the interstate market by means of advance payments, funding agreements, or other corporate arrangements. In that event, the Supervisor may establish such interstate market as the basis for royalty computation purposes without regard to existing intrastate markets.

VI. *Quality Adjustment.* All royalty values will be based on gas at 60° F., a pressure base of 15.025 psia, and a BTU content of 1,020 BTU's per cubic foot. For natural gas containing more or less than 1,020 BTU's per cubic foot at 60° F. and 15.025 psia, the base royalty value will be adjusted upward or downward in proportion to the actual BTU content of the gas. However, if FPC has, or subsequently prescribes, a different BTU adjustment base, the BTU base used for royalty value purposes will be adjusted accordingly.

The BTU content of the gas will be the weighted average BTU content of all gas produced from the lease, communitized tract, or unit participating area during the month. Where multiple purchasers are involved, the weighted average BTU content must be reported for the gas sold to each purchaser. The BTU content per cubic foot shall be determined at a temperature of 60° F when saturated with water vapor at an absolute pressure equivalent to 30.59 inches of mercury at 32° F. Unless otherwise authorized by the Supervisor, the BTU content will be determined quarterly by means of (1) a recording calorimeter or (2) calculated from a complete compositional analysis of the gas and the heating value of each constituent. The Supervisor shall be apprised of the method used for each such determination and shall be furnished with such analytical data or other documentation as he may require. The BTU content most recently determined shall be reported monthly to the Supervisor on the Lessee's Monthly Report of Operations (Form 9-329) and on the Lessee's Monthly Report of Sales and Royalty (Form 9-361).

When approved by the Supervisor, mass measurement, based on dekatherms per pound, may be used for quality adjustments in lieu of volumetric measurements based on BTU's per cubic foot.

Under no circumstances will the royalty value be less than 15.3004 cents per MCF at 15.025 psia and 60° F before adjustment for BTU content.

VII. *Reduction of Royalty Rate.* The requirements of this Notice are not intended to cause the premature abandonment of production. Accordingly, where increased royalty payments would preclude the successful operation of a Federal oil and gas lease, an application for a reduction in the royalty rate may be submitted pursuant to 30 CFR 221.39 and 43 CFR 3103.3-7 for the Supervisor's consideration. Applications for reduction of the royalty rate for Indian tribal or allotted leases may be approved only if authorized by the Bureau of Indian Affairs and the Tribe or individual Allottee, as appropriate.

Date

Area Oil and Gas Supervisor

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.75-31458 Filed 11-20-75;8:45 am]

Office of Hearings and Appeals

[Docket No. M76-37]

A & H COAL CO.

Petition for Modification of Application of Manadatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), A & H Coal Company has filed a petition to modify the application of 30 CFR 75.301 to its Orchard Slope Mine, Spring Glen, Pennsylvania.

30 CFR 75.301 provides:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current air shall be sufficient to dilute, render harmless, and carry away flammable, explosive, noxious and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and a minimum quantity of air reaching the intake end of the pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute.

Petitioner requests that section 75.301 be modified for the subject anthracite mine to require, in part, that: The minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

In support of its petition, Petitioner states:

1. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

2. The mine has no history of ignitions or explosions.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Petitioner avers that a decision in its favor will in no way provide less than the same measure of protection afforded the miners by the existing safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 22, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

NOVEMBER 13, 1975.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

[FR Doc.75-31463 Filed 11-20-75;8:45 am]

[Docket No. M76-21]

FIRESIDE MINING, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Fireside Mining, Inc., has filed a petition to modify the application of 30 CFR 75.301 to its Buck Mountain Slope Mine, Hegins, Pennsylvania.

30 CFR 75.301 provides:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current air shall be sufficient to dilute, render harmless, and carry away flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of the pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute.

Petitioner requests that section 75.301 be modified for the subject anthracite mine to require, in part, that: the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

In support of its petition, Petitioner states:

1. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

2. The mine has no history of ignitions or explosions.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Petitioner avers that a decision in its favor will in no way provide less than the same measure of protection afforded the miners by the existing safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 22, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 13, 1975.

[FR Doc.75-31464 Filed 11-20-75;8:45 am]

[Docket No. M 76-41]

KOPPERHAVER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Kopperhaver Coal Company has filed a petition to modify the application of 30 CFR 75.301 to its Buck Slope Mine, Tremont, Pennsylvania.

30 CFR 75.301 provides:

All active workings shall be ventilated by a current of air conditioning containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current air shall be sufficient to dilute, render harmless, and carry away flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of the pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute.

Petitioner requests that section 75.301 be modified for the subject anthracite mine to require, in part, that: the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

In support of its petition, Petitioner states:

1. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

2. The mine has no history of ignitions or explosions.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Petitioner avers that a decision in its favor will in no way provide less than the same measure of protection afforded the miners by the existing safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 22, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 13, 1975.

[FR Doc.75-31465 Filed 11-20-75;8:45 am]

[Docket No. M76-23]

MILLER COAL CO.

Petition for Modification of Application of Manadatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Miller Coal Company has filed a petition to modify the application of 30 CFR 75.301 to its Buck Mountain Slope Mine, Williamstown, Pennsylvania.

30 CFR 75.301 provides:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current air shall be sufficient to dilute, render harmless, and carry away flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of the pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute.

Petitioner requests that section 75.301 be modified for the subject anthracite mine to require, in part, that: the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

In support of its petition, Petitioner states:

1. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.

2. The mine has no history of ignitions or explosions.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Petitioner avers that a decision in its favor will in no way provide less than the same measure of protection afforded the miners by the existing safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 13, 1975.

[FR Doc.75-31466 Filed 11-20-75;8:45 am]

[Docket No. M76-34]

SHORT MOUNTAIN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Short Mountain Coal Company has filed a petition to modify the application of 30 CFR 75.301 to its Short Mountain Mine, Valley View, Pennsylvania.

30 CFR 75.301 provides:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current air shall be sufficient to dilute, render harmless, and carry away flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of the pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute.

Petitioner requests that section 75.301 be modified for the subject anthracite mine to require, in part, that: the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

In support of its petition, Petitioner states:

1. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.
2. The mine has no history of ignitions or explosions.
3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.
4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.
5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.
6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.
7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Petitioner avers that a decision in its favor will in no way provide less than the same measure of protection afforded the miners by the existing safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 13, 1975.

[FR Doc.75-31467 Filed 11-20-75;8:45 am]

[Docket No. M76-38]

WENRICH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Wenrich Coal Company has filed a petition to modify the application of 30 CFR 75.301 to its Buck Mountain Slope Mine, Spring Glen, Pennsylvania.

30 CFR 75.301 provides:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current air shall be sufficient to dilute, render harmless, and carry away flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of the pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute.

Petitioner requests that section 75.301 be modified for the subject anthracite mine to require, in part, that: the minimum quantity of air reaching each working face shall be 1,500 cubic feet a minute, the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries shall be 5,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 5,000 cubic feet a minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

In support of its petition, Petitioner states:

1. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine.
2. The mine has no history of ignitions or explosions.
3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.
4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.
5. Extremely high velocities in small cross sectional areas of airways and manways required in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.
6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.
7. Difficulty in keeping miners on the job and securing additional mine help is due primarily to the conditions cited.

Petitioner avers that a decision in its favor will in no way provide less than the same measure of protection afforded the miners by the existing safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

NOVEMBER 13, 1975.

[FR Doc.75-31468 Filed 11-20-75;8:45 am]

National Park Service

LONGFELLOW NATIONAL HISTORIC SITE

Availability of Environmental Assessment of Alternatives

Notice is hereby given that the National Park Service has prepared an environmental assessment of alternatives as a preliminary effort to the preparation of a Draft Master Plan for the management, development and use of Longfellow National Historic Site.

The assessment is on file and available for review and inspection at the North Atlantic Regional Office, 150 Causeway Street, Boston, Massachusetts 02114 and the Superintendent's office, Longfellow National Historic Site, 105 Brattle Street, Cambridge, Massachusetts 02138.

The assessment discusses, by way of impact analysis, adverse effects and mitigating measures, five alternate ways for handling the problems of management, development and public use of the historic site.

Fact finding discussions and contacts were made, by the Superintendent, with some 20 interested persons and organizations in the Cambridge area as a part of developing this assessment.

Written comments on this environmental assessment are invited and will be accepted on or before January 5, 1976. Comments should be addressed to:

Superintendent, Longfellow National Historic Site, 105 Brattle Street, Cambridge, Massachusetts 02138.

Dated: November 3, 1975.

JERRY D. WAGERS,
Regional Director,
North Atlantic Region.

[FR Doc.75-31608 Filed 11-20-75;8:45 am]

Office of the Secretary

OUTER CONTINENTAL SHELF ADVISORY BOARD—MID-ATLANTIC REGION

Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law No. 92-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The Mid-Atlantic Regional Board will meet during the period 2 p.m. to 5:30 p.m., December 12, 1975, in Council Room 1, The Cascades, Williamsburg, Virginia.

The meeting will cover the following principal subjects:

1. Baltimore Canyon Environmental Impact Statement.
2. Coordination of activities with other Federal agencies—Coast Guard.
3. Status of legislation.
4. State review of exploration and development plans.
5. Sharing of geological and geophysical data.
6. Middle Atlantic Governors' Coastal Resources Council (MAGCRC) progress report.

The meeting is open to the public. Interested persons may make oral or written presentations to the Board. Such requests should be made by December 1 to the Mid-Atlantic Board Chairman:

Thomas M. Downs, Administrative Assistant to the Lt. Governor, Office of the Lt. Governor, Annapolis, Maryland 21404, 301/267-5907.

Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th and C Streets, N.W., Washington, D.C.

NOVEMBER 14, 1975.

ROYSTON C. HUGHES,
Assistant Secretary—Program Development and Budget.

[FR Doc.75-31414 Filed 11-20-75;8:45 am]

WATCHES AND WATCH MOVEMENTS

Proposed Rules for Allocation of Quotas for Calendar Year 1976 Among Producers Located in the Virgin Islands, Guam and American Samoa

CROSS REFERENCE: For a document issued jointly by the Department of the Interior, Office of the Secretary, and the Department of Commerce, Office of the Secretary, on the subject of proposed rules for allocation of quotas for watches and watch movements for calendar year 1976, see FR Doc. 75-31557 appearing in the notices section of this issue under the Department of Commerce, Office of the Secretary.

DEPARTMENT OF AGRICULTURE

Forest Service

APACHE-SITGREAVES NATIONAL FORESTS GRAZING ADVISORY BOARDS

Meeting

The Apache-Sitgreaves Grazing Advisory Boards meeting on November 24, 1975, has been cancelled. The meeting has been rescheduled to meet at 1:30 p.m. on January 12, 1976, at the Ramada Inn, Springerville, Arizona.

The purpose of the meeting is to elect officers for the newly formed Appache and Sitgreaves National Forests Grazing Advisory Boards. The charter and bylaws will be reviewed at this time. Other business concerning permittee and Forest Service relationships will be discussed.

The meeting will be open to the public. Persons who wish to attend may contact:

Forest Supervisor, Apache-Sitgreaves National Forests, P.O. Box 640, Springerville, Arizona, Phone No. 333-4301.

1. Those wishing to make a verbal statement are to submit written documentation and state the amount of time required to present the topic.

2. The Forest Supervisor will review all requests and inform each participant of the time alloted for their presentation.

Time permitting, other questions or statements will be received following the meeting. If not, written statements will be received.

Dated: November 13, 1975.

JAMES L. KIMBALL,
Forest Supervisor.

[FR Doc.75-3158 Filed 11-20-75;8:45 am]

Soil Conservation Service

CAVALRY CREEK WATERSHED, OKLAHOMA

Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cavalry Creek Watershed Project, Washita County, Oklahoma.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no sigificant controversy is associated with the project. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improved include conservation land treatment supplemented by one floodwater retarding structure, 33 acres of critical area treatment, 19 grade stabilization structures, and 300 feet of roadside borrow ditch lining.

The environmental assessment file is available for inspection during regular working hours at the following location.

Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma.

Request for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this publication.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

NOVEMBER 14, 1975.

[FR Doc.75-31461 Filed 11-20-75;8:45 am]

UPPER BAYOU NEZPIQUE WATERSHED PROJECT, LOUISIANA

Availability of Final Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the project measures work remaining to be done on the Upper Bayou Nezpique Watershed Project, Evangeline and Allen Parishes, Louisiana, USDA-SCS-EIS-WS-(ADM)-75-6-(F)-LA.

The environmental impact statement concerns a plan for watershed protection, flood prevention, drainage, irrigation, and recreation. The remaining planned works of improvement provide for conservation land treatment, seven single-purpose flood prevention structures, one multiple-purpcse flood prevention and irrigation water storage structure, 2,200 feet of floodway for flood prevention, and about 61 miles of channel work.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 3737 Government Street, Alexandria, La. 71301.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JAMES W. MITCHELL,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

NOVEMBER 14, 1975.

[FR Doc.75-31460 Filed 11-20-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

SS UNITED STATES

Amended Notice of Invitation for Bids for Sale and Operation of the Vessel

Notice is hereby given that Invitation for Bids No. PD-X-999, dated August 7, 1975, inviting sealed bids from citizens of the United States for purchase of the SS UNITED STATES, Official No. 263934, notice of which was published in the FEDERAL REGISTER of August 11, 1975 (40 FR 33696) as amended by Amendment No. 2, dated October 7, 1975, so as to extend the time for the receipt of bids from November 5, 1975 to December 9, 1975, has been further amended by Amendment No. 3, dated November 20, 1975, so as to extend further the time for receipt of bids from December 9, 1975, to 2:15 P.M. EST January 13, 1976, to provide for public opening of such bids at 2:15 P.M. EST on said date at the office of the Maritime Administration, Room 3708, Commerce Building, 14th Street between E and Constitution Avenue, NW., Washington, D.C. 20230.

Copies of Amendment No. 3 (dated November 20, 1975) to the Invitation for Bids No. PD-X-999, dated August 7, 1975, may be obtained from the Contracting Officer, Burton T. Kyle, Director, Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: November 20, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-31675 Filed 11-20-75;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Proposed Rules for Allocation of Quotas for Calendar Year 1976 Among Producers Located in the Virgin Islands, Guam and American Samoa

Pursuant to the authority granted the Secretaries by Public Law 89-805 the Departments of Commerce and the Interior are considering rules which will govern the allocation of duty-free quotas of watches and watch movements among producers in the Virgin Islands, Guam and American Samoa for calendar year 1976.

Interested parties may participate in the proposed rule making by submitting such written data, views or arguments as they may desire regarding the proposed rules set out below. All communications should be submitted on or before December 11, 1975, and addressed to:

Office of Import Programs, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.
Attention: Special Import Programs Division, Room 6886C.

Such communications shall be submitted in an original and one copy and must include the following information:
(a) The name, address and telephone number of the party submitting the brief.
(b) The name, address, telephone number and official position of the person submitting the brief on behalf of the party referred to in subparagraph (a).

The Departments propose to revise the income tax portion of the basis for allocating quota to Virgin Islands producers (Section 4) by making allowable, for quota allocation purposes, only the net amount of income taxes, excluding penalty payments, paid during calendar year 1975 less any refunds and subsidies applicable to such taxes which were received by such producer from the Virgin Islands Government during calendar year 1975. This proposed revision of the rules would remove the present requirement for firms to estimate income tax obligations applicable to the calendar year period and remove any inequities resulting from adjustments in the firms' tax liabilities and credits subsequent to the Departments' annual verification of data in the territory. It would also reduce the reporting burden on firms presently required to convert fiscal year tax data to a calendar year basis and facilitate the Departments' annual review of the pertinent data upon which the quotas are based. This change is also expected to expedite the annual allocation of quota in the Virgin Islands.

A further revision is proposed in Section 4 relative to the formula for allocating quota in the Virgin Islands by increasing the portion of total available quota allocated on the basis of Headnote 3(a) wages to 50 percent, and decreasing the portions allocated on the basis of Headnote 3(a) shipments and taxes to 35 percent and 15 percent respectively. These proposed changes are intended to maximize the economic benefits accruing to the territory from the allocation of quotas by encouraging more in-depth assembly on Virgin Islands movements, thereby generating additional Headnote 3(a) wages during a period in which it is expected that profits to firms, and consequently the industry's tax payments to the territory, may be decreasing as a result of increased price competition from duty paid imports in the United States. The increased emphasis on the firms' direct economic contributions to the territory vis-a-vis shipments of Headnote 3(a) watches into the customs territory of the United States will in the Departments' judgment better serve the economic interests of the Virgin Islands without disturbing the historical makeup of the watch assembly industry. With respect to the allocations in Guam and the Virgin Islands, a wage ceiling of $13,200 per person engaged in Headnote 3(a) watch assembly work is proposed for quota calculation purposes (Sections 4 and 5). This is the same level used for 1975 quota calculations but, unlike previous years, the wage ceiling will be lower than the FICA tax ceiling (which rose to $14,100 in 1975). The $13,200 wage ceiling for quota calculation purposes is intended to provide an additional incentive for the employment and training of territorial residents in skilled labor and supervisory positions.

In Section 5 the Departments proposed to revise the formula for Guam allocations by increasing the portion of total available quota allocated on the basis of Headnote 3(a) wages to 60%, and decreasing the portion allocated on the basis of shipments to 40%. Previously, equal weight has been given to shipments and wages in making Guam allocations. Consistent with the reasoning for the proposed changes in the Virgin Islands allocation formula, the Departments' believe this revision would enhance direct benefits to the Guam economy.

Finally, the proposed rules include a provision (Section 8) for setting aside a portion of the 1976 Virgin Islands and Guam quotas as the basis for inviting applications for new firms, in the event the Departments should determine issuing such an invitation would be in the best interests of either of the territories.

SECTION 1. Upon effective date of these rules, or as soon thereafter as practicable, each producer located in the Virgin Islands, Guam, and American Samoa which received a duty-free watch quota allocation for calendar year 1975, will receive an initial quota allocation for calendar year 1976 equal to 50 percent of the number of watch units assembled by such producer in the particular territory and entered duty-free into the customs territory of the United States during the first ten months of calendar year 1975.

SEC. 2. Each producer to which an initial quota has been allocated pursuant to Section 1 hereof must, on or before April 1, 1976, have assembled and entered duty-free into the customs territory of the United States at least 30 percent of its initial quota allocation. Any producer failing to enter duty-free into the customs territory of the United States on or before April 1, 1976, a number of watch units assembled by it in a particular territory equal to, or greater than, 30 percent of the number of units initially allocated to such producer for duty-free entry from that territory will, upon receipt of a show cause order from the Departments, be given an opportunity, within 30 days from such receipt, to show cause why the duty-free quota which it would otherwise be entitled to receive should not be cancelled or reduced by the Departments. Such a show cause order may also be issued whenever there is reason to believe that shipments through December 31, 1976, by any producer under the quota allocated to it for calendar year 1976 will be less than 90 percent of the number of units allocated to it. Upon failure of any such producer to show good cause, deemed satisfactory by the Departments, why the remaining, unused portion of the quota to which it would otherwise be entitled should not be cancelled or reduced, said

remaining, unused portion of its quota shall be either cancelled or reduced, whichever is appropriate under the show cause order. The Departments may also issue a show cause order to any producer which, for a period of two or more consecutive calendar years, has failed through its Headnote 3(a) watch assembly operation to make a meaningful contribution to the economy of the territory and to the continued development of the duty-free watch assembly industry in the territory, when compared with the performance of the territorial duty-free watch assembly industry as a whole.

Among the factors the Departments may consider in taking this action include the producer's utilization of quota, amount of direct labor involved in the assembly of watches and watch movements shipped duty-free into the customs territory of the United States, and the net amount of corporate income taxes paid to the government of the territory. Upon failure of the producer to show cause, deemed satisfactory by the Departments, why such action should not be taken, the firm's quota shall be cancelled and the eligibility of the firm for further allocations terminated. In the event of any quota cancellation or reduction under this section, or in the event a firm voluntarily relinquishes a part of its quota, the Departments will reallocate the quota involved, in a manner best suited to contribute to the economy of the territories, among the remaining producers: Provided however, That if in the judgment of the Departments it is appropriate, applications from new firms may, in lieu of such reallocation, be invited for any part or all of any unused portions of quotas remaining unallocated as a result of cancellation or reduction hereunder or any quota voluntarily relinquished. Every producer to which a quota is granted is required to file a report on April 15, July 15, and October 15, of each year covering the periods January 1 to March 31, April 1 to June 30 and July 1 to September 30 respectively via registered mail on Form DIB-321-P, copies of which will be forwarded to each producer at its territorial address of record at least 15 days prior to the required reporting date. Copies of this form may also be obtained from the Special Import Programs Division, Office of Import Programs, U.S. Department of Commerce, Washington, D.C. 20230.

Form DIB-321-P will provide the Departments with information regarding the producer's watch movement assembly operation in the insular possessions. Such information may include the status of beginning and ending inventories of finished watch movements and component parts, scheduled delivery dates and number of watch movement parts and components ordered, number of watch movements assembled, number of watch movements entered into the customs territory of the United States, and a list of confirmed orders for shipment of finished watch movements into the customs territory of the United States, prior to December 31, 1976. Each producer to which a quota is granted will also report on Form DIB-321-P any change in ownership and control which has occurred subsequent to the filing of an application for a watch quota on Form DIB-334-P (see Section 9).

SEC. 3. Application forms will be mailed to recipients of initial quota allocations as soon as practicable and must be filed with the Departments on or before January 31, 1976. All data required must be supplied as a condition for annual allocations and are subject to verification by the Departments. In order to accomplish this verification it will be necessary for representatives of the Departments to meet with appropriate officials of quota recipients in the insular possessions in order to have access to company records. Representatives of the Departments plan to perform this verification beginning on or about February 15, 1976 in Guam and American Samoa and beginning on or about March 1, 1976 in the Virgin Islands, and will contact each producer locally regarding the verification of its data.

SEC. 4. (Virgin Islands only). The annual quotas for calendar year 1976 for the Virgin Islands will be allocated as soon as practicable after April 1, 1976, on the basis of (1) the number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1975, (2) the dollar amount of wages, up to a maximum of $13,200 per person, paid by such producer in the territory during calendar year 1975 to persons residing in the territory whose pay was attributable to its Headnote 3(a) watch assembly operation, and (3) the total dollar amount of income taxes paid by such producer in the territory during calendar year 1975 attributable to its Headnote 3(a) watch assembly operations, excluding penalty payments and less any income tax refunds and subsidies paid to such producer during calendar year 1975. In making allocations under this formula, a weight of 35% will be assigned to Headnote 3(a) production and shipment history, a weight of 50 percent will be assigned to wages paid as specified above, and a weight of 15 percent will be assigned to the total dollar amount of income taxes paid during calendar year 1975 and attributable to Headnote 3(a) watch assembly operations, with the exclusions and deductions specified above.

SEC. 5. (Guam only) The annual quotas for calendar year 1976 for Guam will be allocated as soon as practicable after April 1, 1976 on the basis of the number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1975, and the dollar amount of wages, up to a maximum of $13,200 per person, paid by such producer in the territory during calendar year 1975 to persons residing in the territory whose pay was attributable to its Headnote 3(a) watch assembly operation. In making allocations under this formula, 40 percent will be assigned to production and shipment history and 60 percent to wages as specified above.

SEC. 6. (American Samoa only) The annual quota for calendar year 1976 will be allocated to the producer in the territory as soon as practicable after April 1, 1976. Policies relative to the allocation of quota in American Samoa are set forth in the Departments' notice of June 9, 1967 (32 FR 8316 et seq.).

SEC. 7. (Virgin Islands and Guam) For purposes of allocating watch quotas for calendar year 1976 under Sections 4 and 5 above, any watches or watch movements shipped from the Virgin Islands or Guam during calendar year 1975 for duty-free entry into the customs territory of the United States against a producer's 1975 watch quota, and which were lost prior to entry into the customs territory of the United States, shall nevertheless be considered as having been entered into the customs territory for purposes of quota fulfillment: Provided, that the Departments have been satisfied that shipment was in fact made but lost prior to entry into the customs territory.

SEC. 8. (Virgin Islands and Guam). With respect to the Virgin Islands and Guam quotas, after taking into account the Headnote 3(a) shipments through March 31, 1976 of the 1976 quota recipients, the Departments may set aside 200,000 and 70,000 units respectively of the calendar year 1976 Virgin Islands and Guam quotas for new firms and invite quota applications from new firms on Form DIB-334P. The Departments may also require new firms to provide information regarding the applicant's experience in watch movement assembly and distribution; anticipated employment of local workers and proposed wage rates, watch movement assembly operations to be performed and types of movements to be assembled in the territories; estimated direct labor costs; anticipated capital investment in the territories; proposed source of financing; and plans for marketing movements assembled in the territories. (By "new firm" is meant an entity which has not heretofore been allocated a quota under Public Law 89-805 and which is completely separate from and unassociated with any present or previous producer in terms of ownership and control.) Based on the Departments' evaluation of the information submitted by applicants, the Departments may allocate a part or all of the set aside portion of the calendar year 1976 Virgin Islands and Guam quotas among those applicants whose proposals, in the judgment of the Departments offer the likelihood of the greatest contribution to the economy of the territories, and in such a manner as, in the judgment of the Departments, will best serve the interests of the territories. Any part or all of the set aside quotas not allocated under this provision shall be reallocated among the 1976 quota recipients in the appropriate territories in a manner best suited to contribute to the economies of the territories.

SEC. 9. The rules restricting transfers of duty-free quotas issued on January 29, 1968 and published in the FEDERAL REGISTER on January 31, 1968 (33 FR 2393), are hereby incorporated by reference as applicable to transfers of quotas issued during calendar year 1976 except that detailed reporting of ownership and control will be reported on an annual basis on Form DIB-334-P at the time the producer applies for an annual duty-free watch quota for calendar year 1976. Subsequent changes in ownership and control will be reported on April 15, July 15, and October 15, 1976, on Form DIB-321-P required in Section 2 above.

Any interested party has the right to petition for the amendment or repeal of the foregoing rules and may seek relief from the application of any of their provisions upon a showing of good cause under the procedures relating to reviews by the Secretaries of Commerce and the Interior (15 CFR 13; 32 FR 15818, November 17, 1967).

ALAN POLANSKY,
Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

FRED M. ZEDER,
Director, Office of Territorial Affairs, Department of the Interior.

NOVEMBER 18, 1975.

[FR Doc 75-31557 Filed 11-20-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW ZEALAND MINISTRY OF AGRICULTURE AND FISHERIES

Memorandum of Understanding

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) stating that future agreements or memoranda of understanding

between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

A Memorandum of Understanding between the Food and Drug Administration and the New Zealand Ministry of Agriculture and Fisheries was executed on November 11, 1975. The purpose of the memorandum is to facilitate and improve procedures for importation of dry milk products into the United States.

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOOD AND DRUG ADMINISTRATION, PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, UNITED STATES OF AMERICA AND THE MINISTRY OF AGRICULTURE AND FISHERIES, NEW ZEALAND RELATIVE TO EXPORTING DRY MILK PRODUCTS TO THE UNITED STATES

It is the aim of the parties to this Memorandum of Understanding to facilitate and simplify the importation of dry milk products into the United States of America; to improve compliance with specifications of the Food and Drug Administration (FDA); to minimize, and in the future, diminish the risk of products being returned because of failure to comply with specifications; and eventually, to reduce the time-consuming practice of lot by lot examination by the receiving country.

For purposes of this Memorandum, both parties agree to the definitions following:

Dry milk products—Dry milk products include nonfat dry milk, whole milk powder, dried whey, buttermilk powder, casein, and caseinates.

Lot—A quantity of dry milk product produced during a discrete period of time, not exceeding 1 day, by the manufacturer, in one continuous process using a single processing line, packaged in identical containers identified by a code or mark traceable to the manufacturer.

Salmonella negative—The absence of *Salmonella* in 30/25 gram subdivisions, each taken from a lot of dry milk product when tested by procedures outlined in the *Bacteriological Analytical Manual for Foods* and the *AOAC Methods*, 12th ed.

Phosphatase negative—No indication of under-pasteurization or contamination with raw milk when tested by one of the methods in *AOAC Methods*, 12th ed., section 16.101, et seq.

Penicillin negative—No detectable residue of penicillin when tested by the cylinder method of Kramer, et al., 1968.

MINISTRY OF AGRICULTURE AND FISHERIES, NEW ZEALAND

1. The Ministry of Agriculture and Fisheries, New Zealand agrees to inspect each lot of dry milk product produced in New Zealand and offered for export to the United States of America to assure that the lot is *Salmonella* negative, phosphatase negative, and penicillin negative.

2. The Ministry of Agriculture and Fisheries, New Zealand agrees to issue an export certificate for only those lots which meet the criteria of paragraph 1, above. Any lot which fails to meet such criteria will be denied export to the United States of America.

3. The Ministry of Agriculture and Fisheries, New Zealand agrees to require all containers of all lots exported to the United States of America to be identified by lot number together with all other information required by the Federal Food, Drug, and Cosmetic Act.

4. The Ministry of Agriculture and Fisheries, New Zealand agrees to include in the certificate for each lot exported to the United States of America the following information:

a. Lot identification, including name and address of manufacturer;

b. Number and size of containers in the lot;

c. Analytical results for *Salmonella*, phosphatase, and penicillin;

d. Date of the certificate; and

e. Name and stamp, or seal of authorizing official.

The valid certificate will accompany the shipping manifest.

5. The Ministry of Agriculture and Fisheries, New Zealand agrees to furnish to the Food and Drug Administration a copy of the regulations, and procedures used to assure that dry milk products are sanitary.

6. The Ministry of Agriculture and Fisheries, New Zealand agrees to furnish to the Food and Drug Administration a full description of the manufacturing processes and quality controls used to assure the production of sanitary dry milk products.

UNITED STATES OF AMERICA

In fulfillment of its responsibilities, the Food and Drug Administration is responsible for the safety and quality of dry milk products imported into this country for human consumption:

1. The Food and Drug Administration will sample products certificated under this program to assure that the exporting country and the exported products comply with specifications set forth in this agreement, and all other requirements of the Federal Food, Drug, and Cosmetic Act. The intensity of sampling may be reduced on gaining confidence in the compliance of the products to these specifications.

2. The Food and Drug Administration will share information about its audit sampling with the Ministry of Agriculture and Fisheries, New Zealand.

3. The Food and Drug Administration will share expertise and will provide consultative assistance to the exporting country when necessary to assure the safety of the dry milk products exported to the United States of America.

METHODOLOGY REFERENCES

The following methods are those to which reference has been made in the Memorandum:

1. Food and Drug Administration, Bureau of Foods, Division of Microbiology, *Bacteriological Analytical Manual for Foods*, 3rd. ed., Washington, DC 20044, 1972.

2. "Official Methods of Analysis," *Association of Official Analytical Chemists*, 12th ed., Box 540, Benjamin Franklin Station, Washington, DC 20044, 1975.

3. Kramer, J., G. G. Carter, B. Arret, J. Wilner, W. W. Wright, and A. Kirshbaum. *Antibiotic residues in milk, dairy products, and animal tissues*, National Center for Antibiotic and Insulin Analysis, Food and Drug Administration, Washington, DC 20204, 1968.

The Ministry of Agriculture and Fisheries, New Zealand, and the Food and Drug Administration, United States of America, agree that this Memorandum shall become effective on the date it is signed by both parties. It shall remain in effect, and govern all dry milk products exported to the United States of America, pending revision or revocation at the request of either agency. Upon the effective date, this Memorandum of Understanding will be published in the FEDERAL REGISTER. A copy of the Memorandum will be available for public review at the office of the Hearing Clerk, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

In witness whereof, the agencies have executed this Memorandum.

For the Ministry of Agriculture and Fisheries, New Zealand: A. T. Johns, Director General, October 23, 1975.

For the Food and Drug Administration, United States: Sherwin Gardner, Deputy Commissioner, November 11, 1975.

Effective date. This Memorandum of Understanding became effective November 11, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

NOVEMBER 14, 1975.

[FR Doc.75-31453 Filed 11-20-75;8:45 am]

Health Resources Administration

NATIONAL ADVISORY COUNCIL ON REGIONAL MEDICAL PROGRAMS

Notice of Filing Annual Report

Notice is hereby given that pursuant to Section 13 of Public Law 92-463, the Annual Report for the following Health Resources Administration committee has been filed with the Library of Congress: National Advisory Council on Regional Medical Programs.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 300 Independence Avenue, S.W., Washington, D.C. 20201 Telephone (202) 245-6791.

Dated: November 17, 1975.

JAMES A. WALSH,
Associate Administrator for Operations and Management.

[FR Doc.75-31450 Filed 11-20-75;8:45 am]

Office of Education

SPECIAL ASSISTANCE TO REFUGEE CHILDREN FROM CAMBODIA AND VIETNAM IN THE UNITED STATES

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Pub. L. 94-23 (Sec. 122) and Pub. L. 87-510 (22 U.S.C. 2601 *et seq.*), applications are being accepted from State and local educational agencies for project grants for programs for educational services for Indochinese refugee children.

In order to be assured of consideration, applications from State and local educational agencies must be received by the U.S. Office of Education Application Control Center on or before March 31, 1976.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Grant and Procurement Management Division, Application Control Center, 400 Maryland Avenue, S.W., Washington, D.C. 20202, Attention: 13: 596. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than

March 26, 1976, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. Hand delivered application will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the OE Refugee Assistance Task Force, Room 3319B, Regional Office Building Three, 7th and D Streets, S.W., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program are 45 CFR Part 122, Grants to State or Local Public Agencies for Programs for Educational Services for Indochinese Refugee Children published in the FEDERAL REGISTER on October 10, 1975, at 47767.

(20 U.S.C. 1232c(b)(3))

(Catalog of Federal Domestic Assistance Number 13,596)

Dated: November 17, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-31521 Filed 11-20-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[NFD-311]

ARTHUR T. DOYLE

Notice of Appointment

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, to administer the Disaster Relief Act of 1974 (Public Law 93-288, 88 Stat. 143), I hereby appoint Arthur T. Doyle as Federal Coordinating Officer to perform the duties specified by Section 303 of that Act for the disaster listed below, effective September 28, 1975:

State	
Pennsylvania: Vice, Rober C. Stevens, appointed September 26, 1975 (40 F.R. 45463, October 2, 1975).	*Disaster Number and Declaration Date* 485 September 26, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: November 13, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc. 75-31478 Filed 11-20-75; 8:45 am]

Federal Insurance Administration

[Docket No. N-75-461]

NATIONAL FLOOD INSURANCE PROGRAM

Guidelines

Prohibition against the making, increasing, extending, or renewing, by Federally regulated lending institutions, of loans secured by improved real property situated in a Hud-identified special Flood Hazard Area of a flood-prone community not participating in the National Flood Insurance Program after July 1, 1975, or one year *after its identification as being flood-prone, whichever is later.*

The following guidelines represent the current views of the Federal Insurance Administration with respect to the sanctions set forth in Section 202(b) of the Flood Disaster Protection Act of 1973 ("the 1973 Act"), and are effective until further notice.

The purpose of these guidelines is to provide additional guidance to the many federally regulated, supervised, or insured lending institutions responsible for the enforcement of the 1973 Act's Section 202(b) prohibition against the making, increasing, extension, or renewal of any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards, unless the community in which such area is situated is then participating in the National Flood Insurance Program.

I. *Guidelines in Effect Prior to this Issuance.* Pursuant to the guidelines issued by the Federal Insurance Administration on July 17, 1974 (39 FR 26186-93) as modified on April 14, 1975 (40 FR 167110) concerning the "Mandatory Purchase of Flood Insurance," it was pointed out that, after July 1, 1975, or after one year from the date that HUD identified a community as being one having one or more special flood hazard areas, whichever is later, no "federal or federally related financial assistance" could legally be provided for the acquisition or construction of buildings located or to be located in such special flood hazard areas unless the community had gained eligibility in the National Flood Insurance Program and flood insurance had been purchased by the applicant for such assistance and as a condition for the receipt of such assistance.

The term "federal or federally related financial assistance" as used in the guidelines relates to subsections (a) and (b) of Section 202 of the 1973 Act. Subsection (a) is construed to include all loans, grants, guarantees and similar forms of direct and indirect assistance from Federal agencies such as the Federal Housing Administration, the Veterans Administration, the Farmers Home Administration, the Small Business Administration, and the Environmental Protection Agency. It includes FHA insured housing, property improvement and mobile home loans, VA guaranteed mortgage loans, and direct loans from FmHA. Subsection (b) of section 202 is construed to include such forms of financial assistance as conventional mortgage loans, or similar assistance, from federally insured or regulated lending institutions including commercial banks, savings banks, savings and loans associations, and credit unions.

II. *Reason for Amendments to Guidelines.* The purpose of these guidelines is to provide an administrative interpretation of the amendment, approved on July 2, 1975, to Section 202(b) of the Flood Disaster Protection Act of 1973 and thus to provide guidance to federally regulated lending institutions for their implementation of that amendment. Section 303 of the Emergency Housing Act of 1975, P. L. 94-50, approved on July 2, 1975, amended Section 202(b) of the Flood Disaster Protection Act of 1973 to provide as follows:

"(b) Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation prohibit such institutions on and after July 1, 1975, from making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program, *except that the prohibition contained in this sentence shall not apply to any loan made prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.*" (amendment underscored)

III. *General Guidelines for Lenders Regarding Recently Amended Section 202 (b) of the Flood Disaster Protection Act of 1973.* A. *Types of Loans to Which the Extension has Application.* Inasmuch as the quoted exception, newly added by the recent amendment to Section 202(b) of the 1973 Act, relates solely to the making, by federally regulated lending institutions, of conventional mortgage loans and similar financing secured by improved real property located in special hazard areas of communities that

are not participating in the National Flood Insurance Program, such exception obviously has no application to VA guaranteed or FHA insured loans or any other form of direct or indirect financial assistance from Federal agencies, all of which continue to be prohibited under the provisions of Section 202(a) of the 1973 Act in respect to properties in the special flood hazard areas of communities which are nonparticipants after the later of July 1, 1975, or one year after the community's identification as being flood-prone. Additionally, by its terms, the exception provided in the new amendment applies only to the "making" of a loan and not to the extension, renewal, increase in, or refinancing of, an existing loan. Moreover, the new exception is clearly limited to loans for the acquisition of existing residential structures and thus does not extend to the making of loans for new construction, rehabilitation or repair.

B. *Reimposition of Section 202(b) Prohibition Against the Making of Loans Secured by Improved Real Property.* Assuming January 1, 1976, to be one year or more after a nonparticipating community has been identified as flood-prone by HUD, no such loan for the acquisition of a structure located in a special flood hazard area of that community could be made on or after that date by a federally regulated lending institution unless or until the community became eligible for participation in the National Flood Insurance Program.

The issue of when a loan can be considered to have been "made" has been the subject of discussion between the FIA and the various Federal financial instrumentalities. It is the view of the Federal Insurance Administration that a loan is "made," for purposes of Section 202(b), as amended, only when the funds are actually disbursed by the lender to the borrower, or, with his concurrence to the contract vendor, upon the closing or settlement, from which it follows that whether the loan is made before or after January 1, 1976, is to be determined in accordance with the date of such actual payout. For example, if a loan commitment for the acquisition of an existing residential structure were issued on or before December 31, 1975, and the loan were closed and the funds so disbursed on or before December 31, 1975, the loan would be proper under the terms of the amendment; conversely, if, with respect to that same loan, the funds were not to be disbursed until a closing or settlement date on or after January 1, 1976, the loan would not fall within the terms of the exception provided in Section 202(b) by the amendment. In short, the Federal Insurance Administration believes that the applicability of the prohibition against the making of such loans should be determined on the basis of the circumstances existing as of the closing date rather than as of the commitment date. For purposes of the practicable and equitable implementation of this position, FIA urges the Federal financial instrumentalities and agencies to provide for notice to the borrower to be given in the loan commitment or approval to the effect that if the prohibition is applicable on the date of the closing it will be enforced. The Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the Comptroller of the Currency have construed the term "the making of a loan" to refer to the time of the approval of a loan commitment rather than the time of the closing assuming such commitment to be an enforceable, binding, and unconditional commitment. It follows, therefore, that guidelines from these instrumentalities on this subject will differ.

Of course, in this, as in all other matters contained in these guidelines, lenders are advised to consult with the Federal financial instrumentalities which regulate or otherwise supervise their activities.

C. *Kinds of Structures Which May be Acquired Through December 31, 1975 With Financing Under Section 202(b) of the 1973 Act, as Amended.* The amendment specifically refers to the acquisition of a "previously occupied residential dwelling." Patently, the amendment does not permit the financing of commercial structures and is limited to existing residential dwellings.

The requirement that the dwelling be "previously occupied" clearly permits the making of a conventional mortgage loan on an existing residential structure while ruling out such financing in the case of a new residential dwelling which has not previously been "occupied" prior to the time of the making of the loan; i.e., before the date of the closing or settlement. The term "occupied," however, presents some difficulty and requires interpretation in that it is not a precise and unequivocal term. For example, in the property insurance field there are a considerable number of conflicting judicial interpretations on the issue of whether or not a given structure is "occupied" or "vacant" at the time of an insurance loss. Traditional notions of occupancy relate to the act of dwelling in a structure or, at least, the taking up of a structure's space.

Fortunately, the framers of the amendment to § 202(b) have made it clear as to the construction to be given the language in the amendment. Thus, in the Senate debate on the amendment, on June 27, 1975, there is a floor discussion in which it is made abundantly clear that it is the intent of the amendment to limit the delay in implementing the sanctions to existing housing that is used residentially. Thus, the Senate debate stressed two things: the dwellings must be houses that are used, not houses that will be built, and they have to be residences.

Accordingly, it is the view of the Federal Insurance Administration that the amendment permits such loans by federally regulated lenders only in respect to a residential dwelling actually in existence and occupied as a residence prior to the date of the making of the loan. Thus, the amendment does not permit the making of such a loan in respect to existing structures that have never been occupied or that have been occupied other than for residential purposes. Therefore, occupancy as an office or some other primarily commercial use, even with incidental residential use, would not constitute the kind of residential occupancy contemplated by the amendment. Similarly, residential structures occupied by the builder or developer as a sales office or for display purposes as a "model" home would not qualify. On the other hand, a residential structure that has previously been occupied for residential purposes would qualify even if it were unoccupied at the time of the "making of the loan."

It is also the view of the Federal Insurance Administration that the concept of a residential dwelling includes all forms of residential dwellings (single family homes as well as multiple dwelings, condominium structures, cooperative and other forms of apartment buildings) except those customarily used for hotel or motel occupancy inasmuch as such structures are used primarily for commercial purposes.

Regarding newly constructed residential dwellings still titled in the name of the builder or developer but occupied by a lessee or tenant of such builder or developer pending sale to the homebuyer, the Federal Insurance Administration construes the amendment not to permit the making of a loan by a federally regulated lending institution since the clear thrust and purposes of the amendment was to assist existing "innocent homeowners." This intent is clearly evidenced in the House discussion on June 5, 1975 of the Conference Report on H.R. 4485 which contained an amendment to Section 202(b) identical to that finally enacted. Therein, it was stated, in part:

> "The conferees felt that existing law is too strong in penalizing innocent *homeowners* who now live in flood-prone areas who want to sell their homes during this period of transition toward full implementation of the program. They agreed therefore to a 6-month extension, with respect to such *homeowners*, of the prohibition on the making of federally related mortgage loans to finance the resale of existing homes in nonparticipating communities." (Emphasis added.)

Thus, it is the view of the Federal Insurance Administration that only residential dwellings which are no longer owned by the builder or developer but which are existing residential dwellings owned by a homeowner who took title subsequent to the builder's or developer's title, are intended to qualify as "previously occupied residential dwellings."

Federally regulated lending institutions are urged to consult and cooperate with the relevant Federal financial instrumentalities with respect to their questions on all matters treated in these guidelines. Federal supervisory instrumentalities and lending institutions may impose more stringent requirements for their own protection and the protection of their borrowers if they choose to do so.

Issued this 18th day of November, 1975, at Washington, D.C.

J. ROBERT HUNTER,
(Acting) Federal Insurance Administrator.

[FR Doc.75-31541 Filed 11-20-75;8:45 am]

Office of the Secretary

[Docket No. D-75-388]

ACTING AREA DIRECTOR, REGION IV (ATLANTA)

Designation for Jackson Area Office

Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Director: *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Housing Production and Mortgage Credit Division.
3. The Director, Housing Management Division.
4. The Director, Community Planning and Development Division.
5. The Director, Administrative Division.

This designation supersedes the designation effective May 13, 1975 (40 FR 20845, May 13, 1975).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971).)

This designation shall be effective September 11, 1975.

JAMES S. ROLAND,
Area Director, Jackson Area Office, Region IV (Atlanta).

M. BRUCE NESTLEHUTT,
Deputy Regional Administrator, Region IV (Atlanta).

[FR Doc.75-31479 Filed 11-20-75;8:45 am]

[Docket No. D-75-387]

ACTING AREA DIRECTOR, REGION IV (ATLANTA)

Designation for Knoxville Area Office

Each of the officials appointed to the following positions is designated to serve as Acting Area Director during the absence of, or vacancy in the position of, the Area Director, with all powers, functions, and duties redelegated or assigned to the Area Director: *Provided*, That no official is authorized to serve as Acting Area Director unless all officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position:

1. The Deputy Area Director.
2. The Director, Housing Production and Mortgage Credit Division.
3. The Director, Housing Management Division.
4. The Director, Community Planning and Development Division.
5. The Director, Administrative Division.

This designation supersedes the designation effective May 13, 1975 (40 FR 20846, May 13, 1975).

(Delegation of Authority by the Secretary effective October 1, 1970 (36 FR 3389, February 23, 1971).)

This designation shall be effective as of September 10, 1975.

M. BRUCE NESTLEHUTT,
Deputy Regional Administrator, Region IV (Atlanta).

[FR Doc.75-31480 Filed 11-20-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75-218]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the other Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from September 8, 1975 to September 24, 1975 (List No. 22-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/102/2, Models LS-111D and LS-111E survival capsule launching winch; approval limited to mechanical components only, and for a maximum working load of 11,000 pounds on a single fall; identified by assembly drawing 56834 revision G dated June 7, 1973, and drawing list revision B dated September 9, 1974, approved for use on artificial islands, fixed structures, and drilling rigs, both self-propelled semisubmersible and nonself-propelled, manufactured by Lake Shore, Inc., Iron Mountain, Michigan 49801, effective September 19, 1975. (It supersedes Approval No. 160.015/102/2 dated April 30, 1975 to extend area of usage.)

Approval No. 160.015/112/0, Model LS-111F survival capsule launching winch; approval limited to mechanical components only, and for a maximum working load of 11,000 lbs. on a single fall; identified by assembly drawing 57714 dated July 25, 1975, and drawing list 52993-03-200 dated May 13, 1975, approved for use on artificial islands, fixed structures, and drilling rigs, both self-propelled semisubmersible and nonself-propelled, manufactured by Lake Shore, Inc., Iron Mountain, Michigan 49801, effective September 19, 1975.

LIFEBOATS

Approval No. 160.035/476/0, 26.0' x 9.0' x 3.83' fibrous glass reinforced plastic (FRP), totally enclosed (covered) Class 1 motor-propelled lifeboat, 43 person capacity identified by "Drawing List for 26 foot Covered Lifeboat" dated July 18, 1975, and general arrangement drawing WBA-9067, Rev. A dated May 22, 1975, 46 CFR 160.035-13(c) Marking. Weights: Condition "A"=5,931 pounds; Condition "B"=14,785 pounds, manufactured by Lake Shore, Inc., Welin Boat & Davit Division, P.O. Box 809, Iron Mountain, Michigan 49801, effective September 24, 1975.

LINE-THROWING APPLIANCE, IMPULSE-PROJECTED ROCKET TYPE (AND EQUIPMENT), FOR MERCHANT VESSELS

Approval No. 160.040/2/1, Smith & Wesson "International" Line Thrower and Accessories: dwg. No. 1100, Rev. A, dated September 27, 1972, Part-Assembly Model-Line Launcher Model-270; dwg. No. 1122, Rev. D, dated February 7, 1974, Part-Barrel Assembly Model-Line Launcher; dwg. No. 1260, Rev. A, dated August 1975, 12 Ga. Launching Cart; dwg. No. 2311, Rev. B with dwg. list, dated August 1975, Service Line Box; dwg. No. 2440, Rev. B with dwg. list Rev. D, dated August 1975, International Line Throwing Rocket-Buoyant; dwg. No. 2441, Rev. C with dwg. list Rev. D, dated August 1975, International Line Throwing Rocket; and dwg. No. 24201, Rev. A with dwg. list Rev. C, dated August 1975, Line Throwing Rocket Equipment Layout, manufactured by Smith & Wesson Chemical Company, Inc., P.O. Box 208, Rock Creek, Ohio 44084, effective September 16, 1975. (It supersedes Approval No. 160.-040/2/0 dated October 7, 1970 to show new address and new and revised drawings.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/77/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and Taylortec, Inc. dwg. No. 160.050-TAL dated October 15, 1970 and Bill of Materials dated November 24, 1970, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, P.O. Box 2737, Church Street Station,

New York, New York 10008, manufactured by Taylortec, Inc., 2549 Hickory Avenue, Metairie, Louisiana 70003, effective September 10, 1975. (It is an extension of Approval No. 160.050/77/0 dated November 24, 1970.)

Approval No. 160.050/78/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and Taylortec, Inc. dwg. No. 160.050-TAL dated October 15, 1970 and Bill of Materials dated November 24, 1970, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, P.O. Box 2737, Church Street Station, New York, New York 10008, effective September 10, 1975. (It is an extension of Approval No. 160.050/78/0 dated November 24, 1970.)

Approval No. 160.050/79/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and Taylortec, Inc. dwg. No. 160.050-TAL dated October 15, 1970 and Bill of Materials dated November 24, 1970, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, P.O. Box 2737, Church Street Station, New York, New York 10008, effective September 10, 1975. (It is an extension of Approval No. 160.050/79/0 dated November 24, 1970.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/16/0, Onan 145B354 flame arrester, backfire flame control for gasoline engines, with the following major components:

Flame Arrester Tube Assembly, Resonator, Adapter, Flame Arrester Disc Assembly, *Gasket-Carburetor Air Horn 140A585, *Gasket-Carburetor to Air Cleaner 145A11, and *Space-Resonator Adapter 140A856.

Approval No. 162.041/44/0, Volvo assembly #825681 backfire flame arrester, Volvo dwg. 825681 dated August 20, 1965, manufactured by Chrysler Corporation, Marine Division, P.O. Box 1, Marysville, Michigan 48040, effective September 16, 1975. (It is an extension of Approval No. 162.041/44/0 dated October 8, 1970.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/57/0, Nippon Asbestos Company, bulkhead panel "Marine Board 60 P" identical to that described in Underwriter's Laboratories, Inc. report No. 70NK550 dated October 28, 1970 and Nippon's letter dated November 28, 1969; approved as meeting Class B–15 requirements in a density of 40.5 lbs. per cubic foot in a ¾" thickness, approval drawing dated April 15, 1970 "MB–USCG–003" forms a part of this certificate, manufactured by Nippon Asbestos Company, Ltd., 3, 6-Chome, Ginza-Nishi, Chuo-Ku, Tokyo, Japan, Plant: Hajima-City, Gifu-Prefecture, Japan, effective September 19, 1975. (It supersedes Approval No. 164.008/57/0 dated January 22, 1971.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/184/0, "Foil Faced Intermediate Service Board", fibrous glass insulation incombustible material identical to that described in National Bureau of Standards Test Report No. FR3909 dated September 2, 1975 and Owens-Corning letter of July 14, 1975, approved in a nominal density of 3.2#/ft and a 2" thickness, manufactured by Owens-Corning Fiberglas Corporation, Toledo, Ohio 43659, effective September 8, 1975.

INTERIOR FINISHES FOR MERCHANT VESSELS

Approval No. 164.012/2/0, "Consoweld" laminated plastic interior finish "Dura Beauty Type FR6", nominal 0.060 in. thickness identical to that described in Consoweld Corporation letter dated February 9, 1972 and Underwriters' Laboratories Inc. ref. (No.) R3941, Vol. II issued December 14, 1964, revised September 21, 1966 and March 27, 1975, bonded with Koppers Penacolite G1124 adhesive in accordance with instructions accompanying the adhesive, manufactured by Consoweld Corporation, 700 Hooker Street, Wisconsin Rapids, Wisconsin 54494, effective September 23, 1975. (It supersedes Approval No. 164.-012/2/0 dated April 3, 1972 to show new designation of product.)

Approval No. 164.012/12/0, Consoweld laminated plastic interior finish "Dura Beauty Type FR3", nominal 0.031 in. thickness, identical to that described in Consoweld's letter of September 17, 1975 and Underwriters' Laboratories, Inc. Report file R3941 dated March 27, 1975, bonded with Koppers Penacolite G1124 adhesive in accordance with instructions accompanying the adhesive, manufactured by Consoweld Corporation, 700 Hooker Street, Wisconsin Rapids, Wisconsin 54494, effective September 23, 1975.

Approval No. 164.012/13/0, Consoweld laminated plastic interior finish "Dura Beauty Type FR5", nominal 0.052 in. thickness, identical to that described in Consoweld's letter dated September 17, 1975 and Underwriters' Laboratories, Inc. Report file R3941 dated March 27, 1975, bonded with Koppers Penacolite G1124 adhesive in accordance with instructions accompanying the adhesive, manufactured by Consoweld Corporation, 700 Hooker Street, Wisconsin Rapids, Wisconsin 54494, effective September 23, 1975.

Dated: November 14, 1975.

J. V. CAFFREY,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75-31502 Filed 11-20-75;8:45 am]

*To be used only in conjunction with Onan MAJ generator sets, manufactured by Onan Division, Onan Corporation, 1400 73rd Avenue, N. E., Minneapolis, Minnesota 55432, effective September 16, 1975. (It is an extension of Approval No. 162.041/16/0 dated October 5, 1970.)

[CGD 75-219]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from August 18, 1975 to October 2, 1975 (List No. 23-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

The Sherbrooke Sporting Goods, Inc., North Street, E. Douglas, Massachusetts 01516, no longer manufactures certain kapok buoyant vests and Approval Nos. 160.047/641/0, 160.047/642/0 and 160.-047/643/0 were therefore terminated effective October 2, 1975.

MARINE BUOYANT DEVICE

The Empress Corporation, 1144 S. San Julian Street, Los Angeles, California 90015, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/390/0, 160.064/391/0, 160.-064/392/0 and 160.064/393/0 were therefore terminated effective October 2, 1975.

The Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, no longer manufactures certain marine buoyant devices for the Sears, Roebuck and Company, 925 South Homan Avenue, Chicago, Illinois 60607 and Approval No. 160.064/749/0 was therefore terminated effective August 28, 1975.

The Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, no longer manufactures certain marine

buoyant devices and Approval No. 160.-064/777/0 was therefore terminated effective August 28, 1975.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Bendix Corporation, Fuel Devices Division, 696 Hart Avenue, Detroit, Michigan 48214, Approval No. 162.041/123/0 expired and was terminated effective August 18, 1975.

Dated: November 14, 1975.

J. V. CAFFREY,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75-31503 Filed 11-20-75;8:45 am]

[CGD 75-220]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighter and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from September 24, 1975 to October 3, 1975 (List No. 24-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/201/0, Type Crescent "B" (MK-I) mechanical davit consisting of steel crescent boom and sheath screw; approved for a maximum working load of 12,700 lbs. per set (6,350 lbs. per arm); identified by general assembly drawing D1-E-284, revision B dated August 28, 1975 and drawing list Type "B" (MK-I), revision A dated September 2, 1975, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective October 1, 1975.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/20/2, unicellular plastic foam work vest, as per drawing No. 7-75 TVPFD dated July 10, 1975 and U.S.C.G. Specification Subpart 160.053, Type V PFD, manufactured by Taylortec, Inc., 2549 Hickory Avenue, Metairie, Louisiana 70003, effective October 3, 1975. (It supersedes Approval No. 160.053/20/1 dated July 30, 1974 to show minor revisions.)

MARINE BUOYANT DEVICE

Approval No. 160.064/290/0, adult large, Model 3010, cloth covered PVC foam, flotation jacket, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-26, factory location: Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, Type III PFD, manufactured by The Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, effective October 3, 1975. (Its supersedes Approval No. 160.064/290/0 dated March 21, 1972 to show factory location.)

Approval No. 160.064/303/0, adult small, Model 3010, cloth covered PVC foam, flotation jacket, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-26, factory location: Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, Type III PFD, manufactured by The Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, effective October 3, 1975. (Its supersedes Approval No. 160.064/303/0 dated March 21, 1972 to show factory location.)

Approval No. 160.064/304/0, adult medium, Model 3010, cloth covered PVC foam, flotation jacket, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-26, factory location: Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, Type III PFD, manufactured by The Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, effective October 3, 1975. (It supersedes Approval No. 160.064/304/0 dated March 21, 1972 to show factory location.)

Approval No. 160.064/305/0, adult extra large, Model 3010, cloth covered PVC foam, flotation jacket, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-26, factory location: Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, Type III PFD, manufactured by The Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, effective October 3, 1975. (It supersedes Approval No. 160.064/305/0 dated March 21, 1972 to show factory location.)

Approval No. 160.064/421/0, adult small, Model No. 3015, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-26, factory location: Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, Type III PFD, manufactured by The Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, effective October 3, 1975. (It supersedes Approval No. 160.-064/421/0 dated December 7, 1972, to show factory location.)

Approval No. 160.064/422/0, adult medium, Model No. 3015, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-26, factory location: Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, Type III PFD, manufactured by The Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, effective October 3, 1975. (It supersedes Approval No. 160.-064/422/0 dated December 7, 1972 to show factory location.)

Approval No. 160.064/423/0, adult, large, Model No. 3015, cloth covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ-26, factory location: Medalist Water Sports, 11525 Sorrento Valley Road, San Diego, California 92121, Type III PFD, manufactured by The Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, effective October 3, 1975. (It supersedes Approval No. 160.064/423/0 dated December 7, 1972 to show factory location.)

Approval No. 160.064/602/1, adult X-large, Model No. FLV-70, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., 266 Border Street, East Boston, Massachusetts 02128, effective October 3, 1975. (It supersedes Approval No. 160.064/602/1 dated March 3, 1975 to show change of address of manufacturer.)

Approval No. 160.064/603/1, adult large, Model No. FLV-60, cloth covered unicellular plastic foam "Buoyant Sport Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., 266 Border Street, East Boston, Massachusetts 02128, effective October 3, 1975. (It supersedes Approval No. 160.064/603/1 dated March 3, 1975 to show change of address of manufacturer.)

Approval No. 160.064/604/1, adult medium, Model No. FLV-50, cloth covered unicellular plastic foam "Buoyant Sport Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., 266 Border Street, East Boston, Massachusetts

02128, effective October 3, 1975. (It supersedes Approval No. 160.064/604/1 dated March 3, 1975 to show change of address of manufacturer.)

Approval No. 160.064/605/0, child medium, Model No. FLV–40, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., 266 Border Street, East Boston, Massachusetts 02128, effective October 3, 1975. (It supersedes Approval No. 160.064/605/0 dated April 25, 1974 to show change of address of manufacturer.)

Approval No. 160.064/606/0, child medium, Model No. FLV–30, cloth covered unicellular plastic foam "Buoyant Sport Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, Type III PFD, manufactured by Omega Marketing, Inc., 266 Border Street, East Boston, Massachusetts 02128, effective October 3, 1975. (It supersedes Approval No. 160.064/606/0 dated April 25, 1974 to show change of address of manufacturer.)

Approval No. 160.064/850/0, adult X-large, Model No. HP–70, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, factory location: 35 Congress Street, Salem, Massachusetts 01970, Type III PFD, manufactured by Omega Marketing, Inc., 266 Border Street, East Boston, Massachusetts 02128, effective October 3, 1975. (It supersedes Approval No. 160.064/850/0 dated February 11, 1975 to show change of address of manufacturer.)

Approval No. 160.064/851/0, adult large, Model No. HP–60, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, factory location: 35 Congress Street, Salem, Massachusetts 01970, Type III PFD, manufactured by Omega Marketing, Inc., 266 Border Street, East Boston, Massacusetts 02128, effective October 3, 1975. (It supersedes Approval No. 160.064/851/0 dated February 11, 1975 to show change of address of manufacturer.)

Approval No. 160.064/852/0, adult medium, Model No. HP–50, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 183, factory locations: 35 Congress Street, Salem, Massachusetts 01970, Type III PFD, manufactured by Omega Marketing, Inc., East Boston, Massachusetts 02128, effective October 3, 1975. (It supersedes Approval No. 160.064/852/0 dated February 11, 1975 to show change of address of manufacturer.)

Approval No. 160.064/911/0, child medium, Model 173097, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/912/0, adult, Model 173098, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/913/0, adult, Model 173099, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporaiton, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/914/0, adult, Model 173100, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/915/0, adult, Model 173101, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/916/0, child medium, Model 173121, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/917/0, adult Model 173123, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/918/0, adult, Model 173125, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/919/0, adult, Model 173127, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/920/0, adult Model 173128, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 1525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/921/0, adult, Model 173131, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/922/0, child small, Model 173067, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/923/0, child small, Model 173068, cloth covered unicel-

lular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/924/0, child medium, Model 173069, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/925/0, adult Model 173070, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/926/0, adult, Model 173071, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/927/0, adult, Model 173072, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/928/0, adult, Model 173073, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Supart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/929/0, adult, Model 173074, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illionis 61401, effective October 1, 1975.

Approval No. 160.064/930/0, adult, Model 173075, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/931/0, adult, Model 173093, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/932/0, adult, Model 173094, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/933/0, adult, Model 173095, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/934/0, adult, Model 173096, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/935/0, adult, Model 173089, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/936/0, adult, Model 173090, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/937/0, adult, Model 173091, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/938/0, adult, Model 173092, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/939/0, child medium, Model 173137, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/940/0, adult, Model 173139, cloth covered unicellular plastic foam "Water Ski Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/941/0, adult, Model 173141, cloth covered unicellular

plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/942/0, adult, Model 173143, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/943/0, adult, Model 173145, cloth covered unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/944/0, child medium, Model 173197, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UD/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/945/0, adult, Model 173198, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/947/0, adult, Model 173200, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/947/0, adult, Model 173200, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/948/0, adult, Model 173201, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/949/0, adult, Model 173202, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/950/0, child small, Model 173167, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/951/0, child small, Model 173168, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/952/0, child medium, Model 173169, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/953/0, adult, Model 173170, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/954/0, adult Model 173171, cloth covered unicellular plastic foam "Boating Vest," manufactured in accordance with U.S.C.C. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/955/0, adult, Model 173172, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accesosries, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/956/0, adult, Model 173173, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/957/0, adult, Model 173174, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/958/0, adult, Model 173175, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/959/0, adult, Model 173193, cloth covered unicellular

plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/960/0, adult, Model 173194, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/961/0, adult, Model 173195, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/962/0, adult, Model 173196, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/963/0, adult, Model 173189, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/964/0, adult, Model 173190, cloth covered unicellular plastic from "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/965/0, adult, Model 173191, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesburg, Illinois 61401, effective October 1, 1975.

Approval No. 160.064/966/0, adult, Model 173192, cloth covered unicellular plastic foam "Boating Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 243, Type III PFD, manufactured by Cut 'N' Jump Ski Corporation, 11525 Sorrento Valley Road, San Diego, California 92121 for OMC Parts & Accessories, A Division of Outboard Marine Corporation, McClure Street, Galesbug, Illinois 61401, effective October 1, 1975.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/52/0, sound-powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, splashproof, with a separately mounted 4", 6", 8", or 10" bell or cow gong bell, Model SE, dwg. No. 51, Alt. 0 dated April 1957, for use in locations not exposed to the weather, manufactured by Hose-McCann Telephone Company, Inc., 524 West 23rd Street, New York, New York 10011, effective September 24, 1975. (It is an extension of Approval No. 161.005/52/0 dated October 13, 1970.)

Approval No. 161.005/53/1, sound-powered telephone station, selective ringing, common talking, 19 stations maximum, bulkhead mounting, splashproof, with a separately mounted 4", 6", 8", or 10" bell or cow gong bell, with relay to operate externally powered audible signal, Model SER, dwg. No. 52, Alt. 1 dated May 24, 1965, for use in locations not exposed to the weather, manufactured by Hose-McCann Telephone Company, Inc., 524 West 23rd Street, New York, New York 10011, effective September 24, 1975. (It is an extension of Approval No. 161.005/53/1 dated October 13, 1970.)

Dated: November 14, 1975.

J. V. CAFFREY,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75-31504 Filed 11-20-75;8:45 am]

Federal Aviation Administration

AIRPORTS DISTRICT OFFICE AND AIRWAY FACILITIES SECTOR, LANSING, MICHIGAN

Notice of Relocation

Notice is hereby given that on or about November 17, 1975 the Airports District Office and Airway Facilities Sector presently located at 16647 Airport Road, RR No. 4, Lansing, Michigan 48906 will be moving to the General Aviation Building, Capital City Airport, Lansing, Michigan 48906.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

Issued in Des Plaines, Illinois on November 7, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-31448 Filed 11-20-75;8:45 am]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

On December 8 and 9, 1975 the Highway Environment and Vehicle Subcommittees of the National Highway Safety Advisory Committee will hold open meetings at the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C., in room 2232.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

This meeting is subject to the approval of the Secretary of Transportation.

Agenda items will be published as soon as available and prior to the meeting. For further information contact the NHSTA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: November 17, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75-31535 Filed 11-18-75;3:49 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

INTERNATIONAL CENTRE COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (P.L. 92-463) that the regular meeting of the International Centre Committee of the Advisory Council on Historic Preservation will be held on December 4, 1975, beginning at 9:30 a.m., in the Presidential Suite in the Museum of History

and Technology, Smithsonian Institution, Washington, D.C. This meeting will be open to the public.

The International Centre Committee coordinates United States membership and participation in the International Centre for the Study of the Preservation and the Restoration of Cultural Property in Rome, Italy. The Committee identifies special preservation problems in the United States, arranges for International Centre assistance in solving them, reviews American applicants for Centre training courses, convenes meetings of experts, and makes recommendations on American criteria and standards for preservation and restoration. The Committee's membership includes representatives of 28 national institutions and Federal agencies interested in the Centre's activities.

The agenda is as follows:

Call to Order.
Chairman's Welcome.
Introduction.
Order of Business.
Consideration of May 1, 1975, Meeting Minutes.
I. Report of Executive Director—Reauthorization of U.S. Membership in the International Centre.
II. Report of the Chairman—Activities at the International Centre.
III. International Centre Committee Project Reports.
IV. Training in Architectural Conservation at the International Centre.
V. Discussion of Future Programs of the International Centre Comimttee.

Additional information is available from the Executive Director, International Centre Committee, Suite 1030, 1522 K Street, NW., Washington, D.C. 20005.

ANNE E. GRIMMER,
Executive Secretary.

[FR Doc.75-31459 Filed 11-20-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27573; Agreement C.A.B. 25463; Order No. 75-11-55]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority November 14, 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 Traffic Conference 1 of the International Air Transport Association (IATA). The agresment was adopted at the 40th meeting of the TC1 Specific Commodity Rates Board and has been assigned the above C.A.B. agreement number.

The agreement would establish a new specific commodity description under Item 0479 for "nectarines" as well as eight specific commodity rates for various items to apply between points within the Caribbean and within South America. We will approve the new description which has general application within air transportation as defined by the Act but will disclaim jurisdiction with respect to the new rates which involve points solely outside of air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the new description incorporated in Agreement C.A.B. 25463, which has general application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act.

2. It is not found that the specific commodity rates incorporated in Agreement C.A.B. 25463 affect air transportation within the meaning of the Act.

Accordingly, It is ordered, That: 1. That portion of Agreement C.A.B. 25463 described in finding paragraph 1 above, which has general application in air transportation as defined by the Act, be and hereby is approved; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 25463 described in finding paragraph 2 above.

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.75-31540 Filed 11-20-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

COLORADO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee (SAC) to this Commission will convene at 9:00 a.m. and end at 4:00 p.m. on December 13, 1975, at the Quality Inn Motel, 1840 Sherman Street, Denver, Colorado 80203.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is to review possible changes in the medical legal access reports and to make plans for followup to the Committee's recommendations. The committee's role in the Commission's new emphasis on desegregation will also be discussed.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-31536 Filed 11-20-75;8:45 am]

LOUISIANA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Louisiana Advisory Committee (SAC) to this Commission will convene at 1:00 p.m. and end at 6:00 p.m. on December 14, 1975, at the Rodeway Inn, 2445 So., Acadian, Baton Rouge, Louisiana 70808.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is that it will serve as an orientation session for the newly rechartered Louisiana Sac, and future programming for the SAC will be discussed.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-31537 Filed 11-20-75;8:45 am]

PENNSYLVANIA, DELAWARE ADVISORY COMMITTEES

Cancellation of Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware and Pennsylvania Advisory Committees originally scheduled for December 4 and December 5, 1975 has been cancelled.

Dated at Washington, D.C., November 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-31538 Filed 11-10-75;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC MEETING

Pursuant to Public Law No. 92-463, notice is hereby given of the second regular meeting of the Commission on Federal Paperwork to be held in Room S-407, The Capitol, on December 5, 1975 at 9:00 a.m. to 12:00 noon and reconvene at 2:00 p.m.

The meeting will be partially open to public observation and participation. The

open portion of this meeting will commence at 9:00 a.m. and continue until 12:00 noon to review staff proposals for work projects, future staffing plans, and the information received from the Boston and San Francisco field meetings. At the conclusion of this agenda, the meeting will reconvene at 2:00 p.m. and will be closed to the public to discuss matters related solely to .ts internal personnel and budget practices as authorized by 5 U.S.C. 552(b)(2), and it will examine personnel and siimlar files, disclosure of which would constitute an unwarranted invasion of privacy within the meaning of 5 U.S.C. 552(b)(6).

Anyone wishing to attend this open portion of the meeting should contact the Commission on Federal Paperwork, Room 200, 1111 20th Street, NW., Washington, D.C. 20036, telephone (202) 254–6920.

HASSELL B. BELL,
Director.

[FR Doc.75–31413 Filed 11–20–75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST OF 1975

Addition to Procurement List

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 F.R. 39964) was published in the FEDERAL REGISTER on July 25, 1975 (40 F.R. 31255).

Pursuant to the above notice the following commodities are added to the Procurement List:

CLASS 6532	*Price (Each)*
Gown, hospital, patient's bedshirt (JO):	
6532–00–410951	$9.01
6532–00–410976	8.13

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.75–31520 Filed 11–20–75;8:45 am]

PROCUREMENT LIST 1975

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92–28; 85 Stat. 79, of the proposed addition of the following services to Procurement List 1975, November 12, 1974 (39 FR 39964).

INDUSTRIAL CLASS 7331

Mailing Services, Consumer Products Safety Commission, Washington, D.C.

INDUSTRIAL CLASS 7641

Furniture Rehabilitation, Great Falls, Montana plus 40-mile radius.

Comments and views regarding these proposed additions may be filed with the Committee not later than 30 days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.75–31519 Filed 11–20–75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Meeting

Notice is given that a meeting of the Product Safety Advisory Council will be held on Tuesday, December 2, 1975 (9 a.m. to 5 p.m.) and Wednesday, December 3, 1975 (9 a.m. to 4 p.m.) in the 6th Floor Conference Room, 1750 K Street, N.W., Washington, D.C.

The Advisory Council has been established pursuant to section 28 of the Consumer Product Safety Act (PL 92–573, 86 Stat. 1230; 15 U.S.C. 2077). The Act provides that the Commission may consult with the Council before prescribing a consumer product safety rule or taking other action under the Act.

The agenda for this meeting will include on December 2, 1975, (1) a presentation by the Commission's Bureau of Information and Education on their activities with specific discussion of (1) minority language areas and (2) in-put from grass roots consumers; (3) analysis and discussion of comments filed on the Commission's Policy on Substantial Product Hazard; and (4) review and analysis of an "offeror" process under the CPSA for the development of safety standards.

The morning of December 3, 1975, will be devoted to meetings of individual subcommittees on the following subjects: (1) Education and Information, (2) State Relations and Legislation, (3) Enforcement and Surveillance; (4) Standards, and (5) Bans and Recalls, followed in the afternoon by subcommittee reports to the full Council.

Persons wishing to make oral or written presentations to the Committee, should notify the Secretary of the Consumer Product Safety Commission at least five days in advance of the meeting. The meeting is open to the public, however, space is limited. Further information concerning this meeting and final agenda may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634–7700.

Dated: November 18, 1975.

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

[FR Doc.75–31474 Filed 11–20–75;8:45 am]

[Docket No. 75–8]

TRI-FOAM SLEEP PRODUCTS, INC. AND SAMUEL SIDROFF

Notice of Hearing

Section 3(a), Flammable Fabrics Act Enforcement Proceeding. Notice is hereby given that the public hearing in the above entitled proceeding will commence at 11:00 a.m., e.s.t., on Monday, December 1, 1975, in the Sixth Floor Conference Room, #6 World Trade Center, New York, New York 10048.

Respondents and Staff Counsel will present evidence relating to the following issues *inter alia:*

(1) Whether mattresses composed of polyurethane foam, nylon thread, ticking and tape, alleged to be "not inflammable," may, nevertheless, when assembled, violate the Standard for the Flammability of Mattress, FF 4–72; and

(2) Whether said Mattress Standard, in failing to exclude from its coverage mattresses assembled or manufactured in the manner set forth in (1) above, is arbitrary, capricious, and unreasonable and therefore invalid and not enforceable insofar as Respondents are concerned.

Dated: November 18, 1975.

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

[FR Doc.75–31473 Filed 11–20–75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from November 10 through November 14, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (January 5, 1976). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359–A, Washington, D.C. 20250, (202) 447–3965.

FOREST SERVICE

Draft

Lower West Fork Unit, Bitterroot National Forest, Ravalli County, Mont., November 12: The proposed action is the implementation of a revised land use plan for the 197,431-acre

Lower West Fork Planning Unit, Bitterroot National Forest. Major impacts generated by management will be in soil, vegetation, wildlife, aesthetics, water and roadless area values due to management activities related to intensive timber management and road construction. Increased air pollution will result from smoke from management activities such as slash burning and site preparation. Timber production will be foregone on 52,573 acres managed as Wilderness or other forms of unroaded area. (ELR Order No. 51656.)

Final

Longleaf Islands, Ocala National Forest, Marion and Putnam counties, Fla., November 13: Proposed is the implementation of a 10-year management plan for the 18,819 acre Longleaf Island Unit of the Ocala National Forest. The management directive is to maintain the islands in a pleasant and natural condition, and to develop open, park-like space for dispersed recreation. Habitat will be developed to support a "huntable" population of quail. Impact on soils will be primarily from timber management activities, and trail and campground construction. Comments made by: DOD, EPA, DOI, USN, FPC, State and local agencies and individuals. (ELR Order No. 51661.)

Squaw Creek Planning Unit, Boise National Forest, Idaho, November 10: This land use plan for the Squaw Creek Planning Unit, Boise National Forest, sets forth the allocation of specific land areas to a variety of resources uses and activities. Adverse impacts are alteration of existing vegetation, numerous soil disturbing activities and some negative effects on wildlife. Comments made by: DOI, EPA, AHP, State and local agencies organizations and individuals. (ELR Order No. 51632.)

Middle Fork Boise River Unit, Boise National Forest, Elmore and Boise counties, Idaho, November 10: The statement concerns the land use plan for the 329,100 acre Middle Fork Boise River Planning Unit of Boise National Forest. Resource uses and activities provided for in the plan will have short and long term effects on vegetation in the unit. Road, trail, and recreation and administrative facility development will remove some area from vegetative production. Grazing, timber harvest, road construction and dispersed recreation activities will also result in short term higher rates of erosion. Most wildlife species will be affected. Comments made by: EPA, DOI, DOT, AHP, COE, OEO, State agencies, organizations and individuals. (ELR Order No. 51643.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Anadarko Combined Cycle Unit, Caddo County, Okla., November 11: The action relates to the use of a guaranteed loan of 72 million dollars to finance the addition of a 280 megawatt combined cycle unit at the Anadarko Generating Station and increased gas pipeline capacity to supply the unit with natural gas. Operation of the unit will result in the emission of nitrogen and sulfur oxides and a small quantity of particulates. The new unit will cause some social and economic impact on Caddo County during construction and operation and could be a factor in the economic development of the service area. Water discharges will be made to the Washita River. (ELR Order No. 51652.)

SOIL CONSERVATION SERVICE

Final

Yantic River Watershed (2), New London and Tolland Counties, Conn., November 13: This updated statement for the Yantic River Watershed Project proposes conservation land treatment supplemented by two floodwater retarding structures, and one multiple-purpose floodwater retarding and recreation reservoir with associated facilities and about 1.3 miles of channel work. The dams will inundate about 6,500 feet of trout stream, eliminate woodland use and wildlife habitat in the 250 acres to be in the recreational lake, and modify, agricultural and wildlife use of the 31 acres to be occupied by dams and spillways. Eleven owner occupied homes and 31 persons will be displaced. Comments made by: USA, HEW, DOI, DOT, EPA, FPC, State agency and one individual. (ELR Order No. 51659.)

Upper Bayou Nezpique Watershed, Evangeline and Allen Counties, La., November 10: The project is for watershed protection, flood prevention, drainage, irrigation and recreation in the 214,200-acre Upper Bayou Nezpique Watershed. The floodway, dikes, 8 reservoir embankments and spillways, irrigation pool, sediment pools, borrow areas, and channel rights-of-way will require the loss of 174 agricultural acres and 2,182 forested acres. One family of six persons will be displaced by construction. Comments made by: HEW, DOI, DOT, AHP, COE, EPA, State agencies. (ELR Order No. 51638.)

Blackwood Creek Watershed, Lincoln, Hitchcock, and Red Willow counties, Neb., November 11: The statement refers to the Blackwood Creek Watershed and flood prevention project located in Hayes, Hitchcock, Lincoln, and Red Willow Counties, Nebraska. The plan consists of land treatment and 13 floodwater retarding structures. Adverse impacts include: loss of 380 acres of rangeland, and 1,027 acres of agricultural land; and the permanent inundation of 16 miles of ephemeral streams and the periodic inundation of 12.6 miles of ephemeral streams. Comments made by: AHP, USDA, USA, HEW, DOI, DOT, EPA, State and local agencies. (ELR Order No. 51653.)

Elm Creek Watershed Project, several counties in Tex., November 10: The statement concerns a project for watershed protection and flood control on 24,600 acres of cropland, 33,500 acres of pastureland, and 5,400 acres of rangeland. The 45 floodwater retarding structures, to be built over a period of 10 years, will require commitment of 2,204 acres. An additional 4,330 acres will be subject to temporary inundation. The project will displace two farms, one family dwelling and the contents of 14 barns, and will result in the average annual loss of $21,000 in agricultural production on the land needed for structural measures. Comments made by: USA, HEW, DOI, DOT, EPA, AHP, State and local agencies. (ELR Order No. 51640.)

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.

Draft

Joe Creek Local Protection Project, Tulsa, November 10: Proposed is the construction of a local flood protection project in Tulsa, Oklahoma, consisting of about 11,500 feet of channel widening and straightening, and replacement or modification of bridges. Joe Creek and the associated flora and fauna in the area will be changed by construction. The project will require 52 acres of permanent easement and an additional 25 acres of temporary easement during construction. One family will be displaced (Tulsa District). (ELR Order No. 51645.)

Panama City Beaches, Erosion & Hurricane Protection Fla., November 10: The proposed project for beach erosion control and hurricane protection for the Panama City Beaches, Florida, would include 18.5 miles of beach restoration plus an artificial dune and berm between Philips Inlet and the entrance channel into Panama City Harbor. Dredging would cause temporary increased turbidity in localized waters. The animal life most affected by the project would be the less motile benthic invertebrates (mobile District). (ELR Order No. 51646.)

Paintsville Lake, Ky., November 17: The statement is a supplement to a final Eis filed with CEQ 19 August 1971. The Paintsville Lake Project is one of three reservoir projects authorized by the Flood Control Act of 1965 for water resources development in the Big Sandy River Basin. The project is multiple-purpose formulated to include flood control, water quality control, redevelopment and general and fish and wildlife recreation (Huntington District). (ELR Order No. 51648.)

Rail-to-Barge Coal Transfer Facility, St. Louis, Mo., November 12: The proposed action includes the construction of a 10-million ton/year coal terminal for transferring western coal from unit trains to river barges for transport to locations along the Ohio and Mississippi Rivers. The terminal will be located on the west bank of the Mississippi River in St. Louis, Mo., and will occupy approximately 45 acres of unused industrially-zoned land. Adverse effects include loss of marginal wildlife habitat, noise generation, aesthetic intrusion, and interference with local traffic patterns due to increased number of trains (St. Louis District). (ELR Order No. 51657.)

Murrels Inlet Navigation Project, Georgetown, S.C., County, November 10: The recommended improvements for the Murrells Inlet Navigation Project consist of the following: dredging an entrance channel and deposition basin; constructing north and south jetties; constructing a fish walkway on top of the south jetty; and constructing sand dunes on both sides of the inlet to tie the jetties to the existing dune line. Adverse effects include destruction of some benthic organisms and smothering of invertebrates (Charleston District). (ELR Order No. 51641.)

Final

Noyo Harbor Maintenance Dredging, Mendocino County, Calif., November 10: The statement refers to the continued maintenance dredging of the entrance channel and the harbor channel at approximately one to two-year intervals. Maintenance consists of dredging approximately 45,000 cubic yards of material annually. Spoil will be deposited at a land disposal site, where 5 acres of grassland will be covered. Marine biota will be adversely affected (San Francisco District). Comments made by: USDA, DOC, DOT, HEW, EPA, State and local agencies. (ELR Order No. 51633.)

Petaluma River, Maintenance Dredging Sonoma and Marin Counties, Calif., November 10: The project provides for maintenance dredging 1,100,000 cu. yds. of sediment from the Petaluma River Navigation Channel. Approximately 440,000 cu. yds. of material will be hydraulically dredged from the upper river channel and deposited on land and 660,000 cu. yds. to be clamshell dredged from the channel in San Pablo Bay and deposited at an authorized water disposal site. Adverse effects include release of sediments and of absorbed chemicals into the water, transitory increase in turbidity during dredging and water disposal, and loss in potential for wetlands development (San Francisco District). Comments made by: EPA, HEW, DOI, USDA, DOT, AHP,

State and local agencies. (ELR Order No. 51635.)

Atlantic Intracoastal Waterway, N.C. Several counties in N.C., November 10: The statement concerns the removal of shoals from 308 miles of intracoastal waterway from the North Carolina-Virginia State Line to Little River, South Carolina during the coming 50-year project life. Dredging will cause temporary turbidity and water pollution, and disposal of dredging material will have adverse effects on disposal areas (Wilmington District). Comments made by: EPA, USDA, HUD, DOI, DOT, HEW, DOC, State and local agencies. (ELR Order No. 51639.)

Shidler Lake, Salt Creek, Osage County, Okla., November 13: The statement refers to the Shidler Lake damsite to be located at river mile 30.2 on Salt Creek in Osage County near Shidler, Oklahoma. Project purposes are flood control, water supply, recreation, and fish and wildlife. The project consists of an earth-fill dam, an uncontrolled saddle spillway, a gated flood control outlet works with water supply and low flow facilities, access roads, and project buildings. Adverse impacts are the inundation of 8.8 miles of stream that will result in a loss of wildlife habitat, and the degradation of ten archeological sites due to shore-erosion, land use change, and inundation (Tulsa District). Comments made by: EPA, DOI, DOT, USDA, AHP, State and local agencies and individuals. (ELR Order No. 51660.)

Cedar Bayou Channel, Maintenance Dredging, Chambers and Harris Counties, Tex., November 10: The project involves the continuation of maintenance of the existing Federal navigation project in Chambers and Harris Counties by periodic removal of shoaled materials. The authorized project consists of a 5.7 mile long shallow-draft channel from the Houston Ship Channel to mile 3.0 above the mouth of Cedar Bayou. Dredged materials will be placed in the open waters of Galveston Bay and in leveed land disposal areas. Adverse impacts include increased turbidity, degradation of water quality, loss of marine habitat, and possible objectionable odors as disposal sites become emergent (Galveston District). Comments made by: EPA, HUD, DOI, AHP, DOT, State and local agencies private company and one individual. (ELR Order No. 51634.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426 (202) 386-6084.

Final

El Paso Natural Gas Co., Curtailment, November 10: The action consists of FPC's analysis of one permanent curtailment plan for the El Paso Natural Gas Pipeline system. Environmental impacts resulting from curtailment are the increased use of oil to replace the curtailed natural gas and the associated cost increases and the increased pollution in the form of sulfur dioxide and particulates. Alternatives considered in the statement are unregulated curtailment and new sources of gas supplies. Rate structure and deregulation are not included as alternatives to curtailment. Comments made by: State and regional agencies. (ELR Order No. 51629.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Room 7258, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6308.

Draft

Seven Lakes, A Planned Community, Arapahoe County, Colo., November 13: The statement concerns the development of Seven Lakes, a Planned Community Zone District in the City of Aurora, Colorado. The applicant, Alton Associates, will sell developed lots on 623.1 acres to builders for construction of single and multifamily homes. Adverse impacts of the project include extensive modifications of the Unnamed Creek channel and a possible raising of the water table, a severe impact on the existing prairie vegetation and wildlife, a severe impact on the adjacent Plains Conservation Center and the present deer migration pathways, an increase in the load on the metropolitan region infrastructure, and an increase in automobile generated pollutants. (ELR Order No. 51662.)

Cannongate Development, Palm Beach, Palm Beach County, Fla., November 11: The statement concerns the provisions of mortgage insurance under Title X for the Cannongate Planned Unit Development. The 112.18 acre development is located 4 miles Southwest of downtown West Palm Beach, and will include 673 residential units of quadraplex and town house types, common green areas, and recreational facilities. Adverse impacts include the additional demand created on utilities, municipal and community services and facilities, increased surface water runoff, traffic congestion, and noise and air pollution. (ELR Order No. 51650.)

Lakes of Acadia Development, Dade County, Fla., November 13: The statement concerns an FHA loan guarantee for the construction of Lakes of Acadia, a 160 acre development. The project will include 578 townhouse units and 362 duplexes, recreational facilities, a school site and commercial area. The project will eliminate the country atmosphere of the area and will increase the continuing urban sprawl to the west and northwest and the demand for potable water, sewage and solid waste disposal. (ELR Order No. 51658.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

FISH AND WILDLIFE SERVICE

Final

Mingo Wilderness Area, Missouri, Wayne and Stoddard Counties, Mo., November 14: The statement concerns the legislative proposal recommending that 1,700 acres of the Mingo National Wildlife Refuge be designated as wilderness within the National Wilderness Preservation System. The project will remove future management options such as timber harvest and water manipulation. Any future developments on the watersheds above the proposed area would have the potential for deterioration of wilderness qualities through pollution and contamination of feeder streams. The endangered bald eagle and other species would benefit from the designation. Comments made by: EPA, DOI. (ELR Order No. 51555.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20555, (301) 492-7373.

Final

Wolf Creek Generating Station, Unit 1, Coffey County Kans., November 10: Proposed is the issuance of a construction permit to Kansas Gas and Electric Co. and Kansas City Power and Light Co. for the construction of the Wolf Creek Generating Station. The station will produce up to approximately 3425 MWt and 1150 MWe, and a design power level of 3579 MWt is anticipated and included in the statement. Water for cooling will be taken from John Redmond Reservoir and discharged into Wolf Creek. Construction will disturb about 200 of the total 10,500 acre site, and will disturb approximately 50 households, of which 25 would be displaced. Approximately 180 miles of transmission lines will be constructed. Comments made by: AHP, USDA, COE, DOC, HEW, HUD, DOI, ERDA, EPA, State and local agencies. (ELR Order No. 51636.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Mount Comfort Airport, Hancock County, Ind., November 11: The proposed project involves the acquisition of 1100 acres of land, the construction and marking of a 3200' x 60' temporary runway and apron, the construction of earthworks and drainages for future runways, and related work. Construction of the facility will necessitate the relocation of six families. Increases in noise and air pollution will occur (98 pages). Comments made by: EPA, DOI, DOT, COE, AHP, USDA, State and local agencies. (ELR Order No. 51649.)

Concorde Supersonic Transport, New York, and Virginia, November 14: The proposed action is an amendment of British Airways and Air France operations specifications to permit these carriers to conduct limited commercial service with the Concorde, a civil supersonic transport aircraft, to John F. Kennedy International Airport in New York and Dulles International Airport in Virginia. The proposal would permit both British Airways and Air France to conduct two flights daily to JFK and one flight daily to Dulles commencing in early 1976. Increases in noise and emission levels would result from introduction of Concord service (131 pages). Comments made by: CEQ, EPA, DOT, DOC, USDA, DOD, DLAB, 2OMB, 2HEW, 2HUD, 2DOI, concerned citizens. (ELR Order No. 51664.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Elk City Hwy., Idaho Forest Hwy. 18 (SR 14), Idaho County, Idaho, November 10: The proposed action is to reconstruct 19.3 miles of the 49.5 mile Elk City Highway within the Nez Perce National Forest, thus providing a 2-lane paved road adequate for heavy traffic. Approximately 82 acres of land would be permanently committed to pavement and shoulders, and another 200 acres cleared for side slopes and ditches would be exposed until revegetation takes place. Two residences and one business will be displaced. (ELR Order No. 51630.)

US 2, Manistique River Bridge Relocation, Schoolcraft County, Mich., November 13: This project proposes to construct a new US 2 Manistique River bridge, on new location, within the City of Manistique, Michigan. Relocated US 2 bridge approaches would be .3 to 3.1 miles in length depending on the alternative chosen, of free access design, and would have from two to five lanes. Adverse impacts include the possible displacement of families and businesses, loss of wildlife habitat, and the removal of a major portion of any vegetation within the project right-of-way. (ELR Order No. 51663.)

South Midtown Freeway (Route 71), Jackson County, Mo., November 11: The proposed 10.2 mile highway improvement consists of an 8-lane freeway, constructed on a new location with limited access right-of-way from the Interchange of Route I-35-I-70 in the downtown loop to 95th Street, Jackson County, in Kansas City, Missouri. The occupants of 1650 separate living units and 17 churches will be displaced. Thirteen school districts and nine fire districts will be affected by the improvement. A 4(f) statement is included. (ELR Order No. 51651.)

Brownsville-Matamoros Railroad Relocation, Tex., November 10: Proposed is a railroad relocation demonstration project in Brownsville, Texas and Matamoros, Mexico. The project seeks to eliminate existing railroad/community conflicts and to improve the transportation network of the area through rail system improvements. The number of people and businesses displaced would depend upon the alternative chosen. The project would also result in increased noise and pollution in the area of construction and considerable financial expenditure. (ELR Order No. 51628.)

Final

I-475, Genesee County, Genesee county, Mich., November 10: The statement refers to the proposed construction of I-475 in the city of Flint and Genessee County, and for reconstruction of Pierson Road between Dart Highway and west of Selby Road. Adverse impacts include disruption of established urban land use and transportation patterns, and displacement of 25 families and 2 businesses. A 4(f) determination is included for Dayton Park, Kearsley Park, St. John Street Park, West Boulevard Drive Park, and the Flint River Dam Area. Comments made by: HUD, DOI, COE, USDA, EPA, DOC, DOT, State and local agencies. (ELR Order No. 51631.)

US 61, Winona county, Minn., November 12: The proposed project is the upgrade of 1.81 miles (1.0 mile on a new location) of U.S. 61 from a two-lane highway to a four lane expressway. Adverse impacts include the following: acquisition of buildings and displacement of twenty-two families; a 1200 foot channel change; exposure of a 1600 foot long rock face with potential for erosion and undesirable aesthetics; loss of about four acres of wooded watershed area and wildlife habitat. Comments made by: DOT, DOI, COE, USDA, EPA, DOC, State and local agencies. (ELR Order No. 51655.)

US 77, Dakota County (Supplement), Dakota county, Nebr., November 10: The statement is a supplement to a final eis filed with CEQ 1 February 1973. The plan includes design revisions that will eliminate the separations and interchanges between the US 77 crossing and the full cloverleaf I-129 interchange. A reduction in right-of-way, embankment material required for fills, borrow required, and project cost will occur as a result of the revisions. The project will displace 3 houses and one farmstead. Comments made by: DOT, USAF, COE, USDA, HUD, EPA, State agencies. (ELR Order No. 51644.)

Loop 335 from I-40 to US 87 and US 287, Potter Co., Potter County, Tex., November 10: The proposed project is the construction in Potter County of that portion of Loop Highway 335, a multi-lane road, around Amarillo from I-40 east of Amarillo, north and west to US 87 and 287. Adverse environmental impacts include the utilization of land and natural and human resources to construct the roadway, the displacement of 6 businesses and 40 families, and an increase in urbanization, noise and air pollution levels along the route. Comments made by: DOT, HEW, DOC, USDA, DOI, EPA, State and local agencies. (ELR Order No. 51642.)

S.T.H. 27 and 77, Sawyer County, Sawyer County, Wis., November 12: The statement discusses the improvement of STH 27-77 in northwestern Sawyer County. The proposed project is a relocation of the highway around the city of Hayward business district which will require about 2.2 miles of new highway construction. Adverse impacts are the acquisition of land for right-of-way, displacement of 1 family, and increased air and noise pollution (93 pages). Comments made by: EPA, DOI, USDA, State agencies. (ELR Order No. 51654.)

Due to incomplete distribution, the commenting period for the following statement will not begin until publication of this notice in the FEDERAL REGISTER, November 21, 1975.

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft

Bicentennial Transportation Program, District of Columbia, October 3: The statement concerns Federal assistance for a two part Bicentennial Transportation Program. The program consists of a fringe parking lot/bus shuttle from RFK Stadium, North Parking Lot of the Pentagon, and Ft. Myer South Post to the Mall; and special radial bus service along 17 existing bus corridors from outlying areas to downtown. The program will be in effect from March to October 1976. Short term pollution in Fringe parking areas will result, and construction of the 4,000 car parking lot at Ft. Myer South Post will cause temporary negative effects. (ELR Order No. 51477.)

VETERANS ADMINISTRATION

Contact:

(For Medical Facilities), Mr. Arthur W. Farmer, Assistant Chief, Medical Director for Administration and Facilities, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

(For Housing), Mr. R. C. Coon, Director, Loan Guarantee Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202) 389-2332.

Final

Clinical Support Facility, Boise, Idaho, Ada county, Idaho, November 11: Proposed is the construction of a new clinical support facility, and the installation of seismic corrections at various buildings at the VA Hospital in Boise. There will be some construction disruptions. Comments made by: AHP, USDA, USA, HEW, HUD, DOI, EPA, GSA, State and local agencies. (ELR Order No. 51647.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-31470 Filed 11-20-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

HIGH ENERGY PHYSICS ADVISORY PANEL

Meeting

NOVEMBER 18, 1975.

On December 8-9, 1975, the High Energy Physics Advisory Panel will meet at the Lawrence Berkeley Laboratory (LBL) at the University of California in Berkeley, California, in the Auditorium of Building 50. The portion of the meeting that will be open to the public will begin at 10:30 a.m. and end at approximately 6:00 p.m. on December 8 and will resume at 9:00 a.m. and end at approximately 11:30 a.m. on December 9.

The Panel will review and discuss the research program and facility development at LBL; discuss international collaborations in high energy physics; discuss the status of the Subpanel to study ways of communicating the accomplishments of high energy physics; discuss the status of the Subpanel to study the requirements of a vigorous national program in particle physics; tour selected LBL facilities; and examine the current status of budget requests for the High Energy Physics Program.

In addition to the public sessions, two (2) executive sessions of the Panel are scheduled. The first executive session will occur Monday morning prior to the beginning of the open session, and the second executive session will begin at 11:30 a.m. on Tuesday and continue until the end of the meeting at approximately 4:30 p.m. Topics to be discussed at these executive sessions are the future allocation of resources for operations, priorities among proposed future construction projects and other similar matters.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b).

It is essential to close these portions of the meeting to protect the free interchange of internal views to avoid undue interference with Agency or Committee operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements on the topics for discussion may do so by mailing 25 copies thereof, postmarked, if possible no later than November 24, 1975, to the Executive Secretary, High Energy Physics Advisory Panel, Dr. Ernest Coleman, Division of Physical Research, U.S. Energy Research and Development Administration, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Panel. To the extent that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 5, 1975, to the office of the Executive Secretary of the Panel on (301) 973-3624 between 8:30 a.m. and 5:00 p.m., Eastern Time.

(e) Questions at the meeting may be asked only by members of the Advisory Panel.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, following their certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Energy Research and Development Administration's Public Document Room, 20 Massachusetts Avenue NW., Washington, D.C., upon payment of all charges required by law.

HARRY L. PEEBLES,
Deputy Advisory Committee Management Officer.

[FR Doc.75-31620 Filed 11-20-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 459-3]

SCIENCE ADVISORY BOARD; ENVIRONMENTAL HEALTH ADVISORY COMMITTEE

Meeting

NOVEMBER 18, 1975.

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Environmental Health Advisory Committee of the Science Advisory Board will be held at 9:00 a.m. on December 11, 1975 in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

The establishment of the committee was announced in the FEDERAL REGISTER on July 14, 1975 (40 FR 29562). This is the first meeting of the committee.

The purpose of the meeting will be (1) to discuss the committee's overall functions and how they relate to the Agency's mission and to other activities of the EPA Science Advisory Board; (2) to present a brief overview of EPA's health related research program; (3) to brief the committee on and to discuss current health related issues confronting the Agency; and (4) to discuss and prepare for committee participation in the Agency's environmental health efforts and health research activities (topics such as environmental carcinogens; mutagens; and CHESS, the Community Health and Environmental Surveillance System). The Agenda will also include (5) brief reports and informational items of current interest to the members.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. Ernst Linde, Scientist Administrator, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460.

The telephone number is (703) 557-7720.

THOMAS D. BATH,
Staff Director, Science Advisory Board.

[FR Doc.75-31555 Filed 11-20-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-1258]

COMMERCIAL TELEVISION LICENSEES AND PERMITTEES

Composite Week Dates for 1976 Annual Programming Report

NOVEMBER 13, 1975.

The following dates will constitute the composite week for use in the preparation of the Annual Programming Report (FCC Form 303-A) for all commercial television licensees and permittees who must file this report by February 1, 1976.

Sunday, September 7, 1975.
Monday, March 10, 1975.
Tuesday, July 29, 1975.
Wednesday, October 29, 1975.
Thursday, January 9, 1975.
Friday, April 4, 1975.
Saturday, June 21,1975.

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS FOR COMMERCIAL TV LICENSEES AND CERTAIN OTHER APPLICANTS

Licensees of commercial television stations with license expiration dates of June 1, and thereafter, during calendar year 1976, will also use the composite week dates set forth above in answering Questions 4, 10, and 11 of revised Section IV-B of the license renewal application (FCC Form 303).

Additionally, the above dates will constitute the composite week for use in preparing assignment of license and transfer of control applications filed on or after January 1, 1976.

Action by the Commission November 12, 1975. Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn and Robinson.

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

[FR Doc.75-31527 Filed 11-20-75;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF ANCHORAGE AND SEA LAND SERVICE, ET AL.

[Docket No. 75-35]

Intent To Make an Environmental Assessment

Agreement Nos. T-1685 as amended and T-165-6: between the City of Anchorage and Sea-Land Service, Inc.; and agreement No. T-3130: between the City of Anchorage and Totem Ocean Trailer Express, Inc.

The above referenced proceeding is an investigation to determine whether:

(1) Agreement Nos. T-3130, T-1685 as amended and T-1685-6 are in violation of the Shipping Act, 1916, and whether Agreement Nos. T-3130, T-1685 as amended and T-1685-6 should be modified, approved or disapproved; and

(2) Section 15 has been violated by Tote and/or the City of Anchorage by the construction of facilities provided for in Agreement No. T-3130 prior to the approval of the agreement by the Commission.

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 within 30 days of the date of this 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.75-31552 Filed 11-20-75;8:45 am]

EUROPE PACIFIC COAST RATE AGREEMENT

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 December 11, 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 particular-

ity 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.

MODIFICATION OF AGREEMENT

Notice of Agreement Filed by:

Leonard G. James, Esquire, Graham & James, One Maritime Plaza, San Francisco, California 94111.

Agreement No. 10023–4, among the members of the above-named rate agreement, amends Annex I to the agreement to increase the maximum penalty for violation of the agreement to $100,000 per offense and to $10,000 per week, with a maximum of $100,000, for failure to furnish relevant evidence to the Enforcement Authority upon demand.

By Order of the Federal Maritime Commission.

Dated: November 18, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–31549 Filed 11–20–75;8:45 am]

GULF/UNITED KINGDOM FREIGHT CONFERENCE AND SEATRAIN INTERNATIONAL S.A.

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 request for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 11, 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 is Filed by:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 10140–1, among the above-named parties, amends Article 6 of the basic agreement to provide that the Executive Director of the Associated North Atlantic Freight Conference shall be appointed as the exclusive authority for the purpose of carrying out the self-policing and enforcement functions of the agreement. The Enforcement Authority shall also establish, operate and administer a cargo inspection service on behalf of the parties.

By Order of the Federal Maritime Commission.

Dated: November 18, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–31551 Filed 11–20–75;8:45 am]

GULF/UNITED KINGDOM CONFERENCE

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 December 11, 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:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 161–29, among the members of the Gulf/United Kingdom Freight Conference, amends the basic agreement by deleting part of Clause 16 and the entire text of Clause 17 and substituting a new Clause 17 and an Annex to Agreement No. 161 which provides that the Executive Director of the Associated North Atlantic Freight Conferences shall be appointed as the exclusive authority for the purpose of carrying out the self-policing and enforcement functions of the agreement. The Enforcement Authority shall also establish, operate and administer a cargo inspection service on behalf of the parties.

By Order of the Federal Maritime Commission.

Dated: November 18, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–31550 Filed 11–20–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ER76–110]

ARKANSAS POWER AND LIGHT CO.

Order on Rehearing Modifying Prior Order, Granting Intervention, Instituting Investigation, Establishing Procedures, and Deferring Ruling on Request for Summary Disposition

NOVEMBER 14, 1975.

On September 8, 1975, Arkansas Power and Light Company (AP&L or Company) tendered for filing an Application for Increase in Electric Rates for service to the Company's municipal and rural electric cooperative sale-for-resale customers, and proposed to place the rate schedules accompanying that filing into effect on October 8, 1975. Notice of the Company's filing was issued on September 17, 1975 with protests on petitions to intervene due on or before September 29, 1975. By letter dated September 24, 1975, the Commission notified the Company that its September 8 filing was deficient in that it did not include certain required billing data. The Company filed the requested additional data with the Commission on October 1, 1975.

By further letter dated October 7, 1975, the Commission found AP&L's filing to be deficient in that its Period I test data for the period ending March 31, 1975, was not the "most recently available", as required by the Regulations. Accordingly, the letter stated that a filing date would not be assigned to AP&L's submittal until AP&L filed for a period ending no earlier than four months prior to the filing date of the proposed increase. AP&L was also required to submit new Period II data for a 12 month period beginning after the conclusion of its updated Period I. On October 15, 1975, AP&L filed an Application for Rehearing of the Commission's deficiency letter of October 7, 1975.

In its application, AP&L submits that the Commission's refusal to assign a filing date to the Company's filing and requiring it to submit new Period I and II data is discriminatory and inconsistent with prior Commission rulings. AP&L differentiates *Interstate Power Company*[1] and *Ohio Power Company*,[2]

[1] Docket No. ER76–70, order issued September 10, 1975.

[2] Docket No. ER76–83, order issued September 19, 1975.

cases cited in our October 7 deficiency letter, as involving a greater than 7 month interval between the end of Period I and date of filing, whereas in this proceeding the interval is only 5 months and 8 days. The company points to four recent cases in which rate increase applications were accepted for filing where the intervals between end of Period I and filing date were virtually the same, or greater, as that in the instant case. The company alleges discrimination and inconsistency further by stating it is unable to find a case that has been rejected having less than seven months between the end of Period I and the date of filing. AP&L also urges reconsideration in light of the fact that the Commission in its Notice of Proposed Rulemaking,[3] has acknowledged the ambiguity of Section 35.13(b)(4)(iii) of the Regulations in terms of how current the Period I data must be, and AP&L stresses the fact that the proposed rulemaking, which suggests a minimum 4 month interval between end of Period I and date of filing, "is a *proposal* and not a final and effective rulemaking". In support of this final point, the Company draws an analogy to the current status of Construction Work In Progress (CWIP) in which the Commission has consistently refused to allow the inclusion of CWIP in rate base, even though a proposed rulemaking would allow it to do just that, on the basis that the rulemaking was merely a proposal and not final.

On October 31, 1975, we issued an order in this proceeding which accepted for filing and suspended AP&L's proposed rate increase until December 1, 1975. Therein the Commission stated, upon further review of the record in this proceeding, that the tendered filing of September 8, 1975, as supplemented by the data filed by AP&L on October 1, 1975, substantially complied with our filing requirements in Part 35 of the Regulations. Thus, a filing date of October 1, 1975, was assigned to the filing. The reasons for the reconsideration and modification of the October 7, 1975, deficiency letter are set forth below.

During the year 1975, we have accepted electric rate filings utilizing Period I data for the twelve months ended December 31, 1974, as meeting the filing requirement of Section 35.13(b)(4)(iii) of the Regulations that such data be ". . . for the most recent twelve consecutive months for which actual data are available. . ." However, we realized in so doing that at some point in time data for the twelve months ended December 31, 1974, would eventually become stale and thus outside any reasonable interpretation of Section 35.13(b)(4)(iii) of the Regulations which requires submission of the most recently available data. In the *Interstate* order, we able data. In the Interstate order, we were dealing with data that was 7½ months old and made the determination that such data was too stale to be "the most recently available" and therefore rejected Interstate's filing for failure to comply with Section 35.13(b)(4)(iii) of the Regulations. Since that action, we have consistently refused to accept rate filings containing Period I data which was more than seven months old.

In deciding to assign October 1, 1975, as the filing date of AP&L's submittal and thus to vacate our October 7, 1975, deficiency letter, we found that the Period I data contained in AP&L's submittal was for a 12 month period which ended less than seven months prior to the date AP&L's submittal was filed. Therefore, upon reconsideration and consistent with our order issued in *Consumer* Power Company, —— FPC —— issued October 29, 1975, in Docket No. ER76-45,[4] we found that AP&L's September 8, 1975, submittal, as supplemented by the data filed on October 1, 1975, was substantially in compliance with the filing requirements of our Regulations, especially Section 35.13(b)(4)(iii) thereof. We therefore assigned October 1, 1975, as the filing date for AP&L's submittal and suspended the filing until December 1, 1975.

On September 29, 1975, nine city and cooperatively-owned electric plants and departments[5] (Petitioners), all customers of AP&L, filed a protest and petition to intervene to the company's proposed rate increase and moved for rejection of the filing. Petitioners urge that the filing be rejected on the basis that the company has allegedly failed to comply with Section 35.13 of the Regulations by not listing Period I and Period II revenues to each customer and for each class of service, by not showing a comparison of the proposed rates with other rates for similar service, and by a lack of sufficient explanation of the basis for the Period II estimates. Petitioners claim further that the company's Period I data, which terminates on March 31, 1975, is not in compliance with Section 35.13(b)(4)(iii) which requires data for the most recent 12 months available. This last point we have already discussed, infra. We have reviewed AP&L's data as it relates to Section 35.13 of the Regulations and find its substantially complies with our filing requirements. However, the burden will be upon AP&L in the hearing hereinafter ordered to "establish the validity and accuracy of each of their cost estimates" (Order 487, mimeo at p. 3).

Petitioners ask for rejection by summary judgment of that portion of AP&L's filing which reflects the normalization of taxes associated with the interest portion of the allowance for funds used during construction. Petitioner claims the effect of this is to increase tax costs in the cost of service by approximately $8 million without benefiting the customers, while the factual showing requirement of Commission Order No. 530 that a tax deferral and not merely a percent tax savings, has not been met to justify normalization. Petitioners further claim that AP&L is attempting to use the wholesale customers as a source of no-cost capital by retaining the tax benefits for its shareholders. On October 14, 1975, AP&L filed a response to Petitioner's motion. Because of the importance of the issues regarding the normalization of taxes and the company's proposed method of tax accounting for tax credits on interest during construction, we shall defer action on Petitioner's request to permit the Commission adequate time for the consideration thereof.

Petitioners also argue that AP&L has understated its revenues and overstated its cost for the test period and this, along with the addition of the Company's new nuclear plant, account for the large disparity between the claimed Period I and Period II rates of returns. Petitioners also find fault with the company's proposed ratchet clause increase to 100% for municipals and 90% for cooperatives, and allege improper methods of allocation including, *inter alia*, the use of an incorrect July peak for the monthly coincident kilowatt demands in its cost allocation, and the use of a single system annual coincident peak to allocate Power Supply Production and Power Supply Transmission Costs rather than an average twelve months coincident peak. We believe the allegations made by Petitioners, while not sufficient to cause rejection of the filing, raise issues which may require development in the evidentiary proceedings hereinafter ordered.

As a further basis for rejection of AP&L's filing, Petitioners argue that the proposed rates would create an unlawful "price squeeze" by foreclosing Petitioners from competing with AP&L for retail loads. This Commission has consistently held that it must utilize a cost plus fair return standard for establishing the justness and reasonableness of the wholesale rate and does not have the authority under the Federal Power Act to set the wholesale rate predicated upon retail rates over which we have no jurisdiction.[6] We shall therefore limit this proceeding so as to exclude consideration of the price squeeze issue. We are aware of Petitioners' reliance upon *Conway Corporation* v. *F.P.C.*, 510 F.2d 1264 (1975). However, the Court in *Conway* stayed its mandate pending appeal by the Com-

[3] Docket No. RM76-6, issued September 3, 1975.

[4] See also: *Montaup Electric Company*, —— FPC —— issued November 3, 1975, in Docket No. ER76-46; *Western Power Division, Central Telephone and Utilities Corporation*, —— FPC —— issued November 5, 1975, in Docket No. ER76-92.

[5] The nine parties represented are the following seven municipals: Conway Corporation, Benton Municipal Light and Water Works, Hope Water and Light Commission, City of North Little Rock, City of Osceola, City of Prescott and City of West Memphis; and the following two cooperatives: Farmers Electric Cooperative Corporation and Mississippi County Electric Cooperative, Inc.

[6] See *e.g.*, *Virginia Electric and Power Company*, Docket No. E-9147, order issued January 22, 1975, *Carolina Power and Light Company*, Docket No. E-8884, order issued August 26, 1974, *Wisconsin Public Service Corporation*, Docket No. E-8867, order issued August 23, 1974, and *Pacific Gas and Electric Company*, Docket No. E-7777, order issued March 14, 1974.

mission. Accordingly, Petitioners may renew their request for consideration of the price squeeze issue when and if the *Conway* decision becomes final.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties including the Commission Staff. APL seeks in this proceeding an overall rate of return of 9.5% and a 13.75% return on equity. We note that AP&L is requesting the increase in part to meet its projected construction program of $196,200,000. All parties, including Staff, are directed to present evidence as to how their rate of return recommendations relate to AP&L's alleged financing requirements, and should address themselves specifically to AP&L's statements that under present rates its rate of return for Period II would be 1.75% from service to the municipally-owned and privately-owned systems, and 0.60% from service to the rural electric cooperatives; that its financial position is such that it is precluded from issuing any additional long-term debt since its coverage ratio of 1.89, as of July 31, 1975, is below the minimum 2 times required by AP&L's Mortgage Indenture; and that it purchases fuel from System Fuels, Inc., a company it jointly owns, at prices subject to jurisdiction of the Securities and Exchange Commission.

Our review of AP&L's proposed rates filed herein indicates that in addition to the suspension as provided for in our order issued October 31, 1975, in this docket, we shall establish procedures for an evidentiary hearing, as hereinafter provided, to test the lawfulness of the proposed rates as contained in the filed tariff sheets.

The Commission finds: (1) Petitioners' motion to reject AP&L's filing based upon allegations other than normalization of Federal Income Taxes should be denied.

(2) Good cause exists to defer action on Petitioners' motion for summary judgment regarding normalization of Federal Income Taxes as hereinafter provided.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of AP&L's proposed rate change.

(4) The participation of Petitioners in these proceedings may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held on February 10, 1976, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning all issues.

(B) On or before December 30, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors, if any, shall be served on or before January 13, 1976. Company rebuttal shall be served on or before January 27, 1976.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(D) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(E) Petitioners are hereby permitted to intervene in these proceedings, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be considered as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Petitioner's motion to reject AP&L's filing is denied.

(G) Decision on Petitioner's request for summary judgement regarding normalization of Federal Income Taxes and AP&L's proposed method of tax accounting for tax credits on interest during construction, shall be deferred at this time.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31435 Filed 11-20-75;8:45 am]

[Docket Nos. RP75-91 and RP72-157 (PGA76-2a)]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Compliance Filing

NOVEMBER 12, 1975.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on November 4, 1975, tendered for filing revised tariff sheets intended to comply with the Commission's order issued October 31, 1975, in these proceedings. By that order the Commission accepted for filing proposed changes in rates subject to Consolidated's filing within 15 days revised rates reflecting certain decreased supplier rates.

Consolidated requests that the Commission waive such regulations as may be necessary to permit the revised tariff sheets to become effective November 1, 1975.

Consolidated states that copies of the filing were served upon each of its jurisdictional customers, other persons intervening in Docket No. RP75-91 and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31423 Filed 11-20-75;8:45 am]

[Docket Nos. RP72-155 and RP73-104, RP72-155 and RP74-K57, RP72-155, *et al.*, (PGA 75-2)]

EL PASO NATURAL GAS CO.

Intention To Act

NOVEMBER 14, 1975.

On Ocotber 15, 1975, El Paso Natural Gas Company (El Paso) filed a motion requesting that the Commission by order grant summary judgment affirming the lawfulness of those portions of El Paso's jurisdictional rate increases pursuant to its Purchased Gas Adjustment Clause (PGAC) rate adjustment filings of February 14, 1974 (at Docket Nos. RP72-155 and RP73-104), August 16, 1974 (at Docket Nos. RP72-155 and RP74-57) and February 24, 1975 (at RP72-155, *et al.*, PGA75-2), as reflect and are intended to recover purchased gas costs attributable to El Paso's purchase of gas from producers holding small-producer certificates issued pursuant to Section 157.40 of the Commission's Regulations Under The Natural Gas Act. In support, El Paso alleges that none of the rates paid to small producers pursuant to the purchases reflected by these three PGAC rate adjustment filings exceed the per se just and reasonable rate for small-producer sales established in Opinion No. 742.

Pursuant to Section 1.12(e) of the Commission's Rules of Practice and Procedure, the above motion would be deemed to have been denied if the Commission has taken no action by November 14, 1975.

Notice is hereby given of the intention of the Commission to act on the above motion subsequent to the expiration of the 30-day period prescribed by Section 1.12(e).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31436 Filed 11-20-75;8:45 am]

[Docket No. RP76-24]

FLORIDA GAS TRANSMISSION CO.

Order Accepting for Filing and Suspending Proposed Rate Increase and Establishing Procedures

NOVEMBER 14, 1975.

On October 15, 1975, Florida Gas Transmission Company ("Florida Gas" or "the Company") tendered for filing proposed changes in its FPC Gas Tariff, Original Volume Nos. 1[1] and 2.[2] The changes would increase total annual revenues from jurisdictional sales and transportation services by $13,551,572, based on the twelve month base period ending June 30, 1975, as adjusted for known and measurable changes expected to occur during the nine month period ending March 31, 1976. Florida Gas has requested that its proposed rates become effective on November 15, 1975.

Notice of the filing was issued on October 24, 1975, with protests and petitions to intervene due on or before November 14, 1975. To date, no protests or petitions have been received.

Florida Gas states that $5,573,037 of its $13,551,572 rate increase relates to sales of wholesale gas while $7,978,535 relates to charges for transportation services.

Of the approximately $5.6 million rate increase associated with sales for resale, Florida Gas states that $3,330,478 is attributable to test period costs for purchased gas being higher than the cost reflected in presently effective rates. The Company alleges that the average cost of purchased gas for the test period was 37.795¢ per Mcf while the cost included in present rates is 32.628¢ per Mcf, resulting in a deficiency of 5.167¢ per Mcf (4.983¢ per MMBtu).

The balance of the $5,573,037 rate increase which is associated with sales of gas—$2,242,559, and the $7,978,575 increase affecting transportation charges are attributable, according to Florida Gas, to the following factors: (1) an increase in the depreciation rate for transmission plant from 4.5% to 5.5%; (2) a claimed rate of return of 10.25%, reflecting in part, a return on equity 13.91%; (3) a decline in sales volumes, resulting from reduced gas supply caused by institution of plant operations by suppliers and declining deliverability in other connected sources; (4) restoration of a deficiency in the Account 282 reserve for deferred income taxes; and (5) increases in labor costs, taxes and other operating expenses.

Our review indicates that the proposed rates, charges, terms, and conditions of service have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept Florida Gas' proposed tariff sheets for filing. We shall, however, suspend their effectiveness for five months until April 15, 1976, at which time they shall become effective subject to refund, and we shall establish procedures for an evidentiary hearing.

As previously noted, the request of Florida Gas for increased rates is based in part upon the fact that its gas supply is declining. Florida Gas' filing reflects a downward adjustment in test period sales and deliveries of 35.2 million MMBtu, a reduction of 14.7% from the base period.

The present gas shortage in this country, to which this Commission has often called attention,[3] is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issues of rate of return and depreciation.

Although Florida Gas' instant filing reflects the cost allocation and rate design principles adopted in Opinion No. 671, we, nevertheless, shall continue our review and evaluation of commodity rate levels to determine that level most appropriate in light of present day supply and market conditions. In Opinion No. 671 we expressed our concern over the worsening gas supply situation, and in view thereof we found, *inter alia*, that low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed. As we indicated in said Opinion, in continuing our review and analysis of pipeline cost allocation and rate design structures we shall, where necessary, establish pipeline rates for resale or industrial use which are more in line with the costs of available competitive fuels. Accordingly, in the preparation of evidence all parties to this proceeding should direct their attention toward cost classification, allocation and rate design alternatives which would best implement our stated objectives of establishing rates for resale and industrial use which more closely approximate the costs of available competitive fuels.[4]

In addition to the issues of rate of depreciation, rate of return, gas supply and method of cost classification, cost allocation and rate design, other issues raised by the instant filing include the following: (1) The restoration of the deficiency in the reserve for deferred income taxes, (2) claimed increases in labor costs, taxes and other operating expenses and (3) the propriety of the use of the statutory tax rate or the effective rate which may be available to Florida Gas on a consolidated basis for the purpose of computing the Company's Federal Income Tax Allowance.

Without limiting the rights of the parties, including the Commission Staff, to raise such other issues and to present such further evidence as they deem relevant and material we direct that evidence relevant to the issues which we have raised herein should be submitted by all parties, including the Commission Staff.

The Commission finds: It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Florida Gas' proposed tariff sheets, as listed in footnotes 1 and 2 of this Order, be accepted for filing and suspended for five months until April 15, 1976, at which time they shall become effective subject to refund, and that hearing procedures be established to determine the lawfulness of the rates proposed in said tariff sheets.

The Commission orders: (A) Florida Gas' proposed changes in its rates, charges and conditions of service, tendered on October 15, 1975, and listed in footnote 1 and 2 of this Order, are accepted for filing and suspended for five months until April 15, 1976, when they shall become effective subject to refund.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5, thereof, and the Commission's Rules and Regulations (18 CFR, Chapter I), a public hearing concerning the lawfulness and reasonableness of the rates, charges, and conditions of service as proposed in Florida Gas' filing tendered October 15, 1975, shall be held, commencing on March 23, 1976, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) The Commission Staff shall serve its prepared testimony and exhibits on or before February 10, 1976. Any intervenor evidence shall be filed on or before February 24, 1976. Any rebuttal evidence by Florida Gas shall be served on or before March 9, 1976.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31437 Filed 11-20-75;8:45 am]

[1] Ninth Revised Sheet No. 3-A, superseding Substitute Eighth Revised Sheet No. 3-A, containing rate changes applicable to Florida Gas' Resale Rate Schedules G and I.

[2] Thirteenth Revised Sheet No. 27, superseding Twelfth Revised Sheet No. 27, containing rate changes applicable to Florida Gas' Transportation Rate Schedule T-1; Thirteenth Revised Sheet No. 63, superseding Twelfth Revised Sheet No. 63, containing rate changes applicable to Transportation Rate Schedule T-2; and Tenth Revised Sheet No. 128, superseding Ninth Revised Sheet No. 128, containing rate changes applicable to Transportation Rate Schedule T-3.

[3] *See, e.g., National Fuel Gas Supply Corporation*, Docket No. RP76-4, order issued June 9, 1975, mimeo., ed., pp. 2-3.

[4] In this regard, we refer all parties to the recent "Notice of Proposed Rulemaking with Request for Comments", issued February 20, 1975, in Docket No. RM75-19.

[Docket No. RP75-94]

GREAT LAKES TRANSMISSION CO.

Order Rejecting Proposed Tariff Sheets

NOVEMBER 13, 1975.

On October 15, 1975, Great Lakes Gas Transmission Company (Great Lakes) tendered for filing proposed tariff sheets[1] reflecting a change in the method of allocating purchase gas costs between its sales and transportation services. Great Lakes presently allocates its purchase gas costs by assigning 80% of such costs to its sales services and 20% of such costs to its transportation services. The revised tariff sheets propose a new formula for fixing allocation factors based upon actual experience during the 12 month Determination Period. Great Lakes has requested an effective date of November 14, 1975 and that the Commission grant waiver of its Regulations, including but not limited to Sections 154.22 and 154.66 thereof, to permit the revised sheets to become effective.

Notice of Great Lakes' October 15, 1975 filing was issued on October 29, 1975, with all protests, comments or petitions to intervene due on or before November 7, 1975.

TransCanada Pipeline Limited and Consumer's Gas Company filed comments urging the Commission to accept the proposed tariff sheets, alleging that the historical allocation method does not reflect actual allocations of gas. Michigan Consolidated Gas Company filed a protest to the proposed tariff change stating that the allocation change would increase the cost of natural gas for Great Lakes' United States customers and decrease the cost of transportation for Great Lakes' Canadian customers. Michigan Consolidated requests rejection of the tendered filing.

Great Lakes has previously filed in this docket revised tariff sheets reflecting this purchase gas cost allocation change. On June 13, 1075, Great Lakes tendered for filing revised tariff sheets incorporating such a change. By letter of July 3, 1975, however, Great Lakes filed a request to withdraw such revised sheets due to customer opposition, requested that the Commission accept the sheet using the historical allocation method, and suggested that the matter of the method of allocation of purchased gas costs should be considered in the pending rate proceeding in Docket No. RP75-94.

Upon consideration of the matter we issued an order on July 18, 1975 which granted Great Lakes' request to withdraw the tariff sheets proposing to modify the gas cost allocation method. We further ordered that a hearing be instituted pursuant to Section 5 of the Natural Gas Act and consolidated with the rate proceeding in Docket No. RP75-94, to investigate the proper method of allocating purchased gas costs between Great Lakes' sales and transportation services.

Great Lakes, in its present filing, in which it requests we again decide on the issue of permitting it to place in effect a new purchase gas cost allocation method, states that such reconsideration is desirable in light of the substantial extension of time recently granted in the rate proceeding in Docket No. RP75-94.

Upon review of Great Lakes' instant request we find we must reject the tendered tariff sheets proposing the new purchase gas cost allocation method. We have previously found that the proposed change is a proper subject for an investigative hearing under Section 5 of the Natural Gas Act. We are not persuaded that an extension of the hearing date in the rate proceeding with which this issue has been consolidated constitutes sufficient reason to now permit the revised tariff sheets to become effective. Nor have we been presented with good cause to grant waiver of Section 154.66(b) of our Regulations precluding a natural gas company, within the period of suspension, from filing any change in the tariff which has been suspended. We shall therefore reject the proposed tariff sheets filed herein on October 15, 1975. We note, however that the period of suspension for Great Lakes proposed rate changes in Docket No. RP75-94 will terminate on November 13, 1975. Our rejection is therefore without prejudice to Great Lakes' resubmitting of its request as a complete filing with the required supporting data when the suspension period in Docket No. RP75-94 expires.

The Commission finds: (1) Good cause does not exist to grant waiver of Section 154.66 of our Regulations under the Natural Gas Act to permit the acceptance for filing of the revised tariff sheets tendered in this docket by Great Lakes on October 15, 1975.

(2) The revised tariff sheets tendered by Great Lakes on October 15, 1975, which would change the method of allocating purchase gas costs between Great Lakes' sales and transportation services, should be rejected.

The Commission orders: (A) The revised tariff sheets tendered by Great Lakes on October 15, 1975, which would change the method of allocating purchase gas costs between Great Lakes' sales and transportation services, are hereby rejected, without prejudice to Great Lakes' refiling after the expiration of the period of suspension in Docket No. RP75-94.

(B) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31424 Filed 11-20-75;8:45 am]

[1] Second Substitute Sixteenth Revised Sheet No. 57, Second Revised Sheet No. 54 to Gas Tariff First Revised Volume No. 1; Third Revised Sheet No. 53-B and First Revised Sheet No. 53-C to Gas Tariff Original Volume No. 2.

[Docket No. E-9374]

KANSAS CITY POWER & LIGHT CO.

Filing of Further Revision to Fuel Adjustment Clause

NOVEMBER 13, 1975.

Take notice that on November 4, 1975, Kansas City Power and Light Company (KCP&L) tendered for filing a further revision to its fuel adjustment clause included in the Municipal Interconnection Agreement between KCP&L and the City of Carrollton, Missouri. KCP&L states that the instant filing modifies the fuel adjustment factor to properly allow for losses associated only with wholesale sales for resale, in accordance with Section 35.14(a)(4) of the Commission's Regulations.

KCP&L proposes that the instant submittal be accepted for filing immediately.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31425 Filed 11-20-75;8:45 am]

[Docket No. RP-71-16 PGA No. 76-1]

MIDWESTERN GAS TRANSMISSION CO.

Order Granting Petitions To Intervene

NOVEMBER 13,1975.

On September 12, 1975, Midwestern Gas Transmission Company tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, to be effective on November 1, 1975. Notice of said filing was issued on September 30, 1975, with comments, protests and petitions to intervene due on or before October 10, 1975.

A timely petition to intervene was filed by Wisconsin Gas Company (Wisconsin Gas). An untimely petition to intervene was filed by Michigan Wisconsin Pipe Line Company (Michigan Wisconsin). Having reviewed these petitions, we believe that Wisconsin Gas and Michigan Wisconsin have interests in this proceeding which are sufficient to warrant their intervention herein.

The Commission finds: It is desirable and in the public interest to permit Wisconsin Gas and Michigan Wisconsin to intervene in this proceeding, provided that intervention is conditioned as hereinafter ordered.

The Commission orders: (A) Wisconsin Gas and Michigan Wisconsin are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31426 Filed 11-20-75;8:45 am]

[Docket No. E-9473]

MISSOURI UTILITIES CO.

Extension of Procedural Dates

NOVEMBER 11, 1975.

On November 5, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 15, 1975, in the above-designated proceeding.

Upon consideration, notice is hereby given that the procedural dates in the above proceeding are modified as follows:

Service of Staff Testimony, December 5, 1975.
Service of Intervenor Testimony, December 29, 1975.
Service of Company Rebuttal, January 9, 1976.
Hearing, January 20, 1976 (10 a.m. e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31421 Filed 11-20-75;8:45 am]

[Docket No. E-9379]

NIAGARA MOHAWK POWER CORP.

Order Denying Rehearing and Modifying Procedural Dates

NOVEMBER 13, 1975.

On October 14, 1975, Niagara Mohawk Power Corporation (Niagara) applied for rehearing of our Order Denying Motion To Dismiss Investigation, issued September 25, 1975, in the above-captioned docket. In addition, Niagara requests that the Commission defer indefinitely the procedural dates in this proceeding, as established in Ordering Paragraph (B) of our Order issued July 23, 1975, pending final determination of the instant application for rehearing; and, thereafter, if the proposed investigation is conducted, that the order of presentation of the evidence be modified.

This proceeding originated when, on June 2, 1975, we issued an order accepting for filing and approving a proposed rate schedule for the transmission of power and energy between Niagara and the Consolidated Edison Company of New York, Inc., as submitted for filing on April 14, 1975, by Niagara. That order denied the Town of Massena, New York's (Massena) May 5, 1975, motion to reject or suspend the Niagara rate filing, wherein Massena contends that Niagara's rate filing was part of an interstate program and combination to unlawfully monopolize the electric utility industry. That contention was based upon Niagara's alleged refusal to enter into negotiations leading to a contract by which Niagara would wheeel energy to Massena, thereby enabling Massena to establish a municipally owned and operated electric system. Massena concluded that the revenues Niagara would receive from the filing therein would be unlawfully used by the Company to strengthen its alleged monopolistic position over transmission in the Massena service area to the detriment of Massena.

On June 23, 1975, Massena applied for rehearing of our order of June 2, averring they had suffered discrimination at the hands of Niagara due to the latter's refusal to execute voluntarily a transmission agreement with Massena. By order issued July 23, 1975, we granted rehearing and ordered an investigation, pursuant to Section 206, of Massena's allegations that Niagara's rate filing was part of an interstate program to unlawfully monopolize the electric utility industry and discriminate against the establishment by Massena of a municipal energy system.

On August 14, 1975, Niagara sought reversal of our July 23, 1975, order and moved that the Commission dismiss the investigation. By order issued September 25, 1975, we denied Niagara's motion, stating that we ". . . [did] not have sufficient facts before us in order to formulate a decision" and our belief that ". . . an investigation, pursuant to Section 206 of the Federal Power Act, as previously ordered, is necessary to explore that [Massena's] allegation".

Niagara's instant pleading contends that Section 206 of the Act does not authorize such an investigation and that the Commission, as a result of an investigation, cannot order Niagara to act with respect to Massena's allegation of discriminatory treatment.

With regard to the purview of Section 206, Niagara cites paragraph (a)[1] thereof and asserts, "(t)he key to Section 206 is the existence of a *rate* as to which the Commission has jurisdictional authority over which to act . . ." and again, that "Section 206 by its terms confines a Commission investigation to *'any rate'* or to a practice *'affecting such rate'*. There is no rate for Massena because there is no distribution purchaser to whom NM [Niagara] could sell a transmission power system."

In the event the Commission does pursue the investigation upon which it has entered, Niagara maintains that the Commission could not issue an order that Niagara serve the Massena system so long as Massena has not yet acquired the municipal electric distribution system; and, further, at such time as Massena does acquire the system, Massena may seek emergency relief for a required interconnection pursuant to Section 202 of the Act. Niagara asserts it has not refused to provide the service to Massena at such time as Massena has a system to which it can wheel power, but that meanwhile, Niagara queries to what compensation it would be entitled should it be forced to reserve transmission space for an indeterminate period before actual service by Massena's electric distribution system commences.

Niagara further requests that the procedural dates set forth in Ordering Paragraph (B) of our July 23, 1975, order be deferred indefinitely "pending final and definitive action on rehearing of the application to dismiss the investigation. . .". In the event the investigation ultimately is pursued, Niagara requests that Massena be scheduled first to present its evidence, in that the issue of alleged discriminatory treatment of Massena by Niagara was introduced by Massena.

On October 21, 1975, Massena filed its response to Niagara's pleading. With respect to Niagara's contention that since no *rate* has been established, the Commission has no jurisdictional basis to investigate a continuing refusal to deal, Massena declares that Niagara's action has an impact on jurisdictional rates. That is, Niagara creates higher rates for jurisdictional customers when it refuses to fully utilize its transmission lines and, as a consequence, lower revenues. Hence, a practice which affects rates within the meaning of Section 206(a) is established, according to Massena. In addition, the barring of a competitor's entry into the electric utility industry has an impact on rates.

Massena also contends Section 206(b)[2] provides a separate basis for investiga-

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[1] Sec. 206(a) Whenever the Commission, after a hearing had upon its own motion or upon complaint, shall find that any rate, charges, or classification, demanded, observed, charged, or collected by any public utility for any transmission or sale subject to the jurisdiction of the Commission, or that any rule, regulation, practice, or contract affecting such rate, charge, or classification is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate, charge, classification, rule, regulation, practice, or contract to be thereafter observed and in force, and shall fix the same by order. (49 Stat. 852; 16 U.S.C. 824e(a))

[2] Sec. 206(b) The Commission upon its own motion, or upon the request of any State commission whenever it can do so without prejudice to the efficient and proper conduct of its affairs, may investigate and determine the cost of the production or transmission of electric energy by means of facilities under the jurisdiction of the Commission in cases where the Commission has no authority to establish a rate governing the sale of such energy. (49 Stat. 852; 16 U.S.C. 824e(b)).

tion, in that the Commission may investigate all of Niagara's wheeling arrangements for the purpose of determining whether discrimination exists and for ascertaining the costs of Massena's requested wheeling. Moreover, because the Power Authority of the State of New York (PASNY) is subject to the jurisdiction of this Commission and Niagara wheels PASNY power to other preference customers and since Niagara owns the transmission system in the Massena area (also a preference customer of PASNY's), then the Commission has jurisdiction over Massena's allegations. Following an investigation, according to Massena, the Commission could order Niagara not to discriminate with respect to transmission service offerings and to require delivery of PASNY power to Massena.

Massena, furthermore, objects to Niagara's request to defer or rearrange the procedural schedule, contending Niagara must first justify its alleged refusal to deal with Massena; otherwise, Massena's allegations should be taken as true.

After careful review, we believe that the allegations raised by Massena warrant an investigation and that the Commission has jurisdiction under Section 206 of the Act to proceed with that investigation. Niagara misinterprets the scope of Section 206 when it asserts an existing rate must be the condition precedent to our entering into an investigation and must be the subject of that investigation. Section 206(a) makes not only "any rates, charges, or classification" the proper subject of an investigation, but also "any rule, regulation, *practice*, or contract affecting such rate, charge, or classification" (emphasis supplied). Accordingly, Niagara's application for rehearing of our refusal to dismiss the 206 investigation will be denied.

Niagara's request with respect to the procedural dates established in this proceeding will be granted insofar as we believe the order of presentation of the evidence should be altered. Massena's allegations have induced us to enter upon an investigation of Niagara's practices. We believe in fairness that the party raising the anticompetitive practice issue has the burden of going forward with the evidence relating to the issue in order that Niagara may then knowledgeably respond to the allegations lodged against it.[2] We shall extend the procedural dates previously established in this proceeding in light of our modifying the order in which evidence shall be presented; however, we will not suspend indefinitely the dates, as requested by Niagara.

The Commission finds: (1) Niagara's application for rehearing of our order issued September 25, 1975, should be denied.

(2) Good cause exists to modify the order of presentation of evidence and procedural dates as previously established in this proceeding, by order issued July 23, 1975.

The Commission orders: (A) Niagara's application for rehearing of our order issued September 25, 1975, is denied.

(B) Niagara's request for modification of Ordering Paragraph (B) of our order issued July 23, 1975, in this docket, wherein we established procedural dates and the order in which evidence would be served on those dates is hereby modified as follows:

Service of Massena's Testimony and Exhibits, November 25, 1975.
Service of Staff's Testimony and Exhibits, December 16, 1975.
Service of Niagara's Testimony and Exhibits, January 6, 1976.
Hearing, January 27, 1976.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31427 Filed 11-20-75;8:45 am]

[Docket No. CP76-142]

NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 13, 1975.

Take notice that on October 24, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-142 an application pursuant to Section 7(b) of the Natural Gas Act as implemented by Section 157.7(e) of the Regulations thereunder [18 CFR 157.7(e)], for permission and approval to abandon certain natural gas direct sales facilities no longer required for service to Applicant's customers, during the calendar year 1976, and pursuant to Section 7(c) of the Natural Gas Act as implemented by Section 157.7(c) of the Commission's Regulations thereunder [18 CFR 157.7(c)] for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1976, and operations of certain natural gas facilities for miscellaneous rearrangements, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that the purpose of the application is to enable Applicant to act with reasonable dispatch in the construction and operation of facilities necessary to make miscellaneous rearrangements on its system and to cease service and remove direct sales facilities no longer needed to serve Applicant's customers. The total cost of the facilities proposed herein is not to exceed $300,000. Under Section 157.7(e), Applicant would not abandon any service under the requested authorization unless it has received a written request, or written permission from the customer to terminate the service. Further, the deliveries to any one direct sales customer through sales measuring facilities proposed to be abandoned would not have exceeded 100,000 Mcf of gas annually during the last year of service. Applicant proposes to finance the cost of the facilities from cash on hand and from funds generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31428 Filed 11-20-75;8:45 am]

[Docket Nos. RP72-154 and RP74-72 (PGA No. 76-1 and 76-2) (DCA No. 76-1)]

NORTHWEST PIPELINE CORP.

Order Granting Rehearing and Terminating Proceeding

NOVEMBER 19, 1975.

On August 15, 1975, Northwest Pipeline Corporation (Northwest) filed a re-

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[2] See *In the Matters of Seaboard Oil Company, Operator, et al.*, 19 FPC 416, 420.

See also *Indiana & Michigan Electric Co.*, 49 FPC 1232 (1973). In the latter case, intervenors Richmond and Fort Wayne raised allegations of anticompetitive conduct by the applicant for the rate increase. The Commission stated, in discussing the burden on the intervenors to lay the factual basis for the allegations:

In this proceeding interventions have been granted and a hearing directed to consider *inter alia* anticompetitive allegations. However, we would except that those who would raise such issues in appropriate proceedings would clearly specify the facts relied upon, anticompetitive practices challenged, and the requested relief which is within this Commission's authority to direct.

vised tariff sheet[1] which reflected, *inter alia*, a PGA rate decrease.

By order issued September 29, 1975, we accepted this revised tariff sheet for filing and suspended it for one day until October 2, 1975, when it went into effect, subject to refund, on the basis that the average cost of purchased gas contains small producer purchases in excess of the rate levels prescribed in Opinion No. 742. We established hearing procedures in order to determine the just and reasonable rate levels of those small producer purchases to be included in Northwest's filing in excess of the "130% formula" prescribed in Opinion No. 742, while also at the same time instituting a Section 5 investigation into the rates charged by the small producers involved for the purpose of determining the appropriate rate to be charged prospectively by each small producer involved.

On October 14, 1975, Northwest filed an Application For Rehearing of the Commission's September 29, 1975, order submitting that the average cost of purchased gas included in the revised tariff sheet did not contain small producer purchases in excess of the rate levels prescribed in Opinion No. 742. In its Application For Rehearing, Northwest included in Attachment A a list of the small producers reflected in the revised tariff sheet with a calculation of the base rate and ceiling rate level permissible under the 130% formula for each; and Northwest stated that it has not paid any of these small producers in excess of the rate levels resulting from use of the 130% formula prescribed in Opinion No. 742.

Northwest requests, *inter alia*, that the Commission grant rehearing to allow this revised tariff sheet to become effective October 1, 1975, as previously requested, without suspension and refund obligation; that the Commission cancel the hearing procedures; and that the Commission waive Ordering Paragraph (C) of the September 29, 1975, order, and accept Attachment A as in compliance with said order.

Our review of Northwest's submittal of October 14, 1975, as well as the entire record in this proceeding, indicates that the rates reflected in its Substitute Ninth Revised Sheet No. 10 to Original Volume No. 1, which was accepted for filing and suspended for one day by our September 29, 1975, order in this docket, do not reflect costs from small producer purchasers in excess of the rate levels prescribed by Opinion No. 742. Accordingly, we shall amend our September 29, 1975, order, permit Substitute Ninth Revised Sheet No. 10 to become effective October 1, 1975, without refund obligation as proposed, and terminate the proceedings ordered herein.

The Commission finds: Good cause exists to grant rehearing of our September 29, 1975, order, and to accept Northwest's revised tariff sheet for filing effective October 1, 1975, and to cancel the previously ordered hearing procedures.

The Commission orders: (A) Rehearing of our September 29, 1975, order is hereby granted and Northwest's revised tariff sheet is accepted for filing effective October 1, 1975, without refund obligation and Paragraph (A) of our September 29, 1975, order is so modified.

(B) The proceedings established in our September 29, 1975, order based on Northwest's August 29, 1975 filing are hereby terminated.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31429 Filed 11-20-75;8:45 am]

[1] Substitute Ninth Revised Sheet No. 10 to Original Volume No. 1.

[Docket No. ER76-83]

OHIO POWER CO.

Order Accepting for Filing and Suspending Proposed Tariff Changes, Granting Intervention, Denying Motion To Reject and Establishing Procedural Dates

NOVEMBER 14, 1975.

On October 17, 1975 Ohio Power Company (Ohio) completed a filing it had originally tendered on August 22, 1975. This filing consisted of proposed changes in Ohio's FPC Electric Tariff MRS, Original Volume No. 1 for municipal resale electric service to its thirteen municipal customers.[1] The proposed rates would increase Ohio's revenues by approximately $817,520 (25.42%) based on the 12 month period ending June 30, 1975. The proposed rate change simplifies the rate design from a two-block demand charge to a single demand charge and from a two-block energy charge to a flat-line energy charge. Ohio also filed a revised fuel adjustment clause to conform with the format prescribed in Commission Order No. 517 which is codified at 18 CFR 35.14 (1975).

Public notice of Ohio's original filing was issued on August 28, 1975, with comments, protests or petitions to intervene due on or before September 12, 1975. On September 12, 1975 a Motion to Reject, Protest and Petition to Intervene was filed by Ohio's thirteen municipal customers (Municipals). On November 3, 1975, Ohio filed a response to the Municipals' motion. Public notice of Ohio's supplemental filing was issued on November 3, 1975 with comments, protests or petitions to intervene due on or before November 11, 1975.

In their protest the Municipals objected to Ohio's filing on the basis that the Period I data submitted, which covered the twelve months ended December 31, 1974, was too stale and thus did not conform to Section 35.13 of the Commission's Regulations. Subsequent to the Municipals' protest, however, Ohio tendered its supplemental filing for Period I which covered the 12 months ended June 31, 1975. We are of the opinion that such supplemental filing substantially complies with the requirements of our Regulations[2] and we shall not therefore reject Ohio's filing on the basis of stale data.

The Municipals further urge the Commission to reject Ohio's filing on the basis that it violates the *Mobile-Sierra* doctrine.[3] The Municipals claim that Ohio's contracts with Republic and Shiloh are fixed rate contracts which do not permit a unilateral change by Ohio. Ohio, in its response, argues that the contractual language clearly contemplates and permits unilateral rate change filings during the term of the contracts.

The Ohio contracts with Republic and Shiloh provide, in Paragraph 7 as follows:

"Municipality shall pay Company for electric service rendered hereunder in accordance with Company's Tariff MRS, on file with the Federal Power Commission, *or any applicable superseding tariff accepted for filing by the Federal Power Commission*, each of which is incorporated herein by reference thereto, and service under this agreement shall be subject to all provisions of Tariff MRS *or any such superseding tariff*. The Company's Terms and Conditions of Service Applicable to Tariff MRS, on file with the Federal Power Commission, or any applicable *superseding Terms and Conditions of Service accepted for filing by the Federal Power Commission*, each of which is incorporated herein by reference thereto, shall be applicable to and govern the terms and conditions under which electric service is furnished by Company and taken by Municipality hereunder. It is expressly understood that said Tariff MRS *or superseding tariff* and said Term and Condition or superseding Terms and Conditions of Service are, in each case, expressly subject to change by such governmental, regulatory or other body as may have jurisdiction in the premises, and that either party hereto shall be entitled, at any time and from time to time, to make application for, or take other action to request, such a change." (Emphasis added)

Upon review of this contractual language we are of the opinion that it clearly permits Ohio to file unilateral rate changes with this Commission during the period of the service agreement. We will therefore deny the Municipals' request to reject the instant filing on the ground that the filing is barred under the *Mobile-Sierra* doctrine.

With respect to the remaining eleven municipal customers, the Municipals

[1] Villages of Arcadia, Bloomdale, Carey, Cygnet, Greenwich, Ohio City, Plymout, Republic, Shiloh, St. Clarisville, Sycamore, Wharton and Wapakoneta, Ohio.

[2] *See* Notice of Proposed Rulemaking, Docket No. RM76-6, issued September 3, 1975.

[3] *United Gas Pipe Line Company* v. *Mobile Gas Service Corporation*, 350 U.S. 332 (1956); *Federal Power Commission* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956).

argue that Ohio's filing is discriminatory and should be rejected. The Municipals contend that since the rate filing to Republic and Shiloh is barred under *Mobile-Sierra* it is discriminatory to permit rate filings to similar wholesale customers who do not have the same contractual provisions. We need not respond to the persuasiveness of this argument since we have found that the rate increase to Republic and Shiloh is not barred under *Mobile-Sierra*. Since the rate filing is applicable to all thirteen of Ohio's municipal customers the Municipals' discrimination allegation has no basis. We shall therefore deny the Municipals' request to reject the filing on the basis of discrimination.

The Municipals have further contended the tendered filing should be rejected on the bases that (a) the fuel clause does not comply with Section 35.13 of the Commission's Regulations; (b) the filing incorporates a restrictive sales provision contrary to the Federal Power Act and the antitrust laws; (c) the proposed changes are unjust and unreasonable; and (d) it attempts to foreclose competition by the municipals for retail loads and that the Commission, under *Conway Corp. v. FPC*,[4] must consider this issue.

With respect to the "price squeeze" issue, which is the Muncipals' fourth contention, we note that the U.S. Circuit Court of Appeals has stayed its mandate pending appeal by the Commission. We shall therefore limit this proceeding so as to exclude consideration of the price squeeze issue. The Municipals may, however, renew its request for consideration of this issue when and if the *Conway* decision becomes final.

With respect to the other contentions of the Municipals we are of the opinion that they are properly the subject of a hearing and not grounds for rejection of Ohio's filing.

Our review of Ohio's filing and the issues raised therein indicates that the proposed rates have not been shown to be just and reasonable and may be unjust and unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall suspend the proposed changes for sixty days and establish hearing procedures to determine the justness and reasonableness of the filing.

Evidence relevant to the issues raised by the instant filing should be submitted by all parties, including the Commission Staff. Without limiting the right of the parties, including Staff, in presenting such further evidence as they deem relevant and material, we hereby direct the parties and our Staff to present evidence which addresses itself to the rate of return allegations of Ohio as well as to the following issues: (1) functionalization of general *plant*, common plant, and administrative and general expenses on functional plant ratios and allocated operation and maintenance expense; (2) separation of transmission function into various subfunctions reflecting voltage of service levels for allocation purposes.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission accept for filing and suspend for sixty days the revised tariff sheets tendered by Ohio and enter into a hearing, as hereinafter provided.

(2) Good cause exists to grant intervention to Municipals.

(3) Good cause exists to deny Municipals Motion to reject.

The Commission orders: (A) Pending a hearing and final decision thereon, Ohio's proposed changes in its rates, charges, and conditions of service as filed on October 17, 1975, are accepted for filing and suspended for sixty (60) days and the use thereof deferred until January 16, 1976, when the proposed rate schedule supplements shall become effective, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations (18 CFR; Chapter I) a public hearing shall be held on May 4, 1976, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, to determine the lawfulness and reasonableness of the proposed rates, charges, and conditions of service contained in Ohio's rate increase filed on October 17, 1975.

(C) The Commission Staff shall serve its prepared testimony and exhibits on or before March 23, 1976. Any intervenor evidence shall be filed on or before April 6, 1976. Any rebuttal evidence by Ohio shall be served on or before April 20, 1976.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(F) The Municipals' motion to reject Ohio's filing is hereby denied.

(G) The Municipals' petition to intervene is hereby granted.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31438 Filed 11-20-75;8:45 am]

[4] 510 F.2d 1264 (D.C. Cir. 1975).

[Docket No. E-8492; Project No. 1835]

SIERRA CLUB v. NEBRASKA PUBLIC POWER DISTRICT

Order Denying Emergency Motion Filed by Nebraska Public Power District and Establishing Procedural Dates

NOVEMBER 14, 1975.

On October 17, 1975, Nebraska Public Power District (NPPD) filed an "emergency motion" for an order establishing procedural dates. In order to make clear the action taken herein, we believe it may be helpful to recapitulate certain events leading to the filing of the motion now before us.

This case involves the use of land and water presently included in the project boundary of NPPD's licensed hydroelectric Project No. 1835 for construction and operation by NPPD of a once-through condenser cooling system for two 650 mw coal-fired steam-electric generating units known as Gerald Gentleman Station. The consolidated proceeding results from a complaint filed November 5, 1973, by the Sierra Club and an application filed by NPPD on November 21, 1973, concerning Unit No. 1 of the Gentleman Station.[1]

On October 25, 1974, the Commission issued an order which required, inter alia, that NPPD cease and desist any construction of steam-electric generating facilities within the project boundary pending further order of the Commission. Thereafter, on December 18, 1974, the Commission issued an order which granted intervention to the Nebraska Congressional Delegation, continued the stay of construction pending resolution of the issues involved herein, required NPPD to file its direct case and an Environmental Report (Exhibit W) by February 14, 1975, and provided that the Commission Staff shall prepare an independent environmental impact statement which will be placed in the record with an opportunity to cross-examine thereon. In accordance with our directive, hearings have been held and cross-examination completed on NPPD's direct case and its Environmental Report.

At a prehearing conference on September 22, 1975, the presiding Administrative Law Judge (ALJ) granted Staff's motion to extend the date for issuing the draft environmental impact statement from August 12, 1975, to November 17, 1975. The ALJ also scheduled another conference for January 8, 1976, to discuss the date for filing the final environmental impact statement and for holding hearings thereon.

On October 17, 1975, NPPD moved that we establish a different schedule of procedural dates that would permit a final decision on the issues raised in this consolidated proceeding by March 1, 1976. It is asserted by NPPD that the granting of

[1] NPPD subsequently amended its application on February 14, 1975, to request authorization for two 650 mw units of the Gentleman Station.

the motion would expedite the Commission's final disposition of the matters raised herein by the substitution of a hearing on Staff's Draft Environmental Impact Statement (DEIS) for a hearing on the Final Environmental Impact (FEIS). Thus, the proposal of NPPD is to have cross-examination on the DEIS before both comments have been received and the FEIS has been prepared. The NPPD proposal does not provide by express terms that a FEIS should be filed.

In support of its motion, NPPD has alleged that if the 650 mw Gerald Gentleman Station No. 1 does not commence commercial operation as scheduled on May 1, 1978, NPPD will have a power deficiency in 1978 of 429 mw. To ensure commencement of commercial operation of Unit 1 as scheduled, NPPD asserts that it must begin construction of the once-through condenser cooling system within the project boundary not later than March 1, 1976, or abandon that system and proceed with an alternative condenser cooling system consisting of a wellfield, a water treatment plant, two cooling towers, and a blow-down evaporation pond. The alternative condenser cooling system would be located outside the project boundary and cost an estimated $21,150,000 more than the once-through system.

The Nebraska Congressional Delegation has concurred in the motion filed by NPPD on the basis of adverse impacts from the increased cost of the alternative and the inability of NPPD to meet projected load demand without Unit No. 1. The Sierra Club, while not agreeing with all the assertions contained in NPPD's motion, supports it on the premise that the alternative proposal would result in adverse environmental impacts. In so doing, the Sierra Club stated that *"Sierra Club cannot agree that the procedures proposed by NPPD comply with the requirements of the National Environmental Policy Act or Order 415–C.* By this paper, it does waive its rights to object to the suggested procedures if implemented. It, of course, does not waive any other rights." (Emphasis added.)

Staff Counsel filed a response indicating his intent was neither to support nor object, although he pointed out the significant issues raised by the motion. Staff Counsel noted that the alternative proposal may increase seepage from the project reservoir which already suffers extensive seepage losses and suggested that Commission approval of the alternative system may be required before it can be implemented. Staff Counsel further asserted that NPPD has attempted to avoid or limit the Commission's review of the proposed plant, a situation which has been further exacerbated by NPPD's unilateral decision that March 1, 1976 is a final date for Commission action. Staff Counsel pointed out that while he felt bound by Order No. 415–C and the prior Commission order in this proceeding of December 18, 1974 to have a final environmental impact statement placed in evidence for cross-examination, expeditious treatment has nevertheless been given to the preparation of the DEIS. In this regard Staff Counsel pointed out that the Sierra Club has not participated in the hearings either through cross-examination or the presentation of an independent case.

After careful consideration of the allegations made by NPPD, the parties, and Staff, we conclude that the National Environmental Policy Act of 1969, (NEPA) and Section 10(a) of the Federal Power Act require that we deny the motion for emergency relief. In so doing, we adhere to the general policy adopted in Commission Order No. 415–C[1] in cases where independent environmental impact statement must be prepared by Staff.

In Order No. 415–C, the Commission adopted procedures to implement its general policy of adherence to the aims and objectives of NEPA. In cases where proposed Commission action is determined to be a major Federal action significantly affecting the quality of the human environment, these procedures require affirmative independent action on the part of Staff to collect and analyze comprehensive environmental data in advance of Commission determination. The staff must then prepare and circulate for comment a draft environmental impact statement. After receipt of comments and in response thereto, the staff makes whatever revisions are necessary to finalize its environmental statement, which then becomes a part of the record in that proceeding. Where evidentiary hearings are held, the final EIS is received in evidence and is subject to cross-examination.

After hearings have been completed, the initial and reply briefs of all parties to the proceeding must analyze and evaluate the evidence in light of the NEPA criteria. Furthermore, the Initial Decision of the presiding Law Judge and the final order of the Commission must include an evaluation in accordance with the NEPA criteria, as well as comments expressed in conjunction therewith by the Applicant and all making formal comments.

Such procedures provide for an independent environmental investigation, a comprehensive analysis of environmental matters, and a meaningful consideration of environmental issues and values at every distinctive stage of the decision-makng process. It ensures that Staff's, and ultimately the Commission's, environmental assessment of a proposed action will have the benefit of review and comment by all interested parties and agencies. While we are mindful of the fact that financial considerations and power shortages are legitimate areas of concern for NPPD, as for this Commission, environmental issues must be effectively assessed prior to any decision on our part.

Notwithstanding our adherence to Order No. 415–C, we agree that the public interest might best be served by expediting this proceeding consistent with our responsibilities under NEPA and the Federal Power Act. With the cooperation of the parties to this proceeding, we believe that a final decision can be rendered sufficiently close to the date requested by NPPD so as to give them substantial relief. To this end we mean to expedite all procedural dates. Accordingly, we are directing that the comment period for the DEIS be shortened to 30 days, that our staff issue the FEIS on or before January 19, 1976, that a shortened time for filing of Briefs on Exceptions be provided, and that the filing of Briefs Opposing Exceptions to the Initial Decision be eliminated. We are sure that all parties and the Presiding Administrative Law Judge will carry out their responsibilities mindful of our desire to render a final decision as soon as possible.

The Commission finds:

(1) For the reasons recited above, the motion of NPPD filed October 17, 1975, should be denied.

(2) Believing it to be in the public interest to proceed as expeditiously as possible while complying with NEPA and the Federal Power Act, we should establish the following schedule of procedural dates:

(a) A DEIS should be filed on or before November 20, 1975, with comments thereon due to be filed on or before December 22, 1975;

(b) A FEIS should be filed on or before January 22, 1976, with cross-examination thereon, and on any further evidence required, to commence on or before February 5, 1976;

(c) Initial Briefs to the ALJ are to be filed on or before February 26, 1976, with Reply Briefs to be filed on or before March 4, 1976;

(d) The Initial Decision of the ALJ should be issued on or before March 29, 1976;

(e) Briefs on Exceptions to the Initial Decision of the ALJ should be filed on or before April 9, 1976.

The Commission orders:

(A) For the reasons recited above, the motion of NPPD filed October 17, 1975, is hereby denied.

(B) The schedule of procedural dates is hereby established as noted above.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-31439 Filed 11-20-75;8:45 am]

[1] Implementation of the National Environmental Policy Act of 1969, Docket No. R-398, 48 FPC 1442 (1972); 18 CFR §§ 2.80-2.82 (1975).

[Docket No. ER76-210]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Rate Schedule Changes

NOVEMBER 11, 1975.

Take notice that Southwestern Electric Power Company (SWEPCO), on October 31, 1975, tendered for filing pro-

posed changes in the existing fuel cost adjustment clause applicable to SWEPCO's FPS Rate Schedule No. 58. SWEPCO states that the proposed changes are being made to conform the fuel clause to FPC order No. 517. The proposed effective date for these changes is January 1, 1976.

Copies of the fuel clause have been mailed to the Arkansas Electric Cooperative Corporation.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31422 Filed 11-20-75;8:45 am]

[Docket Nos. RP75-111, et al.; RP71-130; RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Order Granting Interventions

NOVEMBER 13, 1975.

On June 16, 1975, the Commission issued an order in Docket No. RP75-111, et al. convening a proceeding pursuant to Section 5 of the Natural Gas Act to examine the overrun situation on Texas Eastern Transmission Corporation's (TETCO) system in which some of TETCO's customers were projected to exceed their curtailed Annual Quantity Entitlements. The proceeding was also convened to consider the adequacy of the $3.00 per Mcf penalty charge for overrunning, the appropriateness of continuing the exemption of small customers from peak day curtailment and four petitions for extraordinary relief.

A petition to intervene in Docket Nos. RP75-111, et al. was filed by the Town of Utica, Mississippi (Utica) on August 11, 1975. Utica is a small customer of TETCO and has overrun its annual quantity entitlement two of the last three years. A petition to intervene in Docket Nos. RP75-111, et al. was also filed by the City of Lawrenceburg, Tennessee (Lawrenceburg) which is also a small customer of TETCO. Hearings in this proceeding have been concluded with Initial Briefs due on October 10, 1975 and Reply Briefs due on October 17, 1975.

Lawrenceburg's petition also requested intervention in Docket Nos. RP71-130 and RP72-58, concerning TETCO's presently effective curtailment plan. No hearings are currently scheduled in that proceeding. This petition is filed out of time. Having reviewed the above petitions to intervene we believe that the petitioners have sufficient interest to warrant intervention in the respective proceedings and that the late intervention filed by Lawrenceburg will not unduly delay the proceeding in Docket Nos. RP71-130 and RP72-58.

The Commission finds:

(1) Participation by the aforesaid petitioners may be in the public interest.

(2) Since participation by Lawrenceburg will not delay the proceeding in Docket Nos. RP71-130 and RP72-58, good cause exists for accepting its late petition to intervene.

The Commission orders:

(A) Utica and Lawrenceburg are hereby permitted to intervene in Docket Nos. RP75-111, et al. subject to the rules and regulations of the Commission and Lawrenceburg is permitted to intervene in Docket Nos. RP71-130 and RP72-58 subject to the rules and regulations of the Commission; *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided further,* That the admission of such interveners shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedule heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 75-31430 Filed 11-20-75;8:45 am]

[Docket No. RP75-76]

TEXAS GAS TRANSMISSION CORP. [MISSISSIPPI VALLEY GAS CO.]

Order Granting Late Intervention and Dismissing Motion

NOVEMBER 13, 1975.

On March 17, 1975, Mississippi Valley Gas Company filed a petition requesting emergency relief and interim relief pendente lite from the curtailment provisions of Texas Gas Transmission Corporation's FPC Gas Tariff, Third Revised Volume No. 1. Pursuant to notice published in the Federal Register protests and interventions were due on or before April 18, 1975.

A late petition to intervene was filed by Mississippi Gas Users, Inc., on July 16, 1975, together with a motion for leave to file a limited reply brief two days late. The Initial Decision of the Presiding Judge was issued on August 12, 1975; Briefs on Exceptions were due to be filed on September 11, 1975 and Briefs Opposing Exceptions were due to be filed on October 1, 1975.

Having reviewed the petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention and that this late intervention will not unduly delay the proceedings. We dismiss without prejudice the motion to make late filing of a reply brief. Such motion more properly should be addressed to the Presiding Administrative Law Judge in this proceeding since the briefing schedule was set by him.

The Commission finds:

(1) Since participation by the aforesaid petitioner will not delay the instant proceeding, good cause exsts for accepting its late petition to intervene.

(2) Participation by the aforesaid petitioner may be in the public interest.

The Commission orders:

(A) The above-named petitioner is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding; and *Provided, further,* such intervener shall accept the evidentiary record as it has been established in the proceeding to date.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The motion for leave to file reply brief out of time is dismissed without prejudice.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31431 Filed 11-20-75;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Intention To Act

NOVEMBER 13, 1975.

On October 16, 1975, the Presiding Administrative Law Judge in the above-captioned proceeding certified to the Commission a proposed "1975-76 Interim Settlement Agreement as to Curtailment Rules of Transcontinental Gas Pipe Line Corporation", which settlement had been received into evidence as Exhibit No. 119 at the hearing session on the preceding day. This document (hereinafter "Transco settlement") was noticed on

October 17, 1975. Pursuant to the expedited schedule prescribed therein, comments in support of or opposition to the settlement were due by October 24, 1975, with reply comments due by October 31, 1975. To date responses have been received from some thirty-five parties. Reply comments have been filed as late as November 3, 1975, and miscellaneous supplemental filings have been received through November 11, 1975.

Because of the size of the record and number of comments, the importance of this matter and the fact that several issues are in some measure disputed, and the relative brevity of time, the Commission finds that it cannot render a decision on the merits by November 15, 1975, the date upon which the currently effective settlement curtailment plan was scheduled to lapse by its own terms. While the Commission recognizes the need for expedition here, the Commission's overriding responsibility to give full and fair consideration to such matters must control.

It is the Commission's understanding from the decisions of the Court of Appeals for the District of Columbia Circuit in *Consolidated Edison Company of New York, Inc.* v. *Federal Power Commission, et al.*, 511 F.2d 373 (D.C. Cir. 1974) and *Consolidated Edison Company of New York, Inc.* v. *Federal Power Commission*, et al, 512 F.2d 1332 (D.C. Cir. 1975), that the currently effective plan, despite its incorporated November 15, 1975, expiration date, will remain in full force and effect pending further order of the court.

The Commission hereby gives notice that it intends to act on the Transco settlement within 15 days of issuance hereof.

By the Commission.

KENNETH P. PLUMB,
Secretary.

[FR Doc.75-31432 Filed 11-20-75;8:45 am]

[Docket No. ER76-221]

POTOMAC EDISON CO.

Notice of Tariff Change

NOVEMBER 13, 1975.

Take notice that the Potomac Edison Company, on November 5, 1975, tendered for filing FPC Electric Tariff, First Revised Volume No. 1 and Amendments to Rate Schedule FPC No. 30, Rate Schedule FPC No. 35, and Rate Schedule FPC No. 37. As filed, First Revised Volume No. 1 would supersede Original Volumes No. 1 and No. 2. The Amendments to Rate Schedules FPC Nos. 30, 35 and 37 would supersede the rates in Schedules applicable to Hagerstown, Chambersburg and Front Royal. The changes proposed would produce an estimated overall increase in revenues from jurisdictional sales and service of approximately $1.9 million based on the 12-month period ending December 31, 1975. The proposed effective date for the increased rates is December 5, 1975.

The changes proposed are for the purpose of recovering increased costs incurred by the Company.

Copies of the filing were served upon the jurisdictional customers and the Maryland Public Service Commission, the Pennsylvania Public Utility Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 24, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31433 Filed 11-20-75;8:45 am]

[Docket No. CP76-134]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

NOVEMBER 13, 1975.

Take notice that on October 16, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP 76-134 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for South Jersey Gas Company (South Jersey) and Union Gas Company (Union) from October 16, 1975, through April 15, 1976, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport natural gas purchased by two of its distributor customers, South Jersey and Union which they have purchased or will purchase as synthetic natural gas from Algonquin Gas Transmission Company (Algonquin), in the period from October 16, 1975, through April 15, 1976. Applicant would transport for South Jersey up to 4,505 million Btu per day (approximately 4,400 Mcf) with the total quantity transported not to exceed 684,760 million Btu (approximately 668,710 Mcf), and would transport for Union up to 600 million Btu per day (approximately 568 Mcf) with the total quantity to be transported not to exceed 91,200 million Btu (approximately 89,063 Mcf). To effect the deliveries, Algonquin would make deliveries of gas available to Texas Eastern Transmission Corporation (Texas Eastern) by reducing purchases therefrom, and Texas Eastern would make equivalent volumes available to Applicant, adjusted for heat value. Applicant would deliver such volumes to the customers for whose account the gas was delivered. The application states that the daily quantity to be transported, when combined with the quantity the particular distributor is scheduling under Applicant's Rate Schedule CD-3, other transportation agreements with applicant, and any quantities being scheduled for transportation by industrial customers of the distributor, shall not exceed the distributor's authorized daily entitlement under Rate Schedule CD-3. It is said that the gas to be made available by Algonquin will help offset curtailments in deliveries under Applicant's Rate Schedule CD-3.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31434 Filed 11-20-75;8:45 am]

[Docket No. R-472; Order No. 531]

EL PASO NATURAL GAS CO.

Extension of Time

NOVEMBER 6, 1975.

On October 24, 1975, El Paso Natural Gas Company (El Paso) filed a motion to extend the time for filing its F.P.C. Form No. 69, as set by Order No. 531 issued June 24, 1975, in the above-designated proceeding.

Notice is hereby given that the time for El Paso to file F.P.C. Form No. 69 is extended from October 30, 1975 to and including November 28, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31516 Filed 11-20-75;8:45 am]

[Docket No. E-7777]

PACIFIC GAS AND ELECTRIC CO.

Errata Notice

OCTOBER 14, 1975.

In the notice of Further Extension of Procedural Dates, issued September 23, 1975, and Published in the FEDERAL REGISTER on September 30, 1975, 40 FR 44889, Line 1 should be corrected to read: "On September 8, 1975, Northern Municipal Cities (Alameda, Healdsburg, Lodi, Lompoc and Ukiah, California) and City * * *"

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31514 Filed 11-20-75;8:45 am]

[Docket No. RM75-9]

CHANGE IN NOTICE REQUIREMENTS FOR FILING PROPOSED RATE INCREASES

Order Denying Rehearing

NOVEMBER 14, 1975.

On September 16, 1975, the Commission issued Order No. 535 which amended Sections 154.38(d)(4)(v), 154.38(d)(5)(ii)(e) of the Commission's Regulations by providing that the 45-day notice requirement there provided be reduced to 30 days. As justification we pointed to the decision in *Indiana & Michigan Electric Company* v. *Federal Power Commission*[1] as prohibiting this Commission from requiring a notice period in excess of thirty days. Order No. 535 additionally amended Section 154.63(c)(4) of the Regulations by deleting the 15 day "curing" period for deficient filings if the filings were tendered 45 days in advance of the proposed effective date.

On October 16, 1975, Northern Natural Gas Company (Northern) filed a petition for rehearing of Order No. 535. In support of its petition Northern argues that *Indiana & Michigan* is not controlling and does not require the Commission to reduce the 45-day notice period to 30 days. Northern points out that that case involved a mandatory filing requirement and the applicants did not have available an alternate filing procedure requiring only thirty days' notice. Northern argues that since the tracking provisions in Sections 154.38(d)(4)(v) and 154.38(d)(5)(ii)(e) provide an alternate procedure to effectuate a rate increase without removing the opportunity for a pipeline to file for a rate increase under the general provisions, giving only a 30-day notice, the Commission is not required to reduce the 45 day notice period to 30 days.

[1] 502 F. 2d 336 (D.C. Cir. 1974), reh. 502 F. 2d 343.

Our original order reflected full consideration of this contention. As we stated therein:

> It is true that a pipeline need not utilize these tracking provisions to implement rate increases but may choose to effect the same changes via complying with the full filing requirements which do include a thirty day notice period. This alternate route does not, we think, remove these provisions from the strictures of the Court's finding in the *Indiana & Michigan case*. Both Section 154.38(d)(4)(v) and Section 154.38(d)(5)(ii)(e) were promulgated and made part of our Regulations pursuant to our authority under Section 4 and 16 of the Natural Gas Act.[2] These Regulations must therefore conform to the requirements of Section 4 which is identical to Section 205 of the Federal Power Act. The *Indiana & Michigan* opinion firmly held that Section 205 of the Federal Power Act precluded the promulgation of a regulation which required notice in excess of the statutory 30-days. We are convinced this finding is equally applicable to our regulations under Section 4 of the Natural Gas Act, regardless of whether another conforming regulation can be found to implement the requested rate relief. (Footnote omitted, at 6-7)

In support of its contention that the 15-day "curing" period need not be deleted in section 15.463(c)(4) Northern argues that the burden on the Staff is the same regardless of whether the 15-day curing period is provided or not. We do not agree with Northern. Experience has shown that it is not always possible for our Staff to sufficiently review and analyze a rate filing within two weeks of its filing. If such a filing was tendered 45 days in advance of its proposed effective date the inability of Staff to quickly review it creates a substantial burden. If the Staff determine that the filing is deficient the Company has fifteen days to cure the deficiency. The expiration of this fifteen days may closely approach the end of the 45 day period thereby affording Staff insufficient time to analyze the compliance filing. In contrast the elimination of the curing period removes this burden from the Staff since any deficiency precludes the assignment of a filing date and the rates will only go into effect by operation of law after the expiration of a full thirty days from the compliance filing, thereby affording the Staff a greater period of time in which to conduct its review.

In conclusion, we are of the opinion that we have already fully considered the contentions of Northern and that Northern has presented no issue which would warrant a grant of rehearing.

The Commission finds. Good cause does not exist to grant Northern's petition for rehearing filed in this docket on October 16, 1975.

The Commission orders. (A) Northern's petition for rehearing of Order No. 535, issued in this docket on September 16, 1975, is hereby denied.

(B) The Secretary shall cause prompt publication of this order to be made in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31515 Filed 11-20-75;8:45 am]

[Docket Nos. RM74-22, E-8589; Docket Nos. E-8550, *et al.*]

NEW ENGLAND POWER POOL PARTICIPANTS, ET AL. AND APPALACHIAN POWER COMPANY, ET AL.

Errata Notice

SEPTEMBER 25, 1975.

In the Order Permitting Withdrawal of Petition for Emergency Relief (Docket No. E-8589) and Accepting Rate Schedules, Permitting Withdrawal of Rate Schedules, Disposing of Procedural matters and Terminating Proceedings, issued August 26, 1974 and Published in the FEDERAL REGISTER on September 4, 1974, 39 FR 32060.

Correction Items:

(1) Page 32062, note 7—Change references to "Indiana & Michigan Power Company" to "Indiana & Michigan Electric Company".

(2) Page 32062, note 7—Add "Public Service Company of Indiana, Inc.—Indiana & Michigan Electric Company".

(3) Page 32062, 2nd column, paragraph 1, line 6—Change "seven" to "eleven".

(4) Page 32062, line 13—Change "four" to "three".

(5) Page 32062, note 9—Change references to "Indiana & Michigan Power Company" to "Indiana & Michigan Electric Company".

(6) Page 32062, note 9—Delete second reference to "Central Illinois Public Service Company-Indiana & Michigan Power Company".

(7) Page 32062, note 8—Add: "Appalachian Power Company, Ohio Power Company, Wheeling Electric Company-West Penn Power Company, Monongahela Power Company; Appalachian Power Company-Virginia Electric and Power Company; Indiana & Michigan Electric Company-Public Service Company of Indiana, Inc.; and Illinois Power Co.-Indiana & Michigan Electric Company."

(8) Page 32062, note 9—Delete "Public Service Company of Indiana-Indiana & Michigan Power Company".

(9) Appendix A, page 1—Add to listing for Docket No. E-8550:

"West Penn Power Company	Supplement No. 1 to Rate Schedule FPC No. 28 (Certificate of Concurrence) 1/1/74".
"Monongahela Power Company	Supplement No. 1 to Rate Schedule FPC No. 31 (Certificate of Concurrence) 1/1/74".

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31517 Filed 11-20-75;8:45 am]

[Project No. 2100]

DEPARTMENT OF WATER RESOURCES OF THE STATE OF CALIFORNIA

Extension of Time

NOVEMBER 4, 1975.

On October 28, 1975, the Department of Water Resources of the State of California filed a request to extend the time in which to comply with ordering paragraph (H) of order issued October 9, 1975, in the above-indicated proceeding.

Notice is hereby given that the time within which the Department of Water Resources of the State of California must comply with ordering paragraph (H) of order issued October 9, 1975, is extended to and including November 21, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31638 Filed 11-20-75;8:45 am]

[Docket No. RP76-23-1]

TRANSCONTINENTAL GAS PIPELINE CORP.

Withdrawal

OCTOBER 30, 1975.

On October 21, 1975, The Mary Black Memorial Hospital filed a motion to withdraw its application for Release from Curtailment of Natural Gas filed on September 15, 1975 in the above-designated proceeding.

Notice is hereby given that pursuant to § 1.11(d) of the Commission's Rules and Regulations, the withdrawal of the above application shall become effective November 21, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-31614 Filed 11-20-75;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Barnett Bank of Orange Park, National Association, Clay County, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 12, 1975.

Board of Governors of the Federal Reserve System, November 12, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-31505 Filed 11-20-75;8:45 am]

GAVIC SERVICES, INC.

Formation of Bank Holding Company

Gavic Services, Inc., Spring Valley, Wisconsin, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 84.5 percent or more of the voting shares of The Bank of Spring Valley, Spring Valley, Wisconsin. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Gavic Services, Inc., Spring Valley, Wisconsin has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the ordinary life and casualty insurance agency activities, including the solicitation and selling of commercial fire, dwelling, automobile, and general liability insurance excluding credit life and health and accident insurance, presently owned and conducted by Gavic Services, Inc. at its office in Spring Valley, Wisconsin. Notice of the application was published three times, once each week commencing September 18, 1975 and ending October 2, 1975 in The Spring Valley Sun, a newspaper circulated in Spring Valley, Wisconsin. Such activities have been specified by the Board in § 225.4(a)(9)(iii) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 4, 1975.

Board of Governors of the Federal Reserve System, November 12, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-31506 Filed 11-20-75;8:45 am]

NEBRASKA BANCO, INC.

Formation of Bank Holding Company

Nebraska Banco, Inc., Ord., Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of Nebraska State Bank, Ord, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Nebraska Banco, Inc., Ord, Nebraska has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Pierce Agency, Inc., Ord, Nebraska. Notice of the application was published on May 29, 1975, in Quiz, a newspaper circulated in Ord, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a town with a population of less than 5,000 persons. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 15, 1975.

Board of Governors of the Federal Reserve System, November 13, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-31507 Filed 11-20-75;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Worth Avenue National Bank, Palm Beach, Florida. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or

at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 15, 1975.

Board of Governors of the Federal Reserve System, November 13, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-31508 Filed 11-20-75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on November 13, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the 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 CAB 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 December 9, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

CIVIL AERONAUTICS BOARD

The Civil Aeronautics Board (CAB) requests an extension no change clearance to continue the use of the reporting requirements contained in Part 298 of the Board's Economic Regulations, Classification and Exemption of Air Taxi Operators. The reporting forms contained in the requirements of Part 298 for which CAB is requesting extension are the following.

CAB Form 298-A, Registration, Reregistration and Amendments under Part 298 of the Economic Regulations of the Civil Aeronautics Board. Form 298-A is required to be filed by all new air taxi operators upon initial registration, by all air taxi operators every two years, and by air taxi operators when they wish to amend a Form 298-A previously filed with CAB. The estimated average number of hours per response is ½ hour for each of the 3,000 respondents.

CAB Form 298-C, Report of Scheduled Operations of Commuter Air Carriers. CAB Form 298-C and its schedules are required to be filed with CAB by each commuter air carrier for the quarter ending March 31, June 30, September 30, and December 31 of each calendar year. CAB estimates that the 250 respondents will require an average of 8 hours per response.

CAB Form 298-D, Report of All Revenue Operations (Excluding Rotary-Wing and All-Cargo Operations) Performed by Air Taxi Operators, Including Commuter Air Carriers. Each air taxi operator is required to prepare a Form 298-D covering all revenue operations for the period of January 1 through December 31 of each year. CAB estimates that the 3,000 respondents will require an average of 2 hours per response.

CAB Form 257, Certificate of Insurance, Air Taxi Operator Policies of Insurance for Aircraft Bodily Injury and Property Damage Liability. Form 257 is required to be filed with CAB twice annually by an officer or authorized representative of the air taxi operator's insurance company. CAB estimates that each of the 3,000 respondents will require an average of ½ hour per response.

CAB Form 262, Standard Endorsement, Air Taxi Operator Policies of Insurance for Aircraft Bodily Injury and Property Damage Liability. Form 262 is required to be filed annually by an officer or authorized representative of the air taxi operator's insurance company. CAB estimates that each of the 3,000 respondents will require an average of ¼ hour per response.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75-31482 Filed 11-20-75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 14, 1975. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed submissions 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 December 9, 1975, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

FEDERAL POWER COMMISSION

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC reporting requirement, Reporting of Temporary Emergency Sales and Deliveries of Natural Gas for Resale in Interstate Commerce by Persons With Exemptions Under the Natural Gas Act. There is no specific reporting form required to be used by respondents. The information required to be reported is specified in the Commission's Order No. 402-A; FPC Docket No. 386, issued June 3, 1970. The report is required occasionally when an exempt company makes the temporary emergency sales and deliveries of natural gas for resale. It is expected that approximately 30 exempt companies will file two reports a year and it is estimated that an average of five hours will be required per response.

The Federal Power Commission (FPC) requests an extension no change clearance to continue the use of FPC reporting requirement, Reliability of Electric & Gas Service, to collect specified information from electric utilities to ensure the adequacy and reliability of bulk power supply under interconnected systems operation. The Commission first instituted the collection of such information under Order No. 445, Docket No. R-405. The information to be collected under the program will involve only contingency plans and procedures in electric utility systems which supply bulk power. That part of the program relating to natural gas reserves was terminated in 1974. The filing of the information to be collected will be voluntary rather than mandatory. It is estimated that the number of electric utility systems respondents is 85 and that an average of 5 hours will be required annually per response.

The Federal Power Commission (FPC) requests clearance to revise and continue the use of FPC Form No. 418, Qualifications Inquiry (formerly titled Individual Qualifications Information). This form is designed for purposes of obtaining from personal and employer references information to be used by FPC in evaluating the qualifications and suitability of persons applying for employment with FPC. The essential revisions in the form are to bring it in compliance with requirements of the Privacy Act of 1974 pertaining to granting pledges of confidentiality. Reporting is voluntary. In the course of a calendar year there would be approximately 1,750 responses and it is estimated that each response would require approximately .25 hour.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75-31483 Filed 11-20-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

MUSIC ADVISORY PANEL (JAZZ/FOLK/ETHNIC)

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public

Law 92–463), notice is hereby given that a meeting of the Music Advisory Panel (Jazz/Folk/Ethnic) to the National Council on the Arts will be on December 8, 9, 10, and 11, 1975 from 9:30 a.m.–6:00 p.m. in the fourteenth floor conference room of the Columbia Plaza Building, 2401 E Street NW., Washington, D.C.

A portion of this meeting will be open to the public on December 9 from 2:00 p.m.–4:00 p.m. and on December 10 from 9:30 a.m.–11:30 a.m. and from 2:00 p.m.–4:00 p.m. On December 9 Folk/Ethnic Guidelines will be discussed and on December 10 the Jazz Oral History Project and Jazz Guidelines will be discussed in the morning and there will be a General Policy and Guideline discussion in the afternoon. The open sessions are on a space available basis. Accommodations are limited.

The remaining sessions of this meeting on December 8 from 9:30 a.m.–6:00 p.m., on December 9 from 9:30 a.m.–2:00 p.m. and 4:00 p.m.–6:00 p.m., Dec. 10 (11:30–2:00 & 4–6) and Dec. 11 (9:30–6:00) are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of June 16, 1975, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6377.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75–31530 Filed 11–20–75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS—SUBPANEL ON STUDENT-ORIGINATED STUDIES

Notice of Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel on Science Education Projects—Subpanel on Student-Originated Studies.

Date: December 11, 12, and 13, 1975.

Time: 9:00 a.m.–5:00 p.m. each day.

Place: Shoreham-Americana Hotel, Washington, D.C.

Type of meeting: Closed.

Contact person: Mr. Alexander J. Barton, Program Manager, Student-Originated Studies Program, National Science Foundation, Rm. W–628, Washington, D.C. 20550, telephone, (202) 282–7900.

Purpose of subpanel: To provide advice and recommendations concerning the merit of specific education proposals submitted to the Student-Originated Studies Program for consideration.

Agenda: Review and evaluate specific education proposals.

Reason for closing: The proposals being reviewed contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the education proposals. These matters are within the exemptions of 5 U.S.C. 552(b) (4), (5), and (6).

Authority to close meeting: The determination made on February 21, 1975, by the Director of the National Science Foundation, pursuant to provisions of Section 10(d) of Public Law 92–463.

GAIL A. MCHENRY,
Acting Committee Management Officer.

NOVEMBER 18, 1975.

[FR Doc.75–31578 Filed 11–20–75;8:45 am]

INTERNATIONAL DECADE OF OCEAN EXPLORATION ADVISORY PANEL

Notice of Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: International Decade of Ocean Exploration Advisory Panel.

Date: December 10, 11, 12, 1975.

Time: 9:00 a.m. each day.

Place: Room 643, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of meeting: Open.

Contact person: Mr. Freenan D. Jennings, Head, Office for the International Decade of Ocean Exploration, Rm. 1214, National Science Foundation, Washington, D.C. 20550, telephone 202/632–7356.

Purpose of panel: To provide advice and recommendations in shaping the policies of the International Decade of Ocean Exploration Program to ensure that areas of scientific research important to man's relationship to the oceans are not overlooked.

Agenda:

December 10, 1975

9:00 a.m.–noon—Review Status of the IDOE Scientific Programs: Environmental Forecasting, Environmental Quality, Seabed Assessment, and Living Resources.

1:00–4:30 p.m.—Evaluations of the IDOE Program: Scientific Results Audit-Harbridge House, NSF Audit Report, National Advisory Committee on Oceans and Atmosphere (NACOA)-Midterm, and Review of the IDOE.

December 11, 1975

9:00 a.m.–noon—Consideration of NACOA Report Recommendations: For the Remainder of the Decade; After 1980.

1:00–4:30 p.m.—Proposed New IDOE Programs: Marine Science Affairs, Training, Education, Mutual Assistance, and New Scientific Prospects.

December 12, 1975

9:00–10:30 a.m.—Need for Special Symposium in Concluding the Decade.

10:30 a.m.—noon—Summary, Conclusions.

GAIL A. MCHENRY,
Acting Committee Management Officer.

NOVEMBER 18, 1975.

[FR Doc.75–31577 Filed 11–20–75;8:45 am]

AD HOC ADVISORY PANEL ON CURRICULUM DEVELOPMENT

Notice of Determination

The National Science Foundation is establishing the Ad Hoc Advisory Panel on Curriculum Development in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) and the Office of Management and Budget Circular No. A–63, Revised. It is determined that the Ad Hoc Advisory Panel on Curriculum Development is in the public interest in connection with the performance of duties imposed upon the National Science Foundation (NSF) by the National Science Foundation Act of 1950, as amended and other applicable laws. This determination follows consultation with the Office of Management and Budget.

1. *Name of Panel.* Ad Hoc Advisory Panel on Curriculum Development.

2. *Purpose.* To examine and reassess priorities of science education by evaluating pre-college curriculum development projects on the basis of scientific merit, educational value, and effectiveness of management and financial procedures. The results of the evaluation are to be presented to Congress in February 1976.

3. *Effective Date of Establishment and Duration.* The panel's establishment is effective after the charter is filed with the Director, NSF and the standing committees of Congress having legislative jurisdiction of the National Science Foundation. The panel will continue for a period not to exceed four months.

4. *Membership.* The Ad Hoc Advisory Panel on Curriculum Development will be comprised of approximately 75 individuals selected from the scientific and academic communities, publishers, teachers, child development experts, parents, and from informed representatives of the public. There will be no discrimination on the basis of race, color, national origin, religion or sex.

5. *Panel Operation.* The panel will operate in accordance with provisions of the Federal Advisory Committee Act; OMB Circular No. A–63, Revised; other directives issued in implementation of the Act; and Foundation policy. Informal subpanels will be used in carrying out the panel's review.

H. GUYFORD STEVER,
Director.

NOVEMBER 19, 1975.

[FR Doc.75–31641 Filed 11–20–75;8:45 am]

AD HOC ADVISORY PANEL ON CURRICULUM DEVELOPMENT

Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Advisory Panel on Curriculum Development. Date: December 8 through 12, 1975. Time: 9 a.m. each day. Place: Rm. 651, Wisconsin Avenue, NW., Washington, D.C. The panel will be divided into six subpanels. Room numbers for the

subpanel meetings will be announced during the opening session. Type of meeting: Open.

Contact Person: Mrs. Frances Watts, Staff Assistant, Science Education Directorate, Rm. 600-W, National Science Foundation, Washington, D.C. 20550, telephone (202) 282-7930.

Purpose of advisory panel: To examine and reassess priorities of science education by evaluating pre-college curriculum development projects on the basis of scientific merit, educational value, and effectiveness of management and financial procedures. The results of the evaluation are to be presented to Congress in February 1976.

Agenda: During the opening session (9:00 a.m. to 9:30 a.m.) topics will include: Discussion of goals and objectives of the review. Discussion of issues and questions for each project.

The remainder of the 5-day meeting will consist of working sessions of the subpanels to review and evaluate 19 pre-college curriculum development projects.

GAIL A. MCHENRY,
Acting Committee Management Officer.

NOVEMBER 19, 1975.

[FR Doc.75-31642 Filed 11-20-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-548-A]

OMAHA PUBLIC POWER DISTRICT AND NEBRASKA PUBLIC POWER DISTRICT

Receipt of Additional Antitrust Information on Partial Application for Construction Permit and Operating License: Time for Submission of Views on Antitrust Matters

Omaha Public Power District and Nebraska Public Power District, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an Application for Licenses and a Preliminary Safety Analysis Report, dated September 11, 1975 in connection with their plans to construct a pressurized water nuclear reactor in Washington County, Nebraska. The reactor will be known as the Fort Calhoun Station, Unit 2 and will be located on a site owned by Omaha Public Power District located on the southwest bank of the Missouri River approximately 19 miles north-northwest of the center of Omaha, Nebraska, near the village of Fort Calhoun. This reactor is designed for an initial output of 3425 megawatts. The September 11, 1975 general information portion of the application added Nebraska Public Power District as a co-owner of the proposed Fort Calhoun Station, Unit 2. The November 15, 1974 filing contained the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L with Omaha Public Power District as sole owner. The Notice of Receipt of Partial Application for Construction Permit and Facility License was published in the FEDERAL REGISTER under Docket No. P-556-A on January 23, 1975 (40 FR 4498).

The remaining portion of the application, consisting of an Environmental Report is expected to be filed by about November 15, 1975. Upon receipt of the remaining portion of the application two notices will be published by the Commission, a Notice of Availability of Environmental Report and a Notice of Hearing. A copy of the partial application, application for licenses and the Preliminary Safety Analysis Report are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Omaha Public Library, 1823 Harney Street, Omaha, Nebraska 68102, the local public document room. Docket No. 50-548 has been assigned to the application and it should be referenced in any correspondence relating to it. When referring to the antitrust portion of the application, please use Docket No. 50-548-A.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Office of Antitrust and Indemnity, Office of Nuclear Reactor Regulation, on or before January 14, 1976.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Division of Reactor Licensing.

[FR Doc.75-30315 Filed 11-13-75;8:45 am]

[Docket No. 50-324]

CAROLINA POWER & LIGHT CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-62 issued to Carolina Power & Light Company for operation of the Brunswick Steam Electric Plant, Unit 2, located in Brunswick County, North Carolina. The amendment is effective 30 days after the date of issuance.

This amendment revises the provisions in the Technical Specifications relating to Reporting Requirements and changes the composition of the Plant Nuclear Safety Committee by adding the Plant Superintendent as Vice Chairman.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated October 14, 1975, (2) Amendment No. 7 to License No. DPR-62, with Change No. 6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 11th day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-31484 Filed 11-20-75;8:45 am]

[Docket No. 27-47]

CHEM-NUCLEAR SYSTEMS, INC.

Notice of Receipt

Please take notice that Chem-Nuclear Systems, Inc., P.O. Box 1866, Bellevue, Washington, 98009, has filed an application for amendment to License No. 46-13536-01 which requests authority to possess up to 1,000 grams of uranium 235 and to dispose of the U-235 by land burial at its facilities located at Barnwell, South Carolina.

A copy of the application is available for public inspection in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C. 20555.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, November 14, 1975.

BERNARD SINGER,
Chief, Materials Branch, Division of Fuel Cycle and Material Safety.

[FR Doc.75-31485 Filed 11-20-75;8:45 am]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

Consolidated Edison Company of New York, Inc. (Indian Point Unit No. 2), Facility Operating License No. DPR-26, Docket No. 50-247.

This action is in reference to the "Notice of Proposed Issuance of Amendment to Facility Operating License; Opportu-

nity for Hearing for Indian Point Nuclear Generating Unit 2", published by the Commission in the above matter (40 FR 30882, July 23, 1975).

The members of the Board are:

Samuel W. Jensch, Esq., Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Mr. R. Beecher Briggs, Member, 110 Evans Lane, Oak Ridge, Tennessee 37830.

Dr. Franklin C. Daiber, Member, College of Marine Studies, University of Delaware, 19711.

Dated at Bethesda, Maryland this 14th day of November 1975.

ATOMIC SAFETY AND LICENSING BOARD PANEL.

JAMES R. YORE,
Acting Chairman.

[FR Doc.75-31486 Filed 11-20-75;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Provisional Operating License No. DPR-20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Plant located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

This amendment modifies the administrative controls and reporting requirements of the Technical Specifications for the Palisades Plant. In addition, it removes Figures 3-4 and 3-5 of the Technical Specifications relating to the pressure-temperature relationship of the reactor coolant system for heatup and cooldown since these curves are now obsolete.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated January 15, 1975, (2) Amendment No. 16 to License No. DPR-20 with Change No. 20 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 12th day of November 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-31487 Filed 11-20-75;8:45 am]

[Docket No. 50-315]

INDIANA AND MICHIGAN ELECTRIC CO. AND INDIANA AND MICHIGAN POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR-58 issued to Indiana and Michigan Electric Company and Indiana and Michigan Power Company. The amendment revises the Technical Specifications for operation of the Donald C. Cook Nuclear Plant Unit 1 located in Berrien County, Michigan, and is effective as of November 7, 1975.

The amendment changes certain Technical Specifications to update the surveillance requirements of the boric acid injection system to be consistent with the requirements of other plants now being licensed.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I. These findings are set forth in the license amendment. Prior public notice of this amendment is not required because the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated September 24, 1975, and (2) Amendment No. 8 to License No. DPR-58 with Change No. 8. Both of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of item (2) 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 7 day of November 1975.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Division of Reactor Licensing.

[FR Doc.75-31488 Filed 11-20-75;8:45 am]

[Docket Nos. 50-275-OL, 50-323-OL]

PACIFIC GAS AND ELECTRIC CO.

Evidentiary Hearing on Special Nuclear Fuel

In the matter of Pacific Gas and Electric Co. (Diablo Canyon Site, Units 1 and 2).

Take notice, an evidentiary hearing on the Part 70 license application for special nuclear fuel will be held in the Gold Room, Royal Inn, 214 Madonna Road, San Luis Obispo, California commencing at 1:00 pm (local time) on December 9, 1975.

The public is invited. Limited appearance statements will be accepted but oral presentations are not to exceed five (5) minutes. Written presentations may be submitted without limitation on length.

It is so ordered.

Issued this 14th day of November, 1975 at Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.75-31489 Filed 11-20-75;8:45 am]

[Docket No. STN 50-485]

ROCHESTER GAS AND ELECTRIC CORP.

Notice and Order for Special Prehearing Conference

In the matter of Rochester Gas and Electric Corp. (Sterling Power Project Nuclear Unit 1).

Notice is hereby given that, pursuant to the Atomic Energy Commission's (now Nuclear Regulatory Commission) "Notice of Hearing on Application for Construction Permit" dated September 3, 1974 (39 FR 36,135), and pursuant to the Order of the Atomic Safety and Licensing Board dated January 2, 1975, and in accordance with § 2.751(a) of said Commission's Rules of Practice, 10 CFR Part 2, a Special Prehearing Conference will be held in the above-captioned proceeding on November 25, 1975, at 10:30 a.m. local time at the Common Council Chambers, 2nd Floor, Oswego City Hall, West Oneida Street, Oswego, New York.

This Special Prehearing Conference will deal with the following matters:

1. Identification of key issues;
2. Any steps necessary for further identification of the issues
3. The need for discovery and the time required therefore;
4. Establishment of a schedule or further action; and
5. Such other matters as may aid in the orderly disposition of the proceeding.

Members of the public are invited to attend this Prehearing Conference as well as the Evidentiary Hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances may identify themselves at this Prehearing Conference but oral or written statements to be presented by limited appearances will not be received at this Conference. The Board will receive such statements at

the aforementioned Evidentiary Hearing.

The attorneys for the respective parties are directed to confer in advance of the Special Prehearing Conference, in such manner as they deem appropriate, and report to the Board at said Conference on any stipulations regarding issues in controversy or any other mutually agreeable procedures to expedite this proceeding.

Dated this 13th day of November 1975 at Bethesda, Maryland.

By order of the Atomic Safety and Licensing Board.

JOHN M. FRYSIAK,
Chairman.

[FR Doc.75-31490 Filed 11-20-75;8:45 am]

[Docket No. 50-346A etc.]

TOLEDO EDISON CO. ET AL.

Amendment to Eighth Prehearing Conference Order

In the matter of the Toledo Edison Company and the Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Plant, Units 1, 2 and 3) (Docket Nos. 50-346A, 50-500A, 50-501A); the Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant, Units 1 and 2) (Docket Nos. 50-440A, 50-441A).

On November 14, 1975, Applicants in the above proceeding filed a Motion for Extension of Time for Filing of Prehearing Brief in which a postponement in the date of the Eighth Prehearing Conference and the commencement of hearing in these proceedings was requested. By telephone conference call of November 14, 1975, the parties to these proceedings stipulated and agreed to certain changes in the prehearing schedule. Accordingly, the parties other than Applicants shall serve document designations and witness designations no later than November 24 if by hand delivery and no later than November 21 if by mail, and shall file their prehearing briefs no later than November 26 (hand delivery as required by the previous order of this Board). Applicants shall file their prehearing briefs and designations of documents and witnesses no later than December 1, 1975 (hand delivery).

The prehearing conference originally set for November 24, 1975 will be held on November 26, 1975 at the Commission Hearing Room, East West Towers, Bethesda, Maryland commencing at 10:00 a.m. The parties have agreed to circulate a revised agenda in advance of the Eighth Preheating Conference.

The date of commencement of hearing is postponed from December 1, 1975 to December 8, 1975.

It is so ordered.

Dated at Bethesda, Maryland this 17th day of November 1975.

ATOMIC SAFETY AND LICENSING BOARD.
DOUGLAS V. RIGLER,
Chairman.

[FR Doc.75-31491 Filed 11-20-75;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation (the licensee) which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, (the facility) located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment revises the provisions in the facility Technical Specifications to permit operation of the facility (1) using operating limits based on the General Electric Thermal Analysis Basis (GETAB), and (2) using modified operating limits 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. The amendment modifies various limits established in accordance with the Commission's Interim Acceptance Criteria, and with respect to Vermont Yankee, terminates the further restrictions imposed by the Commission's December 27, 1974 Order for Modification of License, and imposes instead, limitations established in accordance with the Commission's Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors, 10 CFR § 50.46. This action is in accordance with the licensee's applications dated May 28, 1975 and July 30, 1975, as supplemented September 15 and 22, 1975.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on July 8, 1975 (40 FR 28682).

For further details with respect to this action, see (1) the applications for amendment dated May 28, 1975 and July 30, 1975 as supplemented September 15 and 22, 1975, (2) Amendment No. 18 to License No. DPR-28, with Change No. 29, (3) the Commission's related Safety Evaluation, (4) the Commission's Negative Declaration which is being published concurrently with this notice, and (5) the Commission's associated Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Brooks Memorial Library, 244 Main Street, Brattleboro, Vermont.

A copy of items (2), (3), (4), and (5) 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 12th day of November, 1975.

For the Nuclear Regulatory Commission.

VERNON L. ROONEY,
Acting Chief, Operating Reactors Branch #4, Division of Reactor Licensing.

[FR Doc.75-31492 Filed 11-20-75;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER STATION

Negative Declaration Regarding Proposed Change to the Appendix A Technical Specifications of License No. DPR-28

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the licensee's proposed change to the Appendix A Technical Specifications of Facility Operating License DPR-28. This change would authorize the Vermont Yankee Nuclear Power Corporation to operate the Vermont Yankee Nuclear Power Station with certain revisions to the present limiting conditions for operation specified in Appendix A of the referenced license. These revisions result from the implementation of the Acceptance Criteria for the Emergency Core Cooling System for Light Water Nuclear Power Reactors (ECCS) as specified in Section 50.46 of Part 50 CFR. No revisions to the Environmental Technical Specifications (Appendix B) were required as a result of this proposed change.

The Commission's Division of Reactor Licensing has prepared an environmental impact appraisal for the proposed change to the Appendix A Technical Specifications, for Facility Operating License DPR-28.

On the basis of the environmental impact appraisal we have concluded that an environmental impact statement for this particular action is not warranted because, pursuant to the Commission's regulations in 10 CFR 51 and the Council of Environmental Quality's Guidelines, 40 CFR 1500.6, the Commission has determined that this proposed change to the Appendix A Technical Specifications is not a major Federal action significantly affecting the quality of the human environment. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Dated at Rockville, Maryland, this 12th day of November 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-31493 Filed 11-20-75;8:45 am]

[Docket No. 50-266]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-24 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company (the licensees), for operation of the Point Beach Nuclear Plant, Unit 1, located in the Town of Two Creeks, Manitowoc County, Wisconsin.

The amendment would revise the Technical Specifications in accordance with the licensee's application dated October 6, 1975. The proposed changes would extend the fuel residence time limit and allow an increase in the normal operating reactor coolant system pressure for operation in core cycle 4. The proposed changes would also modify the overtemperature delta-temperature reactor trip settings and control rod insertion limits to allow operation in core 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 22, 1975, the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 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 Mr. Bruce W. Churchill, Esq., Shaw, Pittman, Potts & Trowbridge, 910-17th Street, NW., Washington, D.C. 20006, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated October 6, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, Wisconsin 54220. 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 14 day of November, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief Operating Reactor Branch No. 3 Division of Reactor Licensing.

[FR Doc.75-31494 Filed 11-20-75;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Doc. No. 301-5]

GREAT WESTERN MALTING CO.

Notice of Complaint

On November 13, 1975, the Chairman of the Section 301 Committee received from Mr. Russell E. Hamachek, Chairman of the Board and Chief Executive Officer of the Great Western Malting Co., a petition alleging unfair trade practices by the European Community. Great Western alleges loss of the Japanese market for malt due to the European Community's subsidization of malt exports to Japan and other countries. Relief is requested under Section 301 of the Trade Act of 1974 (Pub. L. 93-618; 88 Stat. 1978). The text of the petition is as follows:

Re Complaint of Great Western Malting Co. Pursuant to Section 301 of the Trade Act of 1974.

NOVEMBER 11, 1975.

CHAIRMAN,
Section 301 Committee, Office of the Special Representative for Trade Negotiations, Room 725, 1800 G St., N.W., Washington, D.C. 20506

GENTLEMEN: This is a complaint filed pursuant to Section 301 of the Trade Act of 1974, Public Law 93-618, Title 3, Chapter 1.

1. *Complainant.* This complaint is filed by Great Western Malting Co. (Great Western), P.O. Box 1507, Vancouver, Washington 98663.

2. *Identification of product subject to the foreign act, practice or policy.* The product which is subject to the foreign act, practice or policy described herein is malt (malted barley). Malt is the primary raw material from which malted beverages (beer, ale, etc.) are produced.

3. *Subject of complaint.* Great Western's sales of malt to Japanese customers is the interest being affected by the foreign act, practice or policy described herein. This complaint is being filed by Great Western because Great Western has virtually lost its entire Japanese market for malt due to the European Community's subsidization of malt exports to Japan and other countries.

4. *Applicable laws and regulations.* The laws and regulations applicable to the subject matter of this complaint are:

Section 301 of the Trade Act of 1974, Public Law 93-618, Title 3, Chapter 1;

FEDERAL REGISTER, Vol. 40, No. 168, August 28, 1975, Title 15, Chapter XX, Part 2006;

The alleged foreign act, practice or policy is included within Section 301(a)(3) of the Trade Act of 1974.

5. *Identification of foreign country or instrumentality and act, practice, or policy.* Between May and July 1975, the European Community Executive Commission sharply increased subsidies granted for malt exports to Japan and other countries. In addition, the European Community has allowed the European maltsters to fix subsidies in advance for 12 month periods. Fixing subsidies in advance is a means of freezing the prevailing subsidy rate for 12 months on a specified quantity of malt. The European maltsters fix subsidies in advance by obtaining a nonrefundable bond.

The European Community's rate of subsidy for malt exports is expressed in "units of account" (U.A.) with one U.A. equal to $1.20 according to the United States Department of Agriculture. In May, the European Community granted a subsidy of 64 U.A. ($76.80) per metric ton, and by July 1st the European Community increased the subsidy to 82.86 U.A. ($99.43) per metric ton.

Although this complaint is concerned with the acts, practices, or policies of the European Community as a whole, specific facts on certain countries may be noted. The high June/July subsidies (up to $99.43 per metric ton) enabled the European maltsters, particularly the French and Belgians, to offer malt for export to Japan and other countries at $190 per metric ton f.o.b. During July and August, European domestic malt for shipment August through December was priced considerably higher than European export malt. In France, malt was priced at about $248 per metric ton, while the Belgians were pricing it at approximately $268.50 per metric ton and the West Germans at $286 per metric ton. This illustrates the substantial difference between the price for domestic malt to European countries and the price of malt for export to non-European countries.

6. *How subsidy has the effect of substantially reducing sales of competitive U.S. products in the foreign market.* It has come to Great Western's attention that 1,600,000 metric tons of malt for export to Japan and other countries were booked in advance by European Community maltsters during June and July at the time in which the highest subsidy rates (up to $99.43 per metric ton) were in existence. This quantity is extraordinarily large by any measure. 1,600,000

metric tons of malt is the equivalent of 104,000,000 bushels of malt, which in turn requires at least 140,000,000 bushels of malting barley. A large Japanese trading company has estimated that this "quantity is more than adequate to cover Europe's export capability to Japan and other countries until June, 1976". By comparison, in 1973, when United States malt exports were the *highest* of any of the past years, United States maltsters exported only 54,431 metric tons of malt (3,530,000 bushels) or only *one thirtieth (1/30)* the quantity which was advance booked by the European Community maltsters in June and July of this year. By booking 1,600,000 metric tons of malt in advance June and July to take advantage of the up to $99.43 per metric ton subsidy rate, the European maltsters will have the advantage of this high subsidy rate up through June, 1976, giving them extraordinarily low malt prices world-wide and the opportunity to eliminate Great Western and the other United States maltsters from the International malt market.

In determining the subsidy applied to malt, the European Community allows the maltster a 25 percent loss factor because of losses occurring during the cleaning and malting production process. To the maltster, this means it will take 1⅓ metric tons of malting barley to produce one (1) ton of malt. Malting barley in Europe is selling from $168 to $180 per metric ton. Therefore, one (1) ton of European malt will have a barley cost of $223 to $240. Comparing this cost to the European export price of $190 per metric ton f.o.b., it is obvious that the only reason why the European maltsters can afford to sell in the export market at the $190 per metric ton price, is because of the European Community subsidies they receive.

Canadian maltsters have been among the largest suppliers of malt to the Japanese. They recently sold malt to the Japanese at $277 per metric ton, f.o.b., Vancouver, B.C. Domestic United States two-row malt was recently priced at $311 per metric ton, f.o.b., Minneapolis. Even if Great Western and the other United States maltsters met the lower Canadian price of $277 per metric ton, it is questionable whether they would sell any malt in Japan. Japanese trading companies have told Great Western that the purchases of Canadian malt made by the Japanese have been made only to fulfill the minimum quantities specified in previously negotiated long-term contracts.

The European Community malt subsidies have made it almost impossible for Great Western to sell malt to Japanese customers. Great Western's attempt to penetrate the Japanese market began about six years ago. Great Western has spent a great deal of time and effort in this attempt, and its efforts were recognized with an award of the Presidential "E" for export service in 1974. Great Western's total annual shipments of malt to Japanese customers were:

Year:	*Metric tons*
1970	2,230
1971	5,820
1972	13,554
1973	29,906
1974	11,427
1975	[1] 12,960

[1] Estimated.

Great Western is now confronted with European subsidized prices for malt exports far lower than anything it could possibly quote. To illustrate, the figures published in the Brewer's Bulletin of October, 1975, for malt, F.o.b., Minneapolis, were the equivalent of $311 per metric ton, compared to the European export quotation of $190 metric ton. *Due to the European subsidies and despite Great Western's best efforts, total sales of malt booked by Great Western for shipment to Japan in 1976 are only 200 metric tons.* Great Western is fully confident of its ability to compete with any maltster in the world in a free and fair market. However, due to the European Community subsidy of export malt sales, Great Western has virtually lost its entire Japanese market. The revenue lost to Great Western from the loss of the Japanese market is estimated to be at least $40,000,000, annually, at current United States malt prices. The loss of this market is the principal reason for Great Western closing one of its Vancouver, Washington malt houses with the resultant layoff of a substantial number of employees. Furthermore, since Great Western's malt is made from the barleys of Western America, its loss of the Japanese market means that an estimated minimum of 800,000 to 1,000,000 bushels of grain from this region will not move to the export market.

7. *Relief requested by complainant.* Based on the foregoing, Great Western respectfully requests that the President, pursuant to Section 301 of the Trade Act of 1974, take all appropriate and feasible steps within his power to obtain the elimination of the European Community subsidies on malt exports to Japan and other countries.

8. *Other forms of relief.* At present, Great Western has not filed nor does it intend to file for other forms of relief under the Trade Act of 1974 or any other Act.

GREAT WESTERN MALTING CO.
RUSSELL E. HAMACHEK,
Chairman of the Board and Chief Executive Officer.

The petitioner has not requested a hearing on this complaint.

Interested parties are invited to present their views on this matter to the Section 301 Committee, Office of the Special Representative for Trade Negotiations, Room 725, 1800 G Street NW., Washington, D.C. 20506. It is requested that views be submitted by January 9, 1976. Interested parties should follow procedures outlined in Section 2006.6 and endeavor to include in their submissions the kinds of information delineated in Section 2006.1 of the regulations promulgated by the Office of The Special Representative for Trade Negotiations covering procedures to be followed in all Section 301 proceedings (40 FR 39497—August 28, 1975).

MORTON POMERANZ,
Chairman, Section 301 Committee, Office of the Special Representative for Trade Negotiations.

[FR Doc.75-31395 Filed 11-20-75;8:45 am]

POSTAL RATE COMMISSION

NOTICE OF MEETINGS

NOVEMBER 17, 1975.

Notice is hereby given that employees of the Postal Rate Commission will meet with representatives of the United States Postal Service for the purpose of discussing ongoing data requirements of the Postal Rate Commission.

A report of these meetings, including a preliminary meeting held on November 12, 1975, will be on file in the Commission's docket room.

JAMES R. LINDSAY,
Secretary.

[FR Doc.75-31452 Filed 11-20-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-11836 File Nos. SR-Amex-75-5; SR-CBOE-75-5]

AMERICAN STOCK EXCHANGE, INC. AND THE CHICAGO BOARD OPTIONS EXCHANGE, INC.

Self-Regulatory Organization

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 that on October 30, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT BY THE AMERICAN STOCK EXCHANGE, INC. OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to amend its policies relating to the intervals at which exercise prices of options are fixed (the "Exercise Price Amendments"). The proposed amendments to these policies are set forth below. Brackets indicate words to be deleted, and underscoring indicates words to be added.

Exercise prices are generally fixed at 5 point intervals for securities trading below 50, 10 point intervals for securities trading between 50 and [100] *200, and* 20 point intervals for securities trading [between 100 and 200] *above 200* [and 25 point intervals for securities trading above 200].

The purpose of the Exercise Price Amendments is to enable the Amex to set the exercise price of series of options opened for trading on the Amex at a price per share which is closer to the market price per share at which the underlying stock is traded in the primary market.

When implemented the Exercise Price Amendments will result in a small increase in the number of series of options opened for trading on the Amex. At present based upon the market price of the stocks underlying the options traded on the Amex only two classes of options would be affected by the Exercise Price Amendments. Consequently, the Exercise Price Amendments will not adversely affect the operational capacity of the Amex.

The Exercise Price Amendments are authorized by Section 6(b)(5) of the Securities Exchange Act of 1934 (the "1934 Act"). Although Section 6 of the 1934 Act, as recently amended by the Securities Acts Amendments of 1975, does not become effective until December 1, 1975, the Exercise Price Amendments will be consistent with that Section when such amendments to the 1934 Act become effective.

The Exercise Price Amendments are designed to permit the narrowing of the markets in options dealt in on the Exchange by enabling the Amex to set the exercise price of series of options opened for trading on the Amex at a price per share which is closer to the market price per share at which the underlying stock is traded in the primary market. The Amex believes that the Exercise Price Amendments will serve to promote just and equitable principles of trade and to protect investors in exchange traded option contracts.

The Exercise Price Amendments were considered and approved by the Options Committee of the Amex which is composed of Amex members and representatives of Amex member organizations. No additional comments were solicited or received.

The Amex has determined that the Exercise Price Amendments would not impose any burden on competition.

On or before December 27, 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 six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, 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 filings 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 within 25 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 17, 1975.

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 that on November 4, 1975 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT BY THE CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

This filing is made in respect of a proposal by the Chicago Board Options Exchange, Incorporated ("CBOE") to modify the fixed point intervals at which exercise prices for call options on securities trading between 100 and 200 are determined. Presently exercise prices are generally fixed at 5 point intervals for securities trading below 50, 10 point intervals for securities trading between 50 and 100, and 20 point intervals for securities trading above 100. Under the proposed modifications, these intervals for exercise prices would generally be fixed at 10 points for securities trading between 50 and 200. The CBOE may depart from this general practice when it believes that result would be in the best interest of the investing public to do so. In order that interested persons may be afforded an opportunity for formal notice of, and to comment upon, its request the CBOE hereby elects, pursuant to clause (ii) of paragraph (a) of Rule 19b-4 to treat its request for the above modification as a "proposed rule change" under said Rule and to file such proposed rule change in accordance with the provisions of Section 19(b)(2) of the Securities Exchange Act of 1934, as amended.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The proposed rule change will enable the CBOE to modify the exercise price intervals which are established for options on securities trading between 100 and 200.

The CBOE believes it is consistent with the protection of investors and the public interest that it modify the intervals at which exercise prices are set on options for securities trading between 100 and 200. The setting of exercise prices ordinarily at 10 point intervals between 50 and 200 and 20 point intervals above 200 provides greater assurance to investors that there will, at all times, be an option series available for trading at an exercise price that approximates the market price of the underlying stock. This is in contrast to the present application of exercise price intervals which, for example, would not permit an investor, when the price of an underlying security reaches 109 to be able to utilize any option other than one whose exercise price was 100 or one at 120, if one had previously been opened at that price. Consequently, the ability to open option series at prices which more closely approximate the market prices for underlying securities will afford public investors more opportunities to engage in hedging transactions, and thereby limit their risks. In addition to hedging transactions, there are numerous other public investor purchase and writing strategies which may be utilized as option series are opened at prices which are "at the market."

In addition, as option series are permitted to be opened at exercise prices which are closer to the market price of underlying securities, the CBOE Market-Makers will be given greater opportunities to engage in spreading and hedging transactions. This increased ability to reduce their risks through hedging will contribute to the Market-Maker's performance of their obligations to maintain fair and orderly markets. Consequently, competition and participation among CBOE Market-Makers will intensify and thereby afford the public investor an increased exposure to narrow, continuous, two-sided markets.

Presently, there are only 4 option classes (Eastman Kodak, Haliburton, Texas Instruments and Hewlett Packard) with underlying securities whose per share market prices are in excess of 100; and 3 option classes (Atlantic Richfield, Johnson & Johnson and Kerr McGee) with underlying securities whose per share market prices are between 80 and 100. These are the only options which presently, or could in the near future be affected by the proposed modifications. Consequently, any additional series which might result from the proposed modification will be nominal.

It is the CBOE's belief that the proposed modification in the exercise price intervals, as described above, will enable public investors as well as Market-Makers to more effectively limit the risk of their transactions and widen the number of strategies available in those options whose underlying securities are trading between 50 and 200 as well as provide greater liquidity to the CBOE market place.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

The CBOE believes that no burden on competition will be imposed by modifying the intervals in the exercise prices of options as described above.

CBOE believes that no burden on competition will be imposed by permitting CBOE to increase the number of underlying stocks on which it lists call options.

On or before December 27, 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, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be avail-

able 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 within 25 days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

NOVEMBER 17, 1975.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-31417 Filed 11-20-75;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD

Suspension of Trading

NOVEMBER 14, 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 November 15, 1975 through November 24, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-31418 Filed 11-20-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

NOVEMBER 14, 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 November 16, 1975 through November 25, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-31419 Filed 11-20-75;8:45 am]

[File No. 500-1]

TRANSJERSEY BANCORP

Suspension of Trading

NOVEMBER 14, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Transjersey Bancorp 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 5:00 p.m. (EST) on November 14, 1975 to midnight (EST) on November 23, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-31420 Filed 11-20-75;8:45 am]

[Release No. 34-11832; File No. SR-NASD-75-5.]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations

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 that on November 10, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the terms of substance of the proposed rule change. The following changes have been proposed to Sections 30 through 38, Uniform Practice Code ("UPC") of the National Association of Securities Dealers, Inc. ("NASD"): Uniform Practice Code [Section 30 Witnesses to Assignments].

[Each signature to an assignment or power of substitution shall be witnessed by an individual and dated. Where there are two or more signatures to an assignment, the witness shall state definitely, in his own handwriting, to which signature he was witness. A certificate with either the assignment or power of substitution witnessed by a person since deceased is not a good delivery.]

Section 31—shall be renumbered Section 30.

Section 32—shall be renumbered Section 31.

Section 33—shall be renumbered Section 32.

Section 34—shall be renumbered Section 33.

Section 35—shall be renumbered Section 34.

Section 36—shall be renumbered Section 35.

Section 37—shall be renumbered Section 36.

Section 38—shall be renumbered Section 37.

Statement and basis and purpose. The basis and purpose of the foregoing proposed rule change is as follows:

Purpose of proposed rule change. The deletion of Section 30 has been proposed in that the witnesses to assignments and powers of substitution required by Section 30 are in practice not called for or required by the securities industry to effect good delivery of registered securities.

Basis under the Act for proposed rule change. Section 15a(b)(6) of the Securities Exchange Act of 1934, as amended, (the "Act") provides that an association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that the rules of the association are designed to, among other things, remove impediments to and perfect the mechanism of a free and open market and a national market system. The proposed deletion of Section 30 would eliminate the requirement of witnesses to assignments and powers of substitution which are in practice not called for or required by the securities industry to effect good delivery of registered securities, effectively eliminating a burdensome and unnecessary requirement and thereby assisting in the perfection of the mechanism of a free and open market and national market system and accordingly is in furtherance of the purposes of the Act.

Comments received from members, participants or others on proposed rule changes. Pursuant to Section 1 of Article XIV of the By-Laws of the Association, the Board of Governors may adopt amendments to the UPC which become effective without membership comment. Therefore, comments of the membership on the proposed amendments were not solicited or received.

Burden on competition. The Act directs that the Association assist in the removal of impediments to and perfection of the mechanism of a free and open market and a national market system. The proposed deletion of Section 30 is in line with the accepted practice of the securities industry, effectively eliminates a burdensome and unnecessary requirement, and accordingly, it is believed that no burden on competition is imposed by the proposed rule change and that said change is in furtherance of the purposes of the Act.

Basis for rule taking, or being put into effect pursuant to section 19(b)(3). Not applicable.

On or before December 27, 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 abovementioned 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 abovementioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before December 22, 1975. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 14, 1975.

[FR Doc.75-31476 Filed 11-20-75;8:45 am]

[Release No. 19245 (70-5399)]

MIDDLE SOUTH UTILITIES, INC., ET AL.

Post-Effective Amendment Regarding Proposed Increase in Authorized Bank Borrowings

NOVEMBER 14, 1975.

In the matter of Middle South Utilities, Inc., Two Eighty Park Avenue, New York, New York 10017; Mississippi Power & Light Company, Arkansas-Missouri Power Company, Louisiana Power & Light Company, New Orleans Public Service, Inc., Middle South Energy, Inc.

Notice is hereby given that Middle South Utilities, Inc. ("MSU"), a registered holding company, its wholly-owned subsidiary, Middle South Energy, Inc., ("MSE"), which has been organized to construct and own electric generating facilities for the MSU System, and MSU's above-named principal operating subsidiaries have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration for a complete statement of the proposed transactions.

By order in this proceeding dated June 4, 1974 (HCAR No. 18437), MSE, among other things, was authorized, pursuant to a Bank Loan Agreement with Manufacturers Hanover Trust Company, as agent, and a group of banks ("Original Banks"), to issue and sell through December 31, 1979, up to $308,500,000 of notes maturing December 31, 1982, for the purpose of designing and constructing the Grand Gulf Nuclear Electric Station project. In accordance with such order, MSE has as of October 31, 1975 borrowed $126,500,000 from the Original Banks.

To enable MSE to continue construction of the Grand Gulf Project and for the other designated purposes, MSE now intends to amend the terms of the Bank Loan Agreement will be amended to add and sell its notes thereunder. The Bank Loan Agreement will be amended to aid certain banks ("Additional Banks") to the banks which are presently parties to such agreement. In addition, one Original Bank, Continental Illinois National Bank and Trust Company of Chicago, will increase its commitment from $40,000,000 to $50,000,000. The commitments of the Original Banks will otherwise remain unchanged. The names of the Additional Banks and their commitments are as follows:

	Millions
Cleveland Trust	$10
First Pennsylvania Bank, N.A.	10
First Union National Bank of North Carolina	5
Industrial National Bank	5
The National Shawmut Bank	5

The aggregate commitment under the Bank Loan Agreement, as it is to be amended, will thus be increased by a total of $45,000,000, from $308,500,000 to $353,500,000. In all other respects the transactions will remain unchanged.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed issue and sale of notes. No fees and expenses were incurred in connection with the proposed transactions.

Notice is further given that any interested person may, not later than December 9, 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 post-effective amendment to the 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 upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now 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.75-31544 Filed 11-20-75;8:45 am]

[Rel. No. 9033 (812-3866)]

THE FIRST NATIONAL DUAL SERIES TAX-EXEMPT BOND TRUST

Filing of Application

NOVEMBER 14, 1975.

Notice is hereby given that The First National Dual Series Tax-Exempt Bond Trust (Series 1 and Subsequent Series) ("Applicant"), c/o Van Kampen Sauerman, Inc., 208 South LaSalle Street, Chicago, Illinois 60604, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), filed an application on October 6, 1975, pursuant to Section 6(c) of the Act for exemption from the provisions of Section 14(a) of the Act and Rules 19b-1 and 22c-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is a registered unit investment trust sponsored by Van Kampen Sauerman, Inc. ("Sponsor"). It is intended that the Bradford Trust Company will serve as the Trustee of Applicant ("Trustee") for Series 1 and subsequent series pursuant to a trust indenture and agreement ("Indenture") to be entered into between the Sponsor and the Trustee. A separate Indenture will be entered into each time a series is created. Applicant's Evaluator will be the Standard & Poor's Corporation ("Evaluator").

Applicant plans that each of its series will be comprised of two trusts, one to be designated as the "Insured Trust" and the other as the "Income Trust." Units in each will be offered simultaneously but separately. The Sponsor intends to obtain a commitment from MGIC Indemnity Corporation in respect to the Insured Trust of each series to guarantee the payment of interest and principal.

Pursuant to each Indenture of trust for each Series of Applicant, the Sponsor will deposit with the Trustee, it is contemplated, not less than $3,000,000 principal amount of tax-free municipal bonds ("bonds"). Simultaneously with such deposit the Trustee will issue in the name of the Sponsor, or such other name or names as the Sponsors may direct, one or more certificates evidencing the ownership of all of the undivided interests in the trusts making up such series of Applicant. These units will be separately offered for sale to the public at prices based upon their respective current net asset values. On the date of deposit, the maximum number of units in each trust of a series of Applicant and the Bonds which will comprise the respective portfolios are determined. No additional units can be issued, although the number of units outstanding may be reduced by redemptions. No additional bonds can be deposited in either trust except that under certain circumstances, refunding bonds issued in exchange and substituted for outstanding bonds may be deposited with the Trustee. The Trustee may dispose of bonds when events occur which

may affect their investment stability and distribute the proceeds thereof in partial liquidation to unit holders; and the Trustee must sell Bonds if necessary for the payment of the redemption price of units tendered for redemption.

Section 14(a). Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

Applicant represents that the Bonds for a portfolio of a trust of a series of Applicant are delivered to the Trustee on the date of a deposit, and from that time on, except for the payment of limited amounts of expenses specified in the Indenture, including the premiums on portfolio insurance for the Insured Trust, such Bonds are held in the custody of the Trustee subject to the Indenture which, in substance, provides that the Trustee may dispose of the Bonds when events occur which may affect their investment stability and distribute the proceeds thereof in partial liquidation to unit holders. However, there is no provision permitting the bonds to be pledged or subjected to any debt by Applicant, except to the extent that MGIC Indemnity Corporation is secured and succeeds to the rights of the Trustee in respect of any amounts of interest or principal it may pay on a defaulted bond in the portfolio of the Insured Trust.

As noted, the Sponsor contemplates that no series of Applicant will be created which will contain in the portfolio of either trust on the date of deposit, Bonds having a principal amount of less than $3,000,000. In the event the value of such a trust should decrease to the greater of $1,000,000 or 20% of the amount of the Bonds initially deposited, for any reason, the Trustee may, and when so directed by the Sponsor shall, terminate and liquidate the trust; provided, however, that in connection with any such liquidation it shall not be necessary for the Trustee to dispose of any Bond or Bonds in default because of nonpayment of principal or interest by the issuer thereof if retention of such Bond or Bonds, until due, shall be deemed to be in the best interests of unit holders. Thus, Applicant represents that it is highly unlikely that, except during the course of liquidation, the net worth of any trust would ever decline to $100,000 or less.

As a further basis for the requested exemption, the Sponsor also represents that, in the event that the net worth of a trust of any series of Applicant should be reduced to less than $100,000 within 90 days after the registration statement under the Securities Act becomes effective in respect for that series, the Sponsor will repurchase all units of such trust which have been sold prior to such date at the same price paid by the original purchaser, including sales charge.

In addition, on the day of the deposit of the Bonds comprising the portfolio of a trust of any series of Applicant, the Sponsor will instruct the Trustee that, in the event Underwriters as the owners of units of any such trust, which have not previously been sold to the public, shall tender such unsold units to the Trustee for redemption in an amount constituting an aggregate of more than 60% of the number of units which such trust is authorized to have outstanding, and that thereby the net worth of such trust is reduced to less than 40% of the principal amount of Bonds originally deposited therein, the Trustee shall terminate such trust in the manner provided in the Indenture relating thereto and the Sponsor will refund, on demand, to each purchaser of units of any such trust, the entire sales charge paid by such purchaser without any deduction whatsoever.

In light of these representations and undertakings, Applicant requests that the Commission issue an order exempting all series of Applicant (Series 1 and subsequent series) from the provisions of Section 14(a) of the Act subject to future series and the trusts thereof, being substantially identical in all material respects to Series 1 except as to size, number of units and identity of portfolio bonds.

Rule 19b–1. Rule 19b–1(b) provides in part, that no registered investment company which is not a "regulated investment company" as defined in Section 851 of the Internal Revenue Code of 1954 ("Code") shall make more than one distribution of long-term capital gains in any one taxable year of such investment company.

Each series of Applicant is or will be a registered investment company which is not a regulated investment company under the Code. From time to time Bonds in a portfolio of a trust of a series of Applicant may be redeemed by the issuer thereof or may be sold by the Trustee for the purpose of providing either investment stability, as described below, or funds for the redemption of units. These transactions may give rise to a problem under Rule 19b–1 when the funds distributed from a Principal Account involve a long-term capital gain.

The Indenture establishes record and distribution dates for the distribution to unit holders of their pro rata share of the cash balance of the Interest and Principal Accounts computed as of such record dates. Since the Trustee has no authority to reinvest funds received upon the disposition of Bonds, it is in the best interests of unit holders that it be permitted to distribute such funds as provided by the Indenture. Initially it is contemplated that distributions will be made semi-annually from the Principal Account and monthly, quarterly or semi-annually from the Interest Account, depending upon the plan of distribution chosen by unit holders.

Applicant states that distributions of principal constituting capital gains to unit holders may arise in the following circumstances: (1) if an issuer calls or redeems an issue held in the portfolio; and (2) if Bonds are sold in order to provide funds necessary to meet redemptions by unit holders. Applicant states that capital gains are not anticipated to arise from sales of Bonds made by the Trustee at the request of the Sponsors to provide stability, i.e., after default in payments of principal or interest on such bonds or the occurrence of other market or credit factors which, in the opinion of the Sponsor, would make retention of such Bonds in Applicant detrimental to the interests of the unit holders. Portfolio insurance terminates as to any Bond when it is sold by the Trustee.

The primary objective of Applicant is tax-exempt income through an investment in tax-exempt bonds. In the case of normal distributions, it is expected that virtually the entire amount will represent interest received on portfolio Bonds. Applicant states that when sums are distributed from the Principal Account ,the amount thereof which represents long-term capital gains will be minimal in comparison to the total amount of the distribution and will have been realized almost entirely as a result of activities of persons other than the Applicant, the Sponsor or the Trustee. Accordingly, Applicant requests that the Commission grant an exemption from the provisions of Rule 19b–1 to permit disributions to be made as proposed under the Indenture for Series 1 and for such additional series as may be created in the future, even though on occasion the distributions may include a long-term capital gain to the unit holder.

Rule 22c–1. Rule 22c–1 provides, in part, that redeemable securities of registered investment companies may not be sold, redeemed or repurchased except at a price based on the current net asset value which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. For the purpose of the Rule, the current net asset value of any such security shall be that computed on each day during which the New York Exchange is open for trading, not less frequently than once daily as of the time of the close of trading on such Exchange.

Applicant represents that during the initial public offering, it will fully comply with the Rule, since it is intended that there will be an evaluation made each day the New York Stock Exchange is open for trading. The first evaluation after receipt of an order for sale, purchase or redemption of units is the evaluation which will govern the terms of such transaction. Applicant further represents that the Sponsor intends to maintain a market for the units and continuously to offer to purchase units at prices based upon the aggregate offering price of the bonds in Applicant's port-

folio. For purposes of the secondary market transactions, an evaluation will only be made as of the last business day of the week, effective for transactions during the ensuing week.

Applicant asserts that the pricing by the Sponsor in the secondary market in no way affects the assets of applicant or any trust or series thereof, since all units of any trust or series of Applicant are issued and outstanding prior to any offering thereof to the public. Moreover, the units represent an interest in a fixed portfolio of bonds which is subject only to limited change. Therefore, the relation of a unit to Applicant is not affected in any manner by the price at which other outstanding units are sold. Finally, because of the nature of the bonds in the portfolio, price changes are expected to ge gradual and to depend largely on general changes in interest rates.

The application states that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide the Sponsor with estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a full evaluation. In case of resale, if the Evaluator cannot state that the previous Friday's price is no more than one-half point ($5.00 per $1,000 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered. The result of this procedure is that a unit holder wishing to sell units will not receive less from the Sponsor than might be received from the Applicant upon redemption, and a purchaser of such units from the Sponsor will not pay more for a unit than approximately the current net asset value, plus the sales charge.

Thus, under these circumstances, after the initial distribution is completed, the Sponsor believes that it would be appropriate for Applicant and its unit holders to be relieved from the cost of daily evaluation and in lieu thereof to permit evaluations to be made as of the close of trading on the New York Stock Exchange on the last business day of the week with each such evaluation to be effective for transactions during the ensuing week. Applicant requests an exemption from the provisions of Rule 22c-1 for Series 1 and for all subsequently created series of Applicant insofar as the rule may apply after completion of the primary distribution of units of such series.

Section 6(c). Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transaction from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 8, 1975 at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued by the Commission as of course following said date, unless the Commision thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-31543 Filed 11-20-75;8:45 am]

[Release 34-11823; File No. S7-601]

SECURITIES INFORMATION PROCESSORS

Application for Registration

Notice is hereby given that, pursuant to Section 11A(b)(2) of the Securities Exchange Act of 1934 (the "Act"), the Options Price Reporting Authority ("OPRA") filed an application on November 12, 1975 with the Securities and Exchange Commission (the "Commission") for registration as a securities information processor.

The Commission is required under new Section 11A(b)(3) of the Act to find, before granting registration, that an applicant "is so organized, and has the capacity, to be able to assure the prompt, accurate, and reliable performance of its functions as a securities information processor, . . . and, insofar as it is acting as an exclusive processor, operate fairly and efficiently. . . ." Additionally, Section 11A(b)(3) of the Act provides that the Commission shall, upon filing of an application for registration pursuant to Section 11A(b)(2) of the Act, publish notice of the filing and afford interested persons an opportunity to submit written data, views and arguments concerning such application. A copy of the OPRA application is available for public inspection in the Commission's Public Reference Room at 1100 L Street, N.W., Washington, D.C. 20549.

All persons interested in submitting written data, views and arguments concerning OPRA's application should submit them in triplicate to George A. Fitzmit them in triplicate to George A. Fitzchange Commission, 500 North Capitol Street, Washington, D.C. 20549 not later than December 19, 1975. All communications should refer to File No. S7-601 and will be available for public inspection in the Commission's Public Reference Room.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 13, 1975.

[FR Doc.75-31545 Filed 11-20-75;8:45 am]

[Release No. 34-11837; File No. SR-CSE-1975—No. 4]

CINCINNATI STOCK EXCHANGE

Self-Regulatory Organizations

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. 94-29, 16 (June 4, 1975), notice is hereby given that on November 7, 1975, the abovementioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The Cincinnati Stock Exchange's Statement of the Terms of Substance of the Proposed Rule Change.

The Access Program of the Exchange has been open to brokers or dealers in securities registered with the Securities and Exchange Commission and any member of the National Association of Security Dealers. This amendment will now open the Access Program to any member of another national securities exchange in compliance with stated requirements. A charge for yearly renewal has been reduced from $250 to $100 per year.

The Cincinnati Stock Exchange's Statement of Basis and Purpose.

The basis and purpose of the foregoing proposed rule change is as as follows:

In furtherance of the Access Program of the Exchange, the Board of Trustees amended Section 1 of the By-Laws to give Access Participants the privilege of requesting renewal of participation contracts on a year-to-year basis. By proposing that the Access Program be opened to members of another national securities exchange in addition to members of the NASD or SECO, participation could be opened to Canadian firms. Fee for renewal of Access participation was decreased to $100 per year from $250.

The proposed rule is being submitted pursuant to Section 6b-5, to further aid the expanding securities market and the national market system.

No comments were received from members on the proposed rule change.

The rule change imposes no burden on competition.

On or before December 26, 1975 or within such longer period (i) as the Com-

mission 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, N.W., 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 in the caption above and should be submitted on or before December 22, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 21, 1975.

[FR Doc.75-31546 Filed 11-20-75;8:45 am]

VETERANS ADMINISTRATION

400-BED REPLACEMENT HOSPITAL AND MODERNIZATION OF EXISTING BUILDINGS VETERANS ADMINISTRATION HOSPITAL COLUMBIA, SOUTH CAROLINA

Availability of Revised Final Environmental Impact Statement

Notice is hereby given that a document entitled "Revised Final Environmental Impact Statement for a 400-Bed Replacement Hospital and Modernization of Existing Buildings, Veterans Administration Hospital, Columbia, South Carolina," dated September 1975, 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 Westall, Assistant Chief Medical Director for Administration (13), Room 600, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

The project proposes to modernize the facility on the site, available at the existing Veterans Administration Hospital, by constructing a new 400-Bed Hospital tower building with a two-story ancillary base for clinics and support services. Also, part of the proposed project is a modernization of existing hospital buildings, some of which will be turned over to the University of South Carolina Medical School. Another part of the overall modernization is a future project for a 120-Bed Nursing Home Care Unit.

The Revised Final Statement discusses the Environmental Impact of the 400-Bed Replacement Hospital, the future 120-Bed Nursing Home Care Unit, and the Modernization of Existing Buildings. 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 November 11, 1972 (Vol. 37, No. 219, page 24068) 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: November 17, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-31512 Filed 11-20-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-319]

BAGANOFF ASSOCIATES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 5, 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 Baganoff Associates, Incorporated, St. Louis, Missouri (TA-W-319). 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 mechanical strain recorders and data transcribers produced by Baganoff Associates, Incorporated 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, not later than December 1, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31562 Filed 11-20-75;8:45 am]

[TA-W-320]

CLAREMONT WOVEN LABEL CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 7, 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 Claremont Woven Label Company, Claremont, New Hampshire, a division of Warner Woven Label Company, Incorporated, Paterson, New Jersey (TA-W-320). 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 woven labels produced by Claremont Woven Label 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, not later than December 1, 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 7th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31563 Filed 11-20-75;8:45 am]

[TA-W-318]

ED WHITE JUNIOR SHOE CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 5, 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 Ed White Junior Shoe Company, Paragould, Arkansas (TA-W-318). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with women's footwear produced by Ed White Junior 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, not later than December 1, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31564 Filed 11-20-75;8:45 am]

[TA-W-322]

JACKSON HOSIERY CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 7, 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 Jackson Hosiery Company, Jackson, Missouri, a division of Wayne-Gossard Corporation, Humboldt, Tennessee (TA-W-322). 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 ladies hosiery and panty stockings produced by Jackson Hosiery 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 determinattion 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 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, not later than December 1, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31565 Filed 11-20-75;8:45 am]

[TA-W-324]

LANHAM CLOTHES, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 7, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Lanham Clothes, Incorporated, Lawrence, Massachusetts, a subsidiary of Standex, Incorporated, Andover, Massachusetts (TA-W-324). 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 hand tailored suits produced by Lanham Clothes, Incorporated 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, not later than December 1, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31566 Filed 11-20-75;8:45 am]

[TA-W-325]

ROVIAR SPORTSWEAR, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 7, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Roviar Sportswear, Incorporated, Columbus, Indiana (TA-W-325). 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 and boy's tailored clothing produced by Roviar Sportswear, Incorporated 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, not later than December 1, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjusting Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31567 Filed 11-20-75;8:45 am]

[TA-W-317]

SPERRY UNIVAC

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 5, 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 Sperry UNIVAC, Utica, New York, a division of Sperry Rand Corporation, New York, New York (TA-W-317). 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 electronic data processing equipment produced by Sperry UNIVAC 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, not later than December 1, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 5th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31568 Filed 11-20-75;8:45 am]

[TA-W-321]

UNITED STATES STEEL CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 7, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Gary Works, United States Steel Corporation, Gary, Indiana (TA-W-321). 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 stainless, raw & finished coil & sheet products produced by United States Steel Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Asitance, at the addre hown below, not later than December 1, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31569 Filed 11-20-75;8:45 am]

[TA-W-323]

WHITIN MACHINE WORKS, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On November 7, 1975, the Department of Labor received a petition filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Whitin Machine Works, Incorporated, Whitinsville, Massachusetts, a plant of Whitin Consolidated, Cleveland, Ohio (TA-W-323).

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 textile machinery and graphic arts produced by Whitin Machine Works, Incorporated 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, not later than December 1, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 7th day of November 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-31570 Filed 11-20-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 918]

ASSIGNMENT OF HEARINGS

NOVEMBER 18, 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 120023 Sub 2, Sweeney Brothers, Incorporated, now assigned December 2, 1975 at Boston, Massachusetts; will be held on the Fifth Foor, 150 Causeway.

MC 139123 Sub 7, Gloucester Dispatch, Inc., now assigned December 3, 1975 at Boston, Massachusetts; will be held on the Fifth Floor, 150 Causeway.

MC 140987 Sub 1, William Frederick, now assigned December 8, 1975 at Boston, Massachusetts, will be held on the Fifth Floor, 150 Causeway.

MC 134599 Sub 122, Interstate Contract Carrier Corporation, now assigned December 10, 1975 at Boston, Massachusetts, will be held on the Fifth Floor, 150 Causeway.

MC 59557 Sub 15, Auclair Transportation, Inc., now assigned December 11, 1975 at Boston, Massachusetts, will be held on the Fifth Floor, 150 Causeway.

FD 27770, Burlington Northern, Inc.—Control Through Acquisition of Securities of—Green Bay and Western Railroad Company, now being assigned January 12, 1976, at Offices of Interstate Commerce Commission, Washington, D.C.

No. 36098, Sterling Colorado Beef Company, Inc. vs The Atchison, Topeka and Santa Fe Railway Company, Et Al., now being assigned for continued hearing December 3, 1975, (3 days), at the Offices of the Interstate Commerce Commission, Washington, D.C. I & S M 28751, General Increase, September 1975, M.W.M.F.B. and I & S M 28751 Sub 1, Increased Rates, McCarthy Truck Line, Inc., 1975, now assigned December 2, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C., is cancelled. MC 124813 Sub 127, Umthun Trucking Co., now assigned December 1, 1975 at Chicago, Illinois; will be held in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

MC 140716 Sub 1, Great Northern Transportation Company, now assigned December 3, 1975 at Chicago, Illinois; will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 51146 Sub 413, Schneider Transport, Inc.; MC 115331 Sub 387, Truck Transport, Incorporated; MC 116763 Sub 305, Carl Subler Trucking, Inc.; MC 121060 Sub 33, Arrow Truck Lines, Inc.; and MC 128273 Subs 165 and 170, Midwestern Distribution, Inc., now assigned December 4, 1975 at Chicago, Illinois; will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 126305 Sub 69, Boyd Brothers Transportation Co., Inc., now assigned December 16, 1975 at Louisville, Ky., will be held in Room 273 Federal Bldg., 600 Federal Place.

MC 13669 Sub 4, Processed Beef Express, Inc., now assigned December 10, 1975, at Louisville, Ky., will be held in Room 183 Federal Bldg., 600 Federal Place.

MC 115841 Sub 489, Colonial Refrigerated Transportation, Inc., now assigned December 9, 1975 at Louisville, Ky., will be held in Room 183 Federal Bldg., 600 Federal Place.

MC 116014 Sub 73, Oliver Trucking Company, Inc., now assigned December 17, 1975, at Louisville, Ky., will be held in room 273 Federal Bldg., 600 Federal Place.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-31574 Filed 11-20-75;8:45 am]

[Notice No. 122]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 11, 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-FM-75434. By supplemental order of November 17, 1975, the Motor Carrier Board approved the transfer to Tajon, Inc., a Delaware corporation, Mercer, Pa. of the operating rights in Certificates No. MC 5470 (Sub-No. 75) and MC 5470 (Sub-No. 84) issued November 6, 1974 and January 23, 1975 respectively to Tajon, Inc., an Ohio corporation, Mercer, Pa., authorizing the transportation of allows and ores, in dump vehicles, from Detroit, Mich. to points in Illinois, Indiana and Wisconsin and coal, in bulk, in dump vehicles, from points in Schuylkill Co., Pa., with exceptions, to Tonawanda, N.Y. and Detroit, Mich. Donald E. Cross, 918 16th St., N.W., Washington, D.C., 20006 Attorney for applicants

No. MC-FC-75014. By order of November 14, 1975, the Motor Carrier Board approved the transfer to J. B. Montgomery, Inc., a Delaware Corporation, Denver, Colo., of Certificates No. MC 123639 (Sub-No. 140), MC 123639 (Sub-No. 149), MC 123639 (Sub-No. 151) and MC 123639 (Sub-No. 154) issued October 4, 1974, September 24, 1974, August 27, 1974 and August 29, 1974 respectively to J. B. Montgomery, Inc., an Iowa Corporation, Denver, Colo., authorizing the transportation of various commodities from specified points in Iowa, Kansas, Minnesota, Nebraska and Idaho to specified points and areas in Arizona, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Charles W. Singer, 2440 East Commercial Blvd., Fort Lauderdale, Fla., 33308. Attorney for applicants.

No. MC-FC-76151. By order of November 17, 1975, the Motor Carrier Board approved the transfer to Glenn V. Garrett, Poplar Bluff, Mo., of the operating rights in Certificate No. MC 118704 (Sub-No. 1) issued March 14, 1960, to William White, Marston, Mo., authorizing the transportation of sand and gravel, in bulk, in dump vehicles, between points in Dunklin, Mississippi, New Madrid, and

Pemiscot Counties, Mo., on the one hand, and, on the other, points in Clay, Crittenden, Greene, and Mississippi Counties, Ark., and between points in Craighead, Poinsett, and Sts. Francis Counties, Ark., on the one hand, and, on the other, points in Tennessee on and west of U.S. Highways 45 and 45-E. Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101 Attorney for applicants.

No. MC-FC-76154. By order entered November 17, 1975, the Motor Carrier Board approved the transfer to Barrett Moving & Storage Co., Minneapolis, Minn., of the operating rights set forth in Certificates Nos. MC 65781, MC 65781 (Sub-No. 3), and MC 65781 (Sub-No. 4), issued by the Commission September 7, 1967, July 21, 1970, and November 11, 1974, respectively, to Dawn Moving and Storage Company, Inc., Minneapolis, Minn., authorizing the transportation of household goods, as defined by the Commission, used household goods, from, to, and between points in Illinois, Minnesota, Wisconsin, Michigan, North Dakota, South Dakota, Kansas, Oklahoma, Ohio, Indiana, Missouri, Nebraska, Iowa, Tennessee, Florida, New Jersey, New York, Maryland, West Virginia, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Alabama, Georgia, Kentucky, Virginia, and the District of Columbia. Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402, attorney for applicants.

No. MC-FC-76192. By order entered November 17, 1975, the Motor Carrier Board approved the transfer to Pat's Transfer, Inc., Grand Island, Nebr., of the operating rights set forth in Certificate No. MC 110589 (Sub-No. 23), issued February 6, 1975, to J. E. Lammert Transfer, Inc., Grand Island, Nebr., authorizing the transportation of livestock, agricultural commodities, farm machinery, coal, lubricating oil and greases, lumber and building materials, between Hershey, Nebr., and specified points in Colorado, Iowa, and Wyoming, over specified routes. Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501, practitioner for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-31575 Filed 11-20-75;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

(Notice No. 132)

NOVEMBER 18, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 106943 (Sub-No. 118TA), filed October 7, 1975. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Ave., Terre Haute, Ind. 47808. Applicant's representative: Peter M. Witham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), regular routes: (1) Between New York, N.Y., and Hollidaysburg, Pa., serving all intermediate points, and the off-route points of Richmond, Shenandoah, Mt. Carmel, Shamokin, and Phillipsburg, Pa., from New York over U.S. Highway 1 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 69, near Clinton, N.J., thence over New Jersey Highway 69 to junction U.S. Highway 46, thence over U.S. Highway 46 to Portland, Pa., thence over Alternate U.S. Highway 611 to junction U.S. Highway 611, thence over U.S. Highway 611 to Stroudsburg, Pa., thence over U.S. Highway 209 to junction Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to Wilkes-Barre, Pa., thence over U.S. Highway 11 to Bloomsburg, Pa., thence over Pennsylvania Highway 42 to junction Pennsylvania Highway 442, thence over Pennsylvania Highway 442 to junction Pennsylvania Highway 405, thence over Pennsylvania Highway 405 to Muncy, Pa., thence over Pennsylvania Highway 14 to junction U.S. Highway 220, and thence over U.S. Highway 220 to Hollidaysburg, and return over the same route;

(2) Between New York, N.Y., and Buffalo, N.Y., serving the intermediate points of Peekskill, Poughkeepsie, Albany, and Alden, N.Y., from New York over U.S. Highway 9 to Albany, N.Y., thence over U.S. Highway 20 to junction New York Highway 130, and thence over New York Highway 130 to Buffalo and return over the same route; (3) between New York, N.Y., and Rochester, N.Y., serving the intermediate points of Newburgh, Kingston, Albany, Amsterdam, Utica, Syracuse, and Palmyra, N.Y., and the off-route points of Watervliet, N.Y., and those in the New York, N.Y., Commercial Zone as defined by the Commission, from New York over U.S. Highway 9W to Albany, N.Y., thence over New York Highway 5 to junction New York Highway 31B, thence over New York Highway 31B to Weedsport, N.Y., and thence over New York Highway 31B to Rochester, and return over the same route; (4) between Stroudsburg, Pa., and Syracuse, N.Y., serving the intermediate points of Scranton, Pa., and Binghamton, N.Y., from Stroudsburg over U.S. Highway 611 to Scranton, Pa., and thence over U.S. Highway 11 to Syracuse, and return over the same route; (5) between Albany, N.Y., and Glens Falls, N.Y., serving all intermediate points, and the off-route points of Greenwich, N.Y., from Albany over New York Highway 32 to Troy, N.Y., thence over U.S. Highway 4 to Mechanicville, N.Y., thence over New York Highway 67 to Ballston Spa, N.Y., thence over New York Highway 50 to Saratoga Springs, N.Y., and thence over U.S. Highway 9 to Glens Falls; and return from Glens Falls over New York Highway 32B to Fort Edward, N.Y., thence over New York Highway 197 to Argyle, N.Y., thence over New York Highway 40 to Middlefalls, N.Y., thence over New York Highway 29 to Schuylerville, N.Y., thence over U.S. Highway 4 to Troy, N.Y., and thence over New York Highway 32 to Albany.

(6) Between Buffalo, N.Y., and Rochester, N.Y., serving no intermediate points and serving Rochester, N.Y., for purposes of joinder only, from Buffalo over New York Highway 5 to Batavia (also from Buffalo over New York Highway 33 to Batavia), thence over New York Highway 33 to Rochester, and return over the same route; (7) serving to and from Worcester and Springfield, Mass., as off-route points in connection with carrier's regular operations between New York, N.Y., and Boston, Mass.; (8) (A) From Reading, Pa., to New York, N.Y., serving all intermediate points, and the off-route points of Beacon, N.Y., and Somerville, N.J.; points within the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665; and those in New Jersey within 20 miles of Jersey City, N.J., from Reading over U.S. Highway 222 to Allentown, Pa., thence over unnumbered highway via Bethlehem, Butztown, and Wilson, to Easton, Pa., thence over U.S. Highway 22 to Clinton, N.J., thence over unnumbered highway via Annandale, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, N.J., and thence over U.S. Highway 1 to New York, and return over

the same route with no transportation for compensation except as otherwise authorized; (8) (B) From New York, N.Y., to Reading, Pa., serving all intermediate points, and the off-route points of Somerville, N.J.; points within the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665; points in New Jersey within 20 miles of Jersey City, N.J.; and those in Pennsylvania within 50 miles of Reading, Pa., from New York over the immediately above-specified route to Reading, and return over the same route with no transportation for compensation except as otherwise authorized.

(9) Serving all points in Connecticut as off-route points in connection with carrier's regular route operations to, from and between points therein; (10) Between Hartford, Conn., and Boston, Mass., over an alternate route for operating convenience only, serving no intermediate points, from Hartford over Connecticut Highway 15 to the Connecticut-Massachusetts State line, and thence over Massachusetts Highway 15 to junction U.S. Highway 20, thence over U.S. Highway 20 to Boston, and return over the same route. Irregular routes: (11) Between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, parts (1) through (11) are restricted against the transportation of shipments both originating at and destined to points specified. Applicant intends to tack its existing authority with MC 106943 subs 65, 72, 74, 75, 96, 97, and 102, applicant also intends to interline at New York, Buffalo, Rochester, Syracuse, Binghampton, Utica, Albany and Troy, N.Y.; Boston, Mass., and Philadelphia, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 751 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Frances Sterling, Interstate Commerce Commission, Federal Bldg., & U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, Ind. 46204.

No. MC 123048 (Sub-No. 332TA), filed November 3, 1975. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 W. Doty St., Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic pipe fittings*, from points in Lucas County, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Pennsylvania, Tennessee, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Robintech Incorporated, P.O. Box 2342, Fort Worth, Tex. 76101. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 129087 (Sub-No. 3TA), filed November 4, 1975. Applicant: LORAIN A. BELL, doing business as L. A. BELL MOTOR LINES, P.O. Box F, Chesterton, Ind. 46304. Applicant's representative: Lorain A. Bell, 704 Woodlawn Ave., Chesterton, Ind. 46304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and vinyl carrying cases, and materials, supplies* (except in bulk), *and incidentals* used in the manufacture and sale of such cases, between Porter and Chesterton, Ind., on the one hand, and, on the other, Rochelle and Ottawa, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Faircraft Engineering Inc., Porter, Ind. 46304. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 134642 (Sub-No. 3TA), filed October 30, 1975. Applicant: ELWOOD HORTON, Star Route Box 116, Ripplemead, Va. 24150. Applicant's representative: Elwood Horton, 1417 Peters Creek Road, Roanoke, Va. 24017. Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, transporting: *Stone and asphalt*, in dump vehicles, from Rocky Gap, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mercer, Mingo, McDowell, Monroe, Nocholas, Putnam, Raleigh, Summers, Wayne, and Wyoming Counties, W. Va.; *Stone, asphalt and silica sand*, in dump vehicles, from Wytheville, Va., to points in Boone, Cabell, Clay, Fayette, Greenbrier, Kanawah, Lincoln, Logan, Mercer, Mingo, McDowell, Monroe, Nicholas, Putnam, Raleigh, Summers, Wayne, and Wyoming Counties, W. Va., for 180 days. Supporting shipper: Pendleton Construction Corporation, P.O. Box 549, Wytheville, Va. 24382. Send protests to: Danny R. Beeler, District Superivsor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Ave., S.W., Roanoke, Va. 24011.

No. MC 134922 (Sub-No. 151TA), filed November 7, 1075. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck parts*, from Lima and Toledo, Ohio; Marion, Ind., and Pottstown, Pa., to Hayward, Calif., for 180 days. Supporting shipper: Dana Corporation, Spicer U-Joint Division, West Coast Operation, 3390 Enterprise Ave., Hayward, Calif. 94545. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Cantol, Little Rock, Ark. 72201.

No. MC 138844 (Sub-No. 12TA), filed November 5, 1975. Applicant: GAS INCORPORATED, 87 Industrial Ave., East, Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, P.O. Box 4327, Jersey City, N.J. 07304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas* (LNG), in bulk, in vacuum insulated cryogenic tank trailers, between Birmingham and Montgomery, Ala.; Danbury, Milford, New London, Norwich, Rock Hill, Stamford, Torrington, and Waterbury, Conn.; Wilmington, Del.; Austell and Columbus, Ga.; Lewiston, Maine; Baltimore, Md.; Dorchester, Easton, Everett, Ludlow, Lynn, and Tewksbury, Mass.; Charlotte, N.C.; Concord, Manchester, and Nashua, N.H.; Carlstadt, Howell Township, McKee City, and Stafford Township, N.J.; Champlain, N.Y.; Conshohocken, Philadelphia, and Reading, Pa.; Providence, R.I.; Charleston and Easley, S.C.; Chattanooga, Fordstown, Memphis, Murfreesboro, and Savannah, Tenn.; Highgate Springs, Vt.; Chesapeake and Roanoke, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the filed office named below. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 141473 (Sub-No. 1TA), filed November 5, 1975. Applicant: VAN'S BUILDERS SUPPLY, INC., 1422 Western Ave., Las Vegas, Nev. 89102. Applicant's representative: Jones & Barfield, 128 South Fourth St., Las Vegas, Nev. 89101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet rock, gypsum, and gypsum products*, from points in Clark County, Nev., to points in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura, and Santa Barbara Counties, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Flintkote Company, Richard B. Colby, Manager Administration & Traffic, 2201 E. Washington Blvd., Los Angeles, Calif. 90012. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, 203 Federal Bldg., 705 N. Plaza St., Carson City, Nev. 89701.

No. MC 141478TA, filed November 7, 1975. Applicant: RIGHTER TRUCKING COMPANY, INCORPORATED, 1238 Meadow Brook Lane, Cape Girardeau, Mo. 63701. Applicant's representative: Frank D. Hall, 3384 Peachtree Road NE., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of pipe, conduit, wire, cable, cord sets, plastic materials, and materials, equipment, and supplies used in the conduct of such business, between the plants and ware-

houses of Triangle PWC, Inc., a subsidiary of Tirangle Industries, Inc., at Sikeston, Mo., San Francisco, Calif., Los Angeles, Calif., and Portland, Oreg., under a continuing contract or contracts with Triangle PWC, Inc., a subsidiary of Triangle Industries, Inc., for 180 days. Supporting shipper: Triangle PWC, Inc., a subsidiary of Triangle Industries, P.O. Box 711, New Brunswick, N.J. 08903. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

By the Commission.

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

[FR Doc.75-31576 Filed 11-20-75;8:45 am]

[AB 1 (Sub-No. 16)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

Abandonment of Services

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Kane and Dekalb Counties, Ill., on or before December 4, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 11th day of November, 1975.

By the Commission, Commissioner Brown.

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

The Interstate Commerce Commission hereby gives notive that by order dated November 11, 1975, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its line of railroad between St. Charles and Sycamore, Ill., a distance of 18.0 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that area environmental quality will only be degraded slightly due to increased air pollution and energy consumption resulting from diversion of the present low levels of rail traffic to motor carrier transport upon abandonment. Sale of the right-of-way to a public agency would ensure availability of the land in the right-of-way for future use as a transportation or other public use corridor and would be consistent with current interest in acquisition of the right-of-way for recreational trail development.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 19, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

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

[FR Doc.75-31573 Filed 11-20-75;8:45 am]

[Service Order No. 1223]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Distribution of Covered Hopper Cars

At a Session of the Interstate Commerce Commission, Railroad Service Board, acting as an appellate division, held at its office in Washington, D.C., on the 14th day of November, 1975.

Upon consideration of the petition filed by the Louisville and Nashville Railroad Company (L&N) dated November 7, 1975, seeking exemption from the provisions of Section (a)(6) *Monthly Reports Required,* of Service Order No. 1223.

It appearing, That Service Order No. 1223 was issued by the Railroad Service Board in accordance with applicable law and upon its determination that an acute shortage of covered hoppers exists throughout the country; that certain carriers have placed substantial numbers of large-capacity covered hopper cars in unit-grain-train services; that many carriers which do not originate unit-grain-trains have placed certain of their large-capacity covered hoppers in unit-grain-train services on other lines; that normal car distribution rules and practices would not prohibit the L&N from making such use of its cars; that it is essential that the Commission be fully informed of the uses being made by the carriers of their large-capacity covered hopper cars; that the reporting requirements of Service Order No. 1223 do not impose an unreasonable burden on any carrier; and that the petition states no errors of fact or law warranting the relief sought, and for good cause appearing;

It is ordered, That the petition be, and it is hereby, denied.

By the Commission, Railroad Service Board, acting as an appellate division.

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

[FR Doc.75-31572 Filed 11-20-75;8:45 am]

federal register

FRIDAY, NOVEMBER 21, 1975



PART II:

DEPARTMENT OF LABOR

Employment and Training Administration

■

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

Selection of Potential Sponsors

DEPARTMENT OF LABOR

Employment and Training Administration

MIGRANT AND OTHER SEASONALLY EMPLOYED FARMWORKER PROGRAMS

Selection of Potential Sponsors

Pursuant to 29 CFR 97.216, the Employment and Training Administration, formerly the Manpower Administration, announces the disposition of applications submitted for funding considerations under the provisions of the Comprehensive Employment and Training Act (CETA) of 1973, as amended, title III, section 303.

1. *Potential sponsor designations.* The following are the applicants to be designated as potential sponsors to provide services to migrant and seasonal farmworkers with allocable funds authorized under CETA, section 303, in all or part of the States indicated. Each applicant so designated as a potential sponsor shall be notified in writing of the amount of funds which may be granted, the target area to be served, the items to be negotiated, and the time and place of negotiations. These designations are being made pursuant to 29 CFR 97.217; designation as a potential sponsor does not commit the Department of Labor to award funds to the designee, only to enter into negotiations. If negotiations fail to produce an acceptable grant, the Secretary will make a resolicitation for the State or area pursuant to 29 CFR 97.217(d). Potential applicants whose names are followed by the word "*Conditional*" are designated conditionally, pursuant to 29 CFR 97.215(b); each conditionally designated potential sponsor shall be notified in writing of the conditions of the designation and the additional information sought.

ALABAMA

Alabama Migrant and Seasonal Farmworkers Council, Inc., 404 East South Boulevard, Montgomery, Alabama 36105.—*Conditional*

ARIZONA

Migrant Opportunities, Inc., 6611 South Central Avenue, Phoenix, Arizona 85040.

CALIFORNIA

Orange County Manpower Commission, 433 Civic Center Drive West, Santa Ana, California 92701.

Opportunities Industrialization Center, Central Coast Counties, 425 South Market Street, San Jose, California 96113.

Sacramento Consilio, Inc., 1912 F Street, Sacramento, California 95814.

Proteus Adult Training, Inc., P.O. Box 727, 1640 W. Mineral King, Suite 204, Visalia, California 93277.

Campesinos Unidos, Inc., P.O. Box 203, Brawley, California 92227.

County of Los Angeles, Department of Personnel, Manpower Programs Division, 320 West Temple Street, Room 780, Los Angeles, California 90012.

Greater California Education Project, 841 West Belmont Avenue, Fresno, California 93728.

Inland Manpower Association, 131 West "N" Street, Colton, California 92324.

North Bay Human Development Corporation, 2426 Mendocino Avenue, Santa Rosa, California 94501.

City of Stockton, City Hall, Stockton, California 95202.

DELAWARE

Delmarva Ecumenical Agency, Rural Ministries Coalition, Blue Hen Mall, Dover, Delaware 19901.

FLORIDA

Community Action Migrant Program, 3521 West Broward Blvd., Suite 10, Fort Lauderdale, Florida 33312.

Florida Department of Education Division of Vocational Education, Capitol Building, Tallahassee, Florida 32304.—*Conditional*

HAWAII

State of Hawaii, Office of the Governor, Dept. of Labor & Industrial Relations, OMP, 825 Mililani Street, Honolulu, Hawaii 96813.

IDAHO

Idaho Migrant Council, 415 South 8th Street, Boise, Idaho 83706.—*Conditional*

ILLINOIS

Illinois Migrant Council, 19 West Jackson Blvd., Chicago, Illinois 60604.

INDIANA

AMOS, Inc., 3655 North Pennsylvania Street, Indianapolis, Indiana 46205.

IOWA

Migrant Action Program, Inc., 220 E. State Street, Mason City, Iowa 50401.

KANSAS

Office of the Governor, State of Kansas, Comprehensive Manpower Planning & Services Division, Suite 900, 325 Kansas Avenue, Topeka, Kansas 66603.—*Conditional.*

LOUISIANA

Manpower, Education, & Training of Louisiana, Inc. (METL), 105 East Houston Street, Cleveland, Texas 77327.—*Conditional*

MARYLAND

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, 3929 Western Boulevard, Raleigh, North Carolina 27606.

MINNESOTA

Minnesota Migrant Council, 618½ South Second Street, St. Cloud, Minnesota 56301.

MISSOURI

Rural Missouri, Inc., 418 Madison Street, Jefferson City, Missouri 65101.

MONTANA

Office of the Governor, State of Montana, Box 169, Helena, Montana 59601.—*Conditional*

NEBRASKA

State of Nebraska, Department of Labor, 550 South 16th Street, Lincoln, Nebraska 68509.

NEW HAMPSHIRE

Rockingham/Strafford Counties, c/o Rockingham/Strafford, Manpower Administration, P.O. Box 426, Epping, New Hampshire 03042.—*Conditional*

NEW MEXICO

Home Education Livelihood Program, 933 San Pedro S.E., Albuquerque, New Mexico 87108.—*Conditional*

NEW YORK

Program Funding, Inc., Suite 730 Powers Building, Rochester, New York 14614.

NORTH CAROLINA

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, Raleigh, North Carolina 27606.

NORTH DAKOTA

Governor Arthur A. Link, State Capitol, Bismarck, North Dakota 58505.

OHIO

La Raza Unida de Ohio, 1616 East Wooster Street, Bowling Green, Ohio 43402.—*Conditional*

OKLAHOMA

Oklahoma Rural Opportunities, Inc., CETA Title III, Sec. 303 Div., P.O. Box 60126, Oklahoma City, Oklahoma 73106.

SOUTH DAKOTA

State of South Dakota, Department of Labor, Office of the Secretary, Foss Building, Pierre, South Dakota 57501.

TENNESSEE

Tennessee Opportunity Programs for Seasonal Farmworkers, Inc., 2803 Foster Avenue, Nashville, Tennessee 37211.

TEXAS

Economic Opportunities Development Corportation of San Antonio and Bexar County, Texas, 410 S. Main, San Antonio, Texas 78204.

Associated City-County Economic Development Corporation of Hidalgo County, P.O. Box 1198, Edinburg, Texas 78539.

MET, Inc., 105 East Houston Street, Cleveland, Texas 77327.

Community Action Council of South Texas, 420 East Main, Rio Grande City, Texas 78582.

VERMONT

Agency of Human Services, Office of Manpower Services, 79 River Street, Montpelier, Vermont 05602.—*Conditional*

VIRGINIA

Migrant and Seasonal Farmworkers Association, Inc., P.O. Box 33315, 3929 Western Boulevard, Raleigh, North Carolina 27606.

WASHINGTON

Northwest Rural Opportunities, Manpower, 305 Euclid Avenue, Grandview, Washington 98930.—*Conditional*

WISCONSIN

United Migrant Opportunity Services (UMOS), P.O. Box 5343, 809 West Greenfield Avenue, Milwaukee, Wisconsin 53204.

2. *Deferred designations.* In each of the following States or areas the Secretary reserves the right to designate at a later date one of the organizations which has submitted a Funding Request for the State or area or to invite the submission of new proposals. This right is reserved pending:

(a) Adequate time to consider performance of current CETA, section 303, applicants in the following States in which Fiscal Year 1975 grants were executed after April 30, 1975.

KENTUCKY

Commonwealth of Kentucky, Department of Human Resources, Capitol Annex Building, Frankfort, Kentucky 40601.

NEW YORK

Suffolk County, Department of Labor, Veterans Memorial Highway, Hauppauge, New York 11787.

New York State Department of Labor on Behalf of Wayne County, Manpower Planning Secretariat, Room 563, Building 12, State Office Building, Campus, Albany, New York 12226.

RHODE ISLAND

New England Farmworkers Council, Inc., Operations Division, 3502 Main Street, Springfield, Massachusetts 01107.

SOUTH CAROLINA

Office of the Governor, State of South Carolina, Capitol Building, Columbia, South Carolina 29201.
South Carolina Commission for Farm Workers, Inc., 134 Meeting Street, Charleston, South Carolina 29402.

(b) Correction of deficiencies by the following applicants in their current CETA section 303 (Fiscal Year 1975) program prior to January 15, 1975.

ARKANSAS

Arkansas Council for Farmworkers, Inc., 1200 Westpark Drive, Little Rock, Arkansas 72204.

COLORADO

State of Colorado, Dept. of Labor & Employment, Division of Manpower, 770 Grant Street, Denver, Colorado 80203.

CONNECTICUT

New England Farmworkers' Council, Inc., Operations Division, 3502 Main Street Springfield, Massachusetts 01107.

GEORGIA

Office of Governor, Georgia Department of Labor, 501 Pulliam Street, SE, Rm. 525, Atlanta, Georgia 30312.

MASSACHUSETTS

New England Farmworkers' Council, Inc., Operations Division, 3502 Main Street, Springfield, Masachusetts 01107.

MICHIGAN

United Migrants for Opportunity, Inc., 111 South Lansing, Mt. Pleasant, Michigan 48858.

MISSISSIPPI

Mississippi Delta Council for Farmworkers Opportunities, Inc., 1933 Fourth Street, Clarksdale, Mississippi 38614.

NEW JERSEY

Farmworkers Corporation of New Jersey, 5 South State Street, Vineland, New Jersey 08360.

OREGON

Oregon Rural Opportunities, 5103 Portland Road, N.E., Salem, Oregon 97303.

PENNSYLVANIA

Commonwealth of Pennsylvania, Department of Community Affairs, Harrisburg, Pennsylvania 17120.

PUERTO RICO

Commonwealth of Puerto Rico, Department of Labor, 414 Barbosa Avenue, Hato Rey, San Juan, Puerto Rico 00917.

3. *Nonselected Applicants.* The following are the applicants whose Funding Requests were not selected to be funded with CETA, section 303 allocable funds. However, this FEDERAL REGISTER notice constitutes the Secretary's obligation to provide to nonselected applicants the names and addresses of those applicants selected in the target area for which funds were sought. Each applicant listed below as not being selected by the Secretary, may request an administrative review as provided in 29 CFR 97.290 and 97.292. This announcement constitutes the Department's notification of nonselection. Petitions for reconsideration must be received within 14 days of this announcement. Petitions shall be sent to the address provided below:

U.S. Department of Labor, Employment and Training Administration, Patrick Henry Building, Room 10400, 601 D Street, N.W., Washington, D.C. 20213. Attn: William J. Harris, Director, Office of Investigations and Compliance.

A petition need contain only a statement indicating the applicant's name, the words "petition for reconsideration," and the signature of the executive officer of the organization.

(a) Applicant's whose Funding Requests were not selected by the Secretary, are listed by State.

ARIZONA

Arizona Job Colleges, Inc., 1665 N. Pinal Avenue, Casa Grande, Arizona 85222.

CALIFORNIA

Fresno City-County Manpower Commission, 1725 Fulton Street, Fresno, California 93721.
Employment Development Department, 800 Capitol Mall, Sacramento, California 95814. (Two funding requests submitted.)
Kern County Economic Opportunity Corporation, Manpower Division, 218-220 Eureka Street, Bakersfield, California 93305.
Economic Opportunity Commission of Yolo County, Inc., 511 Main Street, Suite 322, Woodland, California 95695.
San Diego State University Foundation, 5178 College Avenue, San Diego, California 92182.
Tulare and Kings Counties, Comprehensive Manpower Agency, 1620 West Mineral King Avenue D, Visalia, California 93227.
Opportunities Industrialization Center, 302 South Blosser Road, Santa Maria, California 93454.
County of Santa Barbara, 105 East Anapamu Street, Santa Barbara, California 93101.
Santa Clara Valley Employment and Training Board, 675 North First Street, Suite 412, San Jose, California 95112.
Fresno County Economic Opportunities, 2100 Tulare Street, Room 505, Fresno, California 93721.
County of Butte, Butte County Personnel, County Administration Building, Orville, California 95965.
SER/Jobs for Progress, Inc., Department of Planning & Progress Development, 9841 Airport Boulevard, Los Angeles, California 90045.
Central Coast Counties Development Corp., 265 Center Avenue, Aptos, California 95003.

FLORIDA

Palm Beach County, Florida, P.O. Box 1989, West Palm Beach, Florida 33401.
Florida, Balance of State, Office of Manpower Planning, 1801 S. Gadsden Street, Tallahassee, Florida 32301.
Central Region Community Development Board, Inc., P.O. Box 247, Auburndale, Florida 33823.
Orange County-Orlando, Consortium, P.O. Box 2243, Orlando, Florida 32802.

GEORGIA

Georgia Community Action Association, Inc., P.O. Drawer 1219, Moultrie, Georgia 31768.
CSRA Economic Opportunity Authority, Inc., 2390 Walden Drive, Augusta, Georgia 30904.

ILLINOIS

Shawnee Consortium, P.O. Box 298, Karnak, Illinois 62956.

INDIANA

Fort Wayne Area Consortium, 830 City-County Building, Fort Wayne, Indiana 46802.

KANSAS

Kansas Council of Agricultural Workers & Low Income Families, Inc., 206 W. Chestnut, Garden City, Kansas 67846.

MARYLAND

Employment Security Administration, 1100 N. Eutaw Street, Baltimore, Maryland 21201.

MISSOURI

Missouri Association for Community Action, Inc., 127A East High Street, Jefferson City, Missouri 65101.

NEBRASKA

Mexico-American Commission, State of Nebraska, State Capitol, Lincoln, Nebraska 68509.
Migrant Action Program, Inc., 220 E. State Street, Mason City, Iowa 50401.
Nebraska Human Resources Research Foundation, HEP, University of Nebraska, 501 North Tenth Street, Building 591, Lincoln, Nebraska 68508.

NEW YORK

County of Ulster, Intergovernmental Coordination Office, Manpower Division, 300 Flatbush Avenue, Kingston, New York 12401.
Westchester-Putman Consortium, County Office Building, White Plains, New York 10601.

NORTH CAROLINA

Rural Advancement Fund, 2128 Commonwealth Avenue, Charlotte, North Carolina 28205.

NORTH DAKOTA

North Dakota Migrant Council, Inc., 101 North Third Street, Grand Forks, North Dakota 58201.

SOUTH CAROLINA

South Carolina Resources Development Corporation, 371 South Liberty Street, Spartanburg, South Carolina 29301.

TENNESSEE

State of Tennessee, Employment Security, 161 Eighth Avenue, North, Nashville, Tennessee 37203.

TEXAS

Governor's Office of Migrant Affairs, 211 East 14th Street, Sam Houston Building, Room 109, Austin, Texas 78711.
Coastal Bend Migrant Council, Inc., 5001 Ambassador Row, Corpus Christi, Texas 78416.

VIRGINIA

Division of State Planning and Community Affairs, (Virginia Employment Commission), 109 Governor Street, 1010 James Madison Building, Richmond, Virginia 23219.

WASHINGTON

Office of Community Development, Employment and Training Section, General Administration Building, Olympia, Washington 98504.

(b) The following nonselected applicants are those listed in paragraph 3(a) who are current (Fiscal Year 1975) CETA section 303 sponsors and who shall consider this announcement as the "notice of termination" pursuant to 29 CFR 97.204(c)(3)(ii):

CALIFORNIA

Employment Development Department, 800 Capitol Mall, Sacramento, California 95814.

KANSAS

Kansas Council of Agricultural Workers & Low Income Families, Inc., 206 W. Chestnut, Garden City, Kansas 67846.

MARYLAND

Employment Security Administration, 1100 N. Eutaw Street, Baltimore, Maryland 21201.

TENNESSEE

State of Tennessee, Employment Security, 161 Eighth Avenue, North, Nashville, Tennessee 37203.

TEXAS

Coastal Bend Migrant Council, Inc., 5001 Ambassador Row, Corpus Christi, Texas 78416.

4. *Resolicitation.* In the following States no designation of potential sponsors has been made because no Funding Request was received.

Maine, West Virginia, Utah, Wyoming, and Nevada.

Pursuant to 29 CFR 97.216(b), the Secretary has made the following determinations for these States:

(a) The Secretary intends to initiate, after December 8, 1975, negotiations for a Fiscal Year 1976 section 303 program in the State (i) with the current section 303 program sponsor, if any, provided that the sponsor's present performance is adequate and, if these negotiations fail, (ii) with the CETA title I prime sponsor whose jurisdiction contains the largest number of migrant and seasonal farmworkers.

(b) The Secretary invites organizations eligible under § 97.205 which are interested in receiving a grant for section 303 programs in the listed States to submit Funding Requests to the address given in 29 CFR 97.214(a) on or before December 8, 1975 or the Funding Request will not be considered. A preapplication ber 22, 1975. Such organizations must also submit to the same address a notice of intent to submit a Funding Request for the State; the notice of intent must be received before close of business Defor Federal assistance form is not required.

(c) In those States for which a timely notice of intent has been received, the Secretary will not begin negotiations for a section 303 program until a Funding Request has been received and the priority set forth in paragraph 4(a) above, has been re-examined in light of the new Funding Request.

(d) Funding Requests shall be prepared in accordance with the requirements of 29 CFR 97.213 and 97.214.

FUNDING OF CERTAIN PROGRAMS BY SPONSORS

As was previously announced in the FEDERAL REGISTER, July 14, 1975 (40 FR 29572), pursuant to section 702(a) and 303(a) of CETA, as amended (Public Law 92-203, 87 Stat. 839; Public Law 93-567, 88 Stat. 1845) the Employment and Training Administration has decided to no longer fund directly the High School Equivalency Program (HEP) and College Assistance Migrant Program (CAMP); the Employment and Training Administration has also decided that to no longer fund directly the Migrant Rest Centers at Urbandale, Illinois, and Hope, Arkansas.

Programs currently funded directly by the Employment and Training Administration falling into one of these categories, HEP, CAMP, and Migrant Rest Centers, will have to secure funding from the designated sponsors for the 1976 program year (see above lists) to continue operations after their current grants terminate. Rest centers, HEP, and CAMPs are allowable activities for a program sponsor's use of allocable funds.

It is the intent and the desire of the Employment and Training Administration to provide for comprehensive program planning at the State and local level of those activities and services deemed desirable as well as to provide a more equitable distribution of available resources.

Inquiries regarding the content of this announcement are to be directed to the address listed below:

U.S. Department of Labor, Employment and Training Administration, Patrick Henry Building, Room 7122, 601 D Street, N.W., Washington, D.C. 20213, Attn: Charles I. Carter, Chief, Division of Farmworker Programs.

Signed at Washington, D.C., this 18th day of November 1975.

PIERCE A. QUINLAN,
Associate Manpower Administor, Office of Manpower Development Programs.

[FR Doc.75-31522 Filed 11-20-75;8:45 am]

federal register

FRIDAY, NOVEMBER 21, 1975



PART III:

CIVIL SERVICE COMMISSION

■

PRIVACY ACT OF 1974

Systems of Records

CIVIL SERVICE COMMISSION

PRIVACY ACT OF 1974

Adoption of Notice of Systems of Records

The Civil Service Commission published in the FEDERAL REGISTER on August 27, 1975 (40 FR 39239) a notice of systems of records the Commission proposed to adopt. These notices were published in accordance with 5 U.S.C. 552a (e) (4) and (11).

The proposed notices described each system of records that is maintained by the Commission, including the name and physical location of the system; the categories of individuals on whom records are maintained; the categories of records maintained; each routine use of the records; the Commission's policies and practices regarding storage, retrieval, access controls, retention, and disposal of the records; the title and business address of the official responsible for the system of records; the procedures whereby an individual can be notified at his request if the system of records contains a record pertaining to him; the procedures whereby an individual can be notified at his request how he can gain access to any record pertaining to him contained in the system and how he can contest its content; and the categories of sources of records in the system.

Civil Service Commission systems are those which contain records assembled and used by the Commission for personnel functions carried out centrally for itself and/or for agencies or which contain records about Commission employees only.

Government-wide system are those which contain records defined either in form or content (or both) by the Commission and which are maintained either at the Commission or the agency (or both) and which are utilized primarily for agency related personnel management functions.

Two basic criteria were used to identify those records which constitute a system of records under the Act requiring publication of notice in the FEDERAL REGISTER. The first criterion is whether the record is an "official" record of the Commission. The second criterion is whether information which pertains to an individual "is retrieved" by means of the name or other personal identifier assigned to that particular individual. Any record that does not meet these criteria is not covered by the Act and is not included in any of the systems of records described in these notices. The 13 notices of systems of records proposed herewith cover a substantial portion of, but not all, Commission records containing information on individuals. The notices do cover all those records which meet the criteria of the Act.

Individuals seeking information pertaining to them that may be maintained in a CSC records system should contact either the responsible office shown in the system notice or one of the Commission offices listed in the appendix to these notices. Individuals seeking information pertaining to them which may be maintained in a Government-wide system of records should contact the nearest personnel office of the agency or department which may have physical custody of the information.

As an assist to individuals in determining which system of records may contain personal information about them, the following guides, though not all-encompassing, may be helpful.

1. Information may be contained in the "Personnel Investigations Records" and the "Recruiting, Examining, and Placement Records" systems pertaining to individuals who have not previously worked for the Federal Government in a civilian capacity and who have filed an employment application with one of the Commission's area offices. Individuals may contact any one of the Commission's offices listed in the appendix to these notices for information about these systems of records.

2. Each of the 13 systems of records described in these notices may contain information concerning current Federal employees. However, the "General Personnel Records" and the "Personnel Investigations Records" systems are the two most common sources of personal information.

3. The "General Personnel Records" and the "Personnel Investigations Records" systems may contain information pertaining to former Federal employees.

4. The "Civil Service Retirement Records," "General Personnel Records," and "Personnel Investigations Records" systems may contain personal information concerning individuals who have retired as civilian employees of the Federal Government.

5. Information may be contained in the "Personnel Investigations Records" system pertaining to individuals who have worked for a Government contractor that required them to have a security clearance.

As a result of comments and suggestions received, the following changes and additions are made for clarification in the systems of records as indicated below.

A. CSC—1.

1. The section "Security classification" is deleted since there is no security classification.

2. The section "Routine uses of records maintained in the system" is revised as follows to clarify the purpose of the records:

a. To provide a means for returning Commission employees who have become separated from their duty station to duty.

b. To give the Commission a basis for continuing on its roster of active employes those who are prevented from performing their regular job assignments.

c. To establish a central point where Commission managers can get information about their employees.

d. To provide maximum utilization of skills of surviving Commission employees.

3. The section "Retention and disposal" is revised as follows:

Records are maintained as long as the individual is an emergency cadre member. Expired records are burned.

4. The section "Notification procedure" is revised as follows:

Contact the Director, Bureau of Management Services, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415. It is necessary to furnish the following information in order to identify the individual whose records are requested:

a. Full name.

b. Date of birth.

c. Address to which the reply should be mailed.

5. The section "Contesting record procedures" is revised as follows:

Same as above.

6. The element "Systems exempted from certain provisions of the Act" is deleted since there are no exemptions.

B. CSC—4.

1. The section "Security classification" is eliminated since there is no security classification.

2. The section "Routine uses of records maintained in the system" is revised as follows:

a. To respond to inquires from individuals, employing agencies, Congress, or other third parties when such response is not prohibited by law or regulation.

b. For production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

c. To select final candidates and to arrange work assignments.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

3. The section "Record source categories" is revised as follows:

Information is provided by the individual, supervisors, and other management officials, selection panel, and obtained from agency records.

4. The section "Systems exempted from certain provisions of the Act" is deleted since this system has no exemptions.

C. CSC—5.

1. The section "Security classification" is deleted since there is no security classification.

2. The section "Categories of individuals covered by the system" is revised as follows:

Persons who file civil actions against the Civil Service Commission and persons covered by the Hatch Act who have had allegations of prohibited political activity complaints filed against them.

3. The section "Routine uses of records maintained in the system" is revised as follows:

a. To defend the Civil Service Commission against law suits.

b. To enforce the provisions of the Hatch Act.

c. To refer pertinent information to the appropriate Federal, State, or local

agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

d. To request information from a Federal, State, or local agency maintaining civil, criminal, or other 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 issuance of a grant, license, or other benefit.

e. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

4. The section "Systems exempted from certain provisions of the Act," is deleted since this system has no exemptions.

D. CSC—6.

1. The section "Security classification" is deleted since there is no security classification.

2. The section "Routine uses of records maintained in the system" is revised as follows:

a. For litigation in a Federal court when necessary.

b. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

c. To request information from a Federal, State, or local agency maintaining civil, criminal, or other 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 issuance of a grant, license, or other benefit.

d. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

3. The section "Systems exempted from certain provisions of the Act" is deleted since this system has no exemptions.

E. CSC—7.

1. The section "Security classification" is deleted since there is no security classification for this system.

2. The section "Routine uses of records maintained in the system" is revised as follows:

"These records are used as indicated below.

a. To authorize payroll deductions for allotments, saving bonds, charitable contributions, union dues, health benefits, and life insurance; collect indebtedness for over-payment of salary and unpaid internal revenue taxes; pay income tax obligation to Internal Revenue Service; authorize mailing or holding salary checks or saving bonds; authorize issuing of salary checks by Treasury Department; obtain reimbursement of travel expenses for official business; report gross wages and separation information for unemployment compensation; pay any uncollected compensation due a deceased employee; and provide for a summary of employee's payroll data and retirement contributions.

b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

c. For litigation in a Federal court when required.

d. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A–19.

e. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulaton.

f. To request information from a Federal, State, or local agency maintaining civil, criminal, or other information relevant to an agency decision concerning the hiring or retention of an employee, issuance of a security clearance, the letting of a contract, or issuance of a grant, license, or other benefit.

g. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

3. The section "Storage" is revised as follows:

Records are maintained in file folders, on cards, magnetic tapes, and in loose leaf binders.

4. The section "Safeguards" is revised as follows:

Records are available only to authorized personnel whose duties require access.

5. The section "Systems exempted from certain provisions of the Act" is deleted since this system has no exemptions.

F. CSC—8.

1. The section "Security classification" is deleted since there is no security classification.

2. The section "Routine uses of records maintained in the system" is revised as follows:

Data are collected on a project by project basis and are used for the construction, analysis, and validation of written tests; for research on personnel measurement and selection methods. Routine use includes the exchange of personnel records between the Commission and a specific Federal agency for personnel research purposes and the use of personal identifier such as employee name to identify employees included in research studies that extend over a period of time (longitudinal studies). No personnel decisions are made in the use of these research records. Many data are collected under conditions assuring their confidentiality. This confidentiality will be protected. Personal information in this system of records is used by the personnel research staff in the Commission or the specific Federal agency involved. These records may be also used as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

3. The section "System manager(s) and address" is revised as follows:

Director, Personnel Research and Development Center, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415, and Director of each regional office of the Commission (see address of each regional office in the appendix).

4. The section "Systems exempted from certain provisions of the Act" is revised as follows:

Pursuant to 5 U.S.C. 552a(k)(6) all material and information in this system of records about an individual that meet the criteria stated in 5 U.S.C. 552a(k)(6) are exempt from the requirements of 5 U.S.C. 552a(c)(3); (d); (e)(4) (G), (H), and (I); and (f) relating to access and contest, making an accounting of disclosure to the individual named in the record, maintenance of information in records, publication annually in the FEDERAL REGISTER, and provisions regarding agency rules in that portions of this system relate to testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the Federal service. The specific material that is exempted is as follows:

a. Answer keys.

b. Ratings given for the purpose of validating examinations.

c. Rating sheets.

d. Rating schedules, including crediting plans.

e. Transmutation tables.

f. Test booklets.

g. Test item files.

G. CSC/GOVT—1.

1. The section "Security classification" is deleted since there is no security classification.

2. The section "System location" is revised as follows:

U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415, offices of the Civil Service Commission, as indicated in the appendix and agency personnel or designated offices.

3. The section "Categories of records in the system" is revised as follows:

This system of records contains information or documents relating to a decision or determination made by an agency or the Commission affecting an individual. This system of records includes files of appeals under Part 772 of the Commission's regulations, classification appeal files, performance rating appeal files, Fair Labor Standards Act complaints, grievance files, and EEO complaint files.

4. The section "Authority for maintenance of the system" is revised as follows:

Title 5, U.S.C., sections 1302, 3301, 3302, 4308, 5115, 5338, 5351, 5388, 7151, 7154, 7301, 7501, 7512, 7701, 8347, Executive Orders 9830, 10577, 10987, 11222, 11478, and Pub. L. 93-259.

5. The section "Routine uses of records maintained in the system" is revised as follows:

These records and information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint, or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a court subpoena and/or refer to a district court in connection with a civil suit.

d. To adjudicate an appeal, complaint, or grievance.

e. As a date source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel research functions or manpower studies; may also be utilized to respond to general requests for statistical information [without personal identification of individuals] under the Freedom of Information Act or to locate individuals for personnel research.

f. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

g. To request information from a Federal, State, or local agency maintaining civil, criminal, or other 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 issuance of a grant, license, or other benefit.

h. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

i. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

6. The section "System manager(s) and address" is revised as follows:

a. Appeals Review Board appeal and reopening petition Control Index Card file: Chairman, Appeals Review Board, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

b. Appeals under Part 772: Director, Federal Employee Appeals Authority, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

c. Classification appeals to the Commission, performance rating appeals, and complaints records: Director, Bureau of Personnel Management Evaluation, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

d. Agency adverse action appeals records (initiated prior to September 9, 1974), classification appeals in agencies, EEO complaint files, and grievances records: Personnel Officer or designated official, Local Agency Installation.

7. The section "Retention and disposal" is revised as follows:

These records are maintained up to two years from the closing of the case and are transferred to the GSA Regional Federal Records Centers. They are destroyed by the Federal Records Centers when the records are seven years old.

8. The section on "Record source categories" is revised as follows:

The sources of these records are indicated below.

a. Individual to whom the record pertains.

b. Agency and/or Commission officials.

c. Affidavits or statements from employee.

d. Testimony of witnesses.

e. Official documents relating to the appeal, grievance, or complaint.

f. Correspondence from specific organization or persons.

9. The section "System exempted from certain provisions of the Act" is deleted since this system has no exemptions.

H. CSC/GOVT—2.

1. The section "Security classification" is deleted since there is no security classification.

2. The section "Systems exempted from certain provisions of the Act" is deleted since this system has no exemptions.

3. Item (b) of the section "System location" is revised as follows:

Office of the General Counsel or designated office, Department or Agency with which employed, Washington, D.C.

4. Another use is added to the section "Routine uses of records maintained in the system" as follows:

d. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

5. The section "Retention and disposal" is revised as follows:

These records are disposed of two years after separation of employee or five years upon approval of the Civil Service Commission.

I. CSC/GOVT—4.

1. The section "Security classification" is deleted since there is no security classification.

2. Item (i) of the section "Categories of individuals covered by the system" is deleted since no information is maintained on such individuals.

3. Under the section "Authority for maintenance of the system," items (b), (c), and (e) are revised as follows:

b. Sections 1303 and 1304, Title 5, U.S.C.

c. Sections 8(b), 8(c), 9(a), 9(c), and 14, Executive Order 10450.

e. Section 7701, Title 5, U.S.C. (formerly Section 14 of the Veterans Preference Act of 1944, as amended), and Executive Order 10988.

4. The section "Routine uses of records maintained in the system" is revised as follows:

The contents of these records and files may be disclosed and used as follows:

a. To designated officers and employees of other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.

b. To designated officers and employees of other agencies and departments of the Federal Government to avoid duplication when such agency or department conducts an investigation of the individual for the purpose of granting a security clearance, or for the purpose of making a determination of qualifications, suitability, loyalty to the United States Government, or access to classified information or restricted areas.

c. To designated officers and employees of other agencies and departments of the Federal Government having the responsibility to grant security clearance, make a determination regarding access to classified information or restricted areas, or to evaluate qualifications, suitability, or loyalty to the United States Government, in connection with performance of a service to the Federal Government under a contract or other agreement.

d. To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

e. To any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

f. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by 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; such referral shall also

include, and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other interagency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties.

g. To a Federal agency, in response to its request, in connection with 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 matters.

h. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies; may also be utilitized to respond to general requests for statistical information [without personal identification of individuals] under the Freedom of Information Act or to locate individuals for personnel research.

i. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

5. The section "Retention and disposal" is revised as follows:

The procedures are indicated below.

a. File cards from the index to the system of records which show the existence of an investigative file are maintained for 20 years plus the current year, or longer if further investigative activity was initiated within the past 20 years. File cards which show completion of clear National Agency Checks or National Agency Checks and Inquiries are maintained for two years plus the current year.

b. Other cards are removed from the index and stored. In 1980 the stored cards and corresponding investigative files will be destroyed.

c. Files destroyed by the CSC are burned. The means of disposal of investigative files is determined by the National Archives and Records Service.

6. Item (e) of the section "Record source categories" is deleted since it is no longer used as a source of information.

J. CSC/GOVT—5.

1. The section "Security classification" is deleted since there is no security classification.

2. The section "Routine uses of records maintained in the system" is revised as follows:

Information in these records is used or a record may be used:

a. To refer applicants to Federal agencies for employment consideration.

b. To refer applicants to State and local Governments, congressional offices, international organizations, and other public offices with permission of an applicant for the purpose of employment consideration.

c. To refer current and former Federal employees to Federal agencies for consideration for transfer, reassignment, reinstatement, and/or promotion, as applicable.

d. To refer current Federal Government employees for consideration for reassignment and promotion within the employing agencies.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.

f. To refer pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

g. To request information from a Federal, State, or local agency maintaining civil, criminal, or other 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 issuance of a grant, license, or other benefit.

h. To disclose information to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

i. To provide an educational institution with information on an appointment of a recent graduate to a Federal position at a certain grade level.

j. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

3. The section "System manager(s) and address" is revised as follows:

a. For applicants who filed an application with an Area Office: Director, Bureau of Recruiting and Examining, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

b. For individuals who filed an application with a specific agency: The personnel or designated office of the agency installation where application was made.

4. The section "Retrievability" is revised as follows:

"Records are indexed by name, date of birth, and Social Security Number.

5. The section "Notification procedure" is revised as follows:

The procedures are indicated below.

a. For applicants: Area Office to which the individual applied. (See address of area offices listed in the appendix below.) Individuals should provide name, date of birth, Social Security Number, identification number [if known], approximate date of record, title of examination or announcement with which concerned, and geographic area in which consideration was requested.

b. For current Federal employees: If the application was made to a specific agency, the personnel office of the agency where application was made. Individuals should provide name, date of birth, Social Security Number, vacancy announcement number (if known), and title of position for which applied.

6. The section "Systems exempted from certain provisions of the Act" is revised as follows:

Pursuant to 5 U.S.C. 552a(k)(6) all material and information about an individual that meet the criteria stated in 5 U.S.C. 552a(k)(6) are exempt from the requirements of 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4) (G), (H), and (I); and (f) relating to access and contest, making an accounting of disclosure to the individual named in the record, maintenance of information in records, publication annually in the FEDERAL REGISTER, and provisions regarding agency rules in that portion of this system relate to testing and examination materials that are used solely to determine individual qualifications for appointment or promotion in the Federal service. The specific material that is exempted is as follows:

a. Answer keys.

b. Ratings given for the purpose of validating examinations.

c. Rating schedules, including crediting plans.

d. Rating sheets.

e. Test booklets.

f. Test item files.

g. Transmutation tables.

K. CSC—2, CSC—3, CSC/GOVT—3, and the Appendix are revised in their entirety as follows:

CSC—2

System name: Civil Service Retirement and Insurance Records—CSC

System location: Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

Categories of individuals covered by the system: The category of individuals is indicated below.

a. Former Federal employees and Members of Congress who performed service subject to the Civil Service Retirement (CSR) System.

b. Current Federal employees who have:

(1) performed Federal service subject to the CSR System other than that with their present agency; or

(2) filed a designation of beneficiary for benefits payable under the CSR System; or

(3) requested the Bureau of Retirement, Insurance, and Occupational Health (BRIOH) to review a claim for health benefits made under the Federal Employees' Health Benefits Program; or

(4) filed a service credit application in connection with former Federal service not subject to the CSR System.

c. Former Federal employees who died subject to or who retired under the CSR System, or their surviving spouses and/or children, who have received or are receiving CSR benefits, Federal Employees' Group Life Insurance benefits, or Federal Employees' Health Benefits.

d. Former Federal employees who died subject to or who retired under a Federal Government retirement system other than the CSR System, or their surviving spouses and/or children, who have received or are receiving Federal Employees' Group Life Insurance benefits and/or Federal Employees' Health Benefits.

e. Applicants for Federal employment found unsuitable on medical grounds.

Categories of records in the system: This system is comprised of retirement service history records of employees' service in the Federal Government other than that for the agency in which they may presently be employed. It also contains information that supports claims for benefits made under the retirement, health benefits and life insurance programs for Federal employees which the BRIOH administers. These records contain the following information.

a. Documentation of Federal service subject to the CSR System.

b. Documentation of service credit and refund claims made under the CSR System.

c. Retirement claim files, including documents supporting the retirement application, health benefits and life insurance eligibility, medical records supporting disability claims and designations of beneficiary.

d. Claim review and correspondence files pertaining to benefits under the Federal Employees' Health Benefits Program.

e. Suitability determination files on applicants for Federal employment found unsuitable for employment on medical grounds.

f. Documentation of claims made for life insurance and health benefits by annuitants under a Federal Government retirement system other than the CSR System.

g. Health Unit Medical records for CSC employees.

Authority for maintenance of the system: Section 3301 and chapters 83, 87, and 89 of Title 5, United States Code and Public Laws 83-598, 84-356, and 86-724.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be used:

a. To disclose to the Office of Workers' Compensation Program; Veterans Administration Pension Benefits Program; Social Security Old Age, Survivor and Disability Insurance and Medical Programs; military retired pay programs; Federal civilian employee retirement programs other than the Civil Service Retirement System's or other national, State, county, municipal, or other publicly recognized charitable or social security administrative agency information needed to adjudicate a claim for benefits under BRIOH or the recipient's benefit program(s), or information needed to conduct an analytical study of benefits being paid under such programs.

b. To disclose to the Federal Employees' Group Life Insurance Office information necessary to support an individual's claim for life insurance benefits under the Federal Employees' Group Life Insurance Program.

c. To disclose to a health insurance carrier or plan participating in the Federal Employees' Health Benefits Program information necessary to support an individual's claim for health insurance benefits under the program.

d. To disclose to any inquirer, if sufficient information is provided to assure positive identification of an individual on whom a department or agency maintains retirement or insurance records, the fact that an individual is or is not on the retirement rolls and, if so, the type of annuity (employee or survivor) being paid.

e. When an individual to whom a record pertains dies, disclosure of information in the individual's record to the person appointed as representative of the estate, to the person designated by the representative, or to a designated beneficiary information which might properly be disclosed to the individual. When a representative of the estate has not been appointed, the individual's next of kin may be recognized as the representative of the estate.

f. To disclose to the Internal Revenue Service, Department of the Treasury earnings information as required by the Internal Revenue Code of 1954.

g. To disclose to the Department of the Treasury information necessary to issue benefit checks.

h. To disclose to a Federal, State, or local law enforcement agency information indicating a possible violation of law, whether civil, criminal, or regulatory in nature.

i. To disclose to a Federal, State, or local law enforcement agency information necessary to obtain relevant information to a BRIOH determination concerning an individual's eligibility for or entitlement to coverage and/or benefits under the retirement, life insurance and health benefits programs administered by BRIOH.

j. To disclose to an official of any Federal agency information he or she needs to know in the performance of his or her official duties related to the hiring, retention, separation, or retirement of an employee, or issuance of a grant, license, or other benefit.

k. To disclose information to the Office of Management and Budget at any stage of the legislative coordination and clearance process in connection with private relief legislation as set forth in Circular No. A-19.

l. To disclose to an official of any Federal agency any information he or she needs to know in the performance of his or her official duties related to compiling descriptive statistics and making analytical studies in support of the function for which the records were collected and maintained, or for related personnel research functions and/or manpower studies.

m. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

n. When an individual to whom a record pertains is mentally incompetent or under other legal disability, information in the individual's record may be disclosed to any person who, in the judgment of the Commission, is responsible for the care of the individual, to the extent necessary to assure payment of benefits to which the individual is entitled.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained on magnetic tapes, disks, and in paper folders.

Retrievability: Records are indexed by name, Social Security Number, date of birth, and/or claim number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: All records relating to a claim for retirement, life insurance, and health benefits are maintained permanently. Medical records not associated with a disability retirement claim file are retained for one to seven years.

System manager(s) and address: Director, Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

Notification procedure: Same as above. Individuals wishing to inquire whether this system of records contains information about them should address their inquiries, providing their full name, any former names, date of birth, name and address of office in which currently and/or formerly employed in the Federal service, and annuity account number, if assigned, to: Director, Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

Record access procedures: Individuals wishing to see information in their records or contest information about them should address their inquiriesr providing their full name, any former names under which they were employed, date of birth, Social Security Number, name and address of office in which currently and/or formerly employed in the Federal service, and annuity account number, if assigned, to: Director, Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

Contesting record procedures: Same as the above.

Record source categories: The information in this system is obtained from the following sources:

a. The individual whom the information is about.
b. Agency Pay, Leave, and Allowance Records.
c. GSA National Personnel Records Center.
d. Federal civilian retirement systems other than the Civil Service Retirement System.
e. Military retired pay system records.
f. Office of Workers' Compensation Programs.
g. Veterans Administration Pension Benefits Programs.
h. Social Security Old Age, Survivor and Disability Insurance and Medicare Programs.
i. Health insurance carriers and plans participating in the Federal Employees' Health Benefits Program.
j. The Office of Federal Employees' Group Life Insurance.
k. Civil Service Commission Government-wide System of General Personnel Records or equivalent agency file.
l. The individual's co-workers and supervisors.
m. Physicians who have seen or treated the individual.

CSC—3

System name: Executive Assignment and Inventory Records—CSC

System location: Bureau of Executive Manpower, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

Categories of individuals covered by the system:

a. Current and former incumbents of positions at grades GS-16 through GS-18 under the Executive Assignment System or incumbents of positions at equivalent levels over which the CSC exercises at least partial approval authority.
b. Current and former incumbents of career or schedule C positions compensated under the Executive Schedule.
c. Current and former incumbents of positions at grades GS-16 through GS-18, or equivalent levels who noncompetitively acquire status under Civil Service Rule III.
d. In addition to the individuals indicated in "a" above, other current and former employees in the executive branch in grades 15 through 18 under the General Schedule, or at equivalent pay levels under other salary systems, not specifically excepted from inventory coverage; the principal groups of employees excepted from inventory coverage include employees in the commissioned service systems, Administrative Law Judges at grade GS-15, employees of the Panama Canal Company, the Canal Zone Government, and the Soldiers' Home, employees involved in intelligence matters where the release of personnel information would be detrimental to national security, foreign nationals employed outside the United States, and employees hired on a consultant, part-time, or intermittent basis.

Categories of records in the system: These records include:

a. Demographic information and background data on experience, education, publications, awards, and career interests of individuals in the inventory.
b. A record of referrals identifying position, agency, and individuals referred.
c. Information about the qualifications of appointees.

Authority for maintenance of the system: 5 U.S.C. 1302, 3301, 3302, 3309, 3313, 3318, 3324, 3325, 3326, 5114, 5333, 5532, 5723; 10 U.S.C. 1581; P.L. 81-691, P.L. 85-322, P.L. 85-726; and E.O. 11315.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used as follows:

a. To identify and refer qualified Federal employees or qualified applicants for vacancies at grades GS-16 through GS-18, or equivalent levels.
b. To make lateral referrals for positions at GS-15 or equivalent level, in conjunction with the Federal Automated Career System (FACS).
c. To refer qualified Federal employees or retirees to State and local Governments and international organizations for employment considerations.
d. To provide agencies with inventory extracts of their employees.
e. To provide some of the information required in the annual report to the Congress mandated by 5 U.S.C. 5114.
f. To respond to inquiries from individuals, employing agencies, the Congress, or other third parties when such response is not otherwise prohibited by law or regulation.
g. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel research functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate individuals for personnel research.
h. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: Records are maintained in file folders, magnetic tapes, punched cards, and microfiche.

Retrievability: Records are indexed by name and Social Security Number.

Safeguards: Records are available only to authorized personnel of the Commission and agencies whose duties require access.

Retention and disposal: Records are kept indefinitely.

System manager(s) and address: Director, Bureau of Executive Manpower, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

Notification procedure: Same as the above. It is necessary to furnish the following information in order to identify the individual whose records are requested.

a. Full name.
b. Date of birth.
c. Social Security Number.
d. Mailing address to which the reply should be mailed.

Record access procedures: An individual can obtain information on the procedures for gaining access to or contesting the records through: Director, Bureau of Executive Manpower, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

Contesting record procedures: Same as the above.

Record source categories: Information is provided by the individual named in the record and the employing agency, or obtained from official documents of the Commission.

CSC/GOVT—3

System name: General Personnel Records—CSC

System location: These records are located in agencies and the National Personnel Records Center as indicated below.

a. Current Federal employees: Personnel Office or designated office, Department or Agency with which employed, Local Installation.
b. Former Federal employees: National Personnel Records Center, General Services Administration, 111 Winnebago Street, St. Louis, Missouri 63118.

Categories of individuals covered by the system: Current and former Federal employees.

Categories of records in the system: These records contain information about an individual such as the birth date; Social Security Number; veteran preference; tenure; handicap; past and present salaries, grades, and position titles; letters of commendation, reprimand, charges, and decision on charges; notice of reduction-in-force; locator files; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; training files; minority group designator files; records relating to life insurance, health benefits, and designation of beneficiary; performance ratings; awards; medical records; performance appraisals; appraisals of potential; Central Personnel Data File (CPDF); mobility assignment files under the Intergovernmental Personnel Act; and agency adverse action files.

Authority for maintenance of the system: Title 5, U.S.C. Section 1302, 2951, 4118, 4308, 4506, and Executive Order 10561, September 13t 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be:

a. Used in the selection process by the agency maintaining the record in connection with appointments, transfers, promotions, or qualifications determinations. To the extent relevant and necessary, it will be furnished upon request to other agencies for the same purpose.

b. Disclosed to other Government agencies maintaining relevant enforcement or other information if necessary to obtain from these agencies information pertinent to decisions regarding hiring or retention.

c. Disclosed to prospective employers or other organizations, at the request of the individual.

d. Disclosed to officials of foreign Governments for clearance before employee is assigned to that country.

e. Disclosed to educational institutions for training purposes.

f. Disclosed to the Department of Labor; Veterans Administration; Social Security Administration; Department of Defense; Federal agencies who may have special civilian employee retirement programs; national, State, county, municipal, or other publicly recognized charitable or social security administration agency to adjudicate a claim for benefits under the Bureau of Retirement, Insurance, and Occupational Health or the recipient's benefit program(s), or to conduct an analytical study of benefits being paid under such programs.

g. Disclosed to health insurance carriers or plans participating in Federal Employees' Health Benefits Program in support of a claim for health insurance benefits.

h. Disclosed to Federal Employees' Group Life Insurance Program in support of an individual's claim for life insurance benefits.

i. Disclosed to labor organizations in response to requests for names of employees and identifying information.

j. If information indicates a possible violation of law, it may be disclosed to law enforcement agencies.

k. Disclosed to district courts to render a decision when an agency has refused to release to current or former Federal employee a record under the Freedom of Information Act.

l. Disclosed to district courts for use in rendering a decision when an agency has refused to release a record to the individual under Freedom of Information Act (FOIA).

m. Used to provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

n. Used in the production of summary descriptive statistics and analytical studies; may also be used to respond to general requests for statistical information (without personal identifier) under FOIA; or to locate individuals for personnel research or other personnel research functions.

o. Disclosed to the Office of Management and Budget at any stage in the legislative coordination and clearance process in connection with private relief legislation as set forth in OMB Circular No. A-19.

p. Disclosed to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where there is an indication of a violation or potential violation of civil or criminal law or regulation.

q. Disclosed to an agency upon request for determination of an individual's entitlement to benefits in connection with the Federal Housing Administration programs.

r. To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: See Storage, Retrievability, Safeguards, Access, Retention, and Disposal below.

Storage: The records are maintained in file folders, magnetic tape, punched cards, microfiche, lists, and forms.

Retrievability: Records are indexed by any combination of name, birth date, Social Security Number, or identification number.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms with access limited to those whose official duties require access.

Retention and disposal: The Official Personnel Folder (OPF) is retained by the employing agency as long as the individual is employed with that agency. When the individual transfers to another Federal agency or to another appointing office, the OPF is sent to that agency or office. Within thirty (30) days after an individual separates from the Federal service, the OPF is sent to the National Personnel Records Center. Adverse action files are retained by the agency indefinitely. Other records are maintained for two years or destroyed when an individual leaves the agency.

System manager(s) and address: The System Managers are indicated below.

a. For current Federal employees: Personnel Officer or other designated official, Department or Agency with which employed, Local Installation.

b. For former Federal employees: Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

Notification procedure: The procedures are indicated below.

a. If interest is in a specific agency or department, inquiries, including name, date of birth, and Social Security Number, should be addressed to: Director of Personnel, Department or Agency concerned, Washington, D.C.

b. Other inquiries, including name, date of birth, and Social Security Number, should be addressed to: Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

Record access procedures: The procedures are indicated below.

a. Current Federal employees who wish to gain access to their records should contact their: Personnel Office, or designated office, Agency or Department with which employed, Agency or Department Installation.

b. Former Federal employees who wish to gain access to their records should direct such a request in writing, including their name, date of birth, and Social Security Number, to: Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415, or by contacting in person or writing one of the Commission's offices indicated in the appendix that is nearest to where he or she resides.

Contesting record procedures: The procedures for contesting records are indicated below.

a. Same as above for current Federal employees.

b. For former Federal employees: Direct such a request in writing, including name, date of birth, and Social Security Number, to: Director, Bureau of Manpower Information Systems, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C. 20415.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information the individual supplied, except information provided by agency officials on pay, leave, and allowance records.

APPENDIX

Information regarding the location of systems of records that may contain personal information on an individual may be obtained by contacting in person or in writing one of the Commission's offices indicated below that is nearest to where he or she resides.

REGIONAL AND AREA CIVIL SERVICE COMMISSION OFFICES

ATLANTA REGION

1340 Spring St., N.W., Atlanta, Georgia 30309.

AREA OFFICES

Southerland Building, 806 Governors Dr., SW., Huntsville, Alabama 35801.
107 St. Francis St., Mobile, Alabama 36602.
3101 Maguire Blvd., Orlando, Florida 32803.
Federal Office Building, 275 Peachtree St., NE., Atlanta, Georgia 30303.
Federal Building, 451 College St., Macon, Georgia 31201.
600 Federal Place, Louisville, Kentucky 40202.
802 N. State St., Jackson, Mississippi 39201.
210 New Bern Ave., Raleigh, North Carolina 27601.
Federal Office Building, 334 Meeting St., Charleston, South Carolina 29403.
167 N. Main St., Memphis, Tennessee 38103.

BOSTON REGION

John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

AREA OFFICES

Federal Building, 450 Main St., Hartford, Connecticut 06103.
Federal Building, Augusta, Maine 04330.
John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.
Federal Building, Portsmouth, New Hampshire 03801.
Federal—Post Office Building, Kennedy Plaza, Providence, Rhode Island 02903.
Federal Building, Burlington, Vermont 05401.

CHICAGO REGION

Federal Office Building, 29th Floor, 230 South Dearborn St., Chicago, Illinois 60604.

AREA OFFICES

219 S. Dearborn St., Chicago, Illinois 60604.
U.S. Courthouse and Federal Building, 46 E. Ohio St., Indianapolis, Indiana 46204.
144 W. Lafayette St., Detroit, Michigan 48226.
Federal Building, Room 196, Fort Snelling, Twin Cities, Minnesota 55111.
1240 E. Ninth St., Cleveland, Ohio 44199.
40 W. Fourth St., Room 600, Dayton, Ohio 45402.
161 W. Wisconsin Ave., Milwaukee, Wisconsin 53203.

DALLAS REGION

1100 Commerce St., Dallas, Texas 75202.

AREA OFFICES

Room 3305, Federal Office Building, 700 W. Capitol Ave., Little Rock, Arkansas 72201.
Federal Building, 610 South St., New Orleans, Louisiana 70130.
421 Gold Ave., SW., Albuquerque, New Mexico 87101.
210 NW. 6th St., Oklahoma City, Oklahoma 73102.
1100 Commerce St., 6th Floor, Dallas, Texas 75202.
411 N. Stanton St., El Paso, Texas 79901.
702 Caroline St., Houston, Texas 77002.
643 E. Durango Blvd., San Antonio, Texas 78205.

DENVER REGION

Building 20, Denver Federal Center, Denver, Colorado 80225.

AREA OFFICES

U.S. Post Office Building, 18th and Stout Streets, Denver, Colorado 80202.
130 Neill Ave., Helena, Montana 59601.
657 2nd Ave., North Fargo, North Dakota 58102.
Federal Building—U.S. Courthouse, Room 201, 515 9th St., Rapid City, South Dakota 57701.
350 S. Main St., Room 484, Salt Lake City, Utah 84101.
1805 Capitol Ave., Cheyenne, Wyoming 82001.

NEW YORK REGION

New Federal Building, 26 Federal Plaza, New York, New York 10007.

AREA OFFICES

970 Broad St., Newark, New Jersey 07102.
26 Federal Plaza, New York, New York 10007.
301 Erie Blvd., West Syracuse, New York 13202.
Pan American Building, 255 Ponce De Leon Ave., Hato Rey, Puerto Rico 00917.

PHILADELPHIA REGION

William J. Green, Jr., Federal Building, 600 Arch St., Philadelphia, Pennsylvania 19106.

AREA OFFICES

Federal Office Building, 844 King St., Wilmington, Delaware 19801.
Federal Building, Lombard St. and Hopkins Place, Baltimore, Maryland 21201.
William J. Green, Jr., Federal Building, 600 Arch St., Philadelphia, Pennsylvania 19106.
Federal Building, 1000 Liberty Ave., Pittsburgh, Pennsylvania 15222.
Atlantic National Bank Building, 415 St. Paul Blvd., Norfolk, Virginia 23510.
Federal Building, 500 Quarrier St., Charleston, West Virginia 25301.

ST. LOUIS REGION

1256 Federal Building, 1520 Market St., St. Louis, Missouri 63103.

AREA OFFICES

New Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.
120 S. Market St., Wichita, Kansas 67202.
601 E. 12th St., Kansas City, Missouri 64106.
1520 Market St., St. Louis, Missouri 63103.
215 N. 17th St., Omaha, Nebraska 68102.

SAN FRANCISCO REGION

Federal Building, Box 36010, 450 Golden Gate Avenue, San Francisco, California 94102.

AREA OFFICES

522 North Central Ave., Phoenix, Arizona 85004.
851 S. Broadway, Los Angeles, California 90014.
650 Capitol Mall, Sacramento, California 95814.
380 W. Court St., San Bernardino, California 92401.
110 West C St., Suite 2100, San Diego, California 92101.
450 Golden Gate Ave., San Francisco, California 94102.
1000 Bishop St., Suite 1500, Honolulu, Hawaii 96813.
50 S. Virginia St., Reno, Nevada 89505.

SEATTLE REGION

Federal Building, 26th Floor, 915 Second Avenue, Seattle, Washington 98174.

AREA OFFICES

617 G St., Anchorage, Alaska 99501.
Federal Building, 550 W. Fort St., Boise, Idaho 83702.
319 SW. Pine St., Portland, Oregon 97204.
Federal Building, 26th Floor, 915 Second Ave., Seattle, Washington 98174.

Accordingly, with these changes and additions, the proposed notices of systems of records are adopted.

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

[FR Doc.75-31367 Filed 11-20-75;8:45 am]

federal register

FRIDAY, NOVEMBER 21, 1975



PART IV:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

■

PROCEEDINGS AND OPPORTUNITY FOR HEARING

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-460]

PROCEEDINGS AND OPPORTUNITY FOR HEARING

Notice is hereby given that: The Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon certain persons (as defined by Section 1402(2) of the Interstate Land Sales Full Disclosure Act), at their last known addresses, a notice entitled "Submission of Property Reports and Contracts," which notice required certain revisions in those instruments. Service of notice by certified mail was attempted but was not possible. Therefore, in accordance with 44 U.S.C. 1508, the Department is publishing herewith this Notice of Proceedings and Opportunity for Hearing in order to effect constructive notice upon the persons listed in the attached Appendix.

Notice of proceedings and opportunity for hearing pursuant to 15 U.S.C. 1706 (d), 24 CFR 1710.45(b)(1) and 24 CFR 1720.125.

I

Docket No. ------

(Subdivision)

In the matter of: ----------

(Developer)

----------, Representative Respondent

OILSR No.----------

The Secretary in administering the Interstate Land Sales Full Disclosure Act of 1968, 15 U.S.C. 1701 et seq., and its Regulations finds his public files discloses that:

A. Respondent is a corporation organized under the laws of the State of---------- and has its principal office in ----------

B. The mailing address of Respondent's last known principal office or place of business is ----------

----

C. The Respondent filed a Statement of Record and Property Report for the above subdivision, located in ---------- County, ----------, which Statement of Record and Property Report, as amended, if any amendments have been filed, became effective on ---------- and is still effective.

D. ---------- is Representative of Respondent.

(Information for completing the above format follows. The captioned matters in the Appendix are listed alphabetically by subdivision in each State. Paragraph I of the Notice of Proceedings and Opportunity for Hearing includes the captions of the separate matters. Information for the completion of the captions of each of the matters is set out in columns 1 and 2 of the aforementioned Appendix. Information for Lines A, B, and C of paragraph I above is set out in columns 3, 4, and 5 respectively of the Appendix. Information for Line D of paragraph I is contained in the caption of the matter, and the same information is supplied in the last line of column 1 of the Appendix. By inserting the applicable information from the Appendix in the appropriate blanks of paragraph I, the entire Notice, containing six paragraphs, is completed. In this form it is constructively noticed that the Notice of Proceedings and Opportunity for Hearing is served upon the persons listed in column 1 of the Appendix.)

II

The Office of Interstate Land Sales Registration (OILSR) from its records or from other sources has obtained information which tends to show, and it so alleges, that the Statement of Record and Property Report of the subdivision captioned above include untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make statements therein not misleading, to-wit:

A. Respondent has failed to amend his Statement of Record and Property Report, to reflect that a material change has occured, e.g., that he has had a change of address, as required by 24 CFR 1710.23, 1710.105 and 1710.110, Part A. 1.

B. Respondent has failed to revise his contract or agreement to advise purchasers of certain rights, e.g., the lengthened period for rescission, and to amend his Statement of Record to reflect this change, both as required by 24 CFR 1710.105, Part VI. C. 1. or in the States of California, Florida, Hawaii, and New York, Section 1710.120, Part 1, Sec. II. B.

C. Respondent has failed to revise the first page of the Property Report or the State Property Report disclaimer as required by 24 CFR 1710.110, Part A and Part B 2, 4, 5 and 6, or, in the States of California, Florida, Hawaii and New York, Section 1710.115.

The Regulatory Sections listed in B. and C. above (except Part B 2, 5 and 6 in Section C), were amended pursuant to amendments made in the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq.) by subsection 812(c)(1) of the Housing and Community Development Act of 1974 (P.L. 93-383) which subsection became effective October 21, 1974.

III

In view of the allegations contained in Part II above, the Secretary will provide an opportunity for a public hearing to determine:

A. Whether the allegations set forth in Part II are true and in connection therewith to afford Respondent an opportunity to establish any defenses to such allegations; and

B. What, if any, remedial action is appropriate in the public interest and for the protection of purchasers pursuant to the Interstate Land Sales Full Disclosure Act.

IV

If the Respondent desires a hearing, he shall file a request for hearing accompanied by an answer within fifteen days after service of this Notice of Proceedings. Respondent is hereby notified that if he fails to file a response pursuant to 24 CFR 1720.140 and 1720.145 within fifteen days after service of this Notice of Proceedings, Respondent shall be deemed in default, and the proceedings shall be determined against him, the allegations of which shall be determined to be true, and an order shall remain in effect until the Statement of Record and Property Report have been amended in accordance therewith, and thereupon the order shall cease to be effective.

V

Any request for hearing, answer, motion, amendment to pleadings offer of settlement or correspondence forwarded during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street, SW., Washington, D.C. 20410. All such papers shall clearly identify the type of matter and the docket number as set forth in this Notice of Proceedings.

VI

It is hereby ordered, That upon request of the Respondent a public hearing for the purpose of taking evidence on the questions set forth in Part III hereof be held before Administrative Law Judge James W. Mast or other Administrative Law Judge as may be designated, in Room 7146, HUD Building, 451 Seventh Street, SW., Washington, D.C. 20410, at 10:00 a.m. on the 30th day after receipt of the answer or at such other time as the Secretary or her designee may fix by further order.

This Notice of Proceeding shall be served upon the Respondent pursuant to 24 CFR 1720.440 and/or 44 U.S.C. 1508.

Issued at Washington, D.C. Nov. 17, 1975.

JOHN R. MCDOWELL,
Interstate Land Sales Administrator (Acting).

Appendix

In the matter of (subdivision) developer, representative, and title; respondent	OILSR number and land sales enforcement division docket No.	State of organization and location of principal office	Last known mailing address	Location of subdivision (county, State) and effective date
1	2	3	4	5
ARIZONA				
Casa Adobe Unit, Triple J Ranches, Inc., Joe T. McDonald, president.	0-1527-02-287 Y-20001 IS	Arizona; Phoenix, Ariz	340 West Osborn Rd., Phoenix, Ariz. 85013.	Cochise County, Ariz., Mar. 15, 1971.
Mead O Rama Ranchos, Lake Havasu Estates, Kenneth R. Lavin, president.	0-1819-02-360 Y-20002 IS	Arizona; Maricopa City, Ariz.	609 Financial Center, Phoenix, Ariz. 85014.	Mohave County, Ariz., Sept. 2, 1971.
People's Valley, Sunrise Development Co., Ted Warner, president.	0-2284-02-474 Y-20003 IS	do	1017 East Camelback Rd., Phoenix, Ariz. 85014.	Yavapai County, Ariz., June 7, 1972.
Pine Aire Estates, RIDCO, Inc., William P. Foster, president	0-1939-02-364 Y-20004 IS	do	3443 North Central Ave., Phoenix, Ariz. 85012.	Coconino County, Ariz., Mar. 16, 1972.
Twin Lakes Country Club, Universal Properties, Inc., Monroe G. Marks, president.	0-0863-02-122 Y-20005 IS	Ohio: Cleveland, Ohio	24700 Chagrin Blvd., Cleveland, Ohio 44112.	Cochise County, Ariz., Dec. 17, 1969.
ARKANSAS				
Lake Lucerne, Bob Pitts Enterprises, Inc., Robert S. Pitts, president.	0-0699-03-23 Y-20006 IS	Arkansas; Eureka Springs, Ark.	4646 Poplar, Suite 222, Memphis, Tenn. 38117.	Carroll County, Ark., Oct. 3, 1969.
Rolling Hills Estates, Salado Mountain Development Corp., Charles E. Daniels, Sr., president.	0-1874-03-93 Y-20007 IS	Arkansas; Batesville, Ark	P.O. Box 2998, Little Rock, Ark.	Independence County, Ark., Oct. 27, 1971.
CALIFORNIA				
Alpine Peaks, Alpine Peaks, Ltd., David C. Irmer, president	0-0797-04-119 Y-20008 IS	California, San Francisco, Calif.	425 California St., San Francisco, Calif. 94104.	Truckee, Placer County, Calif., Nov. 7, 1969.
B-4 Subdivision, Century Ranch, W. R. Peter, director-president.	0-1056-04-176 Y-20009 IS	California; Santa Clara, Calif.	P.O. Box 715, Pala Alta, Calif. 94302.	Strongford County, Calif., July 12, 1970.
Blue Lake Springs, Blue Lake Springs Sales Corp., Kenneth W. De Murse president.	0-1482-04-296 Y-20010 IS	California; San Francisco, Calif.	22245 Main St., Hayward, Calif. 94553	Calaneras County, Calif., Mar. 5, 1971.
Do	0-1596-04-317 Y-20011 IS	California; Hayward, Calif	2245 Main St., Hayward, Calif. 94543	Calaneras County, Calif., May 13, 1971.
California Pines, Leisure Industries, Inc., Arthur W. Carlsberg, president-director.	0-0057-04-152 Y-20012 IS	California; Los Angeles, Calif.	15223 Venture Blvd., Sherman Oaks, Calif. 91403.	Modac County, Calif., Nov. 7, 1972.
California Properties, Ltd. No. 1, Jaymark Financial, Inc., J. Mark Grasenear, president.	0-2308-04-470 Y-20013 IS	California; San Diego, Calif.	2022 Camino del Rio, San Diego, Calif. 92108.	Los Angeles County; Calif., Aug. 8, 1972.
Dollar Point Unit No. 6, General American Development Corp., David C. Irmer, president.	0-0831-04-127 Y-20014 IS	California; San Francisco, Calif.	425 California St., San Francisco, Calif. 94104.	Placer County, Calif., Nov. Nov. 17, 1969.
Dollar Pain Unit No. 7, General American Development Corp., David C. Irmer, president.	0-0832-04-128 Y-20015 IS	do	do	Do.
Holiday Valley, Tract 27140, Holiday Republic (A Joint Venture), Lawrence E. Kazen, president-director.	0-1245-04-222 Y-20016 IS	California; Beverly Hills, Calif.	9100 Wilshire Blvd., Beverly Hills, Calif., 90212.	Los Angeles County, Calif., Aug. 21, 1970.
Lake Millerton, Recreational Park, Lake Millerton Realty Co., Richard P. Carlsberg, president-director.	0-2481-04-490 Y-20017 IS	California; Los Angeles, Calif.	1801 Century Park West, Los Angeles, Calif. 90067.	Fresno County, Calif., Nov. 8, 1972.
Los Angeles Rancheros, Scottfield Corp., James Scott Watt, president-director.	0-0262-04-32 Y-20018 IS	California; Gardena, Calif	16921 South Western Ave., Gardena, Calif. 90247.	Los Angeles County, Calif., Apr. 8, 1972.
Oceana Marin, Unit 5, Frisco Land & Mining Co., Benjamin P. Bonelli, president-director.	0-2370-04-468 Y-20019 IS	California; San Rafael, Calif.	935 Lootens Place, San Rafael, Calif. 94901.	Marin County, Calif., July 28, 1972.
Pinon Hills Estates, Tract 8050, Commonwealth United Land Co., Sidney Kilbrick, president-director.	0-0191-04-24 Y-20020 IS	California; Beverly Hills, Calif.	8920 Wilshire Blvd., Beverly Hills, Calif. 90211.	San Bernardino County, Calif., May 16, 1969.
Pinon Hills Estates, Tract 8045, Commonwealth United Land Co., Sidney Kilbrick, president-director.	0-0192-04-25 Y-20021 IS	do	do	Do.
Pinon Hills Estates, Tract 8048, Commonwealth United Land Co., Sidney Kilbrick, president-director.	0-0193-04-26 Y-20022 IS	do	do	Do.
Pinon Hills Estates, Tract 8046, Commonwealth United Land Co., Sidney Kilbrick, president-director.	0-0319-04-43 Y-20023 IS	do	do	Do.
Pinon Hills Estates, Tract 8048, Commonwealth United Land Co., Sidney Kilbrick, president-director.	0-0424-04-54 Y-20024 IS	do	do	San Bernardino County, Calif., Apr. 6, 1972.
Rancho California, Tract 3713, Developer—Kesler Aetna, Fred W. Greenlaw, president.	0-0267-04-33 Y-23025 IS	California; Orange County, Calif.	4320 Campus Drive Newport Beach, Calif. 92661.	Riverside County, Calif., Oct. 15, 1969.
Do	0-0355-04-46 Y-20026 IS	do	do	Do.
Rancho Capistrano, Rancho Capistrano Corp., Richard W. Beamish, president.	0-0316-04-41 Y-20027 IS	do	4570 Campus Drive, Suite 2, Newport Beach, Calif. 92660.	Riverside County, Calif., Apr. 7, 1972.
Salton City, Holly Corp., Marcus R. Hickerson, president	0-0932-04-144 Y-20028 IS	Delaware; Dover, Del	1111 West Foothill Blvd., Arusa, California 91702.	Imperial County, Calif., Feb. 5, 1970.
Sierra Meadows Unit No. 3, Sierra Meadows Developers, David C. Irmer, president.	0-0305-04-40 Y-20029 IS	California; San Francisco, Calif.	425 California St., San Francisco, Calif. 94104.	Nevada County, Calif., May 28, 1969.
Sierra Medows, General American Development Co., Leo Andrade, executive vice president.	0-0796-04-118 Y-20030 IS	do	do	San Francisco County, Calif., Nov. 7, 1969.
Do	0-0887-04-132 Y-20031 IS	do	do	San Francisco County, Calif., Dec. 15, 1969.
Tahoe Keys, Dillingham Land Corp., R. A. Denman, president	0-0678-04-101 Y-20032 IS	Nevada; Reno, Nev	P.O. Box 9608, California 89705.	El Dorado County, Calif., Oct. 8, 1970.
Yosemite Timber Trails, Timber Trails International Inc., Gordon McMohon, president-director.	0-2446-04-483 Y-20033 IS	California; Oakland, Calif	1939 Harrison St., Oakland, California 94612.	Madera County, Calif., Aug. 9, 1972.
COLORADO				
Aspen Springs, Aspen Springs Co., Charles M. Mystrom, president-director.	0-0522-05-29 Y-20034 IS	Colorado; Arvada, Colo	2700 West Evans, Denver, Colo. 80219.	Gilpin County, Colo., Aug. 19, 1969.
Condominium Estates, TE-KE-KI of Aspen, Mount Sopris Estates, Glenco of Aspen, Inc., Glenn D. Frazier, president.	0-1201-05-69 Y-20035 IS	Colorado; Denver, colo	P.O. Box 927, Evergreen, Colo. 80439.	Garfield County, Colo., Aug. 10, 1970.
Donala, The Skiland Corp., doing business as Donala Properties, Ltd., Irving A. Beauchamp, Jr., chairman of board and president.	0-2480-05-267 Y-20036 IS	Colorado; Colorado Springs, Colo.	411 Lakewood Circle, Colorado Springs, Colo. 80910.	El Paso County, Colo., Nov. 29, 1972.
Glen Vista, Glen Terra, Inc., Thomas J. Glennon, president	0-1987-05-198 Y-20037 IS	Colorado; Denver, Colo	Suite 200, 104 Fulmore St., Denver, Colo. 80206.	Fremont County, Colo., Jan. 14, 1972.
Grand View Highlands, Grand View, Inc., Stephen W. Loy; President-Director.	0-1364-05-93 Y-20038 IS	do	2200 Post Oak, Suite 728, Houston, Tex. 77027.	Grand County, Colo., July 20, 1973.
Indian Mountain, Meridian Properties, Inc., James P. Campbell, Vice President.	0-1389-05-98 Y-20039 IS	do	4785 Tegon St., Denver, Colo. 80202.	Park County, Colo., Dec. 9, 1970.
Lake Purgatory, Arizona Columbine Ranch, Inc., Lighton G. Roberts.	0-1339-05-89 Y-20040 IS	Arizona; Phoenix, Ariz	138 East Hackamore Trail, Scottsdale, Ariz. 85252.	La Plata County, Colo., July 29, 1971.
Saddleback Ridge Estates, Saddleback Ridge Estates, Inc., Robert Sanders, President-Director.	0-1759-05-137 Y-20041 IS	Colorado; Denver, Colo	2690 South Jersey, Denver, Colo. 80222.	Clear Creek County, Colo., July 14, 1971.
Walnut Creek Development, Walnut Creek Development Corp., Thomas G. Bonar, President-Director.	0-1258-05-78 Y-20042 IS	Colorado; Broomfield, Colo.	Route 1, Box 423, Broomfield, Colo. 80020.	Jefferson County, Colo., Jan. 5, 1973.
Winter Park North Developers, Family Heritage, Inc. V. N. and Evelyn M. Jacobson, V. N. Jacobson, president-director.	0-2234-05-227 Y-20043 IS	Colorado; Denver, Colo	1020 15th Street, Suite 39A, Denver, Colo. 80202.	Grand County, Colo., June 14, 1972.

In the matter of (subdivision) developer, representative, and title; respondent	OILSR number and land sales enforcement division docket No.	State of organization and location of principal office	Last known mailing address	Location of subdivision (county, State) and effective date
1	2	3	4	5
FLORIDA				
Central Florida Properties, KIC, Inc., Ted Kaplan, president-director.	0-1894-00-570 Y-20044 IS	Florida; Miami, Fla.	9300 South Dixie Highway, Miami, Fla. 33138.	Polk County, Fla., Oct. 4, 1971.
Central Grove Estates, Sun Coast Investment Properties, Inc., George S. Gordon, president.	0-1484-09-429 Y-20045 IS	Florida; Miami Beach, Fla.	21 Northeast 1st Ave., Miami, Fla. 33131.	Polk County, Fla., Feb. 19, 1971.
Coral Gables Land Co., Coral Gables Land Co. Acres, Eva Silverman (Aleman), president.	0-0106-09-34 Y-20046 IS	Florida; Coral Gables, Fla.	101 Almeria Ave., Coral Gables, Fla.	Collier County, Fla., May 26, 1969.
Daytona Park Estates, Daytona-Sunshine Corp., Thomas E. Diego, president.	0-1124-09-298 Y-20047 IS	Florida; Miami, Fla.	25 West Flagler St., Miami, Fla. 33130.	Volusia County, Fla., May 18, 1970.
Deerwood, Camp Phosphate Co., Walter E. Harnes, president.	0-1104-09-288 Y-20048 IS	Delaware; Wilmington, Del.	829 East Silver Springs Rd., Ocala, Fla. 32670.	Citrus County, Fla. May 1, 1970.
Forest Lake, Rayhan, Inc., Willima B. Ray, president.	0-0761-09-178 Y-20049 IS	Florida; Ocala, Fla.	101 Northeast 1st Ave., Ocala, Fla.	Marion County, Fla., Oct. 24, 1969.
Golden Acres, South Florida Development Corp., Rafael S. Laru, president.	0-1397-09-302 Y-20050 IS	Florida; Miami, Fla.	100 Biscayne Blvd., Miami, Fla. 33131.	Dade County, Fla., Dec. 16, 1970.
Harbour Oaks Unit 1, William J. Reigel, William J. Reigel, trustee.	0-2768-09-817 Y-20051 IS	California; Tarzana, Calif.	4991 Casa Drive, Tarzana, Calif. 91356.	Osceola County, Fla., Jan. 23, 1973.
Indian Mound Acres, General Southern Development Corp., William P. King, president.	0-1885-09-563 Y-20052 IS	Florida; Miami, Fla.	2138 Southwest 6th Ave., Miami, Fla. 33155.	Collier County, Fla., Sept. 27, 1971.
Innerarity Island, Innerarity Island, Ltd., Hamilton G. Kenner, president.	0-1514-09-438 Y-20053 IS	Florida; Orlando, Fla.	P.O. Box 706, Wewahitchka, Fla. 32465.	Escambia County, Fla., June 29, 1971.
Kissimmee Heights, Industrial Sites, Inc., Al Feldman, president-director.	0-1359-09-375 Y-20054 IS	Florida; Fort Lauderdale, Fla.	1450 Northeast 123d St., North Miami, Fla. 33140.	Osceola County, Fla., Nov. 12, 1970.
Miami Acres, Paul Berlin and Barney Landers, Paul Berlin and Barney Landers, trustees.	0-1467-09-396 Y-20055 IS	Florida; Miami, Fla.	9300 South Dixie Highway, Miami, Fla. 33137.	Dade County, Fla., Dec. 22, 1970.
Miami Country Estates, Nationwide Realty Corp., Ralph R. Feurring, president.	0-1106-09-291 Y-20056 IS	do	2040 Northeast 163d St., North Miami Beach Fla.	Dade County, Fla., July 6, 1970.
Mirror Lake Homesites, Owenwood Development Co., Inc., Owen A. Wood, president.	0-0668-09-154 Y-20057 IS	Florida; Green Hills, Fla.	P.O. Box 94, Fountain, Fla. 32438.	Calhoun County, Fla., Dec. 2, 1969.
Palm Beach Isles, Palm Beach Isles Sales Corp., Frank M. Smith, president-director.	0-1199-09-321 Y-20058 IS	Florida; West Palm Beach, Fla.	1251 Gulfstream Way, Riviera Beach, Fla. 33404.	Palm Beach County, Fla., Aug. 17, 1970.
Paradise Lakes, Wyman Atkins Investment Corp., Wyman B. Atkins, president.	0-0886-09-211 Y-20059 IS	Delaware; Wilmington, Fla.	350 Lincoln Rd., Miami Beach, Fla. 33139.	Putnam County, Fla., Dec. 11, 1969.
Rio De St. John, North American Land Development Corp., Morris R. Kerr, president.	0-1427-09-406 Y-20060 IS	Florida; Hialeah, Fla.	1731 West 68th St., Hialeah, Fla. 33014.	Putnam County, Fla., Dec. 31, 1970.
Royal Acres, Atlantis Realty, Inc., A. Al Sanders, president.	0-2273-09-704 Y-20061 IS	Florida; Dade City, Fla.	Suite 814, Dupond Plaza Center, Miami, Fla. 33132.	Polk County, Fla., May 22, 1972.
Royal Ranches, Royal Ranches, Ltd., James W. Hankin, general partner.	0-1334-09-367 Y-20062 IS	Florida; Winter Haven, Fla.	Highway 60, Bartow, Fla. 33830.	Polk County, Fla., Nov. 10, 1970.
St. Jude Harbor, St. Jude Harbor, Inc., Joseph J. Pappalardo, president.	0-1404-09-394 Y-20063 IS	Massachusetts; Methuen, Mass.	240 Pleasant St., Methuen, Mass. 01840.	Lee County, Fla., Mar. 22, 1973.
Sebring Ranchettes, Sebring Ranchettes, Inc., Marshall M. Chern, president.	0-1992-09-599 Y-20064 IS	Florida; Miami, Fla.	748 Seybold Bldg., Miami, Fla. 33138.	Highlands County, Fla., July 5, 1972.
Southeast Florida Investment Properties, Viking Communities Corp., Robert Berenbaum, president.	0-1746-09-515 Y-20065 IS	do	1720 Kennedy Causeway, Miami Beach, Fla. 33140.	Okeechobee County, Fla., July 1, 1971.
South Gate Acres, 850 Investments, Inc., Robert E. Brown, president.	0-2738-09-811 Y-20066 IS	do	5050 Biscayne Blvd., Miami, Fla. 33137.	Polk County, Fla., Feb. 14, 1973.
SpanishOaks-Manor View, Green Glades Fairway View, Elysian Fields, Limberlost, and The Meadows, American Plantation, Inc., Gilbert P. Edwards, president.	0-1233-09-332 Y-20067 IS	Florida; Fort Lauderdale, Fla.	3101 North Federal Bldg., Fort Lauderdale, Fla. 33310.	Okeechobee County, Fla., Oct. 1, 1970.
University North, Jay Gladwin, Jay Gladwin, president.	0-1105-09-289 Y-20068 IS	Florida; Miami, Fla.	600 Biscayne Blvd., Miami, Fla. 33132.	Seminole County, Fla., May 1, 1970.
HAWAII				
Anthurium Garden Estates, JYS Corp., Joseph Y. Sotomura, president-director.	0-0264-14-7 Y 20069 IS	Hawaii; Glenwood, Hawaii.	1285 Kapiolani Blvd., Honolulu, Hawaii.	Hawaii County, Hawaii, May 22, 1970.
Anthurium Garden Estates, JYS Corp., Joseph Y. Sotomura, president-director.	0-0677-14-12 Y-20070 IS	do	do	Do.
Kalapana Seaview Estates, Kalapana Seaview Estates, Inc., Joseph Y. Sotomura.	0-1829-14-35 Y-20071 IS	Hawaii; Puna, Hawaii	do	Hawaii County, Hawaii, Aug. 17, 1971.
OHIA Estates, General Hawaiian Development Corp., Joseph Y. Sotomura, president-director.	0-1275-14-22 Y-20072 IS	Hawaii; Honolulu, Hawaii	do	Hawaii County, Hawaii, Sept. 14, 1970.
Tiki Gardens, Pelemike, Inc., Kenneth B. Griffin, assistant vice president.	0-1563-14-30 Y-20073 IS	Hawaii; Hilo, Hawaii	1145 Kilauea Ave., Hilo, Hawaii.	Hawaii County, Hawaii, April 20, 1971.
Volcano Golf & Country Club, General Hawaiian Development Corp., Joseph Y. Sotomura, president-director.	0-1344-14-24 Y-20074 IS	Hawaii; Honolulu, Hawaii	1285 Kapiolani Blvd., Keauhou, Hawaii.	Hawaii County, Hawaii, Oct. 28, 1970.
MAINE				
Olde Millbrook, Jordan & Hammond, Inc., William E. Hammond, president.	0-2374-23-25 Y-20075 IS	Maine; Portland, Maine	P.O. Box 297, 15 Olde Mill Rd., Scarborough, Maine 04074.	Cumberland County, Maine, Aug. 25, 1972.
MARYLAND				
Tantallion on the Potomac and Tantallion Hills, Prestwick, Inc., David P. Rhame, president.	0-0097-24-2 Y-20076 IS	Maryland; Hyattsville, Md.	5418 Oxon Hill Rd., Oxon Hill, Md. 20021.	Prince Georges County, Md., Oct. 28, 1969.
White Sands, White Sands Corp., E. M. Freeman, president.	0-2584-24-46 Y-20077 IS	Maryland; Lusby, Md.	Suite PH-1, 5400 Pooks Hill Rd., Bethesda, Md. 20014.	Calvert County, Md., Jan. 29, 1973.
MICHIGAN				
Twin Peaks-Uppnorthe Nos. 1-3, Midwest Resort Properties, Inc., Paul T. Lahti, Jr., president.	0-2298-26-36 Y-20078 IS	Michigan; Bellaire, Mich.	515 Cayuga Bellaire, Mich.	Crawford County, Mich., Oct. 5, 1972.
MISSISSIPPI				
Bayside Park, Bosworth Construction Co., Inc., William P. Bosworth, Jr., president.	0-2269-28-38 Y-20079 IS	Louisiana; New Orleans, La.	504 Odeco Bldg., 1600 Canal St., New Orleans, La. 70112.	Hancock County, Miss., July 12, 1972.
MISSOURI				
Scandia, Lake Resorts Development, Inc., Frank R. Kramer, Edwin A. Lips.	0-2119-29-89 Y-20080 IS	Missouri; St. Louis, Mo.	611 Olive St., Suite 1864, St. Louis, Mo.	Camden County, Mo., July 31, 1972.
NEW HAMPSHIRE				
Catamount, Catamount Investment Trust, Irving B. Hilsenroth.	0-1323-34-23 Y-20081 IS	Massachusetts; Boston Mass.	466 Commonwealth Ave., Boston, Mass.	Belknap County, N.H., Dec. 28, 1970.
Heatherwood Estates, Great Northern Land Corp., Robert P. Springer, president.	0-1780-34-36 Y-20082 IS	New Hampshire; Alton, N.H.	464-6 Commonwealth Ave., Boston, Mass. 02215.	Carroll County, N.H., Nov. 30, 1972.

In the matter of (subdivision) developer, representative, and title; respondent	OILSR number and land sales enforcement division docket No.	State of organization and location of principal office	Last known mailing address	Location of subdivision (county, State) and effective date
1	2	3	4	5
NEW JERSEY				
Shamong Park, Delaware Bay Estates Maps Nos. 1 and 5, Jas Guarino doing business as Green Acres Estates, Jas and Barbara Guarino.	O-2024-35-9 Y-20083 IS	New Jersey; Carteret, N.J.	437 Spring St., Elizabeth, N.J.	Burlington County, N.J., Feb. 8, 1972.
NEW MEXICO				
Caballo Estates, Plat 1, Ernest R. Riggs, president	O-2526-36-113 Y-20084 IS	New Mexico; Las Cruces, N. Mex.	1020 Cedardale Drive, Las Cruces, N. Mex. 88001.	Sierra County, N. Mex., Dec. 11, 1973.
Robllto Ridge, Tenpar Ltd., Richard M. White, general partner.	O-1511-36-74 Y-20085 IS	New Mexico; Ruidoso, N. Mex.	1551 Montana, Suite 201, El Paso, Tex. 79902.	Lincoln County, N. Mex., Apr. 12, 1971.
Trout Valley, Heart Bar Ranch, Inc., Don C. Maxon, president.	O-2687-36-17 Y-20086 IS	New Mexico; Silver City, N. Mex.	4400 East Broadway, Suite 605.	Grant County, N. Mex., Sept. 19, 1969.
NORTH CAROLINA				
Boiling Spring Lake, Reeves Telecom Broadcasting Corp., J. Drayton Hustle, president-director.	O-0074-38-1 Y-20087 IS	New York; New York, N.Y.	750 3d Ave., New York, N.Y. 10017.	Brunswick County, N.C., Jan. 6, 1971.
Do	0-0698-38-7 Y-20088 IS	do	do	Brunswick County, N.C., Sept. 26, 1969.
Brandywine Bay Associates, Brandywine Bay Associates, James C. Gardner, president-director.	0-3541-38-189 Y-20089 IS	North Carolina; Greensboro, N.C.	Route 2, Brandywine Bay, Morehead City, N.C. 28557.	Haywood County, N.C. Jan. 10, 1974.
Wild Acres of Maggie Valley, Maggie Valley Leisure Estates, Inc., Frank R. MacNeill, president.	0-2676-38-130 Y-20090 IS	North Carolina; Brevard, N.C.	821 East Highway No. 19, Northside, N.C. 27564.	Haywood County, N.C., Dec. 5, 1972.
OHIO				
Western Reserve Campgrounds, Melvin C. Bixler and Patricia A. Bixler.	0-2465-41-16 Y-20091 IS	Ohio; Rootstown, Ohio.	7557 Giddings Rd., Rootstown, Ohio 44272.	Portage County, Ohio, Aug. 21, 1972.
OKLAHOMA				
Blue Water Oaks, Eufaula Development Corp., James C. Shipp, president.	0-3229-42-47 Y-20092 IS	Oklahoma; Eufaula, Ohio	111 South Main St., Eufaula, Okla. 74437.	McIntoch County, Okla., Aug. 31, 1973.
Gran Tara, Grandland Corp., Don L. Foote, president	0-0134-42-1 Y-20093 IS	Oklahoma; Tulsa, Okla.	P.O. Box 7569, Tulsa, Okla. 74105.	Delaware County, Okla., May 1, 1970.
PENNSYLVANIA				
Beaver Run Campsites, Scotch Valley Construction Co., James J. Justofin, president.	0-3536-44-259 Y-20094 IS	Pennsylvania; Bloomsburg, Pa.	Route 3, Bloomsburg, Pa. 17815.	Columbia County, Pa., Mar. 18, 1974.
Four Seasons Country Club, Four Seasons Country Club, Inc., Leon M. Stern, president.	0-1197-44-49 Y 20095 IS	Pennsylvania; Stroudsburg, Pa.	Route 1, East Stroudsburg, Pa. 18301.	Monroe County, Pa., July 28, 1970.
Lake In the Clouds, Empire Clay Products, Inc., J. Douglas Ritchie, vice president.	0-0256-44-6 Y-20096 IS	New York; Buffalo, N.Y.	West Falls, N.Y. 14170	Pike and Monroe Counties, Pa., July 24, 1969.
Do	0-0608-44-24 Y-20097 IS	do	do	Pike and Monroe Counties, Pa., Aug. 22, 1969.
Old Orchard Farms, Marcus O. and Ernestine R. Schaefer	0-2857-44-187 Y-20098 IS	Pennsylvania, Seatrun, Pa.	Rural Delivery No. 3, Box 52, Stroudsburg, Pa. 18362.	Monroe County, Pa., July 2, 1973.
Sky Meadows, Wendell West Co. of Pennsylvania, A. J. Hutton, Charles E. (Pat) Boone, Lawrence C. Angell, Mark Guebelch, Marsha W. Smith.	0-0904-44-37 Y-20099 IS	Pennsylvania; Ardmore, Pa.	P.O. Box 265, Eagles Mere, Pa. 17731.	Sullivan County, Pa., May 1, 1970.
Twin Lake Estates, Twin Lake Estates, Inc., Alvin S. Schwartz, president.	O-3359-44-242 Y-20100 IS	Pennsylvania; Milford, Pa.	P.O. Box 121, Bushkill, Pa. 18324.	Monroe County, Pa., May 1, 1970.
TENNESSEE				
333 Cumberland Hunting Club, 333 Cumberland Hunting Club, Inc., Andy Blalock.	O-3583-48-106 Y-20101 IS	Tennessee; Crossville, Tenn.	Route 3, Crossville, Tenn. 38555.	Cumberland County, Tenn., Feb. 25, 1974.
TEXAS				
Cypress Lake Gardens, Heritage Communities of America, Inc., Peter B. SanFilipps, president.	O-2880-49-276 Y-20102 IS	Texas; Comal County, Tex.	Box 37, Spring Branch, Tex. 78870.	Comal County, Tex., July 31, 1973.
Forest Wood, H & F Investments doing business as Forest Woods Subdivision, R. B. Foretich, R. E. Hill.	O-3483-49-487 Y-20103 IS	Texas; Montgomery County, Tex.	1714 North Frazier, Conroe, Tex. 77301.	Montgomery County, Tex., Mar. 25, 1974.
Hide-A-Way Harbor, Hide-A-Way Harbor, Inc., R. B. Vollman, president.	O-0314-49-10 Y-20104 IS	Texas; Hemphill, Tex.	211 North Ervoy Bldg., Dallas, Tex. 75201.	Sabine County, Tex., May 27, 1969.
Do	O-0373-49-3 Y-20105 IS	Texas; Dallas, Tex.	do	Sabine County, Tex., July 9, 1969.
Johnson Country Estates, Researched Investments, Ltd., Richard P. Tumpawsky, J. A. Keilly, Steven C. Shiffman, Paul Shiffman.	0-3532-49-503 Y-20106 IS	do	4800 Republic National Bank Tower, Dallas, Tex. 75201.	Ellis County, Tex., Jan. 8, 1974.
La'Mer Estates, Researched Investments, Ltd., Steven C. Shiffman, Paul Shiffman, Richard P. Tumpawsky, J. A. Keilly, Malcolm Leventhol.	0-3626-49-543 Y-20107 IS	do	do	Rains County, Tex., Jan. 22, 1974.
Magnolia Woods, Consolidated Investment Co., Allen Prebles, Perry A. Tanner, Jr.	0-3746-49-567 Y 20108 IS	Texas; Livingston, Tex.	416 North Polk, Livingston, Tex. 77351.	Polk County, Tex., July 10, 1974.
UTAH				
Dixie Deer Estates, Bivins Construction Co., Inc., Donald C. Bivins, president.	0-2802-52-55 Y-20109 IS	Nevada; Las Vegas, Nev.	620 South 11th St., Las Vegas, Nev.	Washington County, Utah, June 8, 1973.
VERMONT				
Smuggler's View, Smuggler's View Properties, Paul C. Manchester and Paul G. Dreyfores, partners.	O-1031-53-14 Y-20110 IS	Vermont; Cambridge, Vt.	Jeffersonville, Vt. 05464	Lamoille County, Vt., Mar. 8, 1973.
VIRGINIA				
Harbor View, Harbor Bay Corp., Victor R. Gallagher, president	O-1701-54-78 Y-20111 IS	Virginia; Alexandria, Va.	3976 Chain Bridge Rd., Fairfax, Va. 22030.	Fairfax County, Va., June 18, 1971.
Holiday Shores, Holiday Shores, Inc., Lennis Houston, director	O-1011-54-35 Y-20112 IS	Virginia; Clarksville, Va.	Route 5, Murray, Ky. 42071.	Mecklenburg County, Va., Sept. 14, 1970.
Mine Mountain, Mine Mountain Corp., Joseph W. Luter III, president.	O-2479-54-130 Y-20113 IS	Virginia; Harrisonburg, Va.	Basye, Va. 22810	Shenandoah County, Va., Sept. 20, 1972.
Stratford Harbor, American Central Corp. of Virginia, Jim Miller, president.	O-0129-54-8 Y-20114 IS	Virginia; Heathsville, Va.	Montross, Va. 22520	Westmoreland County, Va., Nov. 12, 1971.
WASHINGTON				
Lost River Properties, Lost River Properties, a Limited Partnership, Edison F. Arnold, general partner; Stanley E. Harris, general partner.	0-3078-56-77 Y-20115 IS	Washington; Okanagan, Wash.	1036 14th SE., Bellevere, Wash. 98009.	Okanagan County, Wash., Aug. 16, 1973.
Wilderness Rim, American Pacific Corp., C. R. Pettigrew, president.	0-2305-56-55 Y-20116 IS	Indiana; Indianapolis, Ind.	188 Westlake Ave. North, Seattle, Wash. 98109.	North Bend County, Wash., Sept. 27, 1972.
WISCONSIN				
Rockwood Estates, National Resort Communities, Inc., Raymond E. Thomas, president.	0-0123-58-94 Y-20117 IS	Texas; Austin, Tex.	424 East Anderson Lane, Austin, Tex. 78752.	Velas and Oneida Counties Wis., July 29, 1969.

In the matter of (subdivision) developer, representative, and title; respondent	OILSR number and land sales enforcement division docket No.	State of organization and location of principal office	Last known mailing address	Location of subdivision (county, State) and effective date
1	2	3	4	5
BAHAMAS				
Norman's Cays, World Land & Investing Co., Ltd., Steven K. Fair, president-director.	0-1230-60-35 Y-20118 IS	Bahamas; Nassau, Bahama Islands.	P.O. Box 6346, M. S. Nassau, Bahamas.	Exhuma Cago, Bahamas, July 11, 1970.
Grand Bahama East, Grand Bahama Properties, Ltd., John M. MacGregor, president-director.	0-1346-60-40 Y-20119 IS	do	P.O. Box 1692, Nassau, N.P., Commonwealth of Bahama Islands.	West End, Grand Bahamas, Oct. 30, 1970.
CANADA				
St. Hubert 226, Overseas Investors & Development Corp., Mashe Tamare, president-director.	0-0486-60-17 Y-20120 IS	Canada; Montreal, Canada	1411 Crescent St., Suite 505, Montreal 107, Province of Quebec, Canada.	St. Hubert, Quebec, Canada, Sept. 15, 1969.
MEXICO				
Vista Al Paraise, Vistas Unlimited, Inc., Keith R. Burch, president.	0-0876-60-25 Y-20121 IS	New Mexico; Albuquerque, N. Mex.	1330 San Pedro NE., Albuquerque, N. Mex. 87110.	Snow State, Mexico, Dec. 12, 1969.
VIRGIN ISLANDS				
Cocoloba Village, Cocoloba Development Associates, Robert C. Preston.	0-2978-82-1 Y-20122 IS	Virgin Islands; St. Thomas, V.I.	16 Kogens Glade, St Thomas, U.S. Virgin Islands 00801.	St John, V.I., July 30, 1972
WEST INDIES				
Marigot Bay, Marigot Development Ltd., Kenneth R. Patrick, president.	0-0720-60-20 Y-20123 IS	West Indies; Castries, West Indies.	1420 Sherbrook St. West, Montreal 107 Quebec, Canada.	St. Lucia, West Indies, Sept. 30, 1969.
Antigua Golf & Country Club, Antigua Golf & Country Club, Ltd., Henry Benson, president.	0-1262-60-38 Y-20124 IS	West Indies; Antigua, West Indies.	4999 St. Catherine St., Montreal 215, Quebec.	Antigua, West Indies, Sept. 22, 1970.

[FR Doc.75-31481 Filed 11-20-75;8:45 am]

federal register

FRIDAY, NOVEMBER 21, 1975



PART V:

GOVERNMENT SERVICES ADMINISTRATION

DEPARTMENT OF THE TREASURY

■

GRANTS TO STATE AND LOCAL GOVERNMENTS

Administrative Requirements

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

[FMC 74-7, Supp. 3]

PART 256—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS

Administrative Requirements for Grants to State and Local Governments

The General Services Administration hereby amends Part 256, Subchapter D, Chapter II of Title 34, Code of Federal Regulations, to amend appendix M by including a new cover sheet, Standard Form 424, Federal Assistance (Preapplication, Application, Notification of Intent or Report of Federal Action), which will replace Part I of the following applications: Preapplication for Federal Assistance, Application for Federal Assistance (Non-construction Programs), Application for Federal Assistance (for Construction Programs), and Application for Federal Assistance (Short Form).

The new Standard Form 424 is illustrated as follows:

OMB Approval No. 29-R0218

FEDERAL ASSISTANCE

2. APPLICANT'S APPLICATION — a. NUMBER; b. DATE (Year month day) 19

3. STATE APPLICATION IDENTIFIER — a. NUMBER; b. DATE ASSIGNED (Year month day) 19

1. TYPE OF ACTION (Mark appropriate box)
- ☐ PREAPPLICATION
- ☐ APPLICATION
- ☐ NOTIFICATION OF INTENT (Opt.)
- ☐ REPORT OF FEDERAL ACTION

Leave Blank

SECTION I—APPLICANT/RECIPIENT DATA

4. LEGAL APPLICANT/RECIPIENT
- a. Applicant Name :
- b. Organization Unit :
- c. Street/P.O. Box :
- d. City : e. County :
- f. State : g. ZIP Code:
- h. Contact Person (Name & telephone No.) :

5. FEDERAL EMPLOYER IDENTIFICATION NO.

6. PROGRAM (From Federal Catalog)
- a. NUMBER
- b. TITLE

7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT

8. TYPE OF APPLICANT/RECIPIENT
A-State; B-Interstate; C-Substate District; D-County; E-City; F-School District; G-Special Purpose District; H-Community Action Agency; I-Higher Educational Institution; J-Indian Tribe; K-Other (Specify): _____
Enter appropriate letter ☐

9. TYPE OF ASSISTANCE
A-Basic Grant; B-Supplemental Grant; C-Loan; D-Insurance; E-Other
Enter appropriate letter(s) ☐☐

10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)

11. ESTIMATED NUMBER OF PERSONS BENEFITING

12. TYPE OF APPLICATION
A-New; B-Renewal; C-Revision; D-Continuation; E-Augmentation
Enter appropriate letter ☐

13. PROPOSED FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

14. CONGRESSIONAL DISTRICTS OF:
- a. APPLICANT
- b. PROJECT

15. TYPE OF CHANGE (For 12c or 12e)
A-Increase Dollars; B-Decrease Dollars; C-Increase Duration; D-Decrease Duration; E-Cancellation; F-Other (Specify): _____
Enter appropriate letter(s) ☐☐☐

16. PROJECT START DATE (Year month day) 19

17. PROJECT DURATION (Months)

18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY ▶ (Year month day) 19

19. EXISTING FEDERAL IDENTIFICATION NUMBER

20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)

21. REMARKS ADDED ☐ Yes ☐ No

SECTION II—CERTIFICATION

22. THE APPLICANT CERTIFIES THAT ▶

a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved.

b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached:

	No response	Response attached
(1)	☐	☐
(2)	☐	☐
(3)	☐	☐

23. CERTIFYING REPRESENTATIVE
- a. TYPED NAME AND TITLE
- b. SIGNATURE
- c. DATE SIGNED (Year month day) 19

SECTION III—FEDERAL AGENCY ACTION

24. AGENCY NAME

25. APPLICATION RECEIVED (Year month day) 19

26. ORGANIZATIONAL UNIT

27. ADMINISTRATIVE OFFICE

28. FEDERAL APPLICATION IDENTIFICATION

29. ADDRESS

30. FEDERAL GRANT IDENTIFICATION

31. ACTION TAKEN
- ☐ a. AWARDED
- ☐ b. REJECTED
- ☐ c. RETURNED FOR AMENDMENT
- ☐ d. DEFERRED
- ☐ e. WITHDRAWN

32. FUNDING

a. FEDERAL	$	.00
b. APPLICANT		.00
c. STATE		.00
d. LOCAL		.00
e. OTHER		.00
f. TOTAL	$	.00

33. ACTION DATE ▶ (Year month day) 19

34. STARTING DATE (Year month day) 19

35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)

36. ENDING DATE (Year month day) 19

37. REMARKS ADDED ☐ Yes ☐ No

38. FEDERAL AGENCY A-95 ACTION

a. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.

b. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)

STANDARD FORM 424 PAGE 1 (10-75)
Prescribed by GSA, Federal Management Circular 74-7

SECTION IV–REMARKS *(Please reference the proper item number from Sections I, II or III, if applicable)*

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74–7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A–95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

Item

1. Mark appropriate box. Pre-application and application guidance is in FMC 74–7 and Federal agency program instructions. Notification of intent guidance is in Circular A–95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.

2a. Applicant's own control number, if desired.

2b. Date Section I is prepared.

3a. Number assigned by State clearinghouse, or if delegated by State, by areawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A–95 and required by applicable State/areawide clearinghouse procedures. If in doubt, consult your clearinghouse.

3b. Date applicant notified of clearinghouse identifier.

4a–4h. Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.

5. Employer identification number of applicant as assigned by Internal Revenue Service.

6a. Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code.

6b. Program title from Federal Catalog. Abbreviate if necessary.

7. Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.

8. Mostly self-explanatory. "City" includes town, township or other municipality.

9. Check the type(s) of assistance requested. The definitions of the terms are:

   A. Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.

   B. Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).

   C. Loan. Self explanatory.

Item

   D. Insurance. Self explanatory.

   E. Other. Explain on remarks page.

10. Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits.

11. Estimated number of persons directly benefiting from project.

12. Use appropriate code letter. Definitions are:

   A. New. A submittal for the first time for a new project.

   B. Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.

   C. Revision. A modification to project nature or scope which may result in funding change (increase or decrease).

   D. Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.

   E. Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.

13. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.

14a. Self explanatory.

14b. The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."

15. Complete only for revisions (item 12c), or augmentations (item 12e).

STANDARD FORM 424 PAGE 3 (10–75)

Item	
16.	Approximate date project expected to begin (usually associated with estimated date of availability of funding).
17.	Estimated number of months to complete project after Federal funds are available.
18.	Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.
19.	Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
20.	Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.
21.	Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

Item	
22b.	List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached.
23a.	Name and title of authorized representative of legal applicant.
23b.	Self explanatory.
23c.	Self explanatory.
Note:	Applicant completes only Sections I and II. Section III is completed by Federal agencies.

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

Item	
24.	Executive department or independent agency having program administration responsibility.
25.	Self explanatory.
26.	Primary organizational unit below department level having direct program management responsibility.
27.	Office directly monitoring the program.
28.	Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice.
29.	Complete address of administering office shown in item 26.
30.	Use to identify award actions where different from Federal application identifier in item 28.
31.	Self explanatory. Use remarks section to amplify where appropriate.
32.	Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks.
33.	Date action was taken on this request.
34.	Date funds will become available.
35.	Name and telephone no. of agency person who can provide more information regarding this assistance.
36.	Date after which funds will no longer be available.
37.	Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks.
38.	For use with A–95 action notices only. Name and telephone of person who can assure that appropriate A–95 action has been taken—If same as person shown in item 35, write "same". If not applicable, write "NA".

Federal Agency Procedures—special considerations

A. *Treasury Circular 1082 compliance.* Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.

B. *OMB Circular A–95 compliance.* Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A–95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A–95 notifications to clearinghouses.

C. *Special note.* In most, but not all States, the A–95 State clearinghouse and the (TC 1082) SCIRA are the same office. In such cases, the A–95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

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☆ GPO : 1975 O - 210-456 [24-1]

(Executive Order 11717 (38 FR 12315, May 11, 1973.))

Effective date. This regulation is effective January 26, 1976.

Dated: November 17, 1975.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.75-31553 Filed 11-20-75;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TREASURY CIRCULAR 1082

Proposed Revision

Notice is hereby given that pursuant to the provisions of 5 U.S.C. 552, there is hereby published a proposed revision of Department of the Treasury Circular No. 1082 dated August 8, 1973. It is anticipated that this proposed revision shall be promulgated in final form on or about December 19, 1975 and will become effective on or about January 26, 1976.

Interested persons may submit written comments, suggestions, or objections concerning the revision of Treasury Circular No. 1082 to the Office of Budget and Finance, Office of the Assistant Secretary (Administration), Department of the Treasury, Washington, D.C. 20220, on or before December 12, 1975. All written comments received from the public through that date will be considered by the Department in formulating its revised circular. The comments received 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) until December 22, 1975.

WARREN F. BRECHT,
Assistant Secretary
(Administration).

NOTIFICATION TO STATES OF GRANT-IN-AID INFORMATION

TO HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES AND OTHERS CONCERNED

1. *Purpose.* This Circular provides revised procedures and prescribes a new standard reporting form for the notification to States of grant-in-aid information in conformance with the provisions of section 201 of the Intergovernmental Cooperation Act of 1968, (Public Law 90–577, approved October 16, 1968).

2. *Rescission.* This Circular rescinds and replaces Department of Treasury Circular No. 1082 dated August 8, 1973, entitled *Notification to States of Grant-in-Aid Information.*

3. *Authority.* This Circular is issued pursuant to:

A. Section 201 of the Intergovernmental Cooperation Act of 1968, which provides that:

> Any department or agency of the United States Government which administers a program of grant-in-aid to any of the State governments of the United States or to their political subdivisions shall, upon request, notify in writing the Governor, the State legislature, or other official designated by either, of the purpose and amounts of actual grants-in-aid to the State or to its political subdivisions. In each instance, a copy of requested information shall be furnished the State legislature or the Governor depending upon the original request for such data.

B. The President's Memorandum of May 14, 1973, to the Secretary of the Treasury and the Director of the Office of Management and Budget (Federal Register, Vol. 38, No. 97) which transfers from that Office to the Department the responsibility for coordinating notices required by section 201 of the Intergovernmental Cooperation Act of 1968.

4. *Definitions.* For the purposes of this Circular, the terms listed below have the following meanings:

A. Federal agency—any department, agency, or instrumentality in the executive branch of the Government and any wholly owned Government corporation (as defined in the Intergovernmental Cooperation Act of 1968).

B. State—any of the several states of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a state, but not including the governments of the political subdivisions of the state (as defined in the Intergovernmental Cooperation Act of 1968).

C. Political subdivision or local government—a local government, including specifically a county, municipality, city, town, township, or a school or other special district created by or pursuant to State law (as defined in the Intergovernmental Cooperation Act of 1968).

D. Grant or grant-in-aid (in this Circular and the attached form (424) these terms are used interchangeably and include grants or grant-in-aid in the form of cost reimbursable contracts).

> * * * money, or property provided in lieu of money, paid or furnished by the United States under a fixed annual or aggregate authorization—(A) to a State; or (B) to a political subdivision of a State; or (C) to a beneficiary under a plan or program, administered by a State or political subdivision of a State, which is subject to approval by a Federal agency; if such authorization either (i) requires the States or political subdivisions to expend non-Federal funds as a condition for the receipt of money or property from the United States; or (ii) specifies directly or establishes by means of a formula, the amounts which may be paid or furnished to States or political subdivisions or the amounts to be allotted for use in each of the States by the States, poltical subdivisions, or other beneficiaries. The term also includes money, or property provided in lieu of money, paid and furnished by the United States to any community action agency under the Economic Opportunity Act of 1974, as amended. The term does not include (1) shared revenues; (2) payments of taxes; (3) payments in lieu of taxes; (4) Loans or repayable advances; (5) surplus property or surplus agricultural commodities furnished as such; (6) payments under research and development contracts or grants which are awarded directly and on similar terms to all qualifying organizations, whether public or private; or (7) payments to States or political subdivisions as full reimbursement for the costs incurred in paying benefits or furnishing services to persons entitled thereto under Federal laws (as defined in the Intergovernmental Cooperation Act of 1968).

E. Federal Assistance. The term "Federal Assistance," "Federal Financial Assistance", "Federal Assistance Programs", or "Federal Assisted Programs", means programs that provide assistance through grant or contractual agreements, and includes technical assistance programs or programs providing assistance in the form of loans, loan guarantees, or insurance. The term does not include any funds appropriated pursuant to Chapter 25 of Title 47 of the D.C. Code.

F. State central information reception agency—the State agency which has been designated by the Governor, in consultation with the legislature, to serve as the central reception point for Federal grant-in-aid information furnished under section 201 of the Intergovernmental Cooperation Act of 1968.

5. *Coverage.* Federal grant-in-aid information covered by the provisions of this Circular is comprised of two categories, for reporting purposes, as follows:

A. Basic reporting. All grants-in-aid awarded to States or their political subdivisions by Federal agencies, in conformance with the specific provisions of section 201 of the Intergovernmental Cooperation Act of 1968.

B. Supplemental reporting. All other "Federal assistance" regardless of recipient type, where there is a perceivable need for such information to facilitate State and local government planning, budgeting, or program administration. Federal Assistance information in this category will include, but not be limited to, the following: (1) all awards for any program wherein a substantial number of the recipients are units of State or local government; (2) financial assistance to quasi-public agencies and nonprofit institutions; (3) training grants (other than those made directly to individuals), (4) research and development awards for activities which may relate to State or local government-sponsored R&D activities; and (5) grants to State-affiliated institutions of higher education.

6. *Procedures.* A. Basic Reporting. (1) For all grants-in-aid awarded to States or their political subdivisions, Federal agencies will prepare a Report of Federal Action, using standard form 424. One copy will be sent to the appropriate State central information reception agency, (SCIRA, using the latest list of SCIRA addresses provided by the Department of the Treasury. A copy of SF 424 and the instructions for its use appear in Title 34, Chapter II, Part 256, *supra.* Particular care must be exercised to assure that all appropriate items in SF 424 are properly filled in, including the State Application Identification (SAI) number where applicable.

(2) Agencies are to issue required Reports of Federal Action no later than seven working days after issuing a grant award, unless they receive approval from the Department of the Treasury to hold individual reports for release no later than 10 calendar days after the end of a month. Requests for this approval should be based on demonstrably improved reporting accuracy, quality control, or substantial cost savings. Prior to granting approval, Treasury will consult with SCIRAs to insure that the holding period will not unduly affect intended users.

B. Supplemental reporting. Federal assistance information, beyond that which is required under basic reporting, will be reported to SCIRAs as expeditiously as feasible, using the most practicable and cost-effective means available. Alternatives would include the use of an SF 424, or providing of cumulative or aggregated award information on a periodic basis.

with essential data elements from the SF 424, or providing the information in the form of existing agency reports on reporting frequencies already established. Federal agencies will provide the Department of the Treasury with a listing of report titles, their frequencies, programs covered, and sample reports where reporting is made by means other than the SF 424.

C. Special consideration for reporting. (1) Reporting change actions. When the SF 424 is used to update action on a previous award, such as an increase in funding, scope or duration, the Federal agency will report only those change actions deemed to be significant. Reports would not normally be made for dollar adjustments of less than 10 percent of the original award, or under $1000, particularly where it involves a final closeout action. Agency operating instructions will contain specific criteria and guidelines for determining those actions deemed not to be significant for reporting purposes.

(2) Reporting to clearinghouses. Federal agencies should not confuse the requirement under Circular A–95, Part I, to notify all *clearinghouses* within seven working days of *any major action* taken on project applications, with the TC 1082 requirement to notify the State *SCIRA* of *grant award actions*. The SF 424 instruction contain a special note in this regard.

(3) Phase-out of Standard Form No. 240. The use of the old standard form, SF 240, will be discontinued as expeditiously as possible, but not later than June 30, 1976.

7. *Program baseline.* Each agency will be responsible for maintaining a current master list of programs which identifies by Catalog of Federal Domestic Assistance (CFDA) program number and title, those programs for which basic reporting and supplemental reporting are applicable. The initial listing will be provided to the Department of Treasury (for dissemination to SCIRAs) not later than 75 days after the issuance date of this revised Circular. (Appendix III of the CFDA will continue to reflect the agency's program baseline as of the date of the latest CFDA).

8. *Agency Implementation.* (1) Operating procedures. Formal written procedures will be established by each agency for assuring an effective compliance with the provisions of TC 1082 as revised. Procedures will be available and disseminated to operating components not later than 75 days after the issuance date of this revised Circular.

(2) Compliance monitoring. Agencies will insure that compliance reviews are conducted by an office independent of the office responsible for preparation of the award notification. This may be done on a post-award basis. In addition, the adequacy of compliance reviews should be included as part of the agencies' internal audit coverage. Written procedures will be established not later than 75 days after the issuance date of this revised Circular and maintained in consonance with this policy.

9. *Liaison Responsibilities.* A. States—Governors will be requested to inform the Department of the Treasury, Office of the Assistant Secretary for Administration, Attention: Director, Office of Budget and Finance, Washington, D.C. 20220, of any change in the name or address of the State central information reception agencies.

B. Federal agencies will:

1. Designate an office and an individual responsible for all matters pertaining to the Circular, and keep the Department of Treasury advised as to the current contact point.

2. Establish regional contact points, where appropriate, and encourage States to utilize these field components in matters pertaining to agency responsibilities for effective implementation of this Circular.

C. The Department of the Treasury will:

(1) Provide to Federal agencies the addresses of the State central information reception agencies (and updates as provided by the States).

(2) Provide to SCIRAs a list of the individual agency contact points on TC 1082 matters (and updates as provided by the agencies).

(3) Provide to SCIRAs a list of agency programs for which supplemental reporting will be made, together with report titles and their frequency of issuance (and updates as provided by the agencies).

10. *Effective Date.* This Circular is effective January 26, 1976.

Secretary of the Treasury.

[FR Doc.75–31554 Filed 11–20–75;8:45 am]

federal register

FRIDAY, NOVEMBER 21, 1975



PART VI:

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Pre-determination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

Modifications to general wage determination decisions. The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:		
	AL75–1086	Sept. 26, 1975.
Arkansas:		
	AR75–4073	Apr. 4, 1975.
	AR75–4082	Apr. 18, 1975.
	AR75–4083	Apr. 25, 1975.
	AR75–4084	May 2, 1975.
	AR75–4134	July 25, 1975.
Colorado:		
	CO75–5118	Sept. 19, 1975.
	CO75–5129	Oct. 17, 1975.
Delaware:		
	DE75–3092	Aug. 22, 1975.
Louisiana:		
	LA75–4141	Aug. 1, 1975.
Montana:		
	MT75–5125	Oct. 10, 1975.
Ohio:		
	AR–3035	Aug. 23, 1975.
Pennsylvania:		
	AR–2046	Oct. 18, 1974.
	PA75–3058; PA75–3059	July 3, 1975.
	PA75–3072; PA75–3075; PA 75–3076; PA75–3080; PA 75–3081.	Aug. 22, 1975.
	PA75–3093	Sept. 26, 1975.
	PA75–3102	Oct. 3, 1975.
Texas:		
	TX75–4098	May 23, 1975.
	TX75–4117	July 11, 1975.
	TX75–4154	Aug. 22, 1975.
	TX75–4183; TX75–4185; TX 75–4188.	Nov. 7, 1975.

Supersedeas decisions to general wage determination decisions. The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the numbers of the decision being superseded.

Colorado:		
	CO75–5116(CO75–5135); CO 75–5117(CO75–5136).	Sept. 19, 1975.
Kansas:		
	KS75–4150(KS75–4193)	Aug. 22, 1975.
Massachusetts:		
	MA75–2127(MA75–2130)	Oct. 31, 1975.
Pennsylvania:		
	AR–2001(PA75–3060)	Mar. 8, 1975.
Texas:		
	TX75–4169(TX75–4195); TX 75–4163(TX75–4196).	Oct. 24, 1975.

Signed at Washington, D.C., this 14th day of November 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #AL75-1086 - Mod. #2 (40 FR 4447-September 26, 1975) Jefferson and Shelby Counties, Alabama					
CHANGE:					
Electricians:					
Electricians	$ 9.10	.30	1%+.40		½ of 1%
Cable Splicers	9.35	.30	1%+.40		½ of 1%
Tile, Marble, Terrazzo helpers	5.60				
DECISION NO. AR75-4073 - Mod. #5 (40 FR 15287 - April 4, 1975) Union and Ouachita Counties, Arkansas					
CHANGE:					
LABORERS:					
Group I	$5.52	.15	.20		.04
Group II	5.77	.15	.20		.04
Group III	5.87	.15	.20		.04
Group IV	5.92	.15	.20		.04
Group V	6.02	.15	.20		.04
Group VI	6.17	.15	.20		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. AR75-4082 - Mod. #4 (40 FR 17452 - April 18, 1975) Sebastian & Crawford Counties, Arkansas					
CHANGE:					
LABORERS:					
Group I	$5.52	.15	.20		.04
Group II	5.77	.15	.20		.04
Group III	5.87	.15	.20		.04
Group IV	5.92	.15	.20		.04
Group V	6.02	.15	.20		.04
Group VI	6.17	.15	.20		.04
LINE CONSTRUCTION:					
Lineman; operator	8.44	.35	1%		1/4%
Cable splicers	8.59	.35	1%		1/4%
Sheet metal workers	8.65	.40	.40		.02
DECISION NO. AR75-4083 - Mod. #3 (40 FR 18271 - April 25, 1975) Garland & Hot Springs Counties, Arkansas					
CHANGE:					
LABORERS:					
Group I	$5.52	.15	.20		.04
Group II	5.77	.15	.20		.04
Group III	5.87	.15	.20		.04
Group IV	5.92	.15	.20		.04
Group V	6.02	.15	.20		.04
Group VI	6.17	.15	.20		.04
PAINTERS:					
Painters & roller	5.75				
Paperhanging	6.00				
Sheet rock (tape & float only); stage and steel	6.00				
Spray and sandblasting	6.25				
Painters operating any kind of taping or floating machine	7.75				
Sheet metal workers	8.65	.40	.40		.04

MODIFICATIONS P. 3

DECISION NO. AR75-4084 - Mod. #2
(40 FR 19321 - May 2, 1975)
Conway, Faulkner & Perry Counties, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Electricians	$9.175	.40	1%		1/4%
Cable splicers	9.30	.40	1%		1/4%
LINE CONSTRUCTION:					
Linemen	9.575		1%		3/8%
Cable splicers	9.70		1%		3/8%
Operator	9.575		1%		3/8%
Groundman (advanced)	65%JR		1%		3/8%
Groundman (1st 6 months)	49%JR		1%		3/8%
Winch equipment	73%JR		1%		3/8%
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	6.90		.30		
Spray gun operator and sand blasters	7.50		.30		
All skelton steel and all work on stages, structural steel over 30 feet high	7.15		.30		
Marble, tile & terrazzo workers	7.40				
Sheet metal workers	8.65	.40	.40		.02
LABORERS:					
Group I	5.52	.15	.20		.04
Group II	5.77	.15	.20		.04
Group III	5.87	.15	.20		.04
Group IV	5.92	.15	.20		.04
Group V	6.02	.15	.20		.04
Group VI	6.17	.15	.20		.04

MODIFICATIONS P. 4

DECISION NO. AR75-4134 - Mod. #3
(40 FR 31455 - July 25, 1975)
Pulaski County, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
ELECTRICIANS:					
Electricians	$9.175	.40	1%		1/4%
Cable splicers	9.30	.40	1%		1/4%
LINE CONSTRUCTION:					
Linemen	9.575		1%		3/8%
Cable splicers	9.70		1%		3/8%
Operator	9.575		1%		3/8%
Groundman (advanced)	65%JR		1%		3/8%
Groundman (1st 6 months)	49%JR		1%		3/8%
Winch Equipment	73%JR		1%		3/8%
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	6.90		.30		
Spray gun operator and sand blasters	7.50		.30		
All skelton steel and all work on stages, structural steel over 30 feet high	7.15		.30		
Marble, tile & terrazzo workers	7.40				
Sheet metal workers	8.65	.40	.40		.02
LABORERS:					
Group I	5.52	.15	.20		.04
Group II	5.77	.15	.20		.04
Group III	5.87	.15	.20		.04
Group IV	5.92	.15	.20		.04
Group V	6.02	.15	.20		.04
Group VI	6.17	.15	.20		.04

DECISION NO. CO75-5118 - Mod. #3
(40 FR 43449 - September 19, 1975)
Statewide, Colorado

Change:

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundmen, Inexperienced	6.57	.35	1%		3/4%
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04	.35	1%		3/4%
Groundman over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundman, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

DECISION #CO75-5129 - Mod. #2
(40 FR 46848 - October 17, 1975)
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado

Change:

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundmen, Inexperienced	6.57	.35	1%		3/4%
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04	.35	1%		3/4%
Groundman over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundman, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

DECISION #DE75-3092 - Mod. #2 (40 FR 36903 - August 22, 1975) Statewide, Delaware	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$10.64	.55	1.00		.05
Ironworkers:					
Structural, ornamental, reinforcing, riggers & machinery movers	10.53	.79	1.11		.05
Line Construction:					
Linemen & cable splicers	11.14	.30	1%		½ of 1%
Winch Truck Operators	7.80	.30	1%		½ of 1%
Truck Drivers	7.24	.30	1%		½ of 1%
Groundmen	6.68	.30	1%		½ of 1%
Plumbers & Steamfitters:					
New Castle & Kent (north of the southern boundary of Dover City) Counties :					
Plumbers	9.76	.83	.80	9%+d	.05
Steamfitters	11.00	.585	.915	.04+e	.05
Sussex & Kent (remainder of county) Counties	9.94	.51	.55	f	.05

DECISION #LA75-4141 - Mod. #5 (40 FR 32585 - August 1, 1975) Statewide Louisiana	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos workers:					
Zone 1	$9.095	.625	.50		.04
Cement masons (Building Construction):					
Zone 3	7.30	.30	.50		.05
Cement masons (Highway Construction):					
On concrete lined ditches:					
Zone 1	8.195				
On other work:					
Zone 1	6.70				
Zone 2	6.45				
Zone 3	6.90				
Zone 4	6.45				
Zone 5	6.30				
Zone 6	5.72				

AREA COVERED BY CEMENT MASONS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, U.S. Highway 61 in East Feliciana & West Feliciana Parishes
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu & Cameron Parishes
ZONE 5 - Acadia, Allen, Assumption, Avoyelles, Beauregard, Bienville, Claiborne, DeSoto, East Feliciana (excluding U.S. Highway 61), Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Webster & West Baton Rouge Parishes
ZONE 6 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

DECISION #LA75-4141 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electricians:					
Electricians:					
Zone 8	$8.75		1%	.30	1/2%
Cable splicers:					
Zone 8	9.00		1%	.30	1/2%
Lathers:					
Zone 1	7.80				.01
Zone 2	8.23	.20	.20		.05
Marble setters:					
Zone 6	8.20				
Marble setters' helpers:					
Zone 1	6.25	.25			
Plasterers:					
Zone 4	7.65				.01
Plumbers & pipefitters:					
Zone 2	9.00	.54	.675		.06
Zone 5	8.54		.30	.55	.09
Roofers:					
Zone 1:					
Roofers	7.93		.10		
Roofers' helpers	6.23		.10		
Zone 2:					
Roofers	7.56	.60	.45	.10	.25
Soft floor layers:					
Zone 4	7.55	.20			
Area Covered by Soft Floor Layers Zones:					
Zone 4 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State line to the western boundary of Tangipahoa Parish) & Washington Parishes					
Terrazzo workers:					
Zone 1	8.40	.25			
Zone 6	8.20				
Terrazzo workers' helpers:					
Zone 1	6.25	.25			
Tile setters:					
Zone 1	8.40	.25			
Zone 6	8.20				
Tile setters' helpers:					
Zone 1	6.25	.25			

DECISION NO. MT75-5125 - Mod. #1
(40 FR 4002 - October 10, 1975)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cement Masons:					
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud, and Wibaux Counties	$7.50				
Plasterers:					
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud, and Wibaux Counties	7.50				
Plumbers:					
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	10.00	.40	.80		.10

DECISION #AR-3035 - Mod. #2
(39 FR 30778 - August 23, 1974)
Cuyahoga & Lake Counties, Ohio

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Cuyahoga County	$11.33	.50	3%+.40		.02
Lake County	11.23	.50	3%+.50		3/10 of 1%

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Decision #AR-2046 - Mod. #6 (39 FR 37349 - October 18, 1974) Mercer County, Pennsylvania					
Change:					
Bricklayers & Stonemasons	$9.55	.60	.50		.02
Electricians	10.75	.35	1%+.45		.01
Decision #PA-75-3102 - Mod. # 2 (40 FR 45993 - October 3, 1975) Lackawanna, Susquehanna, Wayne, and Wyoming Counties, Pennsylvania					
Change:					
Bricklayers & Stonemasons:					
Scranton & Wayne Counties	$9.65	.60	.50		.01
Carbondale	9.00		1.00		
Susquehanna & Wyoming Cos.	9.75	.50	.50		
Electricians:					
Lackawanna, Susquehanna, Wayne, Wyoming County east of the Susquehanna River					
Zone - 1 - Zero milestone marker, which is the Court House in the center of City of Scranton, to 20 mi.	9.15	.35	1%+.50	.50	.10
Zone - 2 From 20 miles from above marker	9.60	.35	1%+.50	.50	.10
Zone - 3 All distances be beyond 30 miles from above marker	10.35	.35	1%+.50	.50	.10
Lathers	9.54		.10		.01
Painters:					
Carbondale					
Brush	7.10		.85		
Spray	8.60		.85		
Steel	8.10		.85		

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
DECISION #PA-75-3059 - Mod. #3 (40 FR 28361 - July 3, 1975) Cambria County, Pennsylvania					
Change:					
Cement Masons	$ 8.65	12%	6%		
Painters:					
Commercial	7.89	.65	.45		.12
Industrial	8.39	.65	.45		.12
Plumbers & Steamfitters	9.73	.68	.68		.19
DECISION #PA-75-3058 - Mod. #4 (40 FR 28358 - July 3, 1975) Elk County, Pennsylvania					
Change:					
Bricklayers, Stonemasons, Marble Setters, Cement Masons, Plasterers, Terrazzo Workers and Tile Setters	9.60	.50	.50		
Electricians	9.25	.45	1%+.25		1%
Millwrights	8.79	5%	3%+.25		½%
Plumbers & Steamfitters	9.73	.68	.68		.19

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA-75-3072 - Mod. #2 (40 FR 36940 - August 22, 1975) Bedford County, Pennsylvania					
Change:					
Cement Masons	8.65	12%	6%		
Painters:					
Commercial					
Brush & Rollers	7.89	.65	.45		.12
Spray	8.39	.65	.45		.12
Plumbers & Steamfitters	9.73	.68	.68		.19
DECISION #PA-75-3075 - Mod. #3 (40 FR 36949 - August 22, 1975) Indiana County, Pennsylvania					
Change:					
Painters:					
Commercial, brush	$ 7.89	.65	.45		.12
Industrial, brush	8.39	.65	.45		.12
Plumbers & Steamfitters	9.73	.68	.68		.19
DECISION #PA-75-3076 - Mod. #1 (40 FR 36953 - August 22, 1975) Westmoreland County, Pennsylvania					
Change:					
Painters:					
Brush	7.89	.65	.45		.12
Spray	8.39	.65	.45		.12
Plumbers & Steamfitters	9.73	.68	.68		.19

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #PA-75-3080 - Mod. #2 (40 FR 36963 - August 22, 1975) Butler & Fayette Counties, Pennsylvania					
Change:					
Bricklayers & Stonemasons:					
Butler County	$ 9.89	.45	.69		
Electricians:					
Butler County	10.75	3%	2%+1%		.005
Plumbers & Steamfitters:					
Butler County	10.16	.30	.25		.04
Fayette County	9.73	.68	.68		.19
Painters:					
Fayette County					
Commercial					
Brush	7.65	.45	.30		.05
Spray	8.775	.45	.30		.05
Industrial					
Brush	8.15	.45	.30		.05
Spray	9.275	.45	.30		.05
Decision #PA-75-3081 - Mod. # 2 (40 FR 36973 - August 22, 1975) Washington County, Pennsylvania					
Change:					
Plumbers & Steamfitters: (Charlerio)	$9.73	.68	.68		.19
DECISION #PA-75-3093 - Mod. #1 (40 FR 44462 - September 26, 1975) Cameron, Clarion, Clearfield & Jefferson Counties, Pennsylvania					
Change:					
Electricians:					
Cameron County	$ 9.25	.45	1%+.25		1%
Painters:					
Beaver, Ringgold, and Porter Twp, in Jefferson County					
Commercial:					
Brush	7.89	.65	.45		.12
Spray	8.39	.65	.45		.12
Industrial					
Brush	8.74	.65	.45		.12
Spray	9.95	.65	.45		.12
Millwrights	8.79	5%	3%+.25	.19	½%
Plumbers & Steamfitters:					
Remaining County	9.73	.68	.68		.19

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX75-4098 - Mod. #3 (40 FR 22786 - May 23, 1975) Taylor County, Texas					
Change:					
Electricians	$7.95	.40	1%		1/4%
Line Construction:					
Lineman	7.95	.40	1%		1/4%
Cable splicers	8.20	.40	1%		1/4%
Groundman (over 1 yr. of experience)	5.96	.40	1%		1/4%
Groundman (under 1 yr. of experience)	4.77	.40	1%		1/4%
Equipment operator	6.52	.40	1%		1/4%
Flat bed truck driver	5.01	.40	1%		1/4%
DECISION #TX75-4117 - Mod. #5 (40 FR 29527 - July 11, 1975) Jefferson & Orange Cos., Texas					
Change:					
Asbestos workers:					
Orange County	9.095	.425	.50		.04
DECISION #TX75-4154 - Mod. #4 (40 FR 36996 - August 22, 1975) Galveston & Harris Cos., Texas					
Change:					
Painters:					
East Harris County:					
Group 1	9.51				
Group 2	9.865				
Group 3	9.635				
Group 4	9.76				
Group 5	9.905				
Group 6	10.165				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TX75-4183 - Mod. #1 (40 FR 52271 - November 7, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Carpenters:					
Zone 2:					
Millwrights	$8.79	.30	.40		.07
DECISION #TX75-4185 - Mod. #1 (40 FR 52275 - November 7, 1975) Kleberg & Nueces Cos., Texas					
Change:					
Marble setters	7.08				.02
Plasterers	8.65				.01
Terrazzo workers	7.08				.02
Tile setters	7.08				.02
DECISION #TX75-4188 - Mod. #1 (40 FR 52281 - November 7, 1975) Wichita County, Texas					
Change:					
Carpenters:					
Millwrights	8.79	.30	.40		.07

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: CO75-5135

DATE: Date of Publication

Supersedes Decision No. CO75-5116 dated September 19, 1975, in 40 FR 43435

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Pitkin County	7.45	.45	.60	.25	.05
Remaining Counties	8.50	.45	.60	.25	.05
CARPENTERS:					
P. O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs; Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.94	.53	.70	.50	.055
Zone II (30-60 miles from nearest basing point)	8.19	.53	.70	.50	.055
Zone II (60 miles and over from nearest basing point)	8.44	.53	.70	.50	.055
CEMENT MASONS:					
Cement Masons	7.74	.44	1.10	.60	.08
Working with composition materials and color	8.24	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.99	.44	1.10	.60	.08
ELECTRICIANS:					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37			.35	
IRONWORKERS:					
Structural; Ornamental and Reinforcing	9.20	.63	.90		.08
MARBLE and TILE SETTERS, TERRAZZO WORKERS	9.20	.55			.04
MILLWRIGHTS	9.13	.53	.60	6%	.055

DECISION #CO75-5135

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
Brush and Roller	$9.31	.50	.60		.05
Drywall Finisher; Paperhangers	9.51	.50	.60		.05
Spray; Swing stage	9.79	.50	.60		.05
PLUMBERS	8.45	.55	.55	1.00	.10
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	8.29	.35	.55	.30	.05
SPRINKLER FITTERS	10.55	.50	.80		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION #C075-5135

LABORERS (Building Construction) Garfield and Pitkin Counties	ZONE 1* Basic Hourly Rates	ZONE 2* Basic Hourly Rates	ZONE 3* Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.50	5.95	6.40	.44	.50		.05
Group 3	5.78	6.23	6.68	.44	.50		.05
Group 4	5.98	6.43	6.88	.44	.50		.05
Group 5	5.82	6.27	6.72	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Aspen, Glenwood, Springs, and Rifle.

*ZONE 2: That area encompassed by 20 to 70 driving miles from the main Post Office of above named Cities.

*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

Delta, Gunnison, Mesa and Montrose Counties	ZONE 1**	ZONE 2**	ZONE 3**				
Group 1	$4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.55	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.60	7.05	.44	.50		.05
Group 5	6.30	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

**ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Grand Junction, Gunnison, Montrose, and Naturita.

**ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities.

**ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities.

DECISION NO. C075-5135

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand-Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$7.89	.53	.60	.40	.055
UNDERGROUND CARPENTERS	8.09	.53	.60	.40	.055
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	8.19	.53	.60	.40	.055
CEMENT MASONS:					
Gunnison and Pitkin Counties	7.24	.44	1.10	.30	.08
Remaining Counties	6.74	.44	1.10	.30	.08

DECISION No. C075-5135

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$6.45	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination fuel and grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK-DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MULTI-PURPOSE TRUCK; Speciality and Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type, Youngbuggy, Jumbo and similar type equipment	6.90	.40	.30	.30	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVER, Snow Plow	$7.00	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.05	.40	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds.	7.30	.40	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or Combination Men	7.65	.40	.30	.30	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu yds.	7.75	.40	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	7.95	.40	.30	.30	

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundmen, Inexperienced	6.57	.35	1%		3/4%
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04	.35	1%		3/4%
Groundman over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundman, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (Heavy Construction)					
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

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LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Man including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fire Cradlers, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

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LABORERS (Cont'd)
(Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Colleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Housemen

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and skatting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

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LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, Internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

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POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type, tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: C075-5136 DATE: Date of Publication

Supersedes Decision No. C075-5117 dated September 19, 1975, in 40 FR 43442

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS	9.12	.50	.60		.04
CARPENTERS	7.94	.53	.70	.50	.055
CEMENT MASONS:					
Cement Masons	7.39	.44	1.10	.60	.08
Working with composition material and color	7.89	.44	1.10	.60	.08
Working on scaffold, swing stage or temporary platform over 25'	7.74	.44	1.10	.60	.08
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)					
Electricians	10.15	.42	1%+.45		1%
Cable Splicers	11.17	.42	1%+.45		1%
Zone II (12-20 miles from P.O.)					
Electricians	10.55	.42	1%+.45		1%
Cable Splicers	11.55	.42	1%+.45		1%
Zone III (20-40 miles from P. O.)					
Electricians	10.90	.42	1%+.45		1%
Cable Splicers	11.92	.42	1%+.45		1%
Zone IV (Over 40 miles from P.O.)					
Electricians	12.03	.42	1%+.45		1%
Cable Splicers	13.05	.42	1%+.45		1%
Electrical contracts under $20,000 in Zones III and IV	9.65	.42	1%+.45		1%
ELEVATOR CONSTRUCTORS	8.63	.44	.29		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37			.35	
IRONWORKERS:					
Structural; Ornamental and Reinforcing	9.20	.63	.90		.08
MARBLE & TILE SETTERS, TERRAZZO WORKERS	9.20	.55	.61		.04
MILLWRIGHTS	9.13	.53	.60	6%	.055
PAINTERS:					
Brush, Roller, Tapers, Hand Texture	6.67	.50			.04
Steel; Paperhangers	7.17	.50			.04
Spray, Tapers using Automatic Tools	7.67	.50			.04
Spray Steel	8.17	.50			.04
PLASTERERS	9.44				.01
PLUMBERS:					
Zone I (0-15 miles from P.O.)	10.17	.60	.75		.08
Zone II (15-20 miles from P.O.)	10.74	.60	.75		.08
Zone III (20-40 miles from P.O.)	10.92	.60	.75		.08
Zone IV (Over 40 miles from P.O.)	11.895	.60	.75		.08
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS:					
Las Animas County	8.29	.35	.55	.30	.05
Pueblo County	7.00	.35	.55	.20	.05
SPRINKLER FITTERS	10.55	.50	.80		.08

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. C075-5136

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$6.45	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flat Rack, single axle; Liquid and Bulk Tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance Drivers	6.55	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 14 cu. yds.; Flat Rack, Tandem axle; Battery Men; Mechanics' Helpers; Material Checkers; Cardex Men; Expeditors; Man Haul Shuttle Truck or Bus	6.65	.40	.30	.30	
STRADDLE TRUCK; Lumber Carrier; Liquid and Bulk Tankers, tandem axle	6.70	.40	.30	.30	
FORK LIFT DRIVER; Fuel Truck; Grease Truck; Combination Fuel and Grease	6.75	.40	.30	.30	
DISTRIBUTOR TRUCK DRIVER; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination	6.80	.40	.30	.30	
MILTI-PURPOSE TRUCK; Speciality and Hoisting	6.85	.40	.30	.30	
DUMP TRUCKS, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, Semi Cab Operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, electric or similar; Truck Driver Dumptor type, Youngbuggy, Jumbo and similar type equipment	6.90	.40	.30	.30	

DECISION NO. C075-5136

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVER, Snow Plow	$7.00	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 10 cu. yds., to and including 15 cu. yds.	7.05	.40	.30	.30	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.	7.15	.40	.30	.30	
CEMENT MIXER, Agitator Truck over 15 cu. yds	7.30	.40	.30	.30	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.; Tireman	7.35	.40	.30	.30	
MECHANIC	7.45	.40	.30	.30	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	7.55	.40	.30	.30	
HEAVY DUTY DIESEL, Mechanics, Body Men, Welders or combination Men	7.65	.40	.30	.30	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	7.75	.40	.30	.30	
DUMP TRUCKS, over 104 cu. yds.	7.85	.40	.30	.30	

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DECISION NO. C075-5136

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Cable Splicer	$11.07	.35	1%		3/4%
Lineman Cableman	10.38	.35	1%		3/4%
Lineman (Journeymen)	10.31	.35	1%		3/4%
Line Equipment Operator	8.77	.35	1%		3/4%
Line Equipment Maintenance Man	8.77	.35	1%		3/4%
Groundman, Experienced	7.24	.35	1%		3/4%
Groundmen, Inexperienced	6.57	.35	1%		3/4%
All work performed for a single REA Co-op where nominal voltage is below 34.5 KV					
Journeyman Lineman	7.10	.35	1%		3/4%
Line Equipment Operator	5.96	.35	1%		3/4%
Groundman, Inexperienced	3.42	.35	1%		3/4%
Groundman 90-180 days experience	4.04	.35	1%		3/4%
Groundman over 180 days experience	4.40	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is between 34.5 KV and 115 KV					
Journeyman Lineman	8.11	.35	1%		3/4%
Line Equipment Operator	6.82	.35	1%		3/4%
Line Equipment Maintenance Man	6.82	.35	1%		3/4%
Groundman, Inexperienced	4.71	.35	1%		3/4%
Groundman, over 180 days experience	5.43	.35	1%		3/4%
All work performed for an association of REA Co-ops or group of REA associations where the nominal voltage is over 115 KV					
Cable Splicer	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundman, Inexperienced	5.92	.35	1%		3/4%
Groundman, over 180 days experience	6.52	.35	1%		3/4%

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DECISION NO. C075-5136

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	ZONE 1	ZONE 2	ZONE 3				
Group 1	$ 4.15	$4.60	$5.05	.44	.50		.05
Group 2	5.65	6.10	6.55	.44	.50		.05
Group 3	5.93	6.38	6.83	.44	.50		.05
Group 4	6.15	6.60	7.05	.44	.50		.05
Group 5	6.20	6.65	7.10	.44	.50		.05
Group 6	6.30	6.75	7.20	.44	.50		.05

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities

DECISION NO. C075-5136

LABORERS (Cont'd)
Building Construction

GROUP DESCRIPTION For All COUNTIES

Group 1: Watchmen tending Heaters and Pumps

Group 2: Building Construction Laborer

Group 3: Laborers - Underpinning and Shoring Eight (8) feet or more below working surface.
Power Tool Operators of all mechanical, air, gas, and electrical tools, including Self-propelled Buggies and Cement Finisher Tenders.
Laborers preparing and placing of stone or any other Aggregate in a sand bed to be used as exposed face of tilt-up panels.
Burners on Demolition and Welders, Gunnite Nozzlemen and Sand Blasters.

Group 4: Pipelayers on Building Construction

Group 5: Jackhammer Operator for Under-pinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work.

Group 6: Tender, Mason and Plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$7.89	.53	.60	.40	.055
UNDERGROUND CARPENTERS	8.09	.53	.60	.40	.055
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	8.19	.53	.60	.40	.055
CEMENT MASONS	6.74	.44	1.10	.30	.08

DECISION NO. C075-5136

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$5.55	.44	.50		.05
Group 2	5.65	.44	.50		.05
Group 3	5.95	.44	.50		.05
Group 4	6.10	.44	.50		.05
Group 5	6.30	.44	.50		.05
LABORERS (TUNNELS)					
Group 1	5.55	.44	.50		.05
Group 2	6.45	.44	.50		.05
Group 3	6.55	.44	.50		.05
Group 4	6.63	.44	.50		.05
Group 5	6.70	.44	.50		.05
Group 6	6.85	.44	.50		.05
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	6.55	.44	.50		.05
Group 2	6.70	.44	.50		.05
Group 3	6.80	.44	.50		.05
Group 4	6.98	.44	.50		.05
Group 5	7.08	.44	.50		.05
Group 6	7.13	.44	.50		.05

DECISION NO. CO75-5136

LABORERS
(Heavy Construction)

Group 1: Minimum Labor, including Caissons to 8'; Carrying Reinforcing Rods; Work on Cross Culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence Erectors; Metal Mesh; Dowel Bars; Tie Bars and Chairs in concrete paving; Flagman directing traffic; Nursery Men including seeding, mulching and planting of trees, shrubs and flowers; Stake Chaser; Gabion Baskets and Reno Mattresses; Pipe plants and yards, stringing of pipe or skids, handling and signaling on pipe line work

Group 2: Chuck Tenders, Nippers, Core and Diamond Drill Helpers, Powdermen Helpers; Hot Asphalt Labor, Rakers, Boxtenders, Asphalt Curb Machines, Potmen (not mechanical); Multi-plate Culvert Pipe; Air, gas and electrical tool Operators; Barco Hammers; Spaders, electric hammers; Air Tampers; Cutting Torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated Concrete Buggies; Operators of concrete saws on pavement (other than gang saws); Timber and Chain Saws; Stresser or Stretcherman on Post Tension or Prestressed Concrete on or off jobsite; Tool Room Man and Checkers; Cement Finisher Helper; Sand Blaster; Sand Blaster Helper; Concrete processing material; Monitor; Spotters; Signalmen; Dumpmen; Transverse Concrete Conveyor Operator; Mechanical Grouters; Boring Machine (air hydraulic); Automatic Concrete Power Curbing Machine; Jack Hammer; Vibrators; Paving Breakers; Frostproofing; Any laborer performing bridge work over 40' above the ground or above a floor and working from a Bos'n Chair; Swing Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Gunniting and Shotcrete Helpers; Caissons over 12'; Scalers; Timbermen, underpinning and shoring; Form-setters and/or stringmen on roads, highways, streets and airport runways; Distribution, placing and hooking of landing mats; Bull Float (hand operated) and Center Expansion Machines; Grade Checkers if required by employer; Pipe Wrappers; Dopers; Jeep Holiday Detector Men, Bandage Makers; Laborers working in trenches on all pipe lines, sewer, water, gas, oil, telephone conduit, Pen Stock, Siphons, drainage lines, Caulkers, Yarners, Fine Graders, air, gas, electric and hydraulic tools, Boring Machines, Hydraulic Jacks, Drills, Tampers, and similar operated tools; Wiping of Joint Concrete Pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

DECISION NO. CO75-5136

LABORERS (Cont'd) (Heavy Construction)

Group 3: Powdermen and Blasters; Gunnite Nozzlemen; Shotcrete Operator; Pipe Layer on truck pipe lines in connection with highway work Relining Pipe; Mixer Man; Pipelayer; Hydro-broom

Group 4: Wagon Drills and Air Tracks; Jack Hammer Operators in Caissons over 12'; Bellers and Stemmen; Licensed Powdermen; Diamond and Core Drills powered by air.

Group 5: Any work, other than on bridges, performed by Laborers working from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws; Plugs and Galleys in Dams

LABORERS (Tunnels)

Group 1: Outside Labor

Group 2: Minimum Tunnel Labor, Dry Houseman

Group 3: Cable or Hose Tenders, Chuck Tenders, Concrete Laborers, Dumpmen, Whirley Pump Operators

Group 4: Helpers on Shotcrete, Gunniting and Sand Blasting; Helpers, Core and Diamond Drills; Pot Tenders

Group 5: Cement Finisher Helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Tunnel Liner Plate Setters; Vibrator Men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and Core Drill Operators; Cement Finisher (underground); Shotcrete Operator; Gunnite Nozzlemen, Sand Blasters, Pump Concrete placement Men

(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen and Cagers

Group 2: Chucktenders, Concrete Laborers, Whirley Pump Operators

DECISION NO. C075-5136

LABORERS (Cont'd)
(SHAFTS, RAISES, MISSILE SILOS and all UNDERGROUND WORK OTHER THAN TUNNELS)

Group 3: Helpers in Shotcrete Gunniting and Sand Blasting; Helpers on Core and Diamond Drills; Pot Tenders; Cement Finisher Helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, Miners, Machine Men and Bit Grinders, Nippers, Powdermen and Blasters, Reinforcing Steel Setters, Timbermen (Steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the Miner's work; Liner Plate Setters; Vibrator Men, internal and external

Group 5: Diamond and Core Drill Operators; Cement Finisher (underground); Gunnite Nozzlemen; Shotcrete Operators; Sand Blasters and Pump Concrete Placement Men

Group 6: Any employee performing work underground from a Bos'n Chair, Swinging Stage, Life Belt or Block and Tackle as a safety requirement. All lines and safety belts used shall be of a type approved by State and Federal laws

DECISION NO. C075-5136

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)					
Group 1	$6.40	.35	.59	.30	.06
Group 2	6.75	.35	.59	.30	.06
Group 3	7.10	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.55	.35	.59	.30	.06
(For work in Tunnels, Shafts, and Raises)					
Group 1	6.55	.35	.59	.30	.06
Group 2	6.90	.35	.59	.30	.06
Group 3	7.00	.35	.59	.30	.06
Group 4	7.25	.35	.59	.30	.06
Group 5	7.40	.35	.59	.30	.06
Group 6	7.80	.35	.59	.30	.06

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - Smaller than Williams MF and similar; Helper to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum well point system; tractor, under 70 HP with or without attachments

Group 2: Conveyor, handling building materials; Ditch Witch and similar trenching machine; Fireman or tank heater, road; Forklift; Haulage motor man; Pugmill; portable screening plant with or without a spray bar; screening plants, with classifier; self-propelled Roller, Rubber tired under 5 tons;

Group 3: Asphalt Plant; Backfiller, Bituminous spreader or laydown machine; Cableway signalman; caisson drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, bituminous surfaces; Drill, diamond or core; Drill Rigs, rotary, churn, or cable tool; Elevating Graders, Equipment Lubricating and service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoists, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; single unit portable crusher, with or without washer; tie tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; winch on truck

Group 4: Cable Operated crane, track mounted; cable operated power shovels, Draglines, Clamshells, and backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete placement pumps, 8 inches and over; crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer mobile; Motor Grader/blade, finish; Multiple unit portable crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; tractor with sideboom; truck mounted Hydraulic Crane

Group 5: Cable operated Power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons carrier mounted; Derrick; Electric rail type tower crane; Hoist, 3 drum or more; Quad Nine and similar push unit; Scrapers - single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing tower Crane; Crawler or Truck Mounted Tower Crane; Wheel Excavator, Tower Crane, Truck type

POWER EQUIPMENT OPERATORS (Cont'd)
(for work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (900 CFM and over) serving Tunnels, Shafts and Raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mechanic-Welder, heavy duty; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

SUPERSEDEAS DECISION

STATE: Kansas COUNTY: Shawnee
DECISION NO.: KS75-4193 DATE: Date of Publication
Supersedes Decision No. KS75-4150 dated August 22, 1975 in 40 FR 36922
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.72	.50	.80		.02
BOILERMAKERS	9.45	.70	1.00		.02
BRICKLAYERS; Stonemasons	9.04	.35	.25		
CARPENTERS:					
Carpenters	8.15	.35	.25		.05
Millwrights; Piledrivermen	8.525	.35	.25		.05
CEMENT MASONS:					
Cement masons	8.10	.35	.35		.10
Machine operators	8.225	.35	.35		.10
Composition color or chloride additives	8.30	.35	.35		.10
ELECTRICIANS:					
Electricians	10.15	.45	1%+.50		.05
Cable splicers	11.165	.45	1%+.50		.05
ELEVATOR CONSTRUCTORS	8.74	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB).	50%JR				

FOOTNOTES: - a-Employer contributes 4% of basic hourly rate for over 5 years of service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. b-1st 6 months-none; 6 months-5 years 2%; over 5 years 4% of basic hourly rate; also 6 paid holidays.

GLAZIERS	$8.57	.40	.35	15%	.03
IRONWORKERS	9.25	.65	.90	1.00	.05
LABORERS (Building Construction);					
General laborers	6.90	.35	.35		.05
Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy	7.10	.35	.35		.05
Mason tenders, plaster tenders, mortar mixers for masons and cement finishers, all stocking scaffold, clean up for masons (building and wrecking)	7.20	.35	.35		.05
Sand and concrete gun nozzleman and powderman	7.30	.35	.35		.05

DECISION NO. KS75-4193

LABORERS: (Site Preparation and Grading)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$6.10	.35	.35		
Group 2	6.25	.35	.35		
Group 3	6.35	.35	.35		
Group 4	6.50	.35	.35		
Group 5	6.60	.35	.35		

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); Mixerman - no skip; Lift; Nailers, Salamander tenders; Track men; Tractor swamper; Truck dumper; Wire mesh setter; Water pump up to 4 inches; and all other general laborer including Flagman

Group 2 - Air tool operators; Cement handlers (bulk); Chain saw; Georgia buggy (mechanically operated); Grade man; Hot mastic kettlemen; Crusher feeder; Joint man; Jute man; Mason tender; Material batch hopper and scale man; Mixer man; Pier hole man working 10 ft. deep; Pipelayer-drainage (concrete and/or corrugated metal); Signal man (crane); Truck dumper-dry batch; Vibrator operator; Wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper; Concrete saw; Creosote material-handling and applying; Nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe; Tile and duct line setter; Form setter and liner on concrete paving; Powderman; Sandblasting and gunite nozzleman; Sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines

Group 5 - Leadman or pusher

DECISION NO. KS75- 4193

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$8.80		.20		
LINE CONSTRUCTION:					
Lineman	8.62	.35	1%		1%
Cable splicers	9.05	.35	1%		1%
Groundman, over 1 year	5.39	.35	1%		1%
Groundman, 1st year	4.11	.35	1%		1%
Powderman	7.16	.35	1%		1%
Line Truck and Equipment Operators:					
1st year	5.52	.35	1%		1%
2nd year	6.59	.35	1%		1%
Over 2 years' experience	7.16	.35	1%		1%
PAINTERS:					
Brush, drywall, sanding and taping	8.90	.35			.02
Painting of structures over 50' (all types); spray	9.40	.35			.02
PLASTERERS	8.30				
PIPEFITTERS; Plumbers	9.40	.30	.30		.02
POWER EQUIPMENT OPERATORS (Building Construction):					
Group 1	9.10	.50	.75	.50	.10
Group 2	8.70	.50	.75	.50	.10
Group 3:					
(a)	7.65	.50	.75	.50	.10
(b)	7.90	.50	.75	.50	.10
Group 4:					
(a)	7.60	.50	.75	.50	.10
(b)	7.85	.50	.75	.50	.10
Group 5	9.60	.50	.75	.50	.10
Group 6	9.35	.50	.75	.50	.10
Group 7	9.60	.50	.75	.50	.10
Group 8	10.10	.50	.75	.50	.10
Group 9	11.10	.50	.75	.50	.10

POWER EQUIPMENT OPERATORS (Building Construction)

CLASSIFICATION DEFINITIONS

Group 1 - Boilers (2); Boom cat, boring machine, ditching machine; Concrete ready-mix plant; Crane, truck crane, clamshell, dragline; Dozer, scraper, all types, patrol; Firemen (when operating steam or air valve); Cradall; Hi-loaders (over 1 yd.); Hoist, two; Locomotive; Mechanic or welder; Mixer-mobile; Paver, or any other machine with power swing; Piledriver Operator; Power shovel; Pump, concrete or other material

Group 2 - A-Frame truck; Barber Greene loader or similar type; Bob cat hi-loaders (1 yd. and under); Boiler (1); Ditching machine-small; Elevator operator; Firemen; Fork lift; Greaser, equipment; Hoist, one active drum; Hydra hammer; Jeep ditcher; Mixer, other than paver; Power broom, pump, 4" or larger, small machine engineer; Welding machine (1)

Group 3 - (a) Farm tractor (without attachments)
(b) Farm tractor (with attachments)

Group 4 - (a) Oiler
(b) Motor crane oiler

Group 5 - Tower cranes and derricks; Franki-type pile driving machines; (4) drum hoist

Group 6 - Crane & shovels 100 ft of boom or over (including jib) or 2 yds capacity or over or 30 tons or over; (3) drum hoist

Group 7 - Crane & shovels booms 200 ft and over

Group 8 - Cranes with lifting ring

Group 9 - Master mechanic

Hoist each additional drum over two - an additional .25¢

DECISION NO. KS75-4193

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Site Preparation and Grading)					
Group 1	$7.60	.50	.75	.50	.10
Group 2	7.35	.50	.75	.50	.10
Group 3	7.10	.50	.75	.50	.10
Group 4	6.75	.50	.75	.50	.10
Group 5	6.85	.50	.75	.50	.10
Group 6	7.85	.50	.75	.50	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Asphalt paver and spreader; Backhoe; Boring machine; Blades, all types; Clamshell; Concrete mixer paver operator; Concrete central plant operator (automatic); Crane, truck crane, pitman crane, hydro crane, or any machine with power swing; Derrick or derrick trucks; Dragline operator; Dredge operator; Dozer; Ditching machine; Euclid loader; Hoist -2 active drums; Loader, all types; Mechanic or welder; Mixer-mobile; Multi-unit scraper; Pile driver operator; Power shovel operator; Quad track; Scoop operator, all types; Side boom cat-cherry picker; Skimmer scoop operator; pushcat operator

Group 2 - Asphalt plant operator; Elevating grader operator

Group 3 - A-Frame truck; Asphalt roller operator; Asphalt plant boiler fireman; Backfiller operator; Barber Greene loader; Boiler - other than asphalt; Bull float operator; Churn drill operator; Compressor operator (1); Concrete central plant operator; Concrete mixer operator skip; Concrete pump operator; Crusher operator; Distributor operator; Finish machine operator - concrete; Fireman other than asphalt; Flex plane operator; Fork lift; Form grader operator; Greaser; Hoist 1 drum; Jeep ditching machine; Pavement breaker, self-propelled (of the hydra hammer or similar type); Pump operator, 4" or over, two; Pump operator, other than dredge; Screening and wash plant operator; Small machine operator; Spreader box operator, self-propelled; Tractor operator over 50 h.p.; Self-propelled roller operator, other than asphalt; Siphon and jets; Subgrading machine operator; Tank car heater operator, combination booster and boiler; Towboat operators; Vibrating machine operator, not hand

Group 4 - Concrete gang saw, self-propelled (con-cut); Conveyor operator; Harrow, disc seeder; Oiler; Tractor operator, 50 h.p. or less without attachments

Group 5 - Oiler, motor crane

Group 6 - Master mechanic

DECISION NO. KS75-4193

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS, FLAT, SLATE & TILE DAMPROOFERS AND WATERPROOFERS	8.84	.30	.60		
ROOFERS WORKING IN PITCH, TAR OR CREOSOTE, COAL	9.71	.30	.60		
SHEET METAL WORKERS	8.38	.35	1.05	.78	.04
SOFT FLOOR LAYERS	7.39	.40	.45	10%	.04
SPRINKLER FITTERS	10.40	.50	.80		.08
TILE SETTERS	8.10				
TRUCK DRIVERS (Building Construction):					
Light, pickups, Station wagons	7.125	.35	.35		
Medium flat beds and dumps, 5 tons or less; Warehousemen and partsmen	7.225	.35	.35		
Truck over 5 tons and semi-trailers	7.475	.35	.35		
TRUCK DRIVERS (Site Preparation and Grading):					
Group 1	6.15	.35	.35		
Group 2	6.25	.35	.35		
Group 3	6.40	.35	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1 - Pickups; Panel trucks; Station wagons; Flat beds; Dump and batch trucks (single axle)

Group 2 - Tandem trucks; Warehousemen or partsmen; Mechanic helpers and servicemen

Group 3 - Lowboys; Semi-trailers; all transit mixer trucks (single or tandem axle); A-frame and winch trucks when used as such; Euclid; End and bottom dump; Tournarockers; Atheys; Dumptors and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Massachusetts
DECISION NO.: MA75-2130

COUNTY: Suffolk
DATE: Date of Publication

Supersedes Decision No. MA75-2127 dated October 31, 1975 in 40 FR 50910
DESCRIPTION OF WORK: Building Construction, (Including Residential), heavy and Highway construction, marine construction and dredging

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.66	.60	.80		.01
BOILERMAKERS	10.00	.60	10%		.01
BRICKLAYERS; Stonemasons	9.75	.70	.90		.05
CARPENTERS; Soft floor layers	10.00	.60	.65		.07
CEMENT MASONS	10.20	.75	.45		.07
ELECTRICIANS		.50	1%+$1.35		.05
ELEVATOR CONSTRUCTORS	10.665	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	4%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR	.495	.32	4%+a+b	.02
GALZIERS	9.20	.45	.56		.03
IRONWORKERS:					
Ornamental; Reinforcing; Structural	9.29	.55	1.40		.06
LABORERS (Building)					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	7.50	.50	.45		.10
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ridge-on motorized buggy	7.75	.50	.45		.10
Air track; Block pavers; Rammers; Curb setters	8.00	.50	.45		.10
Blasters; Powdermen	8.25	.50	.45		.10
Open air caisson; Cylindrical work & boring crew:					
Laborer; Top man	7.50	.50	.45		.10
Helper	7.62	.50	.45		.10
Bottom men	8.25	.50	.45		.10
Driller	8.37	.50	.45		.10
LATHERS	9.25	.45	.55		
LEADBURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Linemen	11.54	.30	1%	d	3/8of1%
Equipment Operators	10.85	.30	1%	d	3/8of1%
Driver groundman	8.68	.30	1%	d	3/8of1%
Groundman	7.38	.30	1%	d	3/8of1%

DECISION NO. MA75-2130

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS; TERRAZZO WORKERS	$ 9.05	.70	.80		
MARBLE SETTERS' HELPERS	7.94	.40	.25		
MILLWRIGHTS	9.93	.60	.65		.07
PAINTERS:					
Brush; New Construction	9.46	.72	.85		.04
Structural steel	11.58	.72	.85		.04
Spray	10.46	.72	.85		.04
Repaint, alterations, & residential					
Brush	8.61	.72	.85		.04
Structural steel	11.58	.72	.85		.04
Spray	9.61	.72	.85		.04
PILEDRIVERMEN	9.50	.50	.50		
PLASTERERS	8.55	.45	1.25		.02
PLASTERERS' TENDERS	7.25	.50	.45		.10
PLUMBERS	10.25	.70	.60		.03
ROOFERS; Waterproofers	9.20	.55	.80		.05
SHEET METAL WORKERS	9.63	.71	.75		.06
SPRINKLER FITTERS	10.73	.50	.70		.02
STEAMFITTERS	10.36	.66	.85		.05
TERRAZZO WORKERS' HELPERS	8.65	.60	.25		
TILE SETTERS	9.05	.70	.80		
TILE SETTERS HELPERS	7.94	.40	.25		

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% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 paid holidays: A through F.

c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. 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.

MASS - 1 - ID - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Station wagons, panel trucks and pick-up trucks	$7.24	.545	.575	a+b	
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	7.39	.545	.575	a+b	
Three axle equipment and firemen	7.44	.545	.575	a+b	
Four and five axle equipment	7.54	.545	.575	a+b	
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.64	.545	.575	a+b	
Specialized earth moving equipment over 35 tons	7.85	.545	.575	a+b	
Trailers for earth moving equipment, (double bookup)	8.14	.545	.575	a+b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS-1 - 2-3 L

HEAVY & HIGHWAY CONSTRUCTION

LABORERS:

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class I	$7.50	.50	.45		.10
Class II	7.75	.50	.45		.10
Class III	8.00	.50	.45		.10
Class IV	8.25	.50	.45		.10

CLASSIFICATIONS:

CLASS I
Carpenter tenders, cement finisher tenders, laborers, wrecking laborers

CLASS II
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op

CLASS III
Air track op., block pavers, rammers, curb setters

CLASS IV
Blasters, powdermen

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Power Equipment Operators:					
CLASS I	$10.46	.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, trench hoes, 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, pumpcrete machines, asphalt plant (on site), concrete batching and/or mixing plant (on site), crusher plant (on site), paving concrete mixers, timber jacks, Boom over 150, including jib - additional $.35 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, york 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, heaters (power driven 1-5), well-point systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tampers, single disphragm 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.

MASS-1-PED-2-3 F

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
POWER EQUIPMENT OPERATORS					
Group 1	$10.46	.75	.80	a	.02
Hourly premium for boom lenghts including Jib					
Over 150 feet + $ .85					
Over 185 feet + .80					
Over 210 feet + 1.15					
Over 250 feet + 1.75					
Over 295 feet + 2.50					
Group 2	10.34	.75	.80	a	.02
Group 3	8.71	.75	.80	a	.02
Group 4	9.52	.75	.80	a	.02
Group 5	7.65	.75	.80	a	.02
Group 6	8.17	.75	.80	a	.02

FOOTNOTE: a. 10 Paid Holidays - New Years' 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 Pavement Breakers, Cement Concrete Pavers, Draglines, Hoisting Engines, Three Drum Machines, Pumpcrete Machines, Ure Loaders, Shovel Dozers, Front End Loaders, Mucking Machines, Shaft Hoists, Steam Engines, Backhoe, Gradalls, Cable Ways, Fork Lifts, Cherry Pickers, Boring Machines, Rotary Drills, Post Hole Hammers, Port Hole Diggers, Asphalt Plant on Job Sute, 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, Grout 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 groupd), Compressors, Welding Machine (1-3 grouped), Generators, Lighting Plants, Heaters (Power Driven) (1-5), Syphons-Pulsometers, 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)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
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	10.34	.75		a	.02
GROUP V	8.71	.75	.80	a	.02
GROUP VI	9.52	.75	.80	a	.02
GROUP VII	7.65	.75	.80	a	.02
GROUP VIII	8.17	.75	.80	a	.02
GROUP IX	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, 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 york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side 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, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

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- Thnaksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patroits' Day; Columbus Day; & Veterans' Day.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Franklin
DECISION NO.: PA75-3060 DATE: Date of Publication
Supersedes Decision No. AR-2001 dated March 8, 1974, in 39 FR 9416
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$ 8.61	.42	.30		
Boilermakers	10.20	.65	1.00		.01
Bricklayers	8.50	.50	.38		
Carpenters	8.26	5%	7%	6%	.4%
Cement Masons	8.565	.25	.25		
Electricians	9.76	.45	1%+.30		½ of 1%
Ironworkers:					
Structural	9.36	.64	1.06		
Reinforcing	9.36	.64	1.06		
Laborers	6.23	.40	.40		
Painters, Brush	7.43	.20	.15		
Plumbers & Pipefitters	9.30	.30	.40		.12
Roofers	7.15	.35	.40		
Sheetmetal Workers	9.76	.95	.65		
Truck Driver	4.56				
POWER EQUIPMENT OPERATORS:					
Air compressor	4.25				
Backhoe	10.625	.50	.60		.09
Bulldozers	4.40				
Loaders	8.455				

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise

DECISION NO.: TX75-4195

DATE: Date of Publication

Supersedes Decision No. TX75-4169, dated, October 24, 1975, in 40 FR 49961.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and also excluding Dallas-Fort Worth Regional Airport. (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

DECISION NO. TX75-4195

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$8.78	.30	.51		.025
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS:					
ZONE 1 - Grayson County	6.80				
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	8.29	.30	.50		.04
CARPENTERS:					
ZONE 1 - Grayson County:					
Carpenters	8.225	.30	.30		.005
Millwrights	8.625	.30	.30		.005
Piledrivermen	8.725	.30	.30		.005
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
Carpenters	8.61	.30	.30		.02
Stationary power saw operators	8.735	.30	.30		.02
Millwrights	9.24	.30			.02
CEMENT MASONS:					
ZONE 1 - Grayson County	6.16				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties	8.345	.25	.45		
ZONE 3 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	8.285	.40	.35		.01
ELECTRICIANS:					
ZONE 1 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
Electricians	9.45	.40	1%		7/10%
Cable splicers	9.70	.40	1%		7/10%
ZONE 2 - Grayson County:					
Electricians	9.17	4%	5%		7/10%
Cable splicers	10.09	4%	5%		7/10%
ELECTRICIANS (CONT'D):					
ZONE 3 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.:					
AREA A - All work performed in Dallas County:					
Electricians	$9.11	4%	5%		7/10%
Cable splicers	10.02	4%	5%		7/10%
AREA B - All work performed outside of Dallas County up to a radius of 40 road miles from the City Hall in the City of Dallas:					
Electricians	9.36	4%	5%		7/10%
Cable splicers	10.30	4%	5%		7/10%
AREA C - All work performed outside of Area A and Area B:					
Electricians	9.61	4%	5%		7/10%
Cable splicers	10.57	4%	5%		7/10%
ELEVATOR CONSTRUCTORS	8.21	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties	7.39	.25	.25		.025
IRONWORKERS	7.125	.55	.60		.03
LABORERS:					
ZONE 1 - Grayson County:					
GROUP 1 - Unskilled laborers	5.62	.275	.30		
GROUP 2 - Air tool operator (jackhammer, vibrator), mason tenders & mortar mixers, pipelayers	5.87	.275	.30		
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	5.62	.275	.30		.02
GROUP 2	5.77	.275	.30		.02
GROUP 3	5.87	.275	.30		.02
GROUP 4	6.02	.275	.30		.02

DECISION NO. TX75-4195

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - All hand digging dirt work and backfilling; firing of salamanders, loading and unloading of materials to and from hoist or cages; loading and unloading of tools and equipment; wheeling, placing and pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking and razing of buildings and all structures; cleaning and clearing of all debris; handling of broken concrete or other damaged or undamaged materials; removing, moving, handling and greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders, checking materials and tools in and out of receiving lots and sheds; tool house men; landscaper; asphalt ironer and raker; waterproofing tender; dumper; spotter; concrete pumpcrete pipe (handling and laying); carpenter tender

GROUP 2 - All power tool and equipment operators (gas, electric or air); cutting torches man; concrete grademan; power buggy operator; wagon drill operator, well driller, drilling rig tender; cement finisher tender; metal pan and steel form men; handling creosoted materials; liquid acids or like materials when injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrows or buggies previously used by laborers, scale men on batch plants

GROUP 3 - Concrete and clay pipe (handling & laying); mason handler; scaffold builder; mason tender; hod carriers mortar mixers; lather tenders, plaster tenders; water pump operators up to four inches; cement mason tenders; mortar mixers; hod carriers; dry mixers; tank cleaning; all pipe doping, treating and wrapping, including all men working with dope, mortar and plaster mixing machines, grout machines; pump crete machines, gunite mixing machines, including placing and cleaning of pipe and conduits used in placing of concrete, handling and placing of gunite materials from stockpiles, screening sand, running sand dryer and loading and operating sand blaster, except nozzle, conveying, stocking and handling of all materials for brick masons, lathers, cement finishers, plasterers; ditch work over 6 feet and cleaning out drill piers

GROUP 4 - Sand blaster, blaster powderman; Gunite worker; gunite nozzle man and terrazzo grinder

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties	$9.23				.04
ZONE 2 - Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	9.23				.04

DECISION NO. TX75-4195

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen; Linemen operators	$9.86		1%		1/2%
Cable splicer	10.85		1%		1/2%
Groundman, 1st 6 months	5.92		1%		1/2%
Groundman, 2nd 6 months	6.41		1%		1/2%
Groundman, 1 year & over	6.90		1%		1/2%
MARBLE SETTERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	7.90				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	8.30				
MARBLE SETTERS' HELPERS:					
Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	6.90				
PAINTERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Brush	8.225	.35	.30		.04
GROUP 2 - All wall covering work; paper, fabric, sheeting, flexwood, etc.	8.475	.35	.30		.04
GROUP 3 - Ames tools operator	8.35	.35	.30		.04
GROUP 4 - Structural steel, stage work, bosun chair, spray gun, sandblasting and window jacks, fire escapes	8.60	.35	.30		.04
ZONE 2 - Hood, Johnson, Palo Pinto, Tarrant & Wise Counties:					
GROUP 1	8.695		.20		.02
GROUP 2	8.945		.20		.02
GROUP 3	8.695		.20		.02
GROUP 4	9.945		.20		.02

DECISION NO. TX75-4195

CLASSIFICATION DEFINITIONS

GROUP 1 - Brush
GROUP 2 - Spray; Wallcovering; Pressure roller; Sandblasting; Structural steel; Bosun chair, Window jack & window sill; Stage; Fire escape; Steel storage tanks; Stilts; Mittens; Acme tools; Drywall finishing
GROUP 3 - On jobs requiring less than six 250 feet rolls of joint tape, or less than eight man hours of bedding time the drywall finishing rate will be
GROUP 4 - Steeple jack rate (radio and TV towers, smoke stacks, chimneys and water towers, and similar facilities and flag poles atop buildings located closer to the edge of the building than the height of the pole); Toxic material rate (creosote, coal tar products or similar materials injurious to the skin)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
ZONE 1 - Grayson County	$6.05				
ZONE 2 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	7.885	.35		.50	.03
ZONE 3 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	9.26				.01
PLUMBERS & STEAMFITTERS	8.00	.38	.90		.08
ROOFERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Slate & tile	8.065				
GROUP 2 - Composition and built-up roofing, damp proofing & bituminous waterproofing	7.915				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.:					
GROUP 1 - Slate, tile, asbestos roofing & siding	8.015				.05
GROUP 2 - Composition, built-up, damp & water proofing, kettlemen	7.865				.05
SHEET METAL WORKERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties	7.835	.35	.50		.03
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	8.105	.45	.30		.055

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
SOFT FLOOR LAYERS	$7.93	.25	.20		.03
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	7.95				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	8.30				
TILE SETTERS:					
ZONE 1 - Collin, Dallas, Hunt, Kaufman & Rockwall Counties	8.60		.30		
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	8.30				
TILE SETTERS' HELPERS: Collin, Dallas, Hunt, Kaufman & Rockwall Counties	6.90				
TRUCK DRIVERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Cos.	4.25				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Tarrant & Wise Cos.	4.90				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. TX75-4195

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 1 - Dallas County:					
GROUP 1	$6.465	.30	.40		
GROUP 2	7.25½	.30	.40		
GROUP 3	7.65½	.30	.40		

POWER EQUIPMENT OPERATORS (ZONE 1) CLASSIFICATION DEFINITIONS

GROUP 1 - Oilers

GROUP 2 - Air compressors; Blade Grader, towed; Flex plane; Form grader; Concrete mixer, less than 14 cu. ft.; Water pumps - 2½" or over and 2 or more pumps; Polsometer; Welding machines, gasoline or diesel driven (2 to 6 machines); Wagon drill operator; Conveyor; Hoist, single drum; Scraper, 3 cu. yd. or less; Generator, gasoline or diesel driven (over 1500 watts); Bob cat with loader; All other equipment of similar nature coming under the light equipment class, when power operated

GROUP 3 - Heavy duty mechanic; Asphalt mixer operator on job; Blade grader, self-propelled; Bull clam; Backfiller; Bulldozer & all cat type tractors; Backhoe; Concrete mixers, over 14 cu. ft.; Crusher operator on job; Concrete batch plant operator; Clam shell; Cranes (all types); Truck mounted on crawler requires oiler including groves (hydraulic) or similar type over 12½ ton capacity Escalated rate on crane and derricks booms; .01c per hour, per foot over 90' including jib; draglines; derricks, power operated (all types); HM-10 caterpiller, S-8 Euclid and similar tractors; Elevating grader, self-propelled; Foundation drilling machine (all); Forklifts, used in handling machinery on construction; Gradeall; Hoist, motor driven, 2 drums or more; Locomotive crane; Mucker; Paving mixers (all types); Pile drivers; Pumperete machines; Pneumatic rollers, self-propelled; Shovels, power operated; Scrapers, over 3 cu. yds.; Scoopmobile; Trenching machines, all types; Winch trucks, when pole and winch is used; Water well drilling machines, used on construction; Well point pumps; Welding machines (7 to 13 machines); All other equipment of similar nature coming under heavy equipment class, when power operated

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
ZONE 2 - Collin, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties:					
GROUP 1	$7.065	.30	.50		.10
GROUP 2	7.65	.30	.50		.10
GROUP 3	8.25	.30	.50		.10

DECISION NO. TX75-4195

POWER EQUIPMENT OPERATORS (ZONE 2) CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; All other equipment of similar nature coming under the Light Equipment Classification, when power operated

GROUP 3 - Ford Tractor or like with any attachments (except blade and mower on rear); Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic ft. or over; Blade Graders, self-propelled; Cableways; Cranes-power operated to 100 ft.; Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixers (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy Duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Classification, when power operated

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Bexar
DECISION NO.: TX75-419o DATE: Date of Publication
Supersedes Decision No. TX75-4163, dated October 24, 1975, in 40 FR 49956.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up-to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$8.43	.35	.45		.08
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS-STONEMASONS	8.17	.40	.30	.25	.05
CARPENTERS:					
Carpenters	7.77	.38	.40	.40	.02
Millwrights	8.07	.38	.40	.40	.02
CEMENT MASONS	6.68				
ELECTRICIANS:					
Electricians	9.23	.30	1%		1/2%
Cable splicers	9.48	.30	1%		1/2%
ELEVATOR CONSTRUCTORS	7.99	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	5.60		.20		
IRONWORKERS	7.60	.55	.60	.50	.07
LABORERS:					
Common laborers; Pipelayers, concrete & clay (non-metallic)	5.09	.28	.30		.02
Air tool operators (jackhammer, vibrator)	5.18	.28	.30		.02
Bell hole man; Mason tenders	5.20	.28	.30		.02
Mortar mixers; Plasterers' tenders	5.46	.28	.30		.02
LATHERS	8.96				.01
LINE CONSTRUCTION:					
Lineman	8.255	.28	1%		1/2%
Cable splicers	9.90	.28	1%		1/2%
Groundmen	5.58	.28	1%		1/2%
Groundman, 1st. year	4.12	.28	1%		1/2%
MARBLE SETTERS	6.99	.35	.30	.25	
MARBLE SETTERS' HELPERS	4.87				
PAINTERS:					
Brush	7.05		.20		.05
Spray	7.30		.20		.05
Structural steel	7.30		.20		.05
Spray on structural steel; sand blasting	7.55		.20		.05
Paperhanger	7.05		.20		.05
Taper and floater	7.05		.20		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS	$8.35				.01
PLUMBERS-PIPEFITTERS	9.66	.30	.45		.10
ROOFERS:					
Roofers	5.50				
Kettlemen	4.83				
Waterproofer	5.14				
Roofers' helpers	2.60				
SHEET METAL WORKERS	9.08	3%+.30	.50		.07
SOFT FLOOR LAYERS	4.55				
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	6.99	.35	.30	.25	
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers	4.87				
Floor machine operators	5.07				
Base machine operators	5.22				
TILE SETTERS	6.99	.35	.30	.25	
TILE SETTERS' HELPERS	4.87				
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays A thru F

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$8.32	.35	.55		
GROUP 2	7.44	.35	.55		
GROUP 3	6.27	.35	.55		
GROUP 4	6.03	.35	.55		

CLASSIFICATION DEFINITIONS

GROUP 1 - All foundation drilling rigs; All rollers (5 tons or over); Backfiller; Backhoe; Blade graders (self-propelled); Bull clam; Bulldozers; Cableway; Clamshell operator; Crane (power operated, all types); Derricks (power operated, all types); Draglines; DW-10 caterpillar and similar tractors; Elevating graders (self-propelled); Euclid; Fork lift used on construction; Gasoline or diesel-driven welding machines (7 to 12); Gradall; Heavy duty mechanic; High lifts; Hoist (two drums or more); Locomotives; Mixer (14 cu. ft. or over); Mixmobile; Paving mixers (all sizes); Piledrivers; Pumperete machine operator; Rock crusher operator on job; Scoopmobile; Scrapers; Shovel (power operated); Turnapulls; Trenching machines (all sizes); Winch truck; All other equipment of similar nature, coming within the heavy equipment class, when power operated

GROUP 2 - Air compressor (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); Blade graders (towed); Building elevator used on construction; Flex planes; Form graders; Hoist (single drum); Mixer (less than 14 cu. ft.); Pneumatic roller; Pulsometers; Pump (2½ or larger shall require a light equipment operator); Three to six welding machines or any three pieces or equipment of equal or similar nature, coming within the light equipment class when power operated; Roller (under 5 tons); Truck crane drivers

GROUP 3 - Fireman

GROUP 4 - Oiler

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