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Title 3—The President

PROCLAMATION 4358

Cancer Control Month, 1975

By the President of the United States of America

A Proclamation

Our intensive effort against cancer, sustained by the constant dedication and determination of scientists, physicians, public officials and private citizens, continues to provide hope and assistance to ever-increasing numbers of Americans.

The National Cancer Act of 1971 was a landmark piece of legislation which authorized new Federal support for cancer research. The amendments of 1974 have added new emphasis to our National Cancer Program, especially in the dissemination of the latest scientific findings from the research laboratory and clinic to practicing physicians, cancer patients, and those in particular jeopardy of cancer.

Despite this progress, the conquest of cancer will not be easy or quick. Cancer statistics remain depressing. An estimated 665,000 new cases will be diagnosed in 1975. Although we shall ultimately achieve victory over these killer diseases, it requires our unwavering support of cancer research and control.

As a means of giving continued emphasis to the cancer problem, the Congress, by a joint resolution of March 28, 1938 (52 Stat. 148, 36 U.S.C. 150), requested the President to issue annually a proclamation setting aside the month of April as Cancer Control Month.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the month of April, 1975, as Cancer Control Month, and I invite the Governors of the States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the United States flag, to issue similar proclamations.

To give renewed emphasis to this serious problem, and to encourage the determination of the American people to meet it, I also ask the medical and health professions, the communications media, and all other interested persons and groups to unite in public reaffirmation of our Nation's abiding commitment to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of March, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-8338 Filed 3-27-75;11:35 am]

rules and regulations

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

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

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Sand Lake National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on March 28, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sand Lake National Wildlife Refuge, South Dakota is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 150 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) The open season for sport fishing on the refuge extends from May 1 through December 31, 1975, inclusive.

(2) The use of boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

WILLIAM C. BAIR,
Refuge Manager, Sand Lake National Refuge.

MARCH 20, 1975.

[FR Doc.75-8059 Filed 3-27-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Confidential Assistant (Interdepartmental Activities) to the Chairman, Presidential Clemency Board, is excepted under Schedule C.

Effective on March 28, 1975, § 213.3306 (a) (21) is added as set out below.

§ 213.3306 Department of Defense.

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

(21) One Confidential Assistant (Interdepartmental Activities) to the Chairman, Presidential Clemency Board.

* * * * *

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

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

[FR Doc.75-8137 Filed 3-27-75;8:45 am]

PART 213—EXCEPTED SERVICE

Securities and Exchange Commission

Section 213.3330 is amended to show that one position of Confidential Assistant to the Chairman is revoked and one position of Executive Aide to the Executive Assistant to the Chairman is excepted under Schedule C.

Effective on March 28, 1975, §§ 213.3330(d) is revised and (h) is added as set out below.

§ 213.3330 Securities and Exchange Commission.

* * * * *

(d) One Confidential Assistant to the Chairman and one Confidential Assistant to each of the other four Members of the Commission.

* * * * *

(h) One Executive Aide to the Executive Assistant to the Chairman.

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

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

[FR Doc.75-8138 Filed 3-27-75;8:45 am]

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—1975 Crop of Peanuts: Acreage Allotments and Marketing Quotas

VALENCIA SHORT SUPPLY DETERMINATION

Basis and purpose. The provisions of § 729.106 are issued under section 358(c) (2) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c) (2)). The purpose of § 729.106 is to make a determination on the basis of the average yield per acre of Valencia type peanuts during the five year period 1970–74, adjusted for trends in yields and abnormal conditions of production affecting yields, that the supply of Valencia type peanuts for the 1975–76 marketing year will be insufficient to meet estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by CCC. The State allotments for States producing Valencia type peanuts are increased in order to meet such demand. The latest available statistics of the Federal Government were used in making these determinations.

Notice of the proposed determination with respect to Valencia type peanuts under section 358(c) (2) of the act was published in accordance with 5 U.S.C. 553 (80 Stat. 383) in the FEDERAL REGISTER of February 10, 1975 (28 FR 6211). The recommendations received in response to such notice were considered and adopted to the extent permitted by the act. In order that peanut farmers may be notified as soon as possible of any increases of farm allotment for the 1975 crop, it is essential that § 729.106 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 729.106 shall be effective upon filing of this document with the Director, Office of the Federal Register.

§ 729.106 Additional allotment for Valencia type peanuts of the 1975 crop.

(a) *Determination of short supply.* The term "Valencia type peanuts" means the type of peanuts as defined in § 729.7 (c) of the Allotment and Marketing Quota Regulations for Peanuts of the 1972 and Subsequent Crops (37 FR 2645, 3629). It is hereby determined that the supply of Valencia type peanuts for the 1975–76 marketing year (August 1, 1975 through July 31, 1976) determined in accordance with section 358(c) (2) of the act will be insufficient to meet the estimated demand for Valencia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(b) *State allotment increases for 1975 crop.* The State allotment for peanuts of the 1975 crop for States which produced Valencia type peanuts during any one or more of the years 1972, 1973, and 1974 shall be increased in the aggregate by 3,529 acres which is determined to be the additional acreage required to meet the estimated demand for Valencia type peanuts for cleaning and shelling

purposes at the price at which CCC may sell for such purposes peanuts owned or controlled by it.

(c) *Apportionment of allotment increase to States for 1975 crop.* The aggregate of State allotment increases in the amount of 3,529 acres established under paragraph (b) of this section is hereby apportioned to States on the basis of the average acreage of Valencia type peanuts in each State in 1972, 1973 and 1974. The apportionment of additional allotment under this paragraph does not increase the State allotment for any State above the 1947 harvested acreage of peanuts for such State. The following table sets forth the apportionment to States.

State	1947 Harvested acreage of peanuts	1972-74 Average harvested acreage of Valencia peanuts [1]	1975 Increase in basic State allotment for Valencia type peanuts	1975 Previous State allotment	1975 Revised State allotment
		Acres			
Alabama	463,000	23	13	216,714	216,727
Arizona				761	761
Arkansas	8,000			4,238	4,238
California				930	930
Florida	105,000	2	1	55,528	55,529
Georgia	1,124,000			529,855	529,855
Louisiana	4,000			1,945	1,945
Mississippi	13,000	48	27	7,492	7,519
Missouri				247	247
New Mexico	14,000	5,448	3,215	5,787	9,002
North Carolina	292,000	9	5	167,878	167,883
Oklahoma	325,000			138,348	138,348
South Carolina	26,000	3	2	13,891	13,893
Tennessee	5,000		0	3,552	3,552
Texas	836,000	432	266	358,005	358,271
Virginia	162,000			104,829	104,829
U.S. Total	3,377,000	5,985	3,529	1,610,000	1,613,529

[1] Less increase in State allotment for Valencia short supply.

(d) *No credit for future allotments.* The additional allotment apportioned under this section is in addition to the national acreage allotment, the production from such acreage is in addition to the national marketing quota and such additional allotment shall not be considered in establishing future State, county, or farm acreage allotments.

(Secs. 358(c)(2), 375, 65 Stat. 29, 52 Stat. 66, as amended; 7 U.S.C. 1358(c)(2), 1375)

Effective date: March 27, 1975.

Signed at Washington, D.C., on March 24, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-8134 Filed 3-27-75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5492; Arizona 7950]

ARIZONA

Amendment of Executive Order No. 8039; Transfer of Jurisdiction of the Kofa Game Range

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Executive Order No. 8039 of January 25, 1939, which established the Kofa Game Range, and which is now under the joint administration of the U.S. Fish and Wildlife Service and the Bureau of Land Management, is hereby amended to transfer the subject game range to the sole jurisdiction of the Bureau of Land Management, insofar as it relates to the following described lands:

GILA AND SALT RIVER MERIDIAN

Tps. 1 and 2 N., Rs. 15 thru 18 W.
Tps. 1 thru 4 S., Rs. 15 thru 18 W.
T. 2 S., R. 19 W.,
Secs. 1 thru 3, 10 thru 15;
Secs. 22 thru 28, 32 thru 36.
T. 3 S., R. 19 W.,
Secs. 1 thru 5, 8 thru 17, 20 thru 28, 33 thru 36.
T. 4 S., R. 19 W.,
Secs. 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36.
T. 5 S., Rs. 17 and 18 W.
T. 5 S., R. 19 W.,
Secs. 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36.

This area includes approximately 660,000 acres of public and nonpublic lands in Yuma County.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 21, 1975.

[FR Doc.75-8119 Filed 3-27-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 75-333]

PART 15—RADIO FREQUENCY DEVICES

Reorganization; Extension of Effective Date

In the matter of revision of Part 15 to conform it to Subpart J of Part 2 and to reorganize the rules therein.

1. On March 7, 1975, the Commission released a revision of Part 15.[1] This Order implemented the requirement[2] for bilateral certification[3] of low power communication devices by the Commission as a prerequisite for marketing of such devices to the public.[4]

2. The release of the revision of Part 15 has taken longer than anticipated due to unavoidable administrative procedural requirements. In view of the fact that the information the Commission will require to make the necessary determination has not been timely published and since manufacturers of such devices need sufficient time to apply for and obtain certification before the mandatory date, the Commission is compelled to stay the date for an additional period.

3. It is therefore ordered that the effective date for certification of low power communication devices be stayed for an additional period and shall become effective on June 1, 1975, and Part 15 is amended as follows:

In §§ 15.131, 15.132, 15.135, 15.136, 15.143, 15.163, 15.193, 15.347, the date "April 1, 1975" is deleted and the date "June 1, 1975" is inserted in lieu thereof.

Adopted: March 18, 1975.

Released: March 24, 1975.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, sec. 302, 82 Stat., 290; 47 U.S.C. 154, 290, 303)

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

[FR Doc.75-8108 Filed 3-27-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-NW-9-AD; Amdt. 39-2142]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/720/727/737/747 Series Airplanes

Amendment 39-2096 (40 FR 7899) AD 75-05-01 requires inspection and replacement of Arvan Inc./Tansey control

[1] Order in the Matter of Revision of Part 15 to conform it to Subpart J of Part 2 and to reorganize the rules. Adopted 11-12-74; Released 3-7-75, 40 FR 10673.

[2] Paragraph 51, Report & Order in Docket 19356 adopted 2-6-74, 39 FR 5912, specified that bilateral certification shall become effective on 9-1-74. This date was stayed for six months by further order of the Commission adopted 8-28-74, 39 FR 33226.

[3] Bilateral certification is a procedure under which an application requesting certification is filed with the Commission. In response to such an application, the Commission issues a Grant of Certification if it finds that the equipment can be expected to comply with its technical specifications and the operation of the equipment will be in the public interest.

[4] 47 CFR 2.803.

cable pulleys (color black only) on certain Boeing Model 707/720, 727, and 737 series airplanes. After issuing Amendment 39-2096, it was discovered that operators of other Boeing airplanes, including the Model 747, received affected pulleys as spares. Therefore, the AD is being amended to increase the scope of applicability of the AD to include all Boeing Model 707/720, 727, 737, and 747 series airplanes noted in Boeing Alert Service Bulletins 3204 (707), Revision 2; 727-27-155, Revision 1; 737-27-1073; Revision 1, 747-27-2133, and those airplanes which have had pulleys replaced with the affected pulleys after August 16, 1974. If the operator shows that his airplane has not had pulleys replaced since August 16, 1974, the AD is not applicable to his airplane.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of the Federal Aviation Regulations, Amendment 39-2096 (40 FR 7899), AD 75-05-01 is amended as follows:

1. By amending the applicability paragraph to read as follows:

BOEING: Applies to Boeing Models 707/720, 727, 737, and 747 series airplanes categorized as Groups I, II, III, IV and V below, certificated in all categories:

Group I. All Boeing Model 707/720, 727, and 737 series airplanes categorized as Group I in Boeing Alert Service Bulletins 3204 (707), Revision 2; 727-27-155, Revision 1; 737-27-1073, Revision 1, or later FAA approved revisions. Only compliance required is with Paragraphs A and B.

Group II. All Boeing Model 707/720 and 727 series airplanes categorized as Group II in Boeing Alert Service Bulletins 3204 (707), Revision 2, and 727-27-155, Revision 1, or later FAA approved revisions. Only compliance required is with Paragraphs A and B.

Group III. All Boeing Model 707/720 and 727 series airplanes categorized as Group III in Boeing Alert Service Bulletins 3204 (707), Revision 2, and 727-27-155, Revision 1, or later FAA approved revisions. Only compliance required is with Paragraph C.

Group IV. All Boeing Model 707/720, 727 and 737 series airplanes *not* categorized as Group I, II, or III, which have had pulleys replaced with Arvan Inc./Tansey pulleys MS 20220-3 or -4, or SMS 20220-3 or -4 (color black only) (BAC P30F8 or BAC P30F9). Only compliance required is with Paragraph D.

Group V. All Boeing Model 747 series airplanes categorized in Boeing Service Bulletin 747-27-2133 as having had control cable pulleys in the speed brake system replaced with Arvan Inc./Tansey pulleys BAC P30F8 (color black only). Only compliance required is with Paragraph D for BAC P30F8 pulleys.

2. By striking out the letters "AD" from Paragraphs A.1, B.1, and B.2 and inserting the words "amendment to Amendment 39-2096" in place thereof.

3. By adding new Paragraphs C, D, and E as follows:

C. Within 600 hours time in service from the effective date of this amendment to Amendment 39-2096, unless already accomplished, replace all Arvan Inc./Tansey control cable pulleys MS 20220-3 and -4 or SMS 20220-3 and -4 (color black only) in accordance with Boeing Alert Service Bulletin 3204 (707), Revision 2, and 727-27-155, Revision 1, or later FAA approved revisions.

D. Within 1800 hours time in service from the effective date of this amendment to Amendment 39-2096, unless already accomplished, replace all Arvan Inc./Tansey control cable pulleys MS 20220-3 and -4 or SMS 20220-3 and -4 (color black only) with a pulley of the same part number but a different color. New Arvan replacement pulleys are brown in color.

E. If it can be shown that a Group II, III, IV, or V airplane has not had any MS 20220-3 or -4, or SMS 20220-3 or -4, or BAC P30F8 or BAC P30F9 pulley replaced since August 16, 1974, then this AD is not applicable to that airplane.

4. By striking out the words "NOTE: The affected pulleys were not available from the manufacturer prior to August 1974."

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 7, 1975.

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

Issued in Seattle, Washington, on March 18, 1975.

J. H. TANNER,
Acting Director
Northwest Region.

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

[FR Doc.75-8038 Filed 3-27-75;8:45 am]

[Airworthiness Docket No. 75-WE-11-AD; Amdt. 39-2143]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Models DC-10-10, DC-10-10F, DC-10-30, DC-10-30F and DC-10-40 Airplanes

The FAA has received information which reflects that certain DC-10 airplanes incorporate marginal electrical grounding of flight deck overhead and flight engineer's panels. In the event of an electrical short circuit to a panel, a potential shock hazard to personnel could exist. This potential shock hazard is corrected by the installation of electrical bonding jumpers in accordance with Douglas Service Bulletins 24-45 and 24-62.

Although there have been no reports of electrical shock as a result of this problem, the FAA believes the Douglas service bulletins should be made mandatory.

Since the condition exists or is likely to exist in airplanes of the same type design, an AD is being issued to require installation of bonding jumpers in accordance with the McDonnell Douglas Service Bulletins, or later FAA-approved revisions, or equivalent FAA-approved installations.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical, and good cause exists for making this amendment effective thirty days from the publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

MCDONNELL DOUGLAS. Applies to all McDonnell Douglas Models DC-10-10, DC-10-10F, DC-10-30, DC-10-30F and DC-10-40 Airplanes, certificated in all categories.

Compliance required within the next 300 hours' time in service, after the effective date of this AD, unless already accomplished.

To prevent the possibility of electrical shock resulting from electrical short circuits to insufficiently grounded overhead and engineer's panels in the flight deck, install bonding jumpers in accordance with McDonnell Douglas Service Bulletin 24-45, Revision 2, dated December 2, 1974, and 24-62, dated July 15, 1974, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

An airplane may be flown to a base for the performance of the work required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective May 1, 1975.

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

Issued in Los Angeles, California, on March 18, 1975.

ROBERT H. STANTON,
Director, FAA Western Region.

[FR Doc.75-8040 Filed 3-27-75;8:45 am]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 737 Series Airplanes

Amendment 39-1713 (38 FR 24641), AD 73-19-5, as amended by Amendment 39-1739 (38 FR 30255), AD 73-23-2, requires inspection, repair or replacement of cracked flap tracks of certain part numbers on all affected Boeing 737 series aircraft. After issuing Amendment 39-1739, the Agency determined the terminating action for this directive. Therefore, the AD is being superseded by a new AD which simplifies the format and specifies the terminating action for the inboard flap tracks of the outboard trailing edge flap installation of all affected Boeing 737 series aircraft.

Since this amendment provides terminating action and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and

the amendment may be made effective in less than 30 days.

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

BOEING: Applies to inboard flap tracks of the outboard trailing edge flap installation identified in Boeing Service Bulletin 737-57-1082, Revision 2, or later FAA approved revisions, of all Boeing 737 series aircraft certificated in all categories, including military type T-43.

Compliance required as indicated.

(a) To detect cracks in the aft portion of the webs and lower flanges of the pertinent inboard tracks of the outboard flap, conduct the penetrant inspections called for in paragraph III of Boeing Alert Service Bulletin 737-57-1082 or later FAA approved revisions, at the times specified in (b). If cracks are detected, repair or replace as specified in (c).

(b) Inspect pertinent tracks with 7,000 or more flights, within the next 400 flights, unless already accomplished within the last 800 flights, and at intervals thereafter not to exceed 1,200 flights from the last inspection.

(c) Repair in accordance with instructions contained in Boeing Customer Support Engineering letter 6-2710-1893, Revision A, dated October 9, 1973, or repair instructions provided in revisions to Boeing Alert Service Bulletin 737-57-1082 or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region. Repaired tracks are to be reinspected using dye penetrant, or equivalent inspection method at intervals not to exceed:

(1) 1,200 flights—for tracks with repaired lower flange edges by blendout.

(2) 1,000 flights—for tracks with cracks stop drilled in thin small portion of flange.

(3) 1,000 flights—for tracks with one web cracked between two fastener holes.

(4) 500 flights—for tracks with cracks stop drilled and ending in one web only.

Tracks with cracks extending beyond the limits of these repair instructions must either be replaced with tracks of a like part number and re-enter the inspection program at the 7,000-flight threshold or be replaced with a new replacement track as specified in Table I of Boeing Service Bulletin 737-57-1082, Revision 2, or later FAA approved revisions, which constitutes terminating action.

(d) For the purpose of complying with the Airworthiness Directive, subject to acceptance by the assigned FAA maintenance inspector, the number of flights may be determined by dividing each airplane's hours' time in-service by the operator's fleet average time from takeoff to landing for the airplane type.

(e) Airplanes having cracked parts which require replacing under this AD, may be flown in accordance with FAR 21.197 and 21.199 with the concurrence of the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region, to a base where the replacement of parts can be accomplished.

This supersedes Amendment 39-1713, AD 73-19-5, as amended by Amendment 39-1739, AD 73-23-2.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective on April 8, 1975.

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

Issued in Seattle, Washington, March 19, 1975.

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

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

[FR Doc.75-8039 Filed 3-27-75;8:45 am]

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 4—PUBLIC INFORMATION

Notice of Materials Superseded

On Wednesday, March 12, 1975, Department of Commerce revised rules on "Public Information" appeared in the FEDERAL REGISTER, 40 FR 11551-11560.

Appendix A to these rules (Department Administrative Order 205-12), which appeared at 40 FR 11556, superseded a previous Department Administrative Order 205-12 and the amendments thereto. The superseded materials, which were referred to in Sec. 7 of Appendix A to Part 4, were as follows:

32 FR 9734 of July 4, 1967; 35 FR 6601 of April 24, 1970; 36 FR 19096 of September 28, 1971; 37 FR 9697 of May 16, 1972; 39 FR 39304 of November 6, 1974; and 39 FR 40879 of November 21, 1974.

Dated: March 24, 1975.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc.75-8072 Filed 3-27-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER III—DELAWARE RIVER BASIN COMMISSION

PART 401—RULES OF PRACTICE AND PROCEDURE

Subpart F—Public Access to Records and Information

Subpart G—General Provisions

On February 26, 1975, the Delaware River Basin Commission amended its Administrative Manual, Part II—Rules of Practice and Procedure (18 CFR Part 401) by the addition thereto of a new Subpart F—*Public Access to Records and Information*. Existing Subpart F—*General Provisions*, was reclassified Subpart G and the sections therein renumbered accordingly. These changes became effective March 15, 1975. This action was taken pursuant to public notice given on January 16 (40 FR 2869) and a public hearing held on January 29, 1975, in Philadelphia, Pa.

The Commission's new regulations cover public access to its records and are consistent with the Freedom of Information Act as amended. Subsections of the regulations pertain to general policy, procedures, fees and exemptions.

Part 401 of 18 CFR Chapter III is amended by redesignating Subpart F (§§ 401.71—401.74) as Subpart G (§§ 401.91—401.94), and by adding a new Subpart F. These subparts read as follows:

Subpart F—Public Access to Records and Information

Sec.
401.71 Policy on disclosure of Commission records.
401.72 Partial disclosure of records.
401.73 Request for existing records.
401.74 Preparation of new records.
401.75 Indexes of certain records.
401.76 FOIA Officer.
401.77 Permanent file of requests for Commission records.
401.78 Filing a request for records.
401.79 Time limitations.
401.80 Fees.
401.81 Waiver of fees.
401.82 Exempt information.
401.83 Segregable materials.
401.84 Data and information previously disclosed to the public.
401.85 Discretionary disclosure by the Executive Director.
401.86 Disclosure to Consultants, advisory committees, State and local government officials, and other special government employees.
401.87 Disclosure to other Federal government departments and agencies.
401.88 Disclosure in administrative or court proceedings.
401.89 Disclosure to Congress.

AUTHORITY: Pub. L. 93-502, as amended.

Subpart G—General Provisions

401.91 Definitions.
401.92 Supplementary details.
401.93 Waiver of rules.
401.94 Construction.

AUTHORITY: Sec. 14.2, Delaware River Basin Compact, Pub. L. 87-328, 75 Stat. 708.

Subpart F—Public Access to Records and Information

§ 401.71 Policy on disclosure of Commission records.

The Commission will make the fullest possible disclosure of records to the public, consistent with the rights of individuals to privacy, the property rights of persons in trade secrets and confidential commercial or financial information, and the need for the Commission to promote frank internal policy deliberations and to pursue its regulatory activities without disruption.

§ 401.72 Partial disclosure of records.

If a record contains both disclosable and nondisclosable information, the nondisclosable information will be deleted and the remaining record will be disclosed unless the two are so inextricably intertwined that it is not feasible to separate them or release of the disclosable information would compromise

or impinge upon the nondisclosable portion of the record.

§ 401.73 Request for existing records.

(a) Any written request to the Commission for existing records not prepared for routine distribution to the public shall be deemed to be a request for records pursuant to the Freedom of Information Act, whether or not the Freedom of Information Act is mentioned in the request, and shall be governed by the provisions of this part.

(b) Records or documents prepared by the Commission for routine public distribution, e.g., pamphlets, speeches, public information and educational materials, shall be furnished free of charge upon request as long as the supply lasts. The provisions of this part shall not be applicable to such requests.

(c) All existing Commission records are subject to routine destruction according to standard record retention schedules.

§ 401.74 Preparation of new records.

The Freedom of Information Act and the provisions of this Part apply only to existing records that are reasonably described in a request filed with the Commission pursuant to the procedures herein established. The Commission shall not be required to prepare new records in order to respond to a request for information.

§ 401.75 Indexes of certain records.

(a) Indexes shall be maintained, and revised at least quarterly, for the following Commission records:

(1) Final opinions and orders made in the adjudication of cases.

(2) Statements of policy and interpretation adopted by the Commission and still in force and not published in the FEDERAL REGISTER or official minutes of Commission meetings.

(3) Administrative staff manuals and instructions to staff that affect members of the public.

(b) A copy of each such index is available at cost of duplication from the FOIA Officer.

§ 401.76 FOIA Officer.

The Executive Director shall designate a Commission employee as the FOIA Officer. The FOIA Officer shall be responsible for Commission compliance with the Freedom of Information Act and these regulations. All requests for agency records shall be sent in writing to:

FOIA Officer
Delaware River Basin Commission
P.O. Box 360
Trenton, N.J. 08603

§ 401.77 Permanent file of requests for Commission records.

The Commission shall maintain a permanent file of all requests for Commission records and all responses thereto, incuding a list of all records furnished in response to a request. This file is available for public review during working hours.

§ 401.78 Filing a request for records.

(a) All requests for Commission records shall be filed in writing delivered to the FOIA Officer, or by mailing it to the Commission. The Commission will supply forms for written requests.

(b) A request for Commission records shall reasonably describe the records being sought, in a way that they can be identified and located. A request should include all pertinent details that will help identify the records sought. A person requesting disclosure of records shall be permitted an opportunity to review them without the necessity for copying them where the records involved contain only disclosable data and information.

(1) If the description is insufficient to locate the records requested, the FOIA Officer will so notify the person making the request and indicate the additional information needed to identify the records requested.

(2) Every reasonable effort shall be made by the staff to assist in the identification and location of the records sought.

(3) In any situation in which it is determined that a request for voluminous records would unduly burden and interfere with the operations of the Commission, the person making the request will be asked to be more specific and to narrow the request, and to agree on an orderly procedure for the production of the requested records.

(c) Upon receipt of a request for records, the FOIA Officer shall enter it in a public log (which entry may consist of a copy of the request). The log shall state the date and time received, the name and address of the person making the request, the nature of the records requested, the action taken on the request, the date of the determination letter sent pursuant to § 401.79(b), the date(s) any records are subsequently furnished, the number of staff-hours and grade levels of persons who spent time responding to the request, and the payment requested and received.

(d) A denial of a request for records, in whole or in part, shall be signed by the FOIA Officer. The name and title or position of each person who participated in the denial of a request for records shall be set forth in a letter denying the request. This requirement may be met by attaching a list of such individuals to the letter.

§ 401.79 Time limitations.

(a) All time limitations established pursuant to this section shall begin as of the time at which a request for records is logged in by the FOIA Officer pursuant to § 401.78(c). An oral request for records shall not begin any time requirement. A written request for records sent elsewhere within the Commission shall not begin any time requirement until it is redirected to the FOIA Officer and is logged in accordance with § 401.78(c). A request that is expected to involve fees in excess of $50 will not be deemed received until the requester is promptly notified and agrees to bear the cost or has so indicated on his request.

(b) Within ten (10) working days (excepting Saturdays, Sundays, and legal public holidays) after a request for records is logged by the FOIA Officer, the record shall be furnished or a letter shall be sent to the person making the request determining whether, or the extent to which, the Commission will comply with the request, and, if any records are denied, the reasons therefor.

(1) If all of the records requested have been located and a final determination has been made with respect to disclosure of all of the records requested, the letter shall so state.

(2) If all of the records have not been located or a final determination has not yet been made with respect to disclosure of all of the records requested, the letter shall state the extent to which the records involved shall be disclosed pursuant to the rules established in this part.

(3) In the following unusual circumstances, the time for sending this letter may be extended by the Executive Director for up to an additional ten (10) working days by written notice to the person making the request setting forth the reasons for such extension and the time within which a determination is expected to be dispatched:

(i) The need to search for and collect the requested records from field facilities or other establishments that are separate from the Commission's Headquarters.

(ii) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Commission having substantial subject-matter interest therein.

(c) If any record is denied, the letter shall state the right of the person requesting such records to appeal any adverse determination to the Executive Director of the Commission. Such an appeal shall be filed within thirty (30) days from receipt of the FOIA Officer's determination denying the requested information (where the entire request has been denied), or from the receipt of any information made available pursuant to the request (where the request has been denied in part). Within twenty (20) working days (excepting Saturdays, Sundays, and legal public holidays) after receipt of any appeal, or any authorized extension, the Executive Director or his designee shall make a determination and notify the appellant of his determination. If the appeal is decided in favor of the appellant the requested information shall be promptly supplied as provided in this part. If on appeal the denial of the request for records is upheld in whole or in part, the appellant shall be entitled to appeal to the Commission at its next

regular meeting. In the event that the Commission confirms the Executive Director's denial the appellant shall be notified of the provisions for judicial review.

(d) If the request for records will result in a fee of more than $25, determination letter under § 401.79 shall specify or estimate the fee involved and may require prepayment, as well as payment of any amount not yet received as a result of any previous request, before the records are made available. If the fee is less than $25, prepayment shall not be required unless payment has not yet been received for records disclosed as a result of a previous request.

(e) Whenever possible, the determination letter required under § 401.79(b), relating to a request for records that involves a fee of less than $25.00, shall be accompanied by the requested records. Where this is not possible, the records shall be forwarded as soon as possible thereafter. For requests for records involving a fee of more than $25.00, the records shall be forwarded as soon as possible after receipt of payment.

§ 401.80 Fees.

(a) Unless waived in accordance with the provisions of § 401.81, the following fees shall be imposed for disclosure of any record pursuant to this part.

(1) *Copying of records.* Fifteen cents per copy of each page.

(2) *Clerical searches.* $1 for each one-quarter hour spent by clerical personnel searching for and producing a requested record, including time spent copying any record.

(3) *Nonclerical searches.* $1.80 for each one-quarter hour spent by professional or managerial personnel searching for and producing a requested record, including time spent copying any record.

(4) *Forwarding material to destination.* Postage, insurance, and special fees will be charged on an actual cost basis.

(b) No charge shall be made for the time spent in resolving legal or policy issues or in examining records for the purpose of deleting nondisclosable portions thereof.

(c) Payment shall be made by check or money order payable to "Delaware River Basin Commission" and shall be sent to the FOIA Officer.

§ 401.81 Waiver of fees.

(a) No fee shall be charged for disclosure of records pursuant to this part where:

(1) The records are requested by a congressional committee or subcommittee or the General Accounting Office.

(2) The records are requested by an agency of a signatory party.

(3) The records are requested by a court of competent jurisdiction.

(4) The records are requested by a state or local government having jurisdiction thereof.

(b) No fee shall be charged if a record requested is not found or for any record that is totally exempt from disclosure.

§ 401.82 Exempt information.

The following materials and information covered by this part shall be exempt from disclosure; that is, information that is:

(a) Related solely to the internal personnel matters of the Commission.

(b) Specifically exempted from disclosure by statute;

(c) Trade secrets and commercial or financial information obtained from a person and privileged or confidential. (For purposes of this section a trade secret may consist of any formula, pattern, device, or compilation of information which is used in one's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. Commercial or financial information that is privileged or confidential means valuable data or information which is used in one's business and is of a type customarily held in strict confidence or regarded as privileged and not disclosed to any member of the public by the person to whom it belongs.)

(d) Inter-agency or intra-agency memorandums or letters other than purely factual compilations, which would not be available by law to a party other than an agency in litigation with the Commission;

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

(f) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (1) interfere with enforcement proceedings, (2) deprive a person of a right to a fair trial or an impartial adjudication, (3) constitute an unwarranted invasion of personal privacy, (4) disclose the identity of a confidential source, (5) disclose investigative techniques and procedures, or (6) endanger the life or physical safety of law enforcement personnel.

§ 401.83 Segregable materials.

Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this Part, except as provided in § 401.72.

§ 401.84 Data and information previously disclosed to the public.

Any Commission record that is otherwise exempt from public disclosure pursuant to this part is available for public disclosure to the extent that it contains data or information that have previously been disclosed in a lawful manner to any member of the public, other than an employee or consultant or pursuant to other commercial arrangements with appropriate safeguards for secrecy.

§ 401.85 Discretionary disclosure by the Executive Director.

(a) The Executive Director may, in his discretion, disclose part or all of any Commission record that is otherwise exempt from disclosure pursuant to this part. The Executive Director shall exercise his discretion to disclose such records whenever he determines that such disclosure is in the public interest, will promote the objectives of the Commission, and is consistent with the rights of individuals to privacy, the property rights of persons in trade secrets, and the need for the Commission to promote frank internal policy deliberations and to pursue its regulatory activities without disruption.

(b) Discretionary disclosure of a record pursuant to this section shall invoke the requirement that the record shall be disclosed to any person who requests it pursuant to § 401.78, but shall not set a precedent for discretionary disclosure of any similar or related record and shall not obligate the Executive Director to exercise his discretion to disclose any other record that is exempt from disclosure.

§ 401.86 Disclosure to consultants, advisory committees, State and local government officials, and other special government employees.

Data and information otherwise exempt from public disclosure may be disclosed to Commission consultants, advisory committees, state and local government officials, and other special government employees for use only in their work in cooperation with the Commission. Such persons are thereafter subject to the same restrictions with respect to the disclosure of such data and information as any other Commission employee.

§ 401.87 Disclosure to other Federal government departments and agencies.

Any Commission record otherwise exempt from public disclosure may be disclosed to other Federal Government departments and agencies, except that trade secrets may be disclosed only to a department or agency that has concurrent jurisdiction over the matter and separate legal authority to obtain the specific information involved. Any disclosure under this section shall be pursuant to an agreement that the record shall not be further disclosed by the other department or agency except with the written permission of the Commission.

§ 401.88 Disclosure in administrative or court proceedings.

Data and information otherwise exempt from public disclosure may be revealed in Commission administrative or court proceedings where the data or information are relevant. The Commission will request that the data or information be held in camera and that any other appropriate measures be taken to reduce disclosure to the minimum necessary under the circumstances.

§ 401.89 Disclosure to Congress.

All records of the Commission shall be disclosed to Congress upon an authorized request.

Subpart G—General Provisions

§ 401.91 Definitions.

For the purposes of this part, except as the context may otherwise require:

(a) All words and phrases which are defined by section 1.2 of the Compact shall have the same meaning herein.

(b) Words and phrases which are defined by Part I of the Administrative Manual (Section 1-3) shall have the same meaning for the purposes of this Part 401.

(c) "Application" shall mean a request for action by the Commission in any written form, including without limitation thereto, a letter, referral by any agency of a signatory party, or an official form prescribed by the Commission; provided that whenever an official form of application has been duly required, an application shall not be deemed to be pending before the Commission until such time as such form, together with the information required thereby, has been completed and filed.

(d) "Applicant" shall mean any sponsor or other person who has submitted an application to the Commission.

(e) "Sponsor" shall mean any person authorized to initiate, construct or administer a project.

§ 401.92 Supplementary details.

Forms, procedures and supplementary information, to effectuate these regulations, may be provided or required by the Executive Director as to any hearing, project or class of projects.

§ 401.93 Waiver of rules.

The Commission may, for good cause shown, waive rules or require additional information in any case.

§ 401.94 Construction.

This part is promulgated pursuant to section 14.2 of the Compact and shall be construed and applied subject to all of the terms and conditions of the Compact and of the provisions of section 15.1 of Pub. L. 87-328, 75 Stat. 688.

This part shall take effect on March 27, 1975.

W. BRINTON WHITALL,
Secretary.

[FR Doc.75-8147 Filed 3-27-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Recodification Editorial and Technical Amendments

The Food and Drug Administration is in the process of recodifying all of Chapter I of Title 21 of the Code of Federal Regulations for the purposes of providing orderly development of such regulations, furnishing ample room for expansion in the years ahead, and providing the public and affected industries with regulations that are easy to find, read and understand.

The tenth in a series of recodification documents, which transferred and reorganized regulations on tolerances for pesticides in food and animal feeds administered by the Environmental Protection Agency, is published elsewhere in this issue of the FEDERAL REGISTER.[1]

To provide uniformity and continuity during the recodification, the Commissioner concludes that the references to the recodified material should be amended at this time.

Therefore, Part 121 is amended as follows:

Section 121.2573 is amended by changing the references to "§§ 121.289 and 121.290" and "§§ 121.1074 and 121.1075" to read "§§ 561.310 and 561.340 of this chapter" and "§§ 123.360 and 123.390 of this chapter".

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation.

Dated: March 11, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-7534 Filed 3-27-75;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-216]

PART O—STANDARDS OF CONDUCT

Appendix—List of Positions Subject To Subpart D

This amendment to Part O of Subtitle A of Title 24 is made to update the "Appendix—List of Positions Subject to Subpart D", so as to reflect the current organization of the Department.

Since this amendment relates to Department management and personnel, notice and public procedure and a deferred effective date are unnecessary.

The appendix is revised to read as follows:

APPENDIX—LIST OF POSITIONS SUBJECT TO SUBPART D

Officers and employees in the following positions are subject to the provisions of Subpart D of this part:

OFFICE OF THE SECRETARY

Executive Assistant to the Secretary.
Special Assistants to the Secretary.
Assistant Secretary for Public Affairs.
Assistant to the Secretary, Programs for the Elderly and the Handicapped.
Special Assistant to the Secretary (International Liaison).
Assistant to the Secretary for Labor Relations.
Administrative Officer, Office of the Secretary.
Chairman, HUD Board of Contract Appeals.

OFFICE OF THE UNDER SECRETARY

Under Secretary.
Deputy Under Secretary for Field Operations.
Deputy Under Secretary for Management.
Executive Assistant to the Under Secretary.
Special Assistants to the Under Secretary.

OFFICE OF THE GENERAL COUNSEL

General Counsel.
Deputy General Counsel.
Associate Deputy General Counsel.
Special Assistants to the General Counsel.
Associate General Counsels.
Assistant General Counsels.
Regional Counsels.
Area Counsels.

ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH

Assistant Secretary.
Executive Assistant.
Special Assistants.
Director, Office of Program Development, Review and Administration.
Director, Division of Program Development and Control.
Director, Division of Budget and Contracts.
Director, Division of Product Dissemination and Transfer.
Director, Division of Administration.
Deputy Assistant Secretary, Office of Research and Demonstration.
Director, Division of Community Management, Technology and Environmental Research.
Director, Division of Housing Research.
Director, Equal Opportunity—Fair Housing Staff.
Director, Community Design Staff.
Director, Division of Community Development and Growth Research.
Director, Division of Building Technology and Safety Research.
Chairman, USAC.
Director, Innovative Financing Research Staff.
Deputy Assistant Secretary, Office of Policy Development.
Deputy Assistant Secretary, Office of Economic Affairs.
Assistant to Deputy Assistant Secretary and Director of Economic Affairs.
Director, Division of Economic Policy.
Director, Division of Housing and Community Analysis.
Director, Division of Housing Finance Analysis.
Director, Division of Housing Assistance Research.
Director, Office of Program Analysis and Evaluation.
Director, Division of Special Studies.
Director, Division of Program Impact Analysis.

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT AND FEDERAL HOUSING COMMISSIONER

Assistant Secretary.
Deputy Assistant Secretary.
Executive Assistant Commissioner.
Special Assistants to the Assistant Secretary.
Director, Office of Field Support.
Director, Office of Policy and Program Analysis and Development.
Director, Office of Management Systems.
Director, Participant Control and Supervision Division.
Director, Division of Publicly Financed Housing.
Director, Division of Property Improvement and Mobile Homes.
Director, Office of Underwriting Standards.
Deputy Director, Office of Underwriting Standards.
Director, Single Family Underwriting Division.

[1] See FR Doc. 75-7535, Part II of this issue, *infra*.

Director, Multifamily Underwriting Division.
Director, Architecture and Engineering Division.
Supervisory Appraisers.[1]
Appraisers.[1] [2]

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

President.
Executive Vice President.
Vice President—Fiscal Management.
Secretary-Treasurer.
Controller.

ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Assistant Secretary.
Deputy Assistant Secretary.
Counselor to the Assistant Secretary.
Special Assistants to the Assistant Secretary.
Director, Project Financing Staff.
Director, Emergency Preparedness Staff.
Director, Office of Management Information and Field Support.
Director, Office of Housing Programs.
Director, Office of Loan Management.
Director, Office of Property Disposition.
Director, Office of Administrative and Program Services.
Director, Housing Consumer Services Division, Office of Administrative and Program Services.
Director, Local Agency Services Division, Office of Administrative and Program Services.
Director, Budget Division, Office of Administrative and Program Services.
Director, Management Services Division, Office of Administrative and Program Services.
Program Advisors, Local Agency Services Division, Office of Administrative and Program Services.
Director, Programs Services Division, Office of Housing Programs.
Chief, Maintenance and Utilities Branch, Programs Services Division, Office of Housing Programs.
Supervisory Supply Management Officer, Maintenance and Utilities Branch, Office of Housing Programs.
Director, Reconditioning and Contracting Division, Office of Property Disposition.
Contracting Officers, Reconditioning and Contracting Division, Office of Property Disposition.

ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

Assistant Secretary.
Deputy Assistant Secretary.
Executive Assistant.
Special Assistants to the Assistant Secretary.
Citizen Participation Advisor.
Director, Office of Management.
Deputy Director, Office of Management.
Director, Budget Division.
Director, Data Systems and Statistics Division.
Director, Administrative Management Division.
Director, Urban Program Coordination Staff.
Director, Office of Environmental Quality.
Deputy Director, Office of Environmental Quality.
Director, Environmental Management and Engineering Division.
Director, Environmental Planning Division.
Director, Office of Planning and Management Assistance.
Deputy Director, Office of Planning and Management Assistance.
Director, Program Management Division.
Director, Program Regulations Division.
Director, Office of Policy Planning.
Deputy Director, Office of Policy Planning.
Director, Policy Planning Division.
Director, Governmental Assistance Division.
Director, Office of Field Support.
Deputy Director, Office of Field Support.
Director, Office of CD Programs.
Deputy Director, Office of CD Programs.
Director, Financial Management Division.
Director, Program Standards Division.
Director, Relocation and Development Services Division.
Director, Office of Evaluation.
Deputy Director, Office of Evaluation.
Director, Program Evaluation Division.
Director, Urban Studies Division.

ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY

Assistant Secretary.
Deputy Assistant Secretary for Equal Opportunity.
Executive Assistant to Assistant Secretary.
Director, Office of Voluntary Compliance.
Director, Housing and Community Development Division.
Director, Manpower and Business Opportunities Division.
Director, Office of Civil Rights Compliance and Enforcement.
Director, Compliance Procedures Division.
Director, Field Assistance Division.
Director, Hearings Division.
Director, Office of Program Standards and Data Analysis.
Director, Program Standards Division.
Director, Data Analysis Division.
Director, Office of Management and Field Coordination.
Director, Budget and Management Division.
Director, Field Coordination and Equal Opportunity Operations Evaluation Division.

OFFICE OF LEGISLATIVE AFFAIRS

Assistant Secretary.
Deputy Assistant Secretary.
Director, Senate Liaison.
Director, House Liaison.

ASSISTANT SECRETARY FOR ADMINISTRATION

Assistant Secretary.
Deputy Assistant Secretary.
Special Assistants to the Assistant Secretary.
Director, Office of Budget.
Deputy Director, Office of Budget.
Director, Office of General Services.
Deputy Director, Office of General Services.
Director, Office of Finance & Accounting.
Director, Office of Organization and Management Information.
Director, Office of ADP Systems Development.
Deputy Director, Office of ADP Systems Development.
Director, Office of ADP Operations.
Deputy Director, Office of ADP Operations.
Director, Office of Personnel.
Deputy Director, Office of Personnel.
Director, Office of Procurement and Contracts.

FEDERAL INSURANCE ADMINISTRATION

Federal Insurance Administrator.
Special Assistant to the Administrator.
Assistant Administrator for Finance and Administrative management.
Assistant Administrator (Flood Insurance).
Assistant Administartor (Crime Insurance).
Assistant Administrator (Urban Property Insurance).
Chief Actuary.
Director, Flood Plain Management Division.
Director, Enginering and Hydrology Division.
Director, Review and Compliance Division.
Director, Riot Reinsurance Division.
Director, Flood Insurance Operations Division.

OFFICE OF INTERSTATE LAND SALES REGISTRATION

Administrator.
Deputy Administrator.
Assistant Deputy Administrator.
Director, Examination Division.
Director, Policy Development and Control Division.
Director, Land Sales Enforcement Division.

NEW COMMUNITIES ADMINISTRATION

Administrator.
Special Assistant.
Assistant Administrator, Office of Program and Policy Evaluation.
Assistant Administrator, Office of Finance.
Assistant Administrator, Office of Technical Analysis.
Assistant Administrator, Office of Policy Development.

COMMUNITY DEVELOPMENT CORPORATION

General Manager.
Executive Assistant to the General Manager.

OFFICE OF INSPECTOR GENERAL

Inspector General.
Assistant Inspector General for Audit.
Deputy Assistant Inspector General for Audit.
Assistant Directors of Audit Operations.
Regional Inspectors General for Audit.
Assistant Inspector General for Investigation.
Deputy Assistant Inspector General for Investigation.
Senior Inspector.
Regional Inspectors General for Investigation.
Assistant Inspector General for Security.
Assistant Inspector General for Administration.
Assistant Inspector General for Washington Operations and Special Projects.
Auditors (GS–13 and above).
Investigators (GS–13 and above).
Security Specialists (GS–13 and above).

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Administrator.
Deputy Administrator.
Assistant Administrator for Management.
Chief, Financial Management Staff.
Regional Director, I.
Regional Director, II.
Regional Director, III.
Regional Director, IV.
Regional Director, V.
Regional Director, VI.
Regional Director, VII.
Regional Director, VIII.
Regional Director, IX.
Regional Director, X.
Deputy Regional Director, II.
Deputy Regional Director, III.
Disaster Program Officer, III.
Disaster Program Officer, VII.
Deputy Regional Director, VIII.
Disaster Program Officers, IX.
Disaster Program Officer, X.

REGIONAL OFFICES

Regional Administrator.
Deputy Regional Administrator.
Director, Program Planning Staff.
Assistant Regional Administrator for Community Planning and Development.
Assistant Regional Administrator for Housing Production and Mortgage Credit.
Production Coordinator.
Assistant Regional Administrator for Housing Management.
Loan and Contract Servicing Officer.
Director, General Services Division.
Assistant Regional Administrator for Equal Opportunity.

[1] See § 0.735–401(d).
[2] All personnel performing appraisal functions to be included.

Director, Equal Opportunity Compliance Division.
Director, Equal Opportunity Evaluation and Support Division.
Supervisory Appraisers.[1]
Appraisers.[1 2]

AREA OFFICES

Area Director.
Deputy Area Director.
Director, Housing Production and Mortgage Credit Division.
Deputy Director, Housing Production and Mortgage Credit Division.
Chief, Valuation Branch.
Chief, Mortgage Credit Branch.
Chief, Architectural Branch.
Chief, Cost Branch.
Chief, Multifamily Branch.
Chief, Single Family Branch.
Director, Community Planning and Development Division.
Deputy Director, Community Planning and Development Division.
Program Managers.
Director, Housing Management Division.
Director, Housing Programs Management Branch.
Director, Loan Management and Property Disposition Branch.
Director, Equal Opportunity Division.
Area Economist.
Environmental Officer.
Director, Administrative Division (GS-13 and above).
Supervisory Appraisers.[1]
Appraisers.[1 2]

INSURING OFFICES

Director.
Deputy Director.
Assistant to Director.
Chief Underwriter.
Director, Housing Management Division.
Chief, Management and Mortgage Servicing Section.
Chief, Property Disposition Section.
Supervisory Appraisers.[1]
Appraisers.[1 2]

(18 U.S.C. 201; E.O. 11222 of May 8, 1965, 30 FR 6469; 5 CFR 735.104)

This amendement was approved by the Civil Service Commission on December 16, 1974.

Effective date. The amendment is effective March 28, 1975.

CARLA L. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-8085 Filed 3-27-75;8:45 am]

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

[Docket No. R-75-267]

PART 275—LOW RENT PUBLIC HOUSING

Interim Rule; Prototype Cost Limits; Tenn.

In the FEDERAL REGISTER issued May 17, 1974, (39 FR 17678), prototype per unit cost schedules were published pursuant to section 15(5) of the United States Housing Act of 1937. Consideration of subsequent factual project cost data and other information received from the Knoxville Area Office indicates that certain prototype costs for Chattanooga, Tennessee published May 17, 1974, should be revised.

Written data, views, or statements may be filed with the appropriate HUD Area Office. The offices were listed in our publication of May 17, 1974. Accordingly, 24 CFR Part 275 is amended to read as follows:

1. On page 17704 delete the existing prototype costs for Chattanooga and substitute in lieu thereof the revised prototype per unit costs shown on the table set forth hereinafter, entitled Prototype Per Unit Cost Schedule.

(Sec. 7(d) of Dept. of HUD Act, U.S.C. 3535 (d)).

Effective date. This amendment is effective March 28, 1975.

SANFORD A. WITKOWSKI,
Acting Assistant Secretary-Commissioner.

Prototype per unit cost schedule—Region IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Chattanooga, Tenn:							
Detached and semidetached	9,050	10,900	13,400	16,050	19,450	21,400	22,450
Row dwellings	9,450	11,350	14,050	16,750	20,100	22,350	23,400
Walk-up							
Elevator-structure							

[FR Doc.75-8083 Filed 3-27-75;8:45 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 521]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

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

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

§ 1914.4 List of Eligible Communities.

* * * * *

[1] See § 0.735-401(d).
[2] All personnel performing appraisal functions to be included.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arkansas	Crawford	Alma, city of	Mar. 25, 1975, emergency	June 21, 1974		
Illinois	Cook	Evanston, city of	do	do		
Indiana	White	Monticello, city of	do	May 17, 1974		
Mississippi	Union	New Albany, city of	do	Feb. 1, 1974		
Missouri	New Madrid	Morehouse, city of	do	Mar. 15, 1974		
Nebraska	Otoe	Syracuse, city of	do	Dec. 7, 1973		
New Jersey	Camden	Berlin, township of	do	June 7, 1974		
Do	Cumberland	Upper Deerfield, township of	do	Aug. 2, 1974		
New York	Wyoming	Genesee Falls	do	Aug. 9, 1974		
Do	Wayne	Newark, village of	do	May 31, 1974		
Do	Broome	Port Dickinson, village of	do	Feb. 1, 1974		
North Carolina	Swain	Bryson City, town of	do	June 14, 1974		
Do	Catawba	Newton, city of	do	June 28, 1974		
Ohio	Washington	Beverly, village of	do	Apr. 5, 1974		
Oregon	Marion and Linn	Idanha, city of	do	Aug. 30, 1974		
Do	Marion	Jefferson, city of	do	Feb. 1, 1974		
Do	Union	Summerville, city of	do			
Utah	Wasatch	Heber City, city of	do	June 21, 1974		
Do	Weber	Unincorporated areas	do			
Vermont	Addison	Vergennes, city of	do	June 28, 1974		
Virginia	Mecklenberg	Clarksville, town of	do	Nov. 1, 1974		
West Virginia	Clay	Clay, town of	do	Dec. 20, 1974		
Wisconsin	Dane	Monona, city of	do	Nov. 30, 1973		
Do	Oneida	Rhinelander, city of	do	Dec. 17, 1973		
Wyoming	Laramie	Pine Bluffs, town of	do	Apr. 12, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: March 18, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-7826 Filed 3-27-75;8:45 am]

[Docket No. FI 523]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

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

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

§ 1914.4 List of Eligibile Communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	
California	Riverside	Perris, city of	Mar. 21, 1975, emergency	Sept. 6, 1974		
Idaho	Clearwater	Orofino, city of	do	Nov. 23, 1973		
Illinois	Lake	Kildeer, village of	do	May 17, 1974		
Do	LaSalle	Peru, city of	do	Apr. 5, 1974		
Indiana	Spencer	Rockport, city of	do	Dec. 7, 1973		
Iowa	Cerro Gordo	Mason, city of	do	Mar. 1, 1974		
Louisiana	Jefferson Davis Parish.	Lake Arthur, town of	do	Jan. 9, 1974		
Maryland	Washington	Keedyville, town of	do	July 26, 1974		
Massachusetts	Middlesex	Wayland, town of	do	do		
Missouri	Jefferson	De Soto, city of	Mar. 18, 1974, suspension withdrawn.	Apr. 28, 1972		
Nebraska	Burt	Lyons, city of	Mar. 21, 1975, emergency	Jan. 9, 1974		
New Jersey	Middlesex	Plainsboro, township of	do	May 31, 1974		
Do	Camden	Stratford borough of	do	Mar. 22, 1974		
New York	Putnam	Brewester village of	do	do		
Do	do	Carmel, town of	do	Sept. 13, 1974		
Do	Cayuga	Cato, town of	do	Aug. 2, 1974		
Do	Yates	Jerusalem, town of	do	May 31, 1974		
Do	Putnam	Kent, town of	do	Apr. 12, 1974		
Do	Chenango	Oxford, town of	do	Dec. 20, 1974		
Do	Putnam	Patterson, town of	do	Apr. 12, 1974		
Do	do	Philipstown, town of	do	May 3, 1974		
North Carolina	Granville	Creedmore, city of	do	June 28, 1974		
Do	Macon	Franklin, town of	Mar. 13, 1975, suspension withdrawn.	Feb. 23, 1971		
Do	Wilson	Wilson, city of	Mar. 21, 1975, emergency	Nov. 29, 1974		
North Dakota	Trail	Mayville, city of	do	Jan. 9, 1974		
Ohio	Crawford	Bucyrus, city of	do	Nov. 16, 1973		
Do	Marion	LaRue, village of	do			
Do	Franklin	Minerva Park, village of	do			
Pennsylvania	Lycoming	Picture Rocks, borough of	do	June 28, 1974		
Texas	Terry	Brownfield, city of	do	do		
Do	Brooks	Falfurrias, city of	do	Jan. 23, 1974		
Utah	Emery	Emery, town of	do	Feb. 7, 1975		
Virginia	Loudoun	Leesburg, town of	do	Aug. 30, 1974		
Washington	Okanogan	Conconully, town of	do			
Do	Adams	Lind, town of	do	June 8, 1928		
West Virginia	Braxton	Gassaway, town of	do	Jan. 10, 1975		
Wisconsin	Burnett	Unincorporated areas	do	Dec. 6, 1974		
Do	Racine	Rochester, village of	do	Jan. 9, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: March 17, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-7827 Filed 3-27-75;8:45 am]

[Docket No. FI 524]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

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

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

§ 1914.4 List of Eligible Communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arizona	Maricopa	Glendale, city of	Mar. 20, 1975, emergency	July 26, 1974		
Arkansas	Ouachita	East Camden, city of	do	May 24, 1974		
Delaware	Kent	Wyoming, town of	do	do		
Florida	Jackson	Marianna, city of	do	June 28, 1974		
Illinois	Cook	Justice, village of	do	Mar. 22, 1974		
Indiana	Laporte	Michigan City, city of	do	July 19, 1974		
Kansas	McPherson	McPherson, city of	do	Mar. 15, 1974		
Kentucky	Carroll	Carrollton, city of	do	June 14, 1974		
Massachusetts	Berkshire	North Adams, city of	do	Mar. 8, 1974		
Do	Hampshire	Belchertown, town of	do	June 21, 1974		
Minnesota	Clay	Georgetown, village of	do	Nov. 23, 1973		
Mississippi	Jones	Unincorporated area	do	Nov. 29, 1974		
Missouri	Franklin	Washington, city of	do	Jan. 9, 1974		
Do	Pemiscot	Hayti Heights, city of	do			
Ohio	Belmont	Brookside, village of	do	Feb. 8, 1974		
Oregon	Lane	Veneta, city of	do	Mar. 22, 1974		
Pennsylvania	Washington	Roscoe, borough of	do	June 7, 1974		
West Virginia	Brooke	Weirton, city of	do	Feb. 1, 1974		
Wisconsin	Chippewa	Bloomer, city of	do	May 24, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: March 14, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-7828 Filed 3-27-75;8:45 am]

[Docket No. FI 525]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

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

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

§ 1914.4 List of Eligible Communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arkansas	Lee	Marianna, city of	Mar. 18, 1975, emergency	Oct. 26, 1973		
Colorado	El Paso	Green Mountain Falls, town of.	do	Aug. 30, 1974		
Delaware	Kent	Camden, town of	do†	May 24, 1974		
Florida	Palm Beach	Pahokee, city of	do			
Indiana	Harrison	Crandall, town of	do			
Massachusetts	Berkshire	Lenox, town of	do	June 14, 1974		
Mississippi	Marion	Unincorporated areas	do			
Do	Jefferson Davis	Prentiss, town of	do†	June 7, 1974		
Nebraska	Sherman	Loup City, city of	do	Apr. 5, 1974		
Ohio	Logan	Bellefontaine, city of	do	June 7, 1974		
Oklahoma	Kiowa	Snyder, city of	do	Jan. 9, 1974		
Pennsylvania	Tioga	Osceola, township of	do	Sept. 20, 1974		
Do	Washington	East Bethlehem, township of.	do			
Virginia	Fauquier	Unincorporated areas	do	Dec. 13, 1974		
Do	do	Warrenton, town of	do	May 31, 1974		
Washington	Snohomish	Mountlake Terrace, city of	do			
Wisconsin	Racine	Wind Point, village of	do	June 28, 1974		
Do	Green	Albany, village of	do	Jan. 9, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: March 12, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-7829 Filed 3-27-75;8:45 am]

[Docket No. FI 526]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

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

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

§ 1914.4 List of Eligible Communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	
Alabama	Hale	Greensboro, city of	Mar. 19, 1975, emergency			
Indiana	Madison	Elwood, city of	do	Dec. 28, 1973		
Do	Dearborn	Greendale, town of	do	Jan. 16, 1974		
Do	Harrison	Unincorporated areas	do	Dec. 13, 1974		
Do	Gibson	Princeton, city of	do	May 31, 1974		
Iowa	Crawford	Denison, city of	do	May 10, 1974		
Kansas	Decatur	Oberlin, city of	do	Jan. 9, 1974		
Kentucky	Boyd	Ashland, city of	do	June 14, 1974		
Maine	(See attached sheets.)					
Minnesota	Morrison	Randall, city of	do	June 7, 1974		
Do	Sibley	Henderson, city of	do	May 24, 1974		
Mississippi	Calhoun	Calhoun City, city of	do	June 7, 1974		
Do	Calhoun	Pittsboro, town of	do			
Montana	Yellowstone	Laurel, city of	do	Mar. 29, 1974		
New Jersey	Salem	Upper Pittsgrove, township of.	do	July 19, 1974		
New York	Onondaga	Marcellus, town of	do	May 3, 1974		
Do	Chautauqua	Silver Creek, village of	do	Feb. 22, 1974		
Ohio	Stark	Navarre, village of	do	Jan. 16, 1974		
Pennsylvania	Chester	West Fallowfield, township of.	do	Jan. 3, 1975		
Do	Schuylkill	Tremont, township of	do	Nov. 15, 1974		
Do	do	Walker, township of	do	Nov. 29, 1974		
Do	Erie	Wesleyville, borough of	do	May 31, 1974		
Do	Westmoreland	Penn, borough of	do	Apr. 12, 1974		
Texas	Liberty	Dayton, city of	do	June 28, 1974		
Utah	Iron	Cedar City, city of	do	Jan. 23, 1974		
Virginia	Southampton	Courtland, town of	do	Mar. 15, 1974		
Do	Prince William	Quantico, town of	do	Nov. 1, 1974		
West Virginia	Braxton	Burnsville, town of	do	Feb. 1, 1974		
Do	Summers	Unincorporated areas	do	Jan. 3, 1975		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	
Maine		Land Use Regulation Commission includes:	do			
Do	Aroostook	Allagash, plantation of	do	Feb. 14, 1975		
Do	Penobscot	Argyle, township of	do	Feb. 21, 1975		
Do	Washington	Baring, plantation of	do	Jan. 31, 1975		
Do	Oxford	Batchelders Grant, township of.	do			
Do	Washington	Brookton, township of	do	Feb. 21, 1975		
Do	Penobscot	Carroll, plantation of	do	Feb. 14, 1975		
Do	Aroostook	Cary, plantation of	do	Feb. 7, 1975		
Do	do	Caswell, plantation of	do			
Do	Penobscot	Mt. Chase, plantation of	do	Feb. 14, 1975		
Do	Somerset	Concord, township of	do	do		
Do	Aroostook	Connor, township of	do	Feb. 21, 1975		
Do	do	Cyr, plantation of	do	Feb. 14, 1975		
Do	Franklin	Dallas, plantation of	do	do		
Do	Washington	Edmunds, township of	do	do		
Do	Franklin	Freeman, township of	do			
Do	Aroostook	Garfield, plantation of	do	Feb. 7, 1975		
Do	Washington	Grand Lake Stream, plantation of.	do	Feb. 14, 1975		
Do	Aroostook	Hamlin, plantation of	do	do		
Do	Penobscot	Kingman, township of	do	Jan. 24, 1975		
Do	Washington	Lambert Lake T01 R03 TS, township of.	do	Feb. 21, 1975		
Do	Aroostook	Macwahoc, plantation of	do	Feb. 14, 1975		
Do	Oxford	Milton, township of	do	Feb. 21, 1975		
Do	Aroostook	New Canada, plantation of	do	Feb. 7, 1975		
Do	Piscataquis	Orneville, township of	do	Feb. 14, 1975		
Do	Penobscot	Prentiss, plantation of	do	Jan. 31, 1975		
Do	Somerset	Rockwood Strip T01 R01 NBKP, township of.	do	Feb. 7, 1975		
Do	Aroostook	St. John, plantation of	do	do		
Do	do	Silver Ridge, township of	do	Feb. 21, 1975		
Do	Hancock	T08 SD, township of	do	Feb. 7, 1975		
Do	Aroostook	T17 R4 Wels, township of	do	do		
Do	do	T17 R5 Wels, township of	do	do		
Do	Washington	Trescott, township of	do	Jan. 24, 1975		
Do	Aroostook	Wallagrass, plantation of	do	Feb. 7, 1975		
Do	do	Winterville, plantation of	do	do		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: March 13, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-7830 Filed 3-27-75;8:45 am]

[Docket No. FI 527]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

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

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

§ 1914.4 List of Eligible Communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Georgia	Walton	Monroe, city of	Mar. 26, 1975, emergency	June 28, 1974		
Idaho	Idaho	Grangeville, city of	do	May 17, 1974		
Do	Bonner	Sandpoint, city of	do	June 21, 1974		
Indiana	Kosciusko	Warsaw, city of	do	May 10, 1974		
Do	Davies	Elnora, town of	do	Dec. 7, 1973		
Kansas	Johnson	Prairie Village, city of	do	June 14, 1974		
Do	Rush	La Cross, city of	do	Feb. 22, 1974		
Kentucky	Campbell	Newport, city of	do	Feb. 1, 1974		
Maine	Cumberland	Gorham, town of	do	Nov. 15, 1974		
Massachusetts	Middlesex	Natick, town of	do	July 26, 1974		
Minnesota	Pine	Pine City, city of	do	Jan. 9, 1974		
Missouri	Stoddard	Bernie, city of	do	Mar. 29, 1974		
Do	Ray	Unincorporated area	do			
Nebraska	Washington	Kennard, village of	do	Sept. 13, 1974		
Do	Dakota	Homer, village of	do	Sept. 6, 1974		
New Hampshire	Hillsborough	Manchester, city of	do	Nov. 1, 1974		
Ohio	Clark	Springfield, city of	do	Apr. 12, 1974		
Wisconsin	Juneau	Lyndon Station, village of	do	May 24, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: March 19, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-7831 Filed 3-27-75;8:45 am]

[Docket No. FI-528]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

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

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

Until July 1, 1975, the statutory requirement for the purchase of flood insurance does not apply until and unless the community enters the program and the special flood hazards have been identified. However, on July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program and flood insurance has been purchased.

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

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

§ 1914.4 List of Eligible Communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Illinois	Cook	North Riverside, Village of	Mar. 24, 1975, emergency	Feb. 1, 1974		
Do	Bureau	Princeton, city of	do	June 7, 1974		
Do	Lake	Vernon Hills, village of	do	Mar. 29, 1974		
Indiana	Putnam	Bainbridge, town of	do	July 19, 1974		
Do	Perry	Cannelton, city of	do	Nov. 30, 1973 Oct. 18, 1974		
Do	Montgomery	Crawfordsville, city of	do	Jan. 23, 1974		
Do	Hamilton	Cicero, town of	do	Feb. 1, 1974		
Do	Jasper	Demotte, town of	do	Feb. 15, 1974		
Do	Madison	Ingalls, town of	do	May 17, 1974		
Do	Noble	Kendallville, city of	do	June 14, 1974		
Do	Wabash	North Manchester, town of	do	Dec. 28, 1973		
Do	Porter	Valparaiso, city of	do	Jan. 9, 1974		
Do	Wayne	Unincorporated areas	do	Dec. 6, 1974		
Michigan	Ingham	East Lansing, city of	do	May 24, 1974		
Missouri	Saline	Marshall, city of	do	May 3, 1974		
Do	Pemiscot	Wardell, city of	do			
New York	Dutchess	Millbrook, village of	Do	May 31, 1974		
Pennsylvania	Westmoreland	Youngwood, borough of	do	June 21, 1974		
Tennessee	Lincoln	Petersburg, town of	do	Feb. 15, 1974		
Texas	Burnet	Burnet, city of	do	May 17, 1974		
Do	Rusk	Henderson, city of	do	Mar. 8, 1974		
Utah	Cache	Nibley, town of	do			
West Virginia	Kanawha	Charleston, city of		May 10, 1974 Jan. 24, 1975		
Do	Marion	Farmington, town of	do	May 31, 1974		
Do	do	Fairview, town of	do	do		
Wisconsin	Milwaukee	Brown Deer, village of	do	Dec. 17, 1973 Nov. 22, 1974		
Do	Grant	Lancaster, city of	do	May 31, 1974		
Do	Marathon	Stratford, village of	do	Dec. 17, 1973		
Do	Price	Phillips, city of	do	Jan. 9, 1974		
Do	Waukesha	Pewaukee, village of	do			
Do	Polk	Frederic, village of	do	May 31, 1974		
Do	Rock	Footville, village of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: March 18, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-7832 Filed 3-27-75;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 0—STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES

Statement of Employment and Financial Interests

As provided in § 735.104, Civil Service rules and regulations (5 CFR § 735.104), there follows an amended list of positions in the Veterans Administration requiring filing of statement of employment and financial interest. Also amended is a section showing statements of employment and financial interest which must be submitted to the Administrator.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is unnecessary since the amendments are merely internal procedure and practice.

1. In § 0–735–73, paragraph (e) is revised to read as follows:

§ 0.735–73 Employees required to submit statements.

* * * * *

(e) The following positions, which are classified at GS–13 or above except as otherwise indicated, are considered to meet the criteria of paragraph (a), (b), (c) or (d) of this section and have not been excluded under § 0.735–74; all appointees to these positions must file statements of employment and financial interests, except where an individual position in an included category may be exempted under § 0.735–74(a):

LIST OF POSITIONS REQUIRING FILING OF STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

Deputy Administrator.
Associate Deputy Administrator.
Assistant Deputy Administrator.
Chief Medical Director.
Chief Benefits Director.
Chief Data Management Director.
General Counsel.
Manager, Administrative Services.
Controller.
Assistant Administrator for Construction.
Chairman and Members, Contract Appeals Board.
Assistant Manager, Administrative Services, Central Office.
Director, Central Office Building and Supply Service.
Assistant Director, Central Office Building and Supply Service.
Director, Central Office Publications Service.
Assistant Director, Central Office Publications Service.
Deputy Assistant Administrator for Construction.
Director, Program Control and Analysis Staff (Construction).
Area Projects Directors (Construction).
Director of Architecture and Engineering.
Director of Planning and Development (Construction).
Utilities Contracting Officer.
Director, Research Staff (Construction).
All Service Directors in Office of Construction.
Resident Engineers (Construction) with authority to issue change orders, GS–11 and above.
Deputy Chief Data Management Director.
Director, Field Operations Service (Department of Data Management).
Chief, Equipment Planning and Evaluation Division (Department of Data Management).
Center Directors, Department of Data Management.
Deputy Chief Medical Director.
Assistant Chief Medical Director for Policy and Planning.
Associate Deputy Chief Medical Director for Operations.
Executive Assistant to Chief Medical Director.
Directors, Field Operations.
Assistant Chief Medical Director for Professional Services.
Deputy Assistant Chief Medical Director for Clinical Services.
Deputy Assistant Chief Medical Director for Clinical Support Services.
Director, Dietetic Service.
Deputy Assistant Chief Medical Director for Ambulatory Care.
Director, Medical Service.
Director, Nuclear Medicine Service.
Director, Nursing Service.
Director, Pathology Service.
Director, Pharmacy Service.
Director, Rehabilitation Medicine Service.
Director, Mental Health and Behavioral Sciences Service.
Deputy Director (Prosthetics Division), Surgical Service.
Director, Radiology Service.
Director, Surgical Service.
Assistant Chief Medical Director for Administration.
Director, Spinal Cord Injury Service.
Director, Building Management Service.
Director, Engineering Service.
Director, Manpower Grants Service.

Assistant Chief Medical Director for Academic Affairs.
Assistant Chief Medical Director for Dentistry.
Assistant Chief Medical Director for Research and Development.
Director, Veterans Canteen Service.
Deputy Director, Veterans Canteen Service.
Field Directors, Veterans Canteen Service.
Supervisory Buyers, Merchandising Division, Veterans Canteen Service.
Director, Supply Service.
Supply Management Officers (Class Title) GS–13 and up.
Supply Management Representatives (Class Title) GS–13 and up.
Contract Specialists (Class Title) GS–13 and up.
Chiefs, Supply Services, All Field Stations, GS–11 and above.
Chiefs, Business Services Division, Department of Medicine and Surgery Field Stations, GS–10 and above.
Directors of Field Stations, Department of Medicine and Surgery.
Assistant Directors of Field Stations, Department of Medicine and Surgery.
Chiefs of Staff, Department of Medicine and Surgery Field Stations.
Deputy Chief Benefits Director.
Director, Education and Rehabilitation Service.
Director, Compensation and Pension Service.
Director, Loan Guaranty Service.
Deputy Director, Loan Guaranty Service.
Field Directors, Area Field Office.
Directors, Department of Veterans Benefits Field Stations.
Assistant Director for Insurance, VA Center, Philadelphia.
Assistant Directors, Department of Veterans Benefits Centers.
Loan Guaranty Officers, Field Stations.
Assistant Loan Guaranty Officers, Field Stations.
Chiefs, Construction and Valuation Sections (Field Stations), GS–11 and above.
Chiefs, Loan Processing Sections (Field Stations), GS–11 and above.
Chiefs, Property Management Sections (Field Stations), GS–11 and above.
Director, National Cemetery Syatem.
Executive Assistant to the Director, National Cemetery System.
Deputy Director, National Cemetery System.
Director, Headstone Service.
Director, Cemetery Service.
Chief, Fiscal Audit Division (Planning and Evaluation).
Assistant Chief, Fiscal Audit Division (Planning and Evaluation).
Director, Contract Compliance Service.
Deputy Director, Contract Compliance Service.
Supervisory Equal Opportunity Specialists (Contract Compliance).
Equal Opportunity Specialists (Contract Compliance).

2. In § 0.735–75, the introductory portion preceding paragraph (a) is revised to read as follows:

§ 0.735–75 Time and place for submission of employees' statements; reviewing officials.

An employee required to submit a statement of employment and financial interests under this part shall submit that statement to the Reviewing Official: Station head for field positions; department, staff office, or National Cemetery System head, as appropriate, for all other positions (including station heads); Administrator for the heads of departments, staff offices, and National Cemetery System, and all positions in the Office of the Administrator. The statement shall be submitted not later than:

* * * * *

(E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104)

These amendments were approved by the Civil Service Commission on February 25, 1975, and are effective on March 28, 1975.

Approved: March 24, 1975.

By direction of the Administrator.

[SEAL] ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.75–8132 Filed 3–27–75;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Notices of Amendments to the Postal Contracting Manual

The Postal Contracting Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 601.100), is amended from time to time through the issuance of Transmittal Letters, and notice of these amendments is published in the FEDERAL REGISTER (see 39 CFR 601.105). Counting Transmittal Letter 1, which accompanied the basic manual, the Postal Service has, up to the present time, issued 18 Transmittal Letters, all of which have been duly noticed in the FEDERAL REGISTER in accordance with § 601.105.

Beginning with Transmittal Letter 17, notice of amendments to the Postal Contracting Manual has appeared in the Rules and Regulations section of the FEDERAL REGISTER, changes have been briefly described, and the number, date, and volume and page of publication in the FEDERAL REGISTER have been added as amendments to § 601.105. Previously, except for Transmittal Letter 10, the notices of amendments were published in the Notices section of the FEDERAL REGISTER, without description and with no amendment to § 601.105.

This document, the purpose of which is to aid researchers, will conform, in part, past practice with that of the present by putting in one place, as amendments to § 601.105 all previous notices of the issuance of Postal Contracting Manual transmittal letters, with the letter number, date, and volume and page of publication in the FEDERAL REGISTER.

In consideration of the foregoing 39 CFR 601.105 is amended by adding the following:

§ 601.105 Amendments to the Postal Contracting Manual.

* * * * *

Amendments to postal contracting manual

Transmittal letter	Dated	FR publication
1	Oct. 8, 1971	36 FR 22216
2	Sept. 8, 1972	37 FR 25967
3	Oct. 16, 1972	37 FR 25967
4	Oct. 18, 1972	37 FR 25967
5	Dec. 5, 1972	37 FR 25967
6	Dec. 13, 1972	38 FR 2498
7	Dec. 28, 1972	38 FR 2498
8	Jan. 1, 1973	38 FR 2498
9	Jan. 8, 1973	38 FR 2498
10	Mar. 1, 1973	38 FR 14375
11	Apr. 27, 1973	38 FR 17886
12	June 29, 1973	38 FR 26238
13	July 10, 1973	38 FR 26238
14	Oct. 26, 1973	38 FR 34515
15	Feb. 15, 1974	39 FR 12936
16	June 14, 1974	39 FR 26266

This amendment to § 601.105 is effective immediately.

(5 U.S.C. 552(a), 39 USC 401, 404, 410, 411, 2008.)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.75–8015 Filed 3–27–75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 340–9]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Approval and Disapproval of Compliance Schedules

On December 23, 1974, there was published in the FEDERAL REGISTER (39 FR 44237) a notice of proposed rulemaking which proposed to approve 29 compliance schedules for air pollution sources in California and to disapprove 2 such schedules. The schedules were submitted pursuant to 40 CFR 51.6 by the Governor of California, through his designee, as revisions to the compliance schedule portion of the California plan for implementation of the National Ambient Air Quality Standards. EPA received no comments from the public on the proposed rulemaking.

Each revision establishes a new date by which the individual air pollution source must comply with the applicable air pollution control regulations specified in the table below. This date is indicated in the table under the heading "Final Compliance Date." The schedules include incremental steps towards compliance with the specified regulations. While the table below does not include these interim dates, the actual compliance schedule does. The increments of progress, as well as the final compliance date, are legally enforceable by the Administrator pursuant to section 113 of the Clean Air Act, as amended (42 U.S.C. § 1857c–8).

The heading "Effective Date" in the table below refers to the date the compliance schedule becomes effective for purposes of federal enforcement. The entry "Immediately" under that heading indicates that the schedule will be federally-enforceable when the final

promulgation of the schedule becomes effective.

A copy of the complete California State Implementation Plan, including these schedules, is available for public inspection at the addresses listed below:

California State Air Resources Board
1709—11th Street
Sacramento CA 95814

Environmental Protection Agency, Region IX
Enforcement Division
100 California Street
San Francisco CA 94111

Environmental Protection Agency
Division of Stationary Source Enforcement
Room 3202, Waterside Mall
401 "M" Street, SW
Washington DC 20460

An evaluation report setting forth EPA's position on each of the schedules is also available at the office of EPA, Region IX.

Of the total of 29 compliance schedules proposed on December 23, 1974, 16 have since expired and the affected sources are now required to be in compliance with applicable air pollution control regulations. The Administrator has determined that the compliance schedules for the remaining 13 sources listed below are consistent with the requirements of section 110 of the Clean Air Act and 40 CFR Part 51. The schedules are therefore approved, pursuant to section 110 of the Act and 40 CFR 51.8, as revisions to the State compliance schedule portion of the approved California State Implementation Plan. The schedules for two Sources, Monolith Portland Cement Company and Simpson Lee Paper Company are disapproved because the final compliance date in each schedule extends beyond the allowable attainment date as specified in 40 CFR 52.238 and the State has not demonstrated that such revisions will not prevent the attainment and maintenance of a national standard. In the December 23, 1974 FEDERAL REGISTER it was proposed to amend 40 CFR 52.240 by adding these compliance schedules to paragraph (g) of that section. Paragraph (f) of that section, containing State compliance schedules, has since been promulgated. Therefore, these schedules will be promulgated in paragraph (f), rather than in paragraph (g) as proposed.

Accordingly, with that exception, the amendments proposed in the FEDERAL REGISTER on December 23, 1974, are hereby adopted without change and are set forth below.

EPA finds that good cause exists to make this rulemaking immediately effective because the schedules are already in effect in California under State law, each affected source is necessarily aware of the existence of the applicable schedule and of its increments, and EPA's approval of the schedules imposes no additional regulatory burdens. Therefore, for the reasons stated, this rulemaking is effective on March 28, 1975.

This rulemaking is promulgated under the authority of section 110 of the Clean Air Act, as amended (42 U.S.C. § 1857c-8).

Dated: March 20, 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart F—California

1. In § 52.220, paragraph (c) is amended as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(8) Supplemental information (compliance schedules) was submitted by the California Air Resources Board on December 27, 1973, February 19, April 22, June 7 and 19, September 4 and 19, and October 18, 1974.

2. In § 52.240, paragraph (g) is amended by adding the following schedules to the table in subparagraph (1):

§ 52.240 Compliance schedules.

* * * * *

(f) * * *

(1) * * *

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
*	*	*	*	*	*
General Motors Corp., General Motors Assembly Division (order No. 1304-2).	Los Angeles	66(c)	June 25, 1974	do	July 1, 1975
U.S. Air Force—Norwalk facility	do	61	June 20, 1974	do	May 31, 1975
USAF, Castle Air Force Base (classified waste incinerator).	Merced	417	Apr. 25, 1974	do	May 31, 1975
Texaco, Inc. (order No. 66)	Monterey	415	Jan. 24, 1974	do	July 1, 1975
USAF, March Air Force Base (order No. 6-74).	Riverside	61	Mar. 19, 1974	do	July 31, 1975
Diamond Walnut Growers, Inc. (order No. 74-37).	San Joaquin	401, 404	May 16, 1974	do	June 15, 1975
Port of Stockton (order No. 73-8)	do	401, 404	Apr. 18, 1974	do	May 1, 1975
Johns-Manville Products Corp. (order No. 7).	Santa Barbara	16	Mar. 11, 1974	do	July 31, 1975
East-West Dairymen's Association (order No. 12).	Stanislaus	405, 406	July 24, 1974	do	July 24, 1975
Farmers Warehouse (order No. 7)	do	405, 406	Apr. 17, 1974	do	Mar. 13, 1975
Foremost-McKesson, Inc. (order No. 8).	do	405, 406	do	do	Apr. 4, 1975
Knudsen Corp., (order No. 9)	do	405, 406	do	do	Apr. 17, 1975
Pacific International Rice Mills, Inc. (order No. 74-03).	Yolo	2, 19	Apr. 17, 1974	do	Apr. 17, 1975

3. In § 52.240, paragraph (g) is amended by adding a new subparagraph (2) as follows:

§ 52.240 Compliance schedules.

* * * * *

(f) * * *

(2) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the county in which the source is located, unless otherwise indicated.

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
Simpson Lee Paper Co. (order No. 72-V-7).	Shasta	3.2	Oct. 31, 1973	Immediately	Jan. 15, 1976
Monolith Portland Cement Co. (order No. 73-6 as amended Mar. 11, 1974).	Kern	401(b), 401.1, 406	Dec. 31, 1973	do	July 1, 1976

[FR Doc.75-7893 Filed 3-27-75;8:45 am]

[FRL 339-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kentucky: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On February 15, 1974, the Commonwealth of Kentucky submitted to EPA, pursuant to the above requirements, a number of compliance schedules. The compliance schedules were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 pertaining to public hearings, notice of hearings, plan revisions, and compliance schedules, as well as consistency with the control strategies of the Kentucky implementation plan. The schedules which met these

criteria were published in the FEDERAL REGISTER as proposed rulemaking on November 21, 1974 (39 FR 40867). Copies were made available for public inspection at the Agency's Region IV office in Atlanta, at the office of the Kentucky Division of Air Pollution in Frankfort, and at the Agency's Freedom of Information Center in Washington, D.C.; all interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the affected sources. The Kentucky Division of Air Pollution and the Jefferson County Air Pollution Control District provided information on a number of schedules which had been changed since the Administrator's proposal of November 21, 1974. Those for which final compliance dates had been extended have been deleted from the listing given below. Also, one schedule has been deleted because it is subject to 40 CFR Part 60 (New Source Performance Standards).

Each of the schedules given in the table below establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date". In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
1421 Peachtree Street, NE.
Atlanta, Georgia 30309

Division of Air Pollution
Department for Natural Resources & Environmental Protection
311 East Main Street
Frankfort, Kentucky 40601

Freedom of Information Center
Environmental Protection Agency
401 M Street, SW.
Washington, D.C. 20460

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making this approval action immediately effective since these schedules are already in effect under State law in the Commonwealth of Kentucky and the Agency's action imposes no additional regulatory burden on affected facilities.

(Section 110(a) of the Clean Air Act (42 U.S.C. 1857-c5(a))).

Dated: March 20, 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart S—Kentucky

1. Section 52.920 is amended by inserting the date "February 15" [1974] in proper chronological order in paragraph (c)(2).

2. Section 52.927 is amended by inserting new lines in the tables of paragraph (c) as follows:

§ 52.927 Compliance schedules.

* * * * * *

(c) * * *

COMMONWEALTH OF KENTUCKY

Source and location	Regulation involved	Date of adoption	Effective	Final compliance date
Kentucky Electric Steel Co., Boyd County:				
Electric arc furnace	AP-3	Dec. 28, 1973	Immediately	Nov. 19, 1973
Do	AP-3	do	do	July 1, 1974
Do	AP-3	do	do	Oct. 4, 1974
Tundish and ladle lancing	AP-3	do	do	Sept. 27, 1974
Electric arc furnace	AP-3	do	do	Oct. 25, 1974
American Olean Tile Co., Hancock County:				
02 Calcine furnace	AP-9	do	do	Oct. 1, 1974
03 Allied tunnel kiln	AP-9	do	do	Do.
04 Allied tunnel kiln	AP-9	do	do	Do.
08 Allied tunnel kiln	AP-9	do	do	Do.
09 Allied tunnel kiln	AP-9	do	do	Do.
American Olean Tile Co., Breckinridge County:				
02 Allied tunnel kiln	AP-9	do	do	Do.
03 Allied tunnel kiln	AP-9	do	do	Do.
Parker Seal Co., Fayette County:				
Post cure oven vent	AP-3	Dec. 5, 1973	do	Apr. 1, 1975
Hard chrome operation exhaust	AP-3	do	do	Do.
Dr. Scholl Shoe Co., Pendleton County: Spray booth	AP-3	Nov. 26, 1973	do	Dec. 1, 1973
Kentucky Utilities Co. Ghent Facility, Carroll County: Unit No. 1.	AP-3	Nov. 15, 1973	do	June 1, 1974
	AP-4	do	do	Jan. 31, 1977
	AP-7	do	do	June 1, 1974
C. J. Thomas & Sons, Inc., Lewis County: Sawdust blowpipe system.	AP-3	Oct. 28, 1973	do	Nov. 1, 1973
Consolidated Ready Mix, Rowan County:				
02 Cement silo	AP-3	June 15, 1973	do	Dec. 30, 1973
Phelps Dodge Magnet Wire Co., Christian County:				
Magnet wire manufacturing	AP-3	Oct. 31, 1973	do	Apr. 1, 1975
Do	AP-9	do	do	Apr. 1, 1978
Burkesville Ready Mix, Cumberland County: 05 Truck loading.	AP-3	Oct. 5, 1973	do	Dec. 31, 1973
Reliable Wood Service, Inc., Edmonson County:				
Exhaust pipe	AP-3	Nov. 15, 1973	do	Jan. 31, 1974
Yard area and haul road	AP-3	do	do	Aug. 1, 1973
Buckhorn Hazard Coal Co., Perry County: 02 Stacker/conveyor.	AP-3	Nov. 21, 1973	do	Mar. 1, 1974
Clarence Maggard Coal Co., Leslie County: Mine car dump.	AP-3	Nov. 20, 1973	do	Dec. 15, 1973
Ecco Coal Mining Co., Perry County:				
Truck dump	AP-3	do	do	July 1, 1974
Conveyor	AP-3	do	do	Do.
Screens, crushers and car loading	AP-3	do	do	Do.
Henry Clay Mining Co., Pike County:				
01 Haul roads	AP-3	Nov. 19, 1973	do	Sept. 21, 1973
03 Crusher	AP-3	do	do	May 1, 1974
Indian Head Processing Co., Perry County:				
01 Truck dump	AP-3	Nov. 20, 1973	do	Mar. 1, 1974
04 Car loading	AP-3	do	do	Do.
North-East Coal Co., Johnson County: Truck dump area.	AP-3	Nov. 23, 1973	do	Apr. 30, 1974
Wade Hacker Sawmill, Clay County:				
Sawdust discharger	AP-3	Nov. 15, 1973	do	Dec. 15, 1973
Planer discharge	AP-3	do	do	Aug. 15, 1973
Haul roads	AP-3	do	do	July 15, 1973
Waste burning	AP-3	do	do	Aug. 31, 1973
Anderson & Spilman Milling Co., Boyle County: Cyclone exit.	AP-3	Nov. 23, 1973	do	Sept. 30, 1974
Duncan & McFarland Farm Service, Inc., Anderson County: Cyclone exit.	AP-3	Nov. 19, 1973	do	Do.
Farmers Feed Mill, Inc., Fayette County: Cyclone collector.	AP-3	do	do	Mar. 1, 1974
Lawrenceburg Supply Co., Anderson County:				
01 Silo	AP-3	Nov. 15, 1973	do	Jan. 1, 1974
02 Aggregate handling	AP-3	do	do	Do.
04 Haul roads	AP-3	do	do	Do.
Morgan Concrete Company, Inc., Jessamine County:				
Silo vent	AP-3	Nov. 21, 1973	do	Apr. 1, 1974
Truck loading	AP-3	do	do	Do.
National Casket Co., Garrard County:				
03 Cyclone collector for sanding	AP-3	Nov. 15, 1973	do	June 1, 1974
26 Adhesive spray booth	AP-3	do	do	Feb. 1, 1974
Bhely Construction Co., Fayette County: Cement silo vent.	AP-3	Nov. 19, 1973	do	Dec. 1, 1973
Teater & Cassity Farm Service, Inc., Jessamine County: Cyclone exit.	AP-3	Nov. 23, 1973	do	Sept. 30, 1974
Ideal Supplies, Inc., Kenton County: Cement silo vent.	AP-3	Nov. 19, 1973	do	Feb. 20, 1975
Lingo Manufacturing Co., Inc., Boone County:				
Spray booth 4, 5, 6	AP-5	Dec. 20, 1973	do	Jan. 15, 1975
Baking oven 7, 8	AP-5	do	do	Do.
Wadsworth Electric Manufacturing Co., Kenton County: 04 Baking oven.	AP-5	Nov. 29, 1973	do	Sept. 23, 1974
William Booth Memorial Hospital, Kenton County: Incinerator.	AP-3	Nov. 15, 1973	do	Mar. 15, 1974

Source and location	Regulation involved	Date of adoption	Effective	Final compliance date
Nestaway-Coated Metallic Products, Inc., Ohio County:				
Stripper	AP-3	Dec. 28, 1973	do	Sept. 15, 1974
Fusion oven	AP-3	do	do	Feb. 1, 1975
Everman Lumber Co., Lewis County:				
Drag chain	AP-3	Nov. 15, 1973	do	Sept. 1, 1973
Yard storage area	AP-3	do	do	Do.
Chipper	AP-3	do	do	Nov. 30, 1973
Mullins & Sexton Pallets & Lumber, Carter County: Pallet shop.	AP-3	do	do	Dec. 30, 1973
Todd's Farm Supply, Bracken County: Corn grinding.	AP-3	Nov. 19, 1973	do	June 1, 1974
Barber Cabinet, Inc., Washington County: Spray painting booth.	AP-3	Nov. 15, 1973	do	Jan. 31, 1974
Elizabethtown Ice Cream Co., Hardin County: Incinerator.	AP-3	do	do	Do.
Ennis Milling Co., Larue County:				
Haul roads	AP-3	Nov. 21, 1973	do	Sept. 1, 1973
Unloading area	AP-3	do	do	Mar. 1, 1974
Cyclone	AP-3	do	do	Do.
Goodman Bros. Co., Inc., Shelby County:				
Haul roads	AP-3	do	do	Sept. 15, 1973
J. B.'s Cabinet Shop, Hardin County: Spray paint booth.	AP-3	Nov. 15, 1973	do	Nov. 1, 1973
Jenkins-Essex Co., Inc., Hardin County:				
Sawdust collection	AP-3	do	do	Sept. 19, 1974
Cyclone exhaust	AP-3	do	do	Jan. 31, 1974
McAnelly Feed Mill, Marion County:				
Haul roads	AP-3	Nov. 21, 1973	do	Sept. 1, 1973
Unloading area	AP-3	do	do	June 1, 1974
Cyclone	AP-3	do	do	Do.
Reichmuth Sawmill & Lumber Co., Bullit County:				
01 Yard area	AP-3	Nov. 15, 1973	do	Jan. 1, 1974
02 Sawdust blowpipe	AP-3	do	do	Do.
Thompson's Heading & Stave Mill, Inc., Larue County:				
Debarker	AP-3	do	do	Do.
Heading mill	AP-3	do	do	Do.
Stavemill	AP-3	do	do	Do.
Chipper	AP-3	do	do	Do.
Associated Pallet, Inc., Muhlenberg County:				
02, 03 Debarker	AP-3	Dec. 20, 1973	do	June 1, 1974
04, 06 Sawdust blowpipe system	AP-3	do	do	Do.
05 Chipper and truck load	AP-3	do	do	Do.
01 Yard and roads	AP-3	do	do	Do.
07 Pallet mill blow system discharge	AP-3	do	do	Do.
Day Lumber Co., Muhlenberg County:				
Sawdust blowpipe	AP-3	Nov. 15, 1973	do	May 1, 1974
Road and yard	AP-3	do	do	Do.
Gebel Lumber Co., Muhlenberg County:				
Debarker	AP-3	do	do	Dec. 31, 1973
Head saw and edger	AP-3	do	do	Oct. 1, 1974
Dimension mill	AP-3	do	do	Do.
Haul roads/yard	AP-3	do	do	Dec. 15, 1973
McIntosh Lumber Co., Todd County:				
Debarker	AP-3	Nov. 14, 1973	do	Mar. 1, 1974
Sawdust	AP-3	do	do	Do.
Chip van	AP-3	do	do	Do.
Roads and yard	AP-3	do	do	Do.
Pleasant View Greenhouses, Hopkins County: Coal-fired boilers Nos. 8177 and 7345.	AP-3	do	do	Apr. 1, 1975
Anderson Forest Products, Inc., Hart County:				
01 Sawdust blowpipe	AP-3	Dec. 21, 1973	do	Dec. 31, 1973
03 Sawmill	AP-3	do	do	Do.
04 Chipper, chip blower pipe	AP-3	do	do	Do.
05 Pallet mill	AP-3	do	do	Do.
Cumberland Stave Co., Inc., Lincoln County:				
Chipper	AP-3	Nov. 15, 1973	do	Jan. 1, 1974
Sawdust loading	AP-3	do	do	Do.
Farm Service, Inc., Barren County: Cyclone collector.	AP-3	Nov. 21, 1973	do	Feb. 1, 1974
Gamble Brothers, Inc., Allen County:				
Teepee burner	AP-3	Dec. 7, 1973	do	Nov. 1, 1974
Cyclone	AP-3	do	do	Do.
Chipping and truck loading	AP-3	do	do	Nov. 1, 1973
Roads and yard	AP-3	do	do	Do.
Kern P. Kellar, Inc., Russell County: 02 Exhaust for planer.	AP-3	Nov. 15, 1973	do	May 1, 1974
Pulaski Block & Tile, Pulaski County: Cement silo vent.	AP-3	Nov. 20, 1973	do	Feb. 15, 1974
Tarter Gate Co., Inc., Casey County: Sawmill shaving, glowing.	AP-3	Nov. 15, 1973	do	June 1, 1974
Tompkinsville Block Co., Inc., Monroe County: Cement silo vent.	AP-3	Nov. 20, 1973	do	Jan. 15, 1974
Watson Lumber Co., Casey County: Sawdust handling.	AP-3	Nov. 13, 1973	do	Apr. 30, 1974
Deby Cola Co., Clay County:				
Coal storage dump	AP-3	Dec. 28, 1973	do	Feb. 1, 1974
Conveyor	AP-3	do	do	Do.
Screening and crushing	AP-3	do	do	Do.
Coal loading	AP-3	do	do	Do.
Haul roads	AP-3	do	do	July 1, 1973
Hammons Feed Mill, Laurel County: Hammermill cyclone.	AP-3	Dec. 27, 1973	do	July 1, 1974
Laminated Timbers, Inc., Laurel County:				
Sawdust blower	AP-3	Dec. 19, 1973	do	May 1, 1974
Open burning	AP-3	do	do	Nov. 15, 1973
Hale Lumber Co., Clay County:				
Debarker	AP-3	do	do	May 1, 1973
Blower	AP-3	do	do	Apr. 1, 1974
Haul roads	AP-3	do	do	May 1, 1973
Blower on stavemill	AP-3	do	do	Apr. 1, 1974
Faulkner-Fain Co., Inc., Jessamine County: Spray painting booth.	AP-3	Dec. 20, 1973	do	May 1, 1974
Karst Robbins Coal Co., Inc., Harlan County:				
Belt transfer	AP-3	Dec. 28, 1973	do	Do.
Conveyor transfer to stockpile	AP-3	do	do	Do.
Hawkins Building Supply, Lincoln County: Planing mill exhaust.	AP-3	Dec. 20, 1973	do	Apr. 15, 1974
Mallard Pen & Pencil Co., Inc., Scott County: 01, 02, 03 Paint spray booths (3).	AP-3	Dec. 27, 1973	do	Jan. 31, 1974

Source and location	Regulation involved	Date of adoption	Effective	Final compliance date
Tennecrest Division, Safegard Corp., Garrard County: Excelsior picking.	AP-3	Dec. 28, 1973	do	Dec. 31, 1973
Hardy Bros. Mill, Pendleton County: Cyclone separator.	AP-3	Dec. 21, 1973	do	Aug. 1, 1974
Signode Corp., Kenton County:				
Trichene-phosphatizing unit	AP-5	Dec. 28, 1973	do	Oct. 30, 1974
Degreaser	AP-5	do	do	Do.
Daviess County Sand & Gravel, Daviess County:				
Nos. 1 and 2 cement silo	AP-3	Dec. 27, 1973	do	Feb. 15, 1974
No. 3 truck loadout	AP-3	do	do	Do.
Herbert Woosley Hatmill & Sawmill, Ohio County:				
Sawmill	AP-3	Dec. 20, 1973	do	Dec. 31, 1973
Yard area	AP-3	do	do	Oct. 15, 1973
Hatmill	AP-3	do	do	Dec. 31, 1973
J. S. Cottrell & Co., Daviess County:				
Sawdust blowpipe discharge	AP-3	Dec. 21, 1973	do	Nov. 15, 1973
Open burning	AP-3	do	do	Oct. 11, 1973
Yard and roads	AP-3	do	do	Nov. 1, 1973
PB & S Chemical Co., Henderson County:				
03, 04, 05 Spray paint Booths	AP-3	Dec. 28, 1973	do	Aug. 30, 1974
07, 08, 09 Container filling	AP-3	do	do	Apr. 2, 1975
Tank vent, trailer vent	AP-9	do	do	Do.
17 Dry chemical blending	AP-3	do	do	Mar. 25, 1975
Sacra Lumber Co., Daviess County:				
Yard area and haul roads	AP-3	Dec. 20, 1973	do	Dec. 31, 1973
Debarker and sawmill	AP-3	do	do	Do.
Chipper	AP-3	do	do	Do.
Clarkson Feed Store, Grayson County: Cyclone collector.	AP-3	Dec. 27, 1973	do	May 1, 1974
Hedden-Reed Co., Shelby County:				
Stockpile	AP-3	Nov. 13, 1973	do	[illegible] 1, 1974
Haul roads	AP-3	do	do	Do.
Small & Son, Grayson County:				
Circle saw	AP-3	Dec. 20, 1973	do	Dec. 31, 1973
Cutoff saw and sawdust blowpipe	AP-3	do	do	Do.
T & H Feed Service, Inc., Marion County: Cyclone exit.	AP-3	Dec. 28, 1973	do	Oct. 30, 1974
Community Feed Mill, Muhlenberg County: Cyclone exit.	AP-3	Dec. 21, 1973	do	Do.
Kevil Feed & Grain Co., Ballard County:				
Hammermill cyclone	AP-3	Dec. 18, 1973	do	Oct. 6, 1973
Receiving pit	AP-3	do	do	May 15, 1974
Car loading	AP-3	do	do	Dec. 15, 1973
Illinois Central Gulf RR., McCracken County:				
Locomotive spray paint operation	AP-3	Dec. 28, 1973	do	Oct. 15, 1974
Sand blast	AP-3	do	do	Do.
James Enlow Sawmill, McCracken County:				
Pallet shop dust discharger	AP-3	Dec. 20, 1973	do	Mar. 15, 1974
Yard and roads	AP-3	do	do	Do.
James T. Mathis & Sons Lumber Co., Hickman County:				
Haul roads	AP-3	do	do	June 15, 1974
Sawmill blowpipe discharger	AP-3	do	do	Do.
Debarker	AP-3	do	do	Do.
Chipper	AP-3	do	do	Do.
Lilly Brothers Seed Co., Inc., Christian County: Hammermill cyclone exit.	AP-3	Dec. 24, 1973	do	Oct. 1, 1974
Long Silo Co., Caldwell County: Cement silo	AP-3	Dec. 28, 1973	do	Jan. 1, 1974
Lyles Concrete Co., Graves County: Cement silo vent.	AP-3	Dec. 27, 1973	do	Apr. 30, 1974
Moorman Wood Products, Inc., Muhlenberg County:				
Saw	AP-3	Dec. 20, 1973	do	Aug. 15, 1974
Planer	AP-3	do	do	Do.
Gang saw	AP-3	do	do	Do.
Haul roads	AP-3	do	do	Do.
Moss-American, Inc., Trigg County:				
Sawdust blowpipe discharge	AP-3	do	do	July 1, 1974
Chipper	AP-3	do	do	Do.
Haul road	AP-3	do	do	Do.
Debarker	AP-3	do	do	Do.
Chip loading at railroad car	AP-3	do	do	Do.
Reynolds & Doyle, McCracken County: Spray paint room.	AP-5	do	do	Mar. 30, 1974
Southern States Co-op., Inc., Caldwell County: Cyclone collector.	AP-3	Dec. 27, 1973	do	June 1, 1974
Tri-State Stave Co., Caldwell County:				
01, 02, 03, 04, sawdust blowpipe discharger	AP-3	Dec. 20, 1973	do	Aug. 1, 1974
5 haul roads	AP-3	do	do	Jan. 31, 1974
Warren Elevator, Inc., Todd County:				
Cyclone collector	AP-3	Dec. 28, 1973	do	July 1, 1974
Receiving pit	AP-3	do	do	Do.
Bulkload out	AP-3	do	do	Do.
Grain dryer	AP-3	do	do	Apr. 1, 1975
B & R Lumber Co., Inc., Butler County: Circle saw, multiple rip saw, 3 blowpipe exhaust.	AP-3	Dec. 20, 1973	do	Jan. 31, 1974
Christian Wood Products, Inc., Wayne County:				
Teepee burner	AP-3	do	do	Jan. 15, 1974
Indirect heat exchanger	AP-3	do	do	Apr. 9, 1975
Cyclone collectors	AP-3	do	do	Oct. 1, 1974
Crane Co., Pulaski County:				
Spray booths	AP-3	do	do	Jan. 31, 1974
Railroad unloading fan chays	AP-3	do	do	Jan. 1, 1975
Kilns	AP-9	do	do	Do.
Dale Freeman Timber Co., Taylor County: Blowing sawdust from dimensioning saw.	AP-3	do	do	May 1, 1974
Denney Lumber Co., Pulaski County:				
Debarker	AP-3	Dec. 21, 1973	do	Jan. 15, 1974
Sawdust loading area	AP-3	do	do	Do.
Franklin Lumber Co., Inc., Simpson County:				
Weigh hopper	AP-3	Dec. 20, 1973	do	Dec. 1, 1973
Aggregate conveyor	AP-3	do	do	Do.
Aggregate hopper	AP-3	do	do	Do.

Source	Location	Regulations involved	Date of adoption	Effective date	Final compliance date
Lonnie Hayes & Sons Stove Co., Inc., Casey County: Stave mill.		AP-3	do	do	Mar. 1, 1974
Rone & McGuyer, Inc., Butler County:					
Planer and circle saw blowpipe exhaust		AP-3	do	do	Dec. 1, 1973
Sawdust blowpipe, gang saw		AP-3	do	do	Do.
Headsaw sawdust blowpipe		AP-3	do	do	Do.
Sewell C. Harlin Lumber Co., Barren County:					
1 and 2 blowpipe exhaust headsaw and edger		AP-3	do	do	July 1, 1974
03 Storage bin for planer		AP-3	do	do	Nov. 1, 1973
04 Debarker		AP-3	do	do	Do.
Somerset Wilbert Vault Co., Pulaski County:					
Cement storage silo		AP-3	Dec. 21, 1973	do	Apr. 1, 1974
Driveway		AP-3	do	do	Do.
Southland Manufacturing, Inc., Warren County:					
Sawdust collection cyclone exhaust		AP-3	Dec. 20, 1973	do	July 1, 1974
Yard area		AP-3	do	do	Nov. 11, 1973
Sprowl Lumber Co., Inc., Monroe County:					
Debarker		AP-3	Dec. 28, 1973	do	May 15, 1974
Headsaw		AP-3	do	do	Do.
Planer		AP-3	do	do	Do.
Haul roads		AP-3	do	do	Oct. 25, 1973
Stinson Lumber Co., Wayne County: Sawmill		AP-3	Dec. 20, 1973	do	Jan. 31, 1974
Watkins Lumber, Barren County: Sawmill		AP-3	Dec. 21, 1973	do	Do.
Withers Pallet Mill, Russell County: Sawdust blowing		AP-3	Dec. 20, 1973	do	June 1, 1974
Louisville Gas & Electric, Jefferson County:					
Cane Run, unit No. 4		[1] 4.0	Jan. 22, 1974	do	Mar. 1, 1976
Cane Run, unit No. 5		[1] 4.0	do	do	Nov. 1, 1976
Cane Run, unit No. 6		[1] 4.0	do	do	July 1, 1977

[1] These compliance schedules were adopted pursuant to regulation 4.0 of the Air Pollution Control Regulations of the Jefferson County Air Pollution Control District which requires the equivalent emission limitation as regulation AP-4 of the Kentucky Air Pollution Control Commission Regulations approved in the State implementation plan. These schedules are approved by the State of Kentucky Department for Natural Resources and Environmental Protection and submitted in satisfaction of the currently applicable State regulation. They are enforceable by the State agency pursuant to the provisions of KRS 224.450(4).

[FR Doc.75-7892 Filed 3-27-75;8:45 am]

[FRL 341-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

North Carolina: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan.

On November 2, 1973, pursuant to the above requirements, the State of North Carolina submitted for the Environmental Protection Agency's approval additional compliance schedules. These schedules were reviewed by the Agency to verify adherence to the requirements of 40 CFR Part 51 pertaining to public hearings, notice of hearings, plan revisions, and compliance schedules, as well as consistency with the control strategies of the North Carolina implementation plan. The schedules which met these criteria were published in the FEDERAL REGISTER as proposed rulemaking on March 20, 1974 (39 FR 10438). Copies were made available for public inspection at the Agency's Region IV office in Atlanta, at the office of the North Carolina Division of Environmental Management, and at the Agency's Freedom of Information Center in Washington, D.C.; all interested parties were invited to submit written comments on the proposed compliance schedules.

No comments were received from the general public or from the sources affected. The State, however, has informed the Agency that a number of sources for which schedules were proposed on March 20, 1974, have received a further extension of their deadline for attaining full compliance with the plan's requirements. Accordingly, these schedules have been deleted from the listing given below.

In his proposal of March 20, 1974, the Administrator set forth one group of schedules which were to be added to the tables established at 40 CFR 52.1774(a) on June 20, 1973 (38 FR 16144) as satisfying the requirements of 40 CFR 51.15 pertaining to compliance schedules; a second group was proposed as plan revisions: these were in effect revisions of schedules approved on June 20, 1973, the deadlines for final compliance having been subsequently extended by the State. It is now the Administrator's view, however, that it is more accurate to consider all compliance schedules submitted by North Carolina since the approval of its plan on May 31, 1972 (38 FR 10842) as plan revisions since all the State's emission limiting regulations (except the one for visible emissions, II-2) took effect on or before January 21, 1972. Therefore, the language of 40 CFR 52.1774 is revised to indicate that all the schedules contained in the table of paragraph (a) are plan revisions, and all the schedules listed in the present notice are incorporated in the tables of paragraph (a) as new lines or as revisions of existing lines.

Each of the schedules below establishes a date by which an individual air pollution source must attain compliance with the emission limitations of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date". In many cases the schedule includes incremental steps toward compliance, with specific dates set for achieving those steps. While the tables below do not list these interim dates, the actual compliance schedules do. The entry "Immediately" under the heading "Effective Date" means that the schedule becomes Federally enforceable immediately upon its approval by the Administrator. Copies of the schedules and the North Carolina plan are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree Street, NE
Atlanta, Georgia 30309

North Carolina Division of Environmental Management
226 West Jones Street
Raleigh, North Carolina 27611

Freedom of Information Center
Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

An evaluation of any of the schedules can be obtained by consulting the staff of the Agency's Region IV Air Programs Office at the Atlanta address given above.

The Administrator has determined that all the schedules given here satisfy the requirements of 40 CFR Part 51 pertaining to plan revisions and compliance schedules, and that their approval will not hinder the attainment and maintenance of the national ambient air quality standards. Accordingly, they are hereby approved.

This action is effective immediately. The Administrator finds that good cause exists for making his approval action immediately effective since these schedules are already in effect under State law in the State of North Carolina and the Agency's action imposes no additional regulatory burden on affected facilities.

(Section 110(a), Clear Air Act (42 U.S.C. 1857-c5(a)))

Dated: March 21, 1975.

JOHN QUARLES,
Acting Administrator.

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

SUBPART II—NORTH CAROLINA

1. Section 52.1770 is amended by inserting in paragraph (c) in proper chronological order the date "November 2" [1973].

2. Section 52.1774 is amended by inserting the words "§ 51.6 and" before "§ 51.15" in the first sentence of paragraph (a) and by inserting new lines in the tables of paragraph (a) as follows:

North Carolina

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Alamance County						
Alamance Knit Fabrics	Burlington	T-2222	II-2.2 IV-2.60	June 27, 1973	Immediately	Feb. 20, 1974
Cone Mills Corp.: Granite Plant.	Haw River	T-2235	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 1, 1974
Tarbardrey Plant	do	T-2237	II-2.2 IV-1.10 IV-2.40	do	do	Do.
Dan River, Inc., Webco Knit Division.	Burlington	T-2248	II-2.2 II-5.2 IV-2.30	do	do	Feb. 28, 1974
Glen Raven Mills: Altamahaw Division.	Altamahaw	T-2234	II-2.2 IV-1.10	do	do	Oct. 22, 1973
Winn-Dixie Raleigh, Inc.:						
Store No. 874	Burlington	T-2361	IV-1.30	do	do	Dec. 15, 1973
Store No. 879	Graham	T-2370	IV-1.30	do	do	Do.
Anson County						
Burlington Industries: Ballet Hosiery Plant	Wadesboro	T-2344	II-1.3	June 29, 1973	Immediately	June 1, 1974
Wansona Manufacturing Corp.	Wadesboro	T-2299	II-2.2	do	do	Dec. 1, 1974
Beaufort County						
Cargill, Inc	Washington	T-2391	IV-2.30	July 27, 1973	Immediately	Aug. 1, 1974
Singer Furniture Division	do	T-2108	II-2.2 IV-1.10	June 27, 1973	do	Dec. 1, 1973
Bladen County						
Winn-Dixie Raleigh, Inc., No. 840.	Elizabethtown	T-2358	IV-1.30	June 29, 1973	Immediately	Nov. 1, 1973
Veeder-Root Co	do	T-2228	IV-2.60	June 27, 1973	do	Dec. 10, 1973
Brunswick County						
Royster Co	Navassa	T-2263	II-2.2 II-5.2 IV-1.50	July 27, 1973	Immediately	Oct. 1, 1974
Cabarrus County						
Foils, Inc	Harrisburg	T-2318	II-2.2 IV-2.30	June 28, 1973	Immediately	Jan. 30, 1974
Kerr Industries, Inc.: Plant 2:						
(a) Tenter frame	Concord	T-2324	II-2.2 IV-2.30	June 29, 1973	do	June 1, 1974
(b) Drum dryer	do	T-2324	II-2.2 IV-2.30	do	do	June 30, 1974
Oliver Martin Co., Inc	do	T-2321	II-2.2 IV-2.30	June 28, 1973	do	Dec. 31, 1973
Chatham County						
Evans Products Co	Moncure	T-2296	II-2.2 IV-2.40 IV-1.10	June 28, 1973	Immediately	Dec. 31, 1974
Cherokee County						
Bernhardt Industries, Inc., Mundy Lumber Co.	Marble	T-2275	II-2.2 IV-2.40 IV-1.10 IV-1.30	June 27, 1973	Immediately	Apr. 1, 1974
Chowan County						
Rose Brothers Paving Co., Inc.	Edenton	T-2296	II-2.2 II-5.2 IV-2.60 IV-1.40 IV-2.40	June 27, 1973	Immediately	Mar. 15, 1974
The United Piece & Dye Works.	do	T-2221	II-2.2 II-5.2 IV-1.10 IV-2.40 IV-2.60	do	do	Dec. 31, 1974

Columbus County

Crown Knitwear, Inc.	Chadbourn	T-2196	II-1.3	June 27, 1973	Immediately	Dec. 31, 1973
Burrough's Tire Service	Whiteville	T-2219	II-1.3	do	do	Do.

Cumberland County

Cobb Paving Co.	Fayetteville	T-1634	IV-1.40	May 8, 1972	Immediately	Dec. 31, 1973
Cumberland County Board of Education:						
(a) Beaver Dam School	Roseboro	T-1594	II-2.2 IV-1.10 IV-2.40	May 5, 1972	do	Oct. 1, 1973
(b) Lillian Black School	Springdale	T-1595	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(c) Brentwood School	Fayetteville	T-1596	II-2.2 IV-1.10 IV-2.240	do	do	Do.
(d) Cashwell School	Hope Mills	T-1597	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(e) Cedar Creek School	Fayetteville	T-1598	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(f) College Lakes School	do	T-1599	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(g) Cumberland Mills School.	do	T-1600	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(h) District No. 7 School	Wade	T-1602	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(i) Legion Road School	Hope Mills	T-1603	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(j) Les Maxwell Administration Bldg.	Fayetteville	T-1621	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(k) Oakdale School	do	T-1609	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(l) Pine Fort School	do	T-1610	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(m) Raleigh Road School	Linden	T-1611	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(n) Reilly Road School	Fayetteville	T-1612	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(o) Seabrook School	do	T-1613	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(p) Stedman School	Stedman	T-1615	II-2.2 IV-1.10 IV-2.40	do	do	Do.
Winn-Dixie Raleigh, Inc.						
Store No. 877	Fayetteville	T-2353	IV-1.30	June 29, 1973	do	Nov. 1, 1973
Store No. 880	do	T-2355	IV-1.30	do	do	Do.
Store No. 885	do	T-2356	IV-1.30	do	do	Do.

Currituck County

Beach Paving Co.	Spot	T-2220	II-2.2 II-5.2 IV-1.40 IV-2.40	June 27, 1973	Immediately	Nov. 30, 1973

Davidson County

Burlington Industries, Inc.:						
Colony Craft Plant	Denton	T-2316	IV-2.60	June 28, 1973	Immediately	Dec. 31, 1973
Raleigh Road Plant	Lexington	T-2325	IV-2.60	June 29, 1973	do	Do.
Table Plant	do	T-2315	IV-2.60	June 28, 1973	do	Do.
United Plant:						
(a) Hydrocarbons	do	T-2322	IV-2.60	do	do	Do.
(b) Cyclones	do	T-2327	IV-2.60	do	do	July 1, 1974
Conner Carving Co., Inc.	Thomasville	T-2327	II-2.2 IV-2.30	June 29, 1973	do	April 1, 1974
Kepley-Frank Hardwood Co., Inc.	Lexington	T-2328	II-1.3	do	do	May 1, 1974
Masonite Corp.	Thomasville	T-2329	IV-2.60	do	do	Dec. 1, 1973
Thomasville Furniture Industries, Inc.:						
Plant A	do	T-2334	IV-2.60	do	do	Jan. 1, 1974
Plant B	do	T-2336	IV-2.60	do	do	Do.
Plant C	do	T-2335	IV-2.60	do	do	Do.
Plant D	do	T-2330	IV-2.60	do	do	Do.
Plant L	do	T-2331	IV-2.60	do	do	Do.
Plant T	do	T-2333	IV-2.60	do	do	Do.

Davie County

Lowe's Food Store No. 17	Mocksville	T-2346	II-1.3	June 29, 1973	Immediately	Apr. 30, 1974

Edgecombe County

Carolina Tire Co	Rocky Mount	T-2247	II-2.2 II-5.2 IV-2.30	June 27, 1973	Immediately	Oct. 15, 1973
Edgecombe General Hospital	Tarboro	T-2298	IV-1.30	June 28, 1973	do	Nov. 6, 1973
Kaiser Agricultural Chemicals	Rocky Mount	T-2233	II-2.2 II-5.2 IV-1.50 IV-2.30	June 27, 1973	do	Dec. 1, 1973
Planters Oil Mill, Inc.:						
(a) Meal room operation	do	T-2379	II-2.2 II-5.2 IV-2.30	June 29, 1973	do	Oct. 1, 1973
(b) Lint handling operation	do	T-2379	II-2.2 II-5.2 IV-2.30	do	do	Oct. 1, 1974
F. S. Royster Merchantile Co., Inc.	Tarboro	T-2380	II-2.2 II-5.2 IV-1.50	do	do	Dec. 31, 1973
Winn-Dixie Raleigh, Inc., store No. 833.	do	T-2365	IV-1.30	do	do	Dec. 15, 1973

Franklin County

Louisburg College	Louisburg	T-2288	II-2.2 IV-1.10 IV-2.40	June 28, 1973	Immediately	Oct. 1, 1973

Gaston County

Gaston County schools:						
(a) Bessemer City Central Gym.	Bessemer City		II-2.2 IV-1.10	Apr. 10, 1973	Immediately	June 30, 1974
(b) Costner Elementary	Dallas		II-2.2 IV-1.10	do	do	Do.
(c) Cramerton School Gym	Cramerton		II-2.2 IV-1.10	do	do	Do.
(d) Lowell Elementary Gym.	Lowell		II-2.2 IV-1.10	do	do	Do.
(e) Lowell Elementary Bldg.	do		II-2.2 IV-1.10	do	do	Do.
(f) Lowell Elementary Office Bldg.	do		II-2.2 IV-1.10	do	do	Do.
(g) North Belmont Cafeteria.	North Belmont		II-2.2 IV-1.10	do	do	Do.
(h) North Belmont Office Bldg.	do		II-2.2 IV-1.10	do	do	Do.
(i) North Belmont Primary Bldg.	do		II-2.2 IV-1.10	do	do	Do.
(j) Mount Holly High Gym	Mount Holly		II-2.2 IV-1.10	do	do	Do.
(k) Mount Holly High Auditorium.	do		II-2.2 IV-1.10	do	do	Do.
(l) Mount Holly High School Old Bldg.	do		II-2.2 IV-1.10	do	do	Do.
(m) Pleasant Ridge	Gastonia		II-2.2 IV-1.10	do	do	Do.
(n) Robinson School	do		II-2.2 IV-1.10	do	do	Do.
(o) Springfield	Stanley		II-2.2 IV-1.10	do	do	Do.

Gates County

Ashton Lewis Lumber Co.	Gatesville	T-742	II-1.3	Apr. 7, 1971	Immediately	Mar. 1, 1973

Graham County

Bemis Hardwood Lumber Co.:						
(a) Open burning	Robbinsville	T-2279	II-1.3	June 28, 1973	Immediately	Sept. 1, 1973
(b) Fuel combustion	do	T-2279	II-2.2 IV-1.20	do	do	Dec. 31, 1973

Granville County

Winn-Dixie Raleigh, Inc., store No. 848.	Oxford	T-2371	IV-1.30	June 29, 1973	Immediately	Dec. 15, 1973

Halifax County						
Uptegraff Southern, Inc.	Roanoke Rapids.	T-2249	IV-2.60	June 27, 1973	Immediately	Dec. 31, 1973
Winn-Dixie Raleigh, Inc., store No. 837.	do	T-2373	IV-1.30	June 29, 1973	do	Dec. 15, 1973
J. P. Stevens Co., Inc., Patterson Plant.	do	T-783	IV-1.10 IV-2.40	Apr. 15, 1971	do	July 15, 1973
Harnett County						
Alphin Brothers, Inc.	Dunn	T-2283	IV-1.30	June 28, 1973	Immediately	Oct. 31, 1973
Winn-Dixie Raleigh, Inc., store No. 897.	do	T-2349	IV-1.30	June 29, 1973	do	Nov. 1, 1973
Haywood County						
U.S. Plywood, Champion Papers, Inc.	Canton	T-792	II-2.2 IV-1.10 IV-2.40	Apr. 16, 1971	Immediately	June 30, 1973
Henderson County						
General Electric Co., Lighting Systems Division.	Hendersonville	T-2266	II-2.2 II-5.2 IV-2.60 IV-2.30	June 27, 1973	Immediately	Apr. 1, 1974
Hertford County						
Ross Brothers Paving Co., Inc.	Murfreesboro	T-2294	II-2.2 II-5.2 IV-1.40 IV-2.40 IV-2.60	June 27, 1973	Immediately	Mar. 15, 1974
Iredell County						
Bernhart Furniture Industries, plant No. 4.	Statesville	T-2332	IV-2.60	June 29, 1973	Immediately	Oct. 31, 1973
Lowe's Food Stores, Inc.:						
Store No. 7	do	T-2345	II-1.3	do	do	Apr. 30, 1974
Store No. 16	do	T-2347	II-1.3	do	do	Do.
Statesville Chair Co.	do	T-2301	IV-2.60	June 28, 1973	do	Dec. 31, 1973
Superba Print Works	Mooresville	T-2306	IV-2.30	June 29, 1973	do	June 30, 1974
Troutman Chair Co.	Troutman	T-2339	II-2.2	do	do	Dec. 31, 1974
Jackson County						
Champion International Corp., Drexel Enterprises.	Whittier	T-2271	II-2.2 IV-1.10	June 27, 1973	Immediately	Nov. 30, 1973
Johnston County						
Gurley's Inc.	Selma	T-2385	IV-2.30	June 29, 1973	Immediately	June 30, 1974
T. E. Johnson Lumber Co.	Four Oaks	T-2230	II-1.3	June 27, 1973	do	Dec. 31, 1973
Ranch Redwood	Smithfield	T-2231	IV-2.60	do	do	Nov. 1, 1973
Winn-Dixie Raleigh Inc., No. 881.	do	T-2372	IV-1.30	June 29, 1973	do	Oct. 15, 1973
Lee County						
Carnes Corp.	Sanford	T-2239	IV-2.60	June 27, 1973	Immediately	Nov. 30, 1973
John W. Eshelman & Sons, Inc.	do	T-2236	IV-2.30	do	do	Nov. 1, 1973
Sanford City Board of Education, Sanford Central High School.	do	T-522	II-2.2 IV-1.10 IV-2.40	Mar. 8, 1971	do	Dec. 31, 1973
Lincoln County						
Leslie Fay, Inc.	Lincolnton	T-2309	II-2.2 IV-2.30	June 29, 1973	Immediately	Mar. 1, 1974
Lowe's Food Store No. 10	do	T-2348	II-1.3	do	do	Apr. 30, 1974

McDowell County

International Musical Instruments	Marion	T-2280	II-2.2 II-5.2 IV-2.60 IV-2.30	June 28, 1973	Immediately	Dec. 31, 1973
Marimont Furniture, Inc	do	T-2273	II-2.2 II-5.2 IV-2.60 IV-2.30	do	do	Oct. 30, 1973
Marion Manufacturing Co	do	T-2257	II-2.2 IV-1.10 IV-2.40	June 27, 1973	do	June 30, 1974
McDowell County Court House	do	T-2261	II-2.2 IV-1.10 IV-2.40	do	do	May 15, 1974
Pine Valley Division of Ethan Allen, plant No. 1	Old Fort	T-2264	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Dec. 31, 1973

Macon County

Zickgraf Hardwood Co.:						
(a) Woodworking plant	Franklin	T-1956	II-2.2 IV-2.30	Dec. 13, 1972	Immediately	June 30, 1973
(b) Woodwaste boilers	do	T-1956	II-2.2 IV-1.10	do	do	Aug. 1, 1973

Madison County

Tri-County Concrete Co	Mars Hill	T-2274	II-2.2 IV-2.30	June 27, 1973	Immediately	Dec. 31, 1973

Moore County

Glendon Pyrophyllite, Inc	Glendon	T-2242	IV-2.30	June 27, 1973	Immediately	Oct. 1, 1973
Fletcher Southern	Southern Pines	T-2238	IV-2.30	do	do	Dec. 31, 1973
Winn-Dixie Raleigh, Inc., store No. 855	Raleigh	T-2354	IV-1.30	June 29, 1973	do	Dec. 15, 1973

Moore County

Town of Vass	Vass	T-107	II-1.3	Oct. 30, 1970	Immediately	June 30, 1973

Nash County

Whitakers Gin Co	Whitakers	T-2118	II-2.2 IV-2.30	Mar. 2, 1973	Immediately	June 1, 1973
Nashville Building Supply Co.	Nashville	T-2094	II-2.2 IV-2.30	do	do	Dec. 30, 1973
Miller Manufacturing Co	do	T-2290	II-2.2 IV-1.10 IV-2.40	June 28, 1973	do	Dec. 31, 1973

New Hanover County

Sun Oil Co. of Pennsylvania	Wilmington	T-2210	IV-2.60	June 27, 1973	Immediately	Jan. 4, 1974

Northampton County

Clary Lumber Co	Gaston	T-2245	II-1.3	June 27, 1973	Immediately	Dec. 31, 1973
Virear Plant Foods, Inc	Severn	T-2250	II-2.2 IV-2.30	do	do	Do.

Orange County

Cone Mills Corp., Eno Plant	Hillsborough	T-2263	II-2.2 IV-1.10 IV-2.40	June 27, 1973	Immediately	Sept. 1, 1974

Pasquotank County

IXL Furniture Co	Elizabeth City	T-2208	IV-2.60	June 27, 1973	Immediately	Dec. 31, 1973

Person County

Roxboro Concrete Services, Inc.:						
Burch Ave. Plant	Roxboro	T-2240	II-2.2 IV-2.30	June 27, 1973	Immediately	Oct. 1, 1974
Depot St. Plant	do	T-2243	II-2.2 IV-2.30	do	do	July 1, 1974

Pitt County						
Fountain Milling Co.	Fountain	T-2217	II-1.3	June 27, 1973	Immediately	Dec. 31, 1973
Garris-Evans Lumber Co.	Greenville	T-2213	II-2.2 IV-1.10	do	do	Feb. 1, 1974
International Paper Co.:						
(a) Sander operation	Farmville	T-2202	II-2.2 IV-1.10 IV-2.00 IV-2.30	do	do	July 1, 1974
(b) Process steam boiler	do	T-2202	II-2.2 IV-1.10 IV-2.00 IV-2.30	do	do	Jan. 1, 1975
Union Carbide Corp.	Greenville	T-2215	IV-2.60	do	do	July 15, 1974
Polk County						
Southern Mercerizing Co.	Tryon	T-2282	II-2.2 IV-1.10 IV-2.40	June 28, 1973	Immediately	Dec. 31, 1973
Randolph County						
Carrick Turning Works, Inc.	High Point	T-2308	IV-2.60	June 29, 1973	Immediately	Dec. 31, 1973
Gregson Manufacturing Co.	Liberty	T-2305	II-2.2 IV-1.10 IV-2.40	June 28, 1973	do	Feb. 1, 1974
High Point Furniture Industries.	High Point	T-2314	IV-2.60	June 29, 1973	do	Dec. 31, 1973
Liberty Bi-Rite	Liberty	T-2342	II-1.3	do	do	Apr. 1, 1974
Liberty Chair Corp.	do	T-2313	IV-2.60	do	do	Dec. 31, 1973
P & P Chair Co.	Asheboro	T-2312	IV-2.60	do	do	Do.
Texfi Industries	Liberty	T-2388	II-2.2 IV-2.30	do	do	Oct. 1, 1974
Richmond County						
Southeastern Asphalt & Concrete Co., Inc.	Rockingham	T-2311	II-2.2 IV-1.40	June 29, 1973	Immediately	Apr. 1, 1974
Robeson County						
Texfi Textured Fibers	Lumberton	T-2386	II-2.2	June 29, 1973	Immediately	Oct. 31, 1974
Winn-Dixie Raleigh, Inc., Elm and Walnut Sts.	do	T-2357	IV-1.30	do	do	Nov. 1, 1973
Winn-Dixie Raleigh, Inc., 1000 Pine St.	do	T-2359	IV-1.30	do	do	Do.
Wakulla Gin Co.	Wakulla	T-2001	II-2.2 IV-2.30	Dec. 15, 1972	do	June 1, 1973
Rutherford County						
Haynes Plant, Cone Mills Corp.	Henrietta	T-2255	II-2.2 IV-1.10 IV-2.40	June 27, 1973	Immediately	Sept. 1, 1970
The General Fireproofing Co.	Forest City	T-2262	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Jan. 31, 1974
Rutherford Furniture Co., Inc.	Rutherfordton	T-2273	II-2.2 IV-1.10 IV-2.40	do	do	Oct. 15, 1973
Sampson County						
Fashion Farms, Inc.	Clinton	T-2226	IV-2.60	June 29, 1973	Immediately	Dec. 31, 1973
McGill Brothers, Inc.	Harrells	T-2227	II-1.3	June 27, 1973	do	Do.
Newton Grove Grain & Feed	Newton Grove	T-2284	IV-2.60	June 28, 1973	do	July 1, 1974
Salemburg Milling Co.	Salemburg	T-2376	IV-2.30	June 29, 1973	do	Do.
Winn-Dixie Raleigh, Inc., store No. 838.	Clinton	T-2351	IV-1.30	do	do	Nov. 1, 1973
Scotland County						
Cox Furniture	Maxton	T-2224	IV-2.60 IV-2.30	June 27, 1973	Immediately	Dec. 31, 1973
Winn-Dixie Raleigh Inc., store No. 823.	Laurinburg	T-2350	IV-1.30	June 29, 1973	do	Nov. 1, 1973
Waverly Mills, Inc.	do	T-1996	II-2.2 IV-1.10 IV-2.40	Dec. 14, 1972	do	May 1, 1973
Stanly County						
Albemarle Scrap Metals	Albemarle	T-2310	II-2.2 IV-2.30	June 29, 1973	Immediately	Dec. 1, 1973

Surry County						
Surry County Board of Education, Westfield Elementary School:						
(1) Open burning	Westfield	T-1536	II-1.3	Apr. 28, 1972	Immediately	June 1, 1972
(2) Fuel combustion	do	T-1556	II-2.2 IV-1.10 II-5.2 IV-2.40	do	do	Sept. 1, 1973
Lowe's Food Stores, Inc., store No. 11.	Mount Airy	T-2343	II-1.3	June 28, 1973	do	Apr. 30, 1974
Oro Manufacturing Co.	Monroe	T-2307	II-2.60	June 29, 1973	do	Dec. 31, 1973
Swain County						
Consolidated Furniture Industries.	Bryson City	T-2169	II-2.2 II-5.2 IV-2.60	Mar. 2, 1973	Immediately	Dec. 31, 1973
Vance County						
Vance County Board of Education, L. B. Yancey.	Henderson	T-1724	II-2.2 IV-1.10 IV-2.40	June 2, 1972	Immediately	Sept. 30, 1973
Wake County						
Beckanna Apartments	Raleigh	T-2287	IV-1.30	June 28, 1973	Immediately	Dec. 30, 1973
Carolina Culvert Manufacturing, Inc.	do	T-2294	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Jan. 31, 1974
ESB, Inc., EMED	do	T-2381	II-2.2 II-5.2 IV-2.30 IV-2.40	June 29, 1973	do	Dec. 31, 1973
Raleigh Public Schools:						
(a) Barbee School	do	T-2252	II-2.2 IV-1.10 IV-2.40	June 27, 1973	do	Sept. 30, 1973
(b) Eliza Poole School	do	T-2251	II-2.2 IV-1.10 IV-2.40	do	do	Do.
North Carolina State Department of Correction, Central Prison:	do	T-2387	IV-2.60	June 29, 1973	do	June 1, 1974
(a) Paint manufacturing	do	T-2387	IV-2.60	do	do	Feb. 1, 1974
(b) License painting	do	T-2291	IV-1.30	June 28, 1973	do	Dec. 31, 1973
Rex Hospital	do	T-2297	II-2.2 IV-1.30	do	do	June 1, 1974
Wake Memorial Hospital	do	T-2288	II-2.2 IV-1.10 IV-2.40	do	do	Nov. 1, 1973
Wake County Opportunities, Inc.	do	T-2292	II-2.2 IV-2.00	do	do	Aug. 31, 1974
Wenco Furniture Co.	Wendell	T-2369	IV-1.30	June 29, 1973	do	Oct. 15, 1973
Winn-Dixie Raleigh, Inc., store No. 846.	Zebulon					
Winn-Dixie Raleigh, Inc.:						
(a) Store No. 852	Raleigh	T-2363	IV-1.30	do	do	Do.
(b) Store No. 853	do	T-2362	IV-1.30	do	do	Do.
(c) Store No. 854	do	T-2361	IV-1.30	do	do	Do.
(d) Store No. 857	do	T-2360	IV-1.30	do	do	Do.
(e) Store No. 858	do	T-2368	IV-1.30	do	do	Do.
(f) Store No. 859	do	T-2367	IV-1.30	do	do	Do.
(g) Store No. 864	do	T-2366	IV-1.30	do	do	Do.
Panels, Inc.	do	T-2100	II-2.2 IV-2.00	Mar. 2, 1973	do	June 1, 1973
Ward Transformer	do	T-2114	II-1.3	do	do	Do.
Westinghouse Electric Corp., Westinghouse Meter Division.	do	T-2153	II-5.2 IV-2.60	do	do	Sept. 1, 1973
Wayne County						
Boling Chair Co.	Mount Olive	T-2214	IV-2.60	June 27, 1973	Immediately	Dec. 31, 1973
Wilson County						
Wilson City Board of Education:						
(a) Margaret Hearne School	Wilson	T-809	II-2.2 IV-1.10	Apr. 19, 1971	Immediately	Sept. 1, 1973
(b) Woodard School	do	T-810	II-2.2	do	do	Do.
Wilson County Board of Education:						
(a) Sims School	Sims	T-963	II-1.3	May 4, 1971	do	Dec. 31, 1972
		T-963	II-2.2 IV-1.10	do	do	Dec. 31, 1973
(b) Lamms School	Wilson	T-964	II-1.3	do	do	Dec. 31, 1972
		T-964	II-2.2 IV-1.10	do	do	Dec. 31, 1973
(c) Barkley Gin Co.	Elm City	T-2009	II-2.2 IV-2.30	Mar. 2, 1973	do	Sept. 1, 1973
(d) Silver Lake Gin	do	T-2156	II-2.2 IV-2.30	do	do	Aug. 15, 1973
(e) Blue Bell, Inc.	Wilson	T-2097	II-1.3	do	do	June 30, 1973
North Carolina Highway Commission, Asphalt Mix Plant.	do	T-1862	II-2.2 IV-1.40	Aug. 25, 1972	do	Dec. 31, 1972

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Wilson County						
Wallace-Murray Corp., Fiberglass Division.	Wilson	T-2256	IV-2.60	June 28, 1973	Immediately	Mar. 31, 1974
Hardee's of Wilson, Herring Ave.	do	T-2286	II-2.2 II-5.2 IV-2.30	do	do	Jan. 15, 1974
Hardee's of Wilson, Tarboro St.	do	T-2285	II-2.2 II-5.2 IV-2.3	do	do	Do.
Winn-Dixie Raleigh, Inc., store No. 888.	do	T-2352	IV-1.30	June 29, 1973	do	Dec. 15, 1973
Kaiser Agriculture	do	T-1911	II-2.2 IV-2.30	Dec. 11, 1972	do	Sept. 1, 1973
Wilkes County						
Lowe's Food Store, Inc., store No. 5.	North Wilkesboro.	T-1949	II-1.3	Dec. 12, 1972	Immediately	Sept. 1, 1973
American Drew, Inc.:						
(a) Plant No. 1	do	T-2258	II-2.2 II-5.2 IV-2.30 IV-2.60	June 27, 1973	do	Dec. 31, 1973
(b) Plant No. 2	do	T-2259	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Do.
Key City Furniture Co.	do	T-2260	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Do.
W. H. McElwee	do	T-2273	II-2.2 IV-1.10 IV-2.40	do	do	Jan. 31, 1974
Phillips Tire Service	do	T-2277	II-1.3 II-5.2 IV-2.30	June 28, 1973	do	Dec. 1, 1973
Yancey County						
Tri-County Concrete Co.	Burnsville	T-2263	II-2.2 IV-2.30	June 27, 1973	Immediately	Dec. 31, 1973

* 3. Section 52.1774 is revised by changing the final compliance dates specified in the tables of paragraphs (a) for certain schedules approved on June 20, 1973 (38 FR 16144). As revised, the affected lines of paragraph (a) read as follows:

[Reprint following tables of 39 FR 10447–10448, making deletions indicated.]

North Carolina

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Alamance County						
Alamance Ready-Mix Concrete Co., Inc.	Graham	T-1951	II-2.2 IV-1.00 IV-2.30	Dec. 13, 1972	Immediately	Oct. 31, 1973
Acme Feed Mills, Inc.	Burlington	T-2035	II-2.2 IV-2.30	Jan. 5, 1973	do	Do.
Chatham County						
Lee Paving Co.	Pittsboro	T-1974	II-2.2 IV-1.40	Dec. 13, 1972	Immediately	Sept. 15, 1973
Columbus County						
Town of Lake Waccamaw	Lake Waccamaw.	T-206	II-1.3	Jan. 8, 1971	Immediately	Jan. 1, 1974
Johnston County						
Overton Co.	Kenly	T-1438	II-2.2 IV-1.10 IV-2.40	Oct. 15, 1971	Immediately	Nov. 1, 1973
Lincoln County						
Cochrane Furniture Co., Inc.	Lincolnton	T-2023	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	Immediately	Oct. 30, 1973
New Hanover County						
Exxon Co. (Humble Oil)	Wilmington	T-2060	IV-2.60	Mar. 2, 1973	Immediately	Nov. 1, 1973

Pender County						
C. H. Clark & Son, Inc.	Rocky Point	T-265	II-1.3	Jan. 8, 1971	Immediately	Dec. 31, 1973
Pitt County						
Town of Farmville	Farmville	T-294	II-1.3	Jan. 19, 1971	Immediately	Mar. 31, 1974
Town of Grimesland	Grimesland	T-228	II-1.3	Dec. 28, 1970	do	Do.
Town of Fountain	Fountain	T-133	II-1.3	Nov. 10, 1970	do	Do.
Richmond County						
Standard Foundry & Manufacturing Co.	Rockingham	T-1841	II-2.2 II-5.2 IV-2.20 IV-2.30 IV-2.40	July 19, 1972	Immediately	Feb. 28, 1974
Rutherford County						
N. C. Display Fixture Co.	Forest City	T-2168	II-2.2 II-5.2 IV-2.60	Mar. 2, 1973	Immediately	May 31, 1974
Wright Veneer Co., Inc.	Spindale	T-1878	II-2.2 IV-1.10 IV-2.40	Apr. 11, 1972	do	Apr. 1, 1974
Wilkes County						
W. E. Sale & Sons, Inc.	Ronda	T-2031	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	Immediately	Apr. 1, 1974

[FR Doc.75-7894 Filed 3-27-75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 353-6; OPP-262819]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methazole

On June 6, 1973, notice was given (38 FR 15103) that Velsicol Chemical Corp., 341 East Ohio St., Chicago IL 60611 had filed a petition (PP 3F1392) for a pesticide tolerance with the Environmental Protection Agency (EPA). This petition proposed establishment of a tolerance for combined negligible residues of the herbicide methazole (2-(3,4-dichlorophenyl)-4-methyl-1,2,4-oxadiazolidine-3,5-dione) and its metabolites 1-(3,4-dichlorophenyl)-3-methylurea and 3,4-dichlorophenylurea in or on the raw agricultural commodity cottonseed at 0.1 part per million.

The data submitted in the petition and other relevant material have been evaluated. The herbicide is considered useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies. It has been determined that a tolerance should also be established to cover the residues of the metabolites and § 180.3 is being amended accordingly. Tolerances established by this regulation and the amendment to Section 180.3 will protect the public health.

Any person adversely affected by this regulation may, on or before April 28, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provision for the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on March 28, 1975, Part 180, Subpart A, is amended by revising § 180.3(d) and Subpart C is amended by adding § 180.357.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2))).

Dated: March 26, 1975.

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

Part 180 is amended by adding the new subparagraph (9) to § 180.3(d), Subpart A, to read as follows.

§ 180.3 Tolerances for related pesticide chemicals.

* * * * *

(d) * * *

(9) Where a tolerance is established for more than one pesticide having the metabolites 1-(3,4-dichlorophenyl)-3-methylurea (DCPMU) and 3,4-dichlorophenylurea (DCPU) found in or on a raw agricultural commodity, the total amount of such residues shall not exceed the highest established tolerance for a pesticide having these metabolites.

* * * * *

Part 180 is further amended by adding § 180.357 to Subpart C to read as follows.

§ 180.357 Methazole, tolerances for residues.

A tolerance is established for combined negligible residues of the herbicide methazole (2-(3,4-dichlorophenyl)-4-methyl-1,2,4 - oxadiazolidine-3,5-dione) and its metabolites 1-(3,4-dichlorophenyl)-4-methyl-1,2,4 - oxadiazolidine-3,5-dione) and its metabolites 1-(3,4-dichlorophenyl) - 3 - methylurea (DCPMU) and 3,4-dichlorophenylurea (DCPU) in or on cottonseed at 0.1 part per million.

[FR Doc.75-8304 Filed 3-27-75;11:24 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

State and Local Government Equal Employment Opportunity Requirements for Federally Assisted Construction Contracts; Rescission

The Secretary of Labor has been ordered to rescind 41 CFR 60-1.4(b)(2), published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2365) because it was promulgated without proper notice, opportunity for public participation and delay in the effective date as required by the Administrative Procedure Act (5 U.S.C. 553). Therefore, he has found that notice and public procedure for the rescission of this subparagraph are unnecessary and are not in the public interest. The rescission will accordingly become effective on March 28, 1975.

Subparagraph (b)(2) of § 60-1.4, Chapter 6, Title 41 of the Code of Federal Regulations of the United States of America is hereby rescinded.

Dated: March 17, 1975.

RICHARD F. SHUBERT,
Acting Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75-8117 Filed 3-27-75;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PACKAGING, LABELING AND PRODUCTION REQUIREMENTS

Miscellaneous Amendments

On January 3, 1975, a notice of proposed amendments to Parts 112, 113, and

114, was published in the FEDERAL REGISTER at 40 FR 788.

On January 27, 1975 a notice of proposed amendments to Part 113 was published at 40 FR 4017.

These amendments add a new paragraph to Part 112 in which special label requirements for wart vaccine are codified. They include the recommended dosage and route of administration.

These amendments also add a new section in Part 113 which contains an administrative policy pertaining to serial to serial potency tests developed by a license applicant to support a license application. These amendments establish the degree of confidentiality of the details of the test submitted.

These amendments provide a new two stage potency test to simultaneously evaluate the Eastern and the Western fractions of Encephalomyelitis Vaccine. This new test replaces the two tests currently being used for this product.

These amendments clarify the test procedure to be followed in conducting tests for bacteria and fungi except in live vaccine. These amendments increase the consistency of results by specifying uniform procedures to be used.

These amendments clarify the regulation pertaining to the determination of expiration dates. § 114.13 is revised to specifically provide for the expiration date determination for live virus vaccines, live bacterial vaccines, inactivated biological products and antiserums. Storage of harvested material to be used in the preparation of a biological product is authorized.

Comments were received from four people on the proposal published January 3, 1975. All were generally favorable although changes were suggested by three, one of which was accepted.

One requested an exemption which was rejected as being unjustified. One suggested the inclusion of more details. This suggestion was rejected as being unnecessarily restrictive.

Comments were received from four people on the proposal published January 27, 1975. Three were very favorable but one suggested change which could not be scientifically justified and the suggestion was rejected. Another suggested change was accepted for clarification.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the constructive and helpful suggestions received from representatives of the biologics industry, revisions of the material proposed were made for clarification of the procedures to be followed and for scientific accuracy.

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (U.S.C. 151–158), the amendments of Part 113, Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein subject to the following noted modifications:

The words "in two or more sites" have been deleted from the label requirement in § 112.7(i) for wart vaccine. In § 113.126, "virus-bearing" has been hyphenated.

§ 113.127(b) (3) and (4) were corrected by deleting "Provided, That," and substituting "except, that,."

PART 112—PACKAGING AND LABELING

1. Section 112.7 is amended by adding a new paragraph (i) to read:

§ 112.7 Special additional requirements.

* * * * *

(i) In the case of wart vaccine, recommendations shall be limited to use in bovines. All labels shall include a dosage recommendation of at least 10 ml to be given subcutaneously and the dose repeated in 3 to 5 weeks.

PART 113—STANDARD REQUIREMENT

2. Part 113 is amended by adding a new § 113.9 to read:

§ 113.9 New potency test.

A potency test written into the filed Outline of Production for a product shall be considered confidential information by Veterinary Services until at least two additional product licenses are issued for the product or unless use of the test is authorized by the licensee, in which case, such potency test may be published as part of the Standard Requirement for the product.

(a) Until a potency test is published as part of the Standard Requirement for the product, reference to such a test shall be made in the filed Outline of Production and the test shall be conducted.

(b) When a potency test has been published as part of the Standard Requirement, such test shall be conducted unless the product is specifically exempted as provided in § 113.4.

3. Sections 113.26(b) (1) and (2) are revised to read:

§ 113.26 Detection of viable bacteria and fungi except in live vaccine.

* * * * *

(b) Test procedure:

(1) Ten test vessels shall be used for each of two media selected in accordance with paragraphs (a)(1), (a)(2), or (a)(3) of this section. Each test vessel shall contain sufficient medium to negate the bacteriostatic or fungistatic activity in the inoculum as determined in § 113.25(d).

(2) Inoculum:

(i) When completed product is tested, 10 final container samples from each serial and each subserial shall be tested. One ml from each sample shall be inoculated into a corresponding individual test vessel of culture medium; Provided, That, if each final container sample contains less than 2 ml, one-half of the contents shall be used as inoculum for each test vessel.

(ii) When cell lines, primary cells, or ingredients of animal origin are tested, at least a 20 ml test sample from each lot shall be tested. One ml shall be inoculated into each test vessel of medium.

* * * * *

4. Section 113.126 is revised to read:

§ 113.126 Wart Vaccine, Killed Virus.

Wart Vaccine, Killed Virus, shall be prepared from virus-bearing epidermal toumors (warts) obtained from a bovine. Each serial shall meet the requirements prescribed in this section and any serial found unsatisfactory by a prescribed test shall not be released.

(a) *Purity.* Final container samples of completed product shall meet the requirements for purity as prescribed in § 113.120(c) (1) and (3).

(b) *Safety.* Bulk or final container samples of completed product shall meet the requirements for safety as prescribed in § 113.33(b) and § 113.38.

(c) *Formaldehyde content.* Bulk or final container samples of completed product shall meet the requirements for formaldehyde content as prescribed in § 113.120(f).

(d) *Potency and efficacy.* The efficacy of wart vaccine has been demonstrated to the satisfaction of Veterinary Services as being a valuable biological product. The inherent nature of the product precludes the possible development of serial to serial potency tests and none is required; Provided, That,

(1) The vaccine shall be a tissue extract representing at least 10 percent weight to volume suspension of wart tissue; and

(2) The vaccine shall be limited to use in the prevention of warts in bovines. Dosage recommendations shall be in accordance with § 112.7(i).

5. Section 113.127 is amended by revising paragraph (b) to read:

§ 113.127 Encephalomyelitis Vaccine, Eastern and Western, Killed Virus.

* * * * *

(b) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency in accordance with the two stage test provided in this paragraph. The serological interpretations required in this test shall be made for the Eastern Type fraction and the Western Type fraction independent of each other except that a serial or subserial found unsatisfactory for either fraction shall not be released.

(1) For this test, a guinea pig dose shall be one-half the amount recommended on the label for a horse and shall be administered as recommended for a horse. Each of 10 healthy guinea pigs (vaccinates) shall be injected with two guinea pig doses with an interval of 14 to 21 days between doses. Two additional guinea pigs from the same source shall be held as controls.

(2) Fourteen to 21 days after the second injection, serum samples from each vacinate and each control shall be tested by the plaque reduction serum neutralization test.

(3) If the control serum samples show a titer greater than 1:2 for either or both fractions, the test is inconclusive for that fraction or fractions, as the case may be, and may be repeated; except that, if 4 or more of the vaccinate serum samples show a titer of less than 1:4 for the Eastern type fraction or less than

1:32 for the Western type fraction, the serial or subserial is unsatisfactory without further testing.

(4) If 2 or 3 of the vaccinate serum samples show a titer of less than 1:4 for the Eastern type fraction or less than 1:32 for the Western type fraction or both, the second stage may be used; except that, if 1 or less such samples meet the titer requirements for one fraction in the first stage, such fraction need not be retested. Otherwise, the second stage shall be conducted in a manner identical to the first stage.

(5) If the second stage is used and 4 or more of the vaccinate serum samples show a titer of less than 1:4 for the Eastern type fraction or less than 1:32 for the Western type fraction, the serial or subserial is unsatisfactory.

(6) The results shall be evaluated according to the following table:

Cumulative totals

Stage	Vaccinates	Failures for acceptance	Failures for rejection
1	10	1 or less	4 or more.
2	20	3 or less	Do.

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

6. The introductory portion of § 114.13 (b) and paragraphs (b) (1) and (2), and the introductory portion of § 114.13(c) are revised; paragraphs (c)(1), (2), and (3) are deleted; and new paragraphs (d), (e)(1), and (2) and paragraph (f) are added to read:

§ 114.13 Expiration date determination.

* * * * *

(b) *Storage.* A licensee may store partially completed biological products or harvested material to be used in the preparation of a biological product for a period specified in the Outline of Production and the expiration date shall be determined from the date the material is removed from storage for preparation of final product; Provided, That,

(1) Data acceptable to Veterinary Services can be furnished to establish that the time or storage conditions shall not adversely affect the quality of the final product; and

(2) Each serial shall be tested for potency at the time of release by a suitable test such as, but not limited to, virus titrations, bacteria counts and antitoxin unit determinations.

(c) *Live Virus Vaccine.* To determine the expiration date of a live virus vaccine, each serial of vaccine shall be tested for virus content at release and at the approximate expiration date until a statistically acceptable stability record has been established. All estimations of virus content shall be based on valid 50 percent end-point titrations.

(d) *Live bacterial vaccines.* To determine the expiration dates for live bacterial vaccines, each serial of vaccine shall be tested for potency at release and at its approximate expiration date until a statistically acceptable stability record has been established.

(e) *Inactivated biological products.* The expiration dates for inactivated biological products shall be determined in accordance with the conditions prescribed in a Standard Requirement, a filed Outline of Production for the product and paragraphs (e) (1) and (2) of this section,

(1) The expiration date shall be based upon stability data designed to show adequate potency of the biological product on or after the dating requested and subsequently confirmed by potency tests on all prelicensing serials.

(2) Subsequent changes in the expiration date may be granted, based upon stability data confirmed by potency tests on five consecutive serials at least 6 months beyond the date requested by the licensee.

(f) *Antitoxins, antiserums, normal serums.* The expiration dates shall be calculated from the date of the latest satisfactory tests conducted in accordance with § 113.250 and prescribed in a Standard Requirement for the product or in a filed Outline of Production or both.

(37 Stat. 832–833; 21 U.S.C. 151–158)

Effective date: These amendments take effect April 28, 1975.

Done at Washington, D.C., this 24th day of March 1975.

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

[FR Doc.75-8078 Filed 3-27-75;8:45 am]

PART 112—PACKAGING AND LABELING

Permits for Biological Products

Pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), Subchapter E, Chapter 1 of Title 9 of the Code of Federal Regulations is amended by making a reference change in the lead paragraph in § 112.9 to conform to the codification of regulations pertaining to permits for biological products in a new Part 104 (38 FR 32916, November 29, 1973).

The introductory paragraph of § 112.9 is revised to read:

§ 112.9 Biological products to be imported for research and evaluation.

A biological product imported into the United States for research and evaluation under a permit issued in accordance with Part 104 of this subchapter shall be labeled as provided in this section.

* * * * *

This amendment is administrative and the change is conformative in nature and makes no substantive changes in the affected regulations.

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

The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., this 24th day of March 1975.

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

[FR Doc.75-8077 Filed 3-27-75;8:45 am]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

PART 70—SPECIAL NUCLEAR MATERIAL

Organization and Procedural Changes; Correction

In FR Doc. 75-5205, appearing at page 8774, in the issue for March 3, 1975, the following changes should be made:

1. Paragraph 131, Part 31, on page 8785, second column, is corrected to read as follows:

§ 31.5 [Amended]

131. In § 31.5, paragraph (b) is amended by deleting the words "by the Commission", paragraphs (c)(3) and (c)(5) are amended by changing the words "from the Commission or" to "pursuant to Parts 30 and 32 of this chapter or from", paragraph (c)(7) is amended by changing the words "from the Commission" to "pursuant to Parts 30 and 36 of this chapter", and paragraph (c)(8) is amended by changing the words "specific licensee of the Commission or of an Agreement State whose specific license authorizes him" to "persons holding a specific license pursuant to Parts 30 and 32 of this chapter or from an Agreement State".

2. Paragraph 218, Part 70, on page 8791, second column, is corrected to read as follows:

218. Section 70.11 is revised to read as follows:

§ 70.11 Persons using special nuclear material under certain Energy Research and Development Administration and Nuclear Regulatory Commission contracts.

Except to the extent that Administration facilities or activities of the types subject to licensing pursuant to section 202 of the Energy Reorganization Act of 1974 are involved,[*] any prime contractor of the Administration is exempt from the requirements for a license set forth in section 53 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Administration receives title to, owns, acquires, delivers, receives,

[*] The Administration facilities identified in section 202 are:

possesses, uses, transfers, imports or exports special nuclear material for:

(1) Demonstration Liquid Metal Fast Breeder reactors when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

(2) Other demonstration nuclear reactors, except those in existence on January 19, 1975, when operated as part of the power generation facilities of an electric utility system, or when operated in any other manner for the purpose of demonstrating the suitability for commercial application of such a reactor.

(3) Facilities used primarily for the receipt and storage of high-level radioactive wastes resulting from licensed activities.

(4) Retrievable Surface Storage Facilities and other facilities authorized for the express purpose of subsequent long-term storage of high-level radioactive waste generated by the Administration, which are not used for, or are part of, research and development activities.

(a) The performance of work for the Administration at a United States Government-owned or controlled site, including the transportation of special nuclear material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, and subject to the requirement for licensing of Administration facilities and activities pursuant to section 202 of the Energy Reorganization Act of 1974, any prime contractor or subcontractor of the Administration or the Commission is exempt from the requirements for a license set forth in section 53 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor receives title to, owns, acquires, delivers, receives, possesses, uses, transfers, imports or exports special nuclear material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety.

3. Paragraph 219, Part 70, on page 8791, third column, is corrected to read as follows:

219. In § 70.14, the footnote to paragraph (a) is deleted and paragraph (b) is revised to read as follows:

§ 70.14 Specific exemptions.

* * * * *

(b) Any person subject to the provisions of §§ 70.21(f) and 70.23(a)(7) may request an exemption from the requirements of those provisions. The Commission may grant an exemption from the provisions of §§ 70.21(f) and 70.23(a)(7), upon considering and balancing the following factors:

(1) Whether conduct of the proposed activities will give rise to a significant adverse impact on the environment and the nature and extent of such impact, if any;

(2) Whether redress of any adverse environmental impact from conduct of the proposed activities can reasonably be effected should such redress be necessary;

(3) Whether conduct of the proposed activities would foreclose subsequent adoption of alternatives; and

(4) The effect of delay in conducting such activities on the public interest. During the period of any exemption granted pursuant to this paragraph (b), any activities conducted shall be carried out in such a manner as will minimize or reduce their environmental impact.

Dated at Washington, D.C. this 25th day of March 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-8104 Filed 3-27-75;8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 213—OIL IMPORT REGULATIONS

Adjustment of Oil Import License Fee Payments

On March 13, 1975, the Federal Energy Administration (FEA) published proposed amendments to § 213.35 in order to implement Proclamation No. 4355, amending Proclamation No. 3279, as amended, pursuant to which FEA administers the Mandatory Oil Import Program (40 FR 12287, March 18, 1975). Section 2 of Proclamation No. 4355 authorizes the Administrator to determine at what point crude oil, unfinished oils, and finished products shipped into United States territories and foreign trade zones shall become subject to import license fees and supplemental fees. Section 3 of the Proclamation provides that the fees and supplemental license fees imposed with respect to imports into Puerto Rico, or imports into Districts I–V which are shipped to Puerto Rico, with or without further processing, shall be reduced by the amount of any excise tax or other levy imposed by the Government of Puerto Rico on such imports as are not shipped to Districts I–V.

In its notice of proposed rulemaking, FEA stated, with respect to the proposed amendments implementing sections 2 and 3:

> Since FEA's proposed amendments may result in recomputation of fee payments due March 31 for crude oil, unfinished oils, and finished products shipped from U.S. territories and foreign trade zones to U.S. customs territory, and imported into Puerto Rico, FEA will shortly issue a regulation postponing the due date of these payments until April 30.

Upon further study, however, FEA became aware that it was not authorized to issue such a deferral, in light of the requirement in section 3(a)(1)(vi) of Proclamation No. 3279, as amended, that "payment of the fees prescribed in paragraph 3(a)(1)(iii) (the supplemental fees) shall be made no later than the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse for consumption, whichever occurs first."

FEA recognizes that its inability to defer payments until final regulations implementing the Proclamation are issued and recomputations on the basis thereof are made, will cause some importers to incur fees that the Proclamation intends to remit. In view of these circumstances, FEA shall make every effort to alleviate any resulting difficulties to importers by refunding, on an expedited basis as soon as the implementing regulations are issued, any overpayments.

Issued in Washington, D.C. March 26, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.75-8298 Filed 3-27-75;9:13 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 6]

AIR COMMERCE REGULATIONS

Private Aircraft Arriving From Areas South of the United States

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), and section 1109, 72 Stat. 799, as amended (49 U.S.C. 1509), it is proposed to amend Part 6 of the Customs Regulations (19 CFR Part 6) by amending paragraphs (a) and (b) of § 6.2 and by adding a new § 6.14 to set forth special reporting requirements and control procedures for private aircraft arriving from certain areas south of the United States.

The special requirements and procedures are deemed necessary because of the frequency with which private aircraft are identified in Customs records as the means used to transport contraband into the United States. Specifically, the proposed amendments would require commanders of private aircraft proceeding to the United States from a foreign place in the Western Hemisphere south of 33 degrees north latitude, and crossing into the United States over a point on the United States border between 95 and 120 degrees west longitude, to communicate to Customs, either directly or through the Federal Aviation Administration by radio or other means, their intention of landing and the intended point and time of border crossing. This information must be communicated by the aircraft commander not less than 15 minutes prior to crossing the border. This reporting system should enable Customs to more readily identify clandestine aircraft as they enter the United States within the zone described. The proposed amendments would require all such aircraft, unless exempted, to land at one of the 13 specially-designated airports in the immediate proximity of the border between the United States and Mexico. The number and location of the designated airports have been selected in order to minimize any possibe inconvenience to flyers.

In addition, the proposal assures affected pilots that 24-hour free Customs service will be available at the designated airports and that Customs overtime charges will only be assessed on Sundays and holidays.

The proposed amendments further provide for a procedure whereby the owner or aircraft commander of a private aircraft may on a one-time or term (annual) basis, request to be exempted from the requirement of landing at any of the specially-designated airports.

Accordingly, it is proposed to amend the second sentence of paragraph (a) and to revise paragraph (b) of § 6.2 of the Customs Regulations (19 CFR 6.2 (a)) to read as follows:

§ 6.2 Landing requirements.

(a) *Place of landing.* * * * The first landing shall be at an international airport unless permission to land elsewhere shall first be granted, except that such permission is not required for an emergency or forced landing or with respect to the procedure prescribed in paragraph (b) of this section, relating to private aircraft arriving from south of the United States. * * *

* * * * *

(b) *Advance notice of arrival*—(1) *Applicability.* All aircraft, except as provided in subparagraph (3) of this paragraph, before coming into any area from any place outside the United States, for security reasons, and in order to avoid the penalties provided for in § 6.11, shall furnish a timely notice of intended arrival, either by or at the request of the commander of the aircraft, through the Federal Aviation Administration flight notification procedures or directly to the district director or other Customs officer in charge at the nearest intended place of first landing in such area. That officer shall notify the officers in charge of the other Government services. In the case of private aircraft passing through the zone referred to in paragraph (a) of § 6.14 and crossing into the United States within that zone, advance notice shall be furnished in accordance with the procedure prescribed in § 6.14.

(2) *Furnishing advance notice.* When, by reason such as departure from a remote place, dependable facilities for giving notice are not available, a landing shall be made at a place where the necessary facilities do exist before coming into any area from any place outside the United States. However, radio equipment of the plane may be used if this will result in the giving of adequate and timely notice.

(3) *Exception for scheduled airline to the requirement of giving advance notice.* Advance notice shall not be required in the case of aircraft of a scheduled airline arriving in accordance with a regular schedule filed with the district director for the district in which the place of first landing is situated.

(4) *Contents of advance notice.* The advance notice of arrival shall specify the following:

(i) Type of aircraft and registration marks;

(ii) Name of aircraft commander;

(iii) Place of last departure;

(iv) International airport of intended landing or other place at which landing has been authorized by Customs;

(v) Number of alien passangers;

(vi) Number of citizen passengers; and

(vii) Estimated time of arrival.

(5) *Timeliness of advance notice.* The advance notice must be received by Customs in sufficient time to enable the officers designated to inspect the aircraft to reach the international airport or such other place of first landing prior to the arrival of the aircraft, except as provided in section 6.14.

(6) *Responsibility of aircraft commander upon landing.* If, upon landing in any area the aircraft commander finds that United States Government inspection officers have not arrived, the commander shall hold the aircraft and any merchandise, including baggage, thereon intact and keep the passengers and crewmembers in a segregated place until the inspection officers arrive.

* * * * *

It is also proposed to amend Part 6 of the Customs Regulations (19 CFR Part 6) by adding a new § 6.14 to read as follows:

§ 6.14 Private aircraft arriving from areas south of the United States.

(a) *Advance report of penetration of United States airspace.* All private aircraft arriving in the United States from a foreign place in the Western Hemisphere south of 33 degrees north latitude which cross into the United States over a point on the United States border between 95 and 120 degrees west longitude shall furnish a notice of intended arrival to the Customs Service, either by or at the request of the commander of the aircraft, not less than 15 minutes prior to crossing the border. The notice shall be furnished through the Federal Aviation Administration flight notification procedures or directly to the district director or other Customs officer at the nearest intended place of first landing in the United States. The notice shall include the following:

(1) Aircraft registration number;

(2) Name of aircraft commander;

(3) Number of United States citizen passengers;

(4) Number of alien passengers;

(5) Place of last departure;

(6) Estimated time and location of crossing United States border;

(7) Name of intended United States airport of first landing (one of the designated airports listed in paragraph (e)

of this section, unless an exception has been granted); and

(8) Estimated time of arrival.

(b) *Landing requirement.* Private aircraft required to furnish a notice of intended arrival in compliance with paragraph (a) of this section shall land for Customs processing at one of the airports listed in paragraph (e) of this section unless exempted from this requirement in accordance with paragraph (d) of this section.

(c) *Private aircraft defined.* For the purpose of this section, "private aircraft" means any aircraft other than an aircraft engaged in the transportation of passengers or cargo or both for hire.

(d) *Exemption from the landing requirement.* The owner or aircraft commander of a private aircraft required to furnish a notice of intended arrival in compliance with paragraph (a) of this section may request an exemption from the landing requirement specified in paragraph (b) of this section. The request shall be submitted to the Customs officer in charge of the airport of first landing at which Customs processing is desired and shall be submitted at least 30 days prior to the anticipated first arrival if the request is for an exemption covering a number of flights over a period of 1 year, or at least 15 days prior to the anticipated arrival if the request is for a single flight. The request shall include the following information:

(1) Aircraft registration number;

(2) Names and addresses of owners of the aircraft;

(3) Names and addresses of all crewmembers;

(4) Names of usual or potential passengers to the extent possible;

(5) Name of anticipated airport of first landing in the United States; and

(6) Place or places from which the flight(s) will originate.

(e) *Designated airports.*

Location:	Name
Brownsville, Texas	Brownsville International Airport.
Calexico, California	Calexico International Airport.
Del Rio, Texas	Del Rio International Airport.
Douglas, Arizona	Bisbee-Douglas International Airport.
Eagle Pass, Texas	Eagle Pass Airport.
El Paso, Texas	El Paso International Airport.
Laredo, Texas	Laredo International Airport.
McAllen, Texas	Miller International Airport.
Nogales, Arizona	Nogales International Airport.
San Diego, California	Brown Field.
San Diego, California	San Diego International Airport (Lindbergh Field).
Tucson, Arizona	Tucson International Airport.
Yuma, Arizona	Yuma International Airport.

Data, views or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration of such communications, they must be received not later than April 28, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR § 103.8 (b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Approved: March 20, 1975.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-8218 Filed 3-27-75;8:45 am]

[19 CFR Part 123]

CANADA AND MEXICO

Landing Certificate for the Exportation to a Contiguous Country of Certain Articles of Foreign Origin

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 622, 623, and 624, 46 Stat. 759, as amended (19 U.S.C. 1622, 1623, 1624), it is proposed to amend Part 123 of the Customs Regulations (19 CFR Part 123) to require a landing certificate for the exportation of articles of foreign origin to a contiguous country.

A study of Customs Service border operations has shown that certain articles which had been entered into the United States for warehousing or for transportation and exportation and were thereafter supposedly exported to a contiguous foreign country either did not enter that country or were subsequently returned to the United States without the payment of appropriate taxes or duties. Part 123 of the Customs Regulations, relating to Customs relations with Canada and Mexico, presently does not contain provisions to assure that articles exported to those countries have been entered into those countries. In order to provide proof of entry of such articles, it is proposed to amend Part 123 of the Customs Regulations by adding a new section, § 123.73, to require the exporters of articles of foreign origin to a contiguous country to produce, when requested by the district director of the port of exportation, a landing certificate indicating that the articles have been entered in the foreign country.

Accordingly, it is proposed to amend Part 123 of the Customs Regulations (19 CFR 123) by adding a new § 123.73 to read as follows:

§ 123.73 Foreign landing certificate.

(a) *When required.* Except as provided in paragraph (e) of this section, a foreign landing certificate may be required, at the discretion of the district director, for the exportation of articles of foreign origin to a contiguous foreign country which were previously entered for warehousing or for transportation and exportation under bond without payment of duties.

(b) *Content of landing certificate; time and place of filing.* Information supplied by the exporter or carrier on the landing certificate shall include the quantity and description of the exported merchandise, the marks and number of packages, and the entry number. The landing certificate must be signed by the appropriate Customs official of the contiguous country and must include the port and date of arrival in the contiguous country. The landing certificate shall be filed within 6 months from the date of exportation with the district director at the port where the exportation took place, and shall be filed by the party filing the exportation entry.

(c) *Bond requirement*—(1) *Time of filing of bond.* When a landing certificate is required, unless an export bond is on file at the port of export or elsewhere, such a bond must be filed with the district director at the port where the export entry is filed, at the time of the filing of the entry, to ensure the production of the landing certificate within the time specified in paragraph (b) of this section.

(2) *Type of bond.* If the exportation entry is filed by the importing carrier, Customs Form 7567, 7569, or 7605 may be used as the export bond required by paragraph (c)(1) of this section. If the articles for which the landing certificate is required were withdrawn from warehouse for exportation or for transportation and exportation, Customs Form 7555 or 7595 may be used as the required export bond. Otherwise, the export bond shall be executed on Customs Form 7557 or 7559.

(3) *Cancellation of bond.* The bond filed for the production of the landing certificate shall be cancelled only upon the filing of a landing certificate meeting the requirements set forth in paragraph (b) of this section.

(d) *Assessment of liquidated damages for failure to file landing certificate.* Liquidated damages shall be assessed pursuant to section 172.1 of this chapter against the principal on the bond charged pursuant to paragraph (c) of this section in the event a requierd landing certificate is not filed within the time and in the manner set forth in paragraph (b) of this section. Such damages shall be assessed by the district director at the port where the exportation took place.

(e) *Vessel or aircraft supplies.* A foreign landing certificate shall not be required for any articles of foreign origin withdrawn for exportation under section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309), as supplies for vessels or aircraft. Such withdrawals are subject to the regulations set forth in §§ 10.59 through 10.65 of this chapter.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before April 28, 1975.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 7, 1975.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.75-8074 Filed 3-27-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Parts 1301, 1308]

SCHEDULE III THROUGH V CONTROLLED SUBSTANCES

Storage and Security

Proposal of change regarding the storage of Schedule III through V controlled substances by non-practitioners and the removal of excepted compounds from registration and security requirements.

Existing security regulations for Schedule III through V substances allow their storage in a secure building along with other merchandise provided that the controlled substances are segregated from all other merchandise and kept under constant surveillance during normal business hours.

(21 CFR 1301.72(b).)

A substantial number of non-practitioner registrants have recognized potential security problems and have voluntarily instituted the caging of controlled substances in Schedules III through V. The Drug Enforcement Administration has determined that cages of the type specified in this proposal have proven to be effective in safeguarding Schedule III through V controlled substances by limiting accessibility and by providing a barrier to unauthorized persons during business hours thus virtually eliminating the factor of human error where surveillance alone is provided.

The proposed regulations provide for approval of an existing cage or other substantially constructed enclosure for Schedule III through V controlled substances where the enclosure has either been previously approved by the Drug Enforcement Administration or where the existing enclosure is being modified and the Drug Enforcement Administration determines it to provide equivalent protection.

Consistent with programs initiated by registrants and with the need for continued emphasis upon security, these proposed security regulations for Schedule III, IV and V controlled substances recognize the need for more definitive standards for new construction, and for an affirmative evaluation of all factors relevant to controlled substance security.

In order to develop consistency with Chapter 1300 of Title 21 CFR, § 1308.32 (a) and (b) should be modified to remove excepted compounds from all security and registration requirements. The manufacturers of these compounds will continue to be required to register and maintain security for the handling of all bulk controlled substance material used in the manufacture of excepted compounds.

Therefore, under the authority vested in the Attorney General by sections 301 and 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, the Administrator hereby proposes that §§ 1301.72 and 1308.32 of Title 21 of the Code of Federal Regulations be amended as follows:

Paragraph (b) of § 1301.72 is revised to read as follows:

§ 1301.72 Physical security controls for nonpractitioners: storage areas.

* * * * *

(b) *Schedule III, IV and V.* Raw materials, bulk materials awaiting processing and finished products which are controlled substances listed in Schedules III, IV and V shall be stored in one of the following secure storage areas:

NOTE.—These storage areas will contain only Schedule III through V controlled substances and no other material.

(1) A safe or steel cabinet as described in paragraph (a) (1) of this section.

(2) A vault as described in paragraph (a) (2) or (3) of this section equipped with an alarm system as described in paragraph (b) (4) (v) of this section.

(3) A building used solely for storage of Schedules III through V controlled substances with perimeter security which limits access during working hours and provides security after working hours and meets the following specifications:

(i) Has an electronic alarm system as described in paragraph (b) (4) (v) of this section.

(ii) Is equipped with self-closing, self-locking doors constructed of substantial material commensurate with the type of building construction. Hinges, where mounted on the outside shall be sealed, welded or otherwise constructed to inhibit removal. Locking devices shall be either of the multiple-position combination or key lock type and:

(*a*) Will be substantially constructed to resist picking, drilling and hard blows.

(*b*) In the case of key locks, will require key control which limits access to a limited number of employees or;

(*c*) In the case of combination locks, the combination will be limited to a minimum number of employees and can be changed upon termination of employment of an employee.

(4) A cage, located within a building on the premises, meeting the following specifications:

(i) Having walls constructed of #10 gauge steel fabric or heavier mounted on a minimum of one and one-half inch steel posts, set in concrete whenever possible (depending on facility construction) lock type and:

(*a*) Will be substantially constructed to resist picking, drilling, hard blows and cutting with instruments such as bolt cutters.

(*b*) In the case of key locks, will require key control which limits access to a limited number of employees or;

(*c*) In the case of combination locks, the combination will be limited to a minimum number of employees and can be changed upon termination of employment of an employee.

(v) Is equipped with an alarm system which upon any type of unauthorized entry, into either the building or storage area containing the Schedule III through V substances, shall transmit a signal directly to a central station protection agency or a local or state police agency that has a legal duty to respond; or to a 24 hour control station operated by the registrant; or to such other source of protection as the Administrator may approve.

(5) A substantial enclosure of masonry or other material approved by the Administrator, as providing security comparable to a cage.

(6) A building used solely for the storage of Schedule III through V controlled substances or a secure enclosure which contains only Schedule III through V controlled substances which has been previously inspected and approved by DEA or its predecessor agency, and provides protection equivalent to current standards.

(7) Such other secure storage area as may be approved by the Administrator considering the factors listed in § 1303.71 (b), 1 through 14.

* * * * *

§ 1308.32 [Amended]

The Administrator also proposes that § 1308.32 (a) and (b) be amended to read as follows:

1. In § 1308.32(a), the final clause of the first sentence is revised as follows: "* * * the drugs set forth in paragraph (b) of this section have been excepted by the Administrator from application of sections 302, 303, 304, 305, 307, 308, 309, 1002, 1003 and 1004 of the Act (21 U.S.C. 822, 823, 825, 827-9, 952-4) and of §§ 1301.11, 1301.12, 1301.21 through 1301.24, 1301.31, 1301.32 and 1301.71 through 1301.76 of this chapter for administration purposes only. * * *"

2. In § 1308.32(b), the text beginning with the words "are excepted" is revised to read as follows: "* * * are excepted from the application of sections 302, 303, 304, 305, 307, 308, 309, 1002, 1003 and 1004 of the Act (21 U.S.C. 822, 823, 825, 827-9, 952-4) and of §§ 1301.11, 1301.12, 1301.21 through 1301.24, 1301.31, 1301.32 and 1301.71 through 1301.76 of this chapter:"

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may object or comment on the proposals relating to any one or more of the above mentioned substances without filing comments or objections regarding the others.

Comments and objections should be submitted in quintuplicate to the Office of the Administrative Law Judge, Attention: Hearing Clerk, Drug Enforcement Administration, Department of Justice, 1405 Eye Street, NW., Washington, D.C. 20537, and must be received by April 29, 1975. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the Federal Register summarizing the issues to be heard and setting the time for the hearing (which shall not be less than 60 days after the date of publication).

Dated: March 20, 1975.

JOHN R. BARTELS, Jr.,
Administrator.

[FR Doc.75-8051 Filed 3-27-75;8:45 am]

Immigration and Naturalization Service

[8 CFR Part 211]

COMMUTERS

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to commuters.

The regulation constituting a new section devoted exclusively to alien commuters, consists of the following parts: a restatement of basic criteria for validity of Form I–151 as an entry document when presented by a person claiming commuter status, derived from the Administrative Decisions under immigration and naturalization laws; a reaffirmation of the long-established interpretation that residence counting toward naturalization eligibility is not accumulated while one is a commuter; a new interpretative statement, inspired by comments in the dissenting opinion in Saxbe v. Bustos, United States Supreme Court, November 25, 1974, concerning the possibility that, contrary to the evident will of Congress, a commuter might be able to confer certain rights and privileges under the immigration laws on his relatives. A repositioning, for clarification, of the so-called anti-strikebreaker regulation.

In accordance with section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100–C, 425 Eye Street NW., Washington, D.C. 20536, written data, views or arguments, in duplicate, relative to the proposed rules. Such representatives may not be presented orally in any manner. All relevant material received before April 25, 1975, will be considered.

In light of the foregoing, in Part 211 it is proposed to amend § 211.1(b)(1) by deleting the last sentence thereof, and to add a new § 211.6.

1. Section 211.1(b)(1) would be revised as follows:

§ 211.1 Visas.

* * * * *

(b) *Aliens returning to an unrelinquished lawful permanent residence*—(1) *Form I–151, Alien Registration Receipt Card.* In lieu of an immigrant visa, an immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may present Form I–151, Alien Registration Receipt Card, duly issued to him, provided that during such absence he did not travel to, in, or through any of the following places: Cuba and Communist portions of Korea or Viet-Nam, and, except for children who have not attained the age of 16 at the time they apply for admission into the United States, Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, People's Republic of China, Poland, Romania, the Soviet Zone of Germany ("German Democratic Republic"), the Union of Soviet Socialist Republics, or Yugoslavia. The foregoing restrictions shall not apply when the alien has passed in direct and continuous transit through the Soviet Zone of Germany to Berlin from West Germany by automobile, rail, or plane and returned to West Germany; or when the alien has passed in direct and continuous transit through Yugoslavia to or from Austria, Greece, or Italy. An alien regularly serving as a crewman in any capacity required for normal operations and services aboard an aircraft or vessel of American registry who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may, in lieu of an immigrant visa, present Form I–151, duly issued to him, notwithstanding travel to, in, or through any of the restricted places named in this subparagraph pursuant to his employment as a crewman. An alien who proceeded abroad temporarily without a reentry permit and in whose case subsequent to his departure from the United States the Department of State has approved travel to, in, or through Cuba, or Communist portions of Korea or Viet-Nam, may, in lieu of an immigrant visa or reentry permit, present Form I–151 together with the letter from the Department of State approving his travel to, in, or through the place or places named in the letter, if he is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding 1 year. An alien who proceeded abroad temporarily without a reentry permit and in whose case subsequent to his departure from and prior to his return to, in, or through any of the other place or places named in this subparagraph for which Form I–151 is not valid may, in lieu of an immigrant visa or reentry permit, present Form I–151 together with the letter from an officer of the Service approving his travel to, in, or through the place or places named in the letter, if he is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year. When returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, a spouse or child of a member of the Armed Forces of the United States or of a civilian employee of the United States Government stationed foreign pursuant to official orders may, in lieu of an immigrant visa, present Form I–151, provided such spouse or child resided abroad while such member of the Armed Forces or such civilian employee was on overseas duty and is preceding or accompanying the member or employee, or is following to join the member or employee in the United States within 4 months of the member's or employee's return, and during the temporary absence did not travel to, in, or through any of the restricted places named in this subparagraph, except those named places concerning which the restrictions do not apply when an alien has passed in direct and continuous transit through such areas.

* * * * *

2. A new § 211.6 would be added to read as follows:

§ 211.6 Alien commuters.

(a) *General.* Notwithstanding any other provision of this part, an alien lawfully admitted for permanent residence may commence or continue to reside in foreign contiguous territory and commute as a special immigrant defined in section 101(a)(27)(B) of the Act to his place of employment in the United States to engage in daily or seasonal work which, on the whole, is regular and stable: *Provided*, That at the time of each reentry he presents a valid Form I–151 in lieu of an immigrant visa and passport. An alien commuter engaged in seasonal work would be presumed to have taken up residence in the United States if he is present in this country for more than six months, in the aggregate, during any continuous 12-month period. An alien commuter's address report under section 265 of the Act must show his actual residence address even though it is not in the United States.

(b) *Loss of commuter status.* An alien commuter who has been out of regular employment in the United States for a continuous period of six months shall be deemed to have lost his status as an alien lawfully admitted for permanent residence, notwithstanding temporary entries in the interim for other than employment purposes, unless his employment in the United States was interrupted for reasons beyond his control other than lack of a job opportunity. Upon loss of status, Form I–151 shall become invalid and shall be surrendered to an immigration officer.

(c) *Eligibility for benefits under the immigration and nationality laws.* Until he has taken up residence in the United States, an alien commuter cannot satisfy

the residence requirements of the naturalization laws and cannot qualify for any benefits under the immigration laws on his own behalf or on behalf of his relatives other than as specified in paragraph (a) of this section. When an alien commuter takes up residence in the United States, he shall no longer be regarded as a commuter. He may facilitate proof of having taken up such residence by notifying the Service as soon as possible, preferably at the time of his first reentry for that purpose. Application for issuance of a new alien registration receipt card to show that he has taken up residence in the United States shall be made on Form I–90.

(d) *Labor disputes.* When the Secretary of Labor determines and announces that a labor dispute involving a work stoppage or layoff of employees is in progress at a named place of employment, Form I–151 shall be invalid when presented in lieu of an immigrant visa or reentry permit by an alien commuter who has departed for and seeks reentry from any foreign place and who, prior to his departure or during his temporary absence abroad has in any manner entered into an arrangement to return to the United States for the primary purpose, or seeks reentry with the intention of accepting employment at the place where the Secretary of Labor has determined that a labor dispute exists, or of continuing employment which commenced at such place subsequent to the date of the Secretary of Labor's determination.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103.)

Dated: March 24, 1975.

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

[FR Doc.75–7988 Filed 3–27–75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 150]

[Hearing Docket CE–P 19]

LIVE SLAUGHTER CATTLE, LIVE HOGS AND FROZEN PORK BELLIES

Hearing on Limits on Position and Daily Trading for Future Delivery

On January 27, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 4017) to add §§ 150.12, 150.13 and 150.14 to the Orders of the Commodity Exchange Commission under section 4a of the Commodity Exchange Act (7 U.S.C. 6a). These respective orders relate to limits on speculative positions and speculative daily trading in live slaughter cattle, live hogs and frozen pork bellies for future delivery.

The proposed limits for both positions and daily trading are 120,000 cwt. in any one future and 240,000 cwt. in all futures combined for live slaughter cattle, 60,000 cwt. in any one future and 120,000 cwt. in all futures combined for live hogs, and 54,000 cwt. in any one future and 90,000 cwt. in all futures combined for frozen pork bellies. The proposed limits upon positions and upon daily trading would not apply to bona fide hedging transactions or positions, as provided in regulations issued pursuant to section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)) and section 404 of Pub. L. 93–463.

The notice provided that if any interested person desired an oral hearing with reference to the proposed orders on limits on positions and daily trading in live slaughter cattle, live hogs, or frozen pork bellies, such person should make a request to that effect, stating the reasons therefor, to the Administrator of the Commodity Exchange Authority.

A hearing will be held beginning at 10 a.m. e.d.t., on April 10, 1975, in Room 3056 South Building, U.S. Department of Agriculture, Washington, D.C., on the matter of the proposed speculative limits on positions and daily trading in live slaughter cattle, live hogs, and frozen pork bellies for future delivery.

Written statements with reference to the subject matter of this hearing may be submitted by any interested person and may be in addition to or in lieu of testimony at such hearing. Such statements should be prepared in quintuplicate and mailed to the Presiding Officer, Hearing Docket CE–P 19, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, prior to the time of hearing, or delivered to the Presiding Officer at the time of hearing.

All written statements submitted prior to, during, and after the hearing, the transcript of the record, and exhibits will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Issued: March 25, 1975.

ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[FR Doc.75–8136 Filed 3–27–75;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Part 60–1]

OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

State and Local Government Equal Employment Opportunity Requirements for Federally Assisted Construction Contracts

On January 21, 1974, a document was published in the FEDERAL REGISTER (39 FR 2365) amending § 60–1.4(b) of Chapter 60, Title 41, Code of Federal Regulations. The amendment was issued pursuant to section 201, 207, 301, and 303 of Executive Order 11246, as amended, and was intended to clarify the extent to which the U.S. Department of Labor would deem State and local government equal employment requirements applicable to federally assisted construction contracts already subject to the equal employment requirements of Executive Order 11246, as amended, and implemented through Federal equal employment opportunity bid documents incorporating the requirements of negotiated or imposed plans (including Part II of the Federal EEO Bid Conditions) established pursuant to the Executive Order. On March 28, 1975, the section described herein was rescinded (see FR Doc. 75–8117, Title 41, in the rules and regulations section of this FEDERAL REGISTER).

It is proposed to publish a new amendment to § 60–1.4(b) of Chapter 60, Title 41, Code of Federal Regulations. At the time of issuance of the original document published on January 21, 1974, interested persons were invited to submit written comments, suggestions, data or arguments on the amendment. The substance of the comments received are incorporated in the amendment proposed herein.

Persons interested in the proposed amendment are hereby invited to submit written data, views, suggestions or arguments concerning it to Mr. Philip J. Davis, Director of the Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, on or before April 28, 1975.

It is proposed to amend the provisions of 41 CFR 60–1.4(b) to read as follows:

§ 60–1.4 Equal opportunity clause.

* * * * * *

(b) *Federally assisted construction contracts.* * * *

(2) State and local governments intending to impose affirmative action hiring and/or training requirements on federally assisted construction already subject to federal minority hiring and/or training plans established pursuant to the Order (including but not limited to negotiated plans, imposed plans and Part II of Federal EEO Bid Conditions incorporating negotiated plans) shall submit a copy of such requirements with supporting data to the Director prior to their inclusion in any federally assisted construction contracts.

(i) *Supporting Data.* The supporting data shall include at least the following: any official interpretive statements, bulletins, contracting documents and other written material concerning the nature and scope of the affirmative action requirements and their enforcement; statistics indicating the minority population in the area to be covered by the State or local requirements, the minority employment in the area construction industry, the availability of minorities for employment in the area construction industry, and the projected growth and attrition factors of the area construction industry in the near future; a copy of the enabling legislation establishing the authority of the State or local political entity to adopt affirmative action requirements covering public works; and notice of any pending litigation involving the legality of such State or local affimative actions requirements.

(ii) *OFCC Approval.* The State or local government affirmative action requirements shall not be included in federally assisted construction contracts until the Director has had an opportunity to determine whether such requirements are

inconsistent with the Order or incompatible with the effective implementation of the applicable federal minority hiring and/or training plans (including but not limited to negotiated, imposed and/or Part II of the Federal EEO Bid Conditions of the negotiated plan or plans) in the area.

(A) In order for the Director to approve State or local affirmative action requirements submitted under this subparagraph, he must find: (*1*) that the State or local affirmative action requirements include goals and timetables which reflect an analysis of the minority population in the area to be covered, the minority manpower utilization in the area construction industry, the availability of minorities for employment in the area construction industry and the projected growth and attrition factors of the area construction industry in the near future; (*2*) that the State or local affirmative action requirements include provisions affording contractors and/or subcontractors notice of findings of noncompliance and a meaningful opportunity to challenge any allegations of noncompliance to prove that they have made whatever efforts are required of them to comply; (*3*) that assurances are provided in the requirements that the State or local affirmative action requirements are not intended and shall not be used to discriminate against any qualified person on the basis of race, color, religion, sex or national origin; (*4*) that the State or local affirmative action requirements comply with the basic principles of Federal procurement law which go to the essence of competitive bidding; (*5*) that no broad conflict exists between the purposes and objectives of Executive Order 11246, as amended, and the State or local affirmative action requirements; and (*6*) that no actual conflict exists between the Federal plans in the area (including negotiated, imposed and Part II Federal EEO Bid Conditions or a combination of the aforementioned) and the State or local affirmative action requirements such that both cannot stand in the area; and (*7*) that the State or local affirmative action requirements do not conflict with any other federal statutes or regulations applicable to federal grants.

(B) The Director shall make his determination within 60 calendar days from the date of notice to the State or local government that its submission (including the State or local affirmative action requirements and supporting data listed in this subparagraph) is complete. State or local affirmative action requirements will be deemed applicable to federally assisted construction contracts and Federal agencies must permit the inclusion of such requirements therein upon approval by the Director, or if the Director fails to act within the 60 days provided. The Director's determination shall be communicated directly to the State or local official who submitted the State or local affirmative action requirements, by registered mail, return receipt requested, together, in the case of an adverse determination, with a notification of its right to appeal to the Assistant Secretary for Employment Standards or his designee. The Director's determination, or in the event that the Director fails to make a determination within the 60 days provided notification thereof, shall be announced in a FEDERAL REGISTER notice no later than 10 calendar days after the date of notification to the State or local governmental agency which submitted the plan.

(iii) *Right of Appeal to the Assistant Secretary.* The notice shall indicate that the State or local government, and any other persons or groups affected by the Director's determination, including construction trades contractors, labor organizations, associations or other organizations of construction trades contractors and/or labor organizations, and minority community groups, may appeal such determination to the Assistant Secretary by requesting a hearing by registered mail, return receipt requested and postmarked within 21 calendar days of the publication of the FEDERAL REGISTER notice. If an appeal is filed later than 21 calendar days, the Assistant Secretary shall have the discretion to waive the 21-day period upon a showing by the party appealing the Director's determination that there is no prejudice to the State or local governmental entity. Following this appeal period, if any requests for a hearing have been filed with the Assistant Secretary, the Department of Labor shall then designate an administrative law judge who shall conduct a hearing to make proposed finding and a recommended decision to the Assistant Secretary upon the basis of the record before him. The administrative law judge shall give reasonable notice of the opportunity to participate in such hearing by registered mail, return receipt requested, to those requesting the hearing and shall also give reasonable notice of such hearing in the FEDERAL REGISTER to inform all other persons, organizations and other entities affected by the Director's determination of their opportunity to participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such questioning of witnesses presented by the other parties as the administrative law judge may deem appropriate in the circumstances. The Assistant Secretary shall make a final decision on the basis of the record before him, which shall consist of the record of hearing, the rulings and recommended decision of the administrative law judge, and the exceptions and briefs filed subsequent to the administrative law judge's decision. Where the Director has determined that the State or local affirmative action requirements are inconsistent with the Order or incompatible with the effective implementation of the federal minority hiring and/or training plan in the area, the Assistant Secretary, on appeal, shall make his final decision within 80 calendar days of the close of the appeal period for requesting a hearing. The Assistant Secretary's final decision shall be published in the FEDERAL REGISTER within 20 calendar days of the date of the decision and a copy thereof shall be sent by registered mail to all parties of record. State and local governments are encouraged: to participate in the formulation and implementation of federal minority hiring and/or training plans in areas currently without such plans; to enforce their fair employment practices laws with respect to acts of discrimination affecting federally assisted construction; and to assist the administering federal agency in monitoring the compliance of contractors and subcontractors on federally assisted projects.

* * * * *

Signed at Washington, D.C., this 17th day of March, 1975.

RICHARD F. SCHUBERT,
Acting Secretary of Labor.
BERNARD E. DELURY,
Assistant Secretary for Employment Standards.
PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75-8118 Filed 3-27-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regulations No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Payment for Services of Physicians in Teaching Hospitals, for Physicians' Costs to Hospitals and Medical Schools, and for Volunteer Services; Extension of Comment Period

This notice extends the period for comments provided in the notice published March 7, 1975 (40 FR 10687), in which comments were solicited on proposed amendments to Part 405 (Regulations No. 5) relating to payment for services of physicians in teaching hospitals and certain other related costs.

Comment on the proposed regulations was invited on or before April 7, 1975. The Association of American Medical Colleges, which represents a substantial number of schools of medicine and teaching hospitals, has requested an extension of time in order to submit comments. The time period for comment is hereby extended for 15 days to April 22, 1975.

Comments on the proposed regulations of the Social Security Administration (20 CFR Part 405) should be submitted in writing, in triplicate, to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before April 22, 1975.

Copies of all comments received will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public

Affairs, Social Security Administration, Department of Health, Education, and Welfare, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Catalogue of Federal Domestic Assistance Program Nos. 13,800, Health Insurance for the Aged—Hospital Insurance; and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: March 24, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 25, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.75-8247 Filed 3-27-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 36, 91]

[Docket No. 10494; Notice No. 75-15]

CIVIL SUPERSONIC AIRPLANES

Noise Requirements Submitted to FAA by EPA

This notice of proposed rule making contains proposed regulations submitted by the Environmental Protection Agency (EPA) to the Federal Aviation Administration (FAA), pursuant to section 611(c)(1) of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Pub. L. 92-574). Section 611(c)(1) of the Federal Aviation Act of 1958 provides that EPA shall submit to the FAA proposed regulations to provide such control and abatement of aircraft noise and sonic boom as EPA determines is necessary to protect the public health and welfare. That section also provides that the FAA "shall consider such proposed regulations submitted by EPA under this paragraph and shall, within thirty days of its submission to the FAA, publish the proposed regulations in a notice of proposed rulemaking." This notice is published pursuant to this provision of law.

The EPA proposals contained herein would require civil supersonic airplanes for which an application for a type certificate is made after August 6, 1970 (except for current types, i.e., those airplane types with flight time before December 31, 1974), and those civil supersonic airplanes of current types upon which "substantive productive effort" was commenced after the date of this proposal, to comply with the noise level requirements of Part 36. The EPA proposal would amend Part 91 of the Federal Aviation Regulations to prohibit operation of a civil supersonic aircraft to or from an airport located in the United States, unless the aircraft complies with FAR Part 36 requirements. In addition, the EPA proposal would amend the Federal Aviation Regulations to control the noise impact on the community caused by the operation of current types of civil supersonic airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. Comments on the overall environmental aspects of the proposed rules are specifically invited. All communications received by the FAA on or before May 30, 1975, will be considered by the FAA Administrator before taking action upon the proposed rules. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the FAA Rules Docket for examination by interested persons. EPA has also indicated that information copies of public comments may be sent to: Environmental Protection Agency, Office of Noise Control Programs, AW-571, Attention: Docket No. 74-6, 401 M Street, SW., Washington, D.C. 20460.

Pursuant to section 611(c) of the Federal Aviation Act of 1958, the FAA will hold one or more hearings with respect to the proposals contained in this notice. A separate notice of hearing will be published in the FEDERAL REGISTER in the near future. As required by section 611(c), these hearings will be held no later than 60 days after publication of this document in the FEDERAL REGISTER.

The following EPA opinions, conclusions, and proposed regulatory language are published verbatim as received by the FAA on February 27, 1975.

EPA PROPOSAL TO FAA

In accordance with a recommendation made by the Administrator of the Environmental Protection Agency (EPA), the Federal Aviation Administration (FAA) is considering an amendment to Part 36 of the Federal Aviation Regulations which would require civil supersonic airplanes for which an application for a type certificate is made after August 6, 1970 (except for current types, i.e., those airplane types that have been flown before December 31, 1974), and those civil supersonic airplanes of current type upon which substantive productive effort was commenced after the date of this proposal, to comply with the noise level requirements of that Part.

In addition, the Federal Aviation Administration is considering an amendment to the Federal Aviation Regulations which would control the noise impact on the community caused by the operation of current types of civil supersonic airplanes. Because of a variety of complicating factors in attempting to formulate a rule for current supersonic airplanes which is technologically practicable, economically reasonable, and appropriate to the type, the Federal Aviation Administration, in accordance with the recommendation made by the Administrator of the Environmental Protection Agency, intends to review carefully all comments submitted by the public in connection with the public hearings to be held on this regulatory matter before adopting the final form this prospective rule. Relative to this matter, the Federal Aviation Administration invites early public participation in the identification and selection of a course or alternate courses of action with respect to this particular rulemaking problem. To assist in the recognition of a number of the key issues involved, this notice includes a discussion of the various rulemaking options considered by the Environmental Protection Agency and the Federal Aviation Administration.

Under the requirements of section 7 (a) of the Noise Control Act of 1972 (Pub. L. 92-574, 86 Stat. 1234) the Administrator of the Environmental Protection Agency conducted a study of aircraft and airport noise and submitted a report thereon to the Congress. (Report on Aircraft/Airport Noise, Senate Committee on Public Works, Serial No. 93-8, Aug. 1973). Under section 611 of the Federal Aviation Act, as amended by the Noise Control Act of 1972, the Administrator of the EPA is also required, not earlier than the date of submission of his report to the Congress, to submit to the Federal Aviation Administration proposed regulations to provide such control and abatement of aircraft noise and sonic boom (including control and abatement of aircraft noise through the exercise of any of the FAA's regulatory authority over air commerce or transportation or over aircraft or airport operations) as the Administrator of the EPA determines is necessary to protect the public health and welfare. In accordance with the foregoing requirement, the EPA published in the FEDERAL REGISTER on February 19, 1974, (39 FR 6112) a "Notice of Public Comment Period" containing a synopsis of the proposed rules it is considering to achieve a satisfactory level of aircraft noise control and abatement for the protection of the public health and welfare.

The proposed rules and the type of control which each rule would implement are as follows:

FLIGHT PROCEDURES NOISE CONTROL

(1) Takeoff procedures.
(2) Approach procedures.
(3) Minimum altitudes.

SOURCE NOISE CONTROL

(4) Retrofit/fleet noise level.
(5) Supersonic civil aircraft noise.
(6) Modifications to Part 36 of the Federal Aviation Regulations.
(7) Propeller driven small airplanes.
(8) Short haul aircraft.

AIRPORT OPERATIONS NOISE CONTROL

(9) Airport goals, mechanisms and processes by which noise exposure of communities around airports can be limited to levels consistent with public health and welfare requirements.

This proposed rule, identified as Item (5), is one of the five whose purpose is to

implement engineering noise control at the source. As proposed herein, the rule would reduce the noise of future civil supersonic airplanes to the same levels as those applied to civil subsonic airplanes. The EPA believes that the achievement of these levels is economically reasonable, technologically practicable, and appropriate to that type of airplane.

A. REFERENCES

In the development of the proposed and prospective rules presented herein, the EPA conducted its own studies and evaluated several pertinent studies made by other Federal agencies and private contractors. Those studies are listed herein for the information of all interested persons and are available for examination at the FAA Rules Docket Office, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590, or the EPA Office of Noise Control Programs, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Va. 20460. Copies of these studies prepared by Government Agencies are also for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

1. "Report on Aircraft/Airport Noise", Report of the Administrator of the Environmental Protection Agency in Compliance with Public Law 92-574; Senate Committee on Public Works, Serial No. 93-8, August 1973.

2. "Operations Analysis Including Monitoring, Enforcement, Safety, and Cost", Report of Task Group 2, EPA NTID 73.3, 27 July 1973.

3. "Impact Characterization of Noise Including Implications of Identifying and Achieving Levels of Cumulative Noise Exposure", Report of Task Group 3, EPA NTID 73.4, 27 July 1973.

4. "Noise Source Abatement Technology and Cost Analysis Including Retrofitting", Report of Task Group 4, EPA NTID 73.5, 27 July 1973.

5. "Review and Analysis of Present and Planned FAA Noise Regulatory Actions and their Consequences Regarding Aircraft and Airport Operation", Report of Task Group 5, EPA NTID 73.6, 17 July 1973.

6. "Military Aircraft and Airport Noise and Opportunities for Reduction without Inhibition of Military Missions", Report of Task Group 6, EPA NTID 73.7, 27 July 1973.

7. "Public Health and Welfare Criteria for Noise", EPA Technical Document 550/9-73-002, 27 July 1973.

8. "Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety", EPA Technical Document 550/9-74-004, March 1974.

9. "Concorde—Airport Noise and Silencing Programme", Report by the Concorde developers (BAC, SNECMA, SNIA, and RR) October 1972.

Annex 1, "Test Facilities", October 1972; Annex 2, "Manufacturers Further Studies at Noise Reduction", 20 February 1972; Annex 3, "The Economic Aspects of Silencing Concorde", February 1973.

10. "Concorde Noise: A Submission to the Environmental Protection Agency and Federal Aviation Administration", Report prepared by the British Aircraft Corporation for the British Government, May 1974.

11. "Concorde Noise Level Changes with Weight and Thrust", Letter from B. Brown (BAC) to W. C. Sperry (EPA), 27 November 1973.

12. "Noise Primer for the Supersonic Transport", Prepared for the Department of Transportation by Wyle Laboratories Research Staff, March 1971.

13. "Supersonic Transport Noise Reduction Technology Program", DOT/FAA Contract DOT-FA72WA-2893, Boeing Commercial Airplane Co., and DOT/FAA Contract DOT-FA72WA-2894 with General Electric Co.

14. "Aircraft Noise Reduction Technology", A Report by the National Aeronautics and Space Administration to the Environmental Protection Agency for the Aircraft/Airport Noise Study, 30 March 1973.

15. "The Generation and Radiation of Supersonic Jet Exhaust Noise: A Progress Report on Studies of Jet Noise Generation and Radiation, Turbulence Structure and Laser Velocimetry", Air Force Technical Report AFAPL-TR-74-24, June 1974.

16. "Noise Measurement of Concorde 02 Approach and Takeoff at Dallas-Ft. Worth and Dulles International Airports", EPA Report No. 550/9-74-013, August 1974.

17. "Noise Comparison of SST with Conventional Turbojet Type Aircraft", J. H. Wiggins Co. Report No. 1206 prepared for the Department of Transportation, 31 July 1974.

18. "Airport Activity Statistics of Certificated Route Air Carriers", Civil Aeronautics Board and Department of Transportation (FAA), 12 Months Ended 31 December 1972.

19. "Aircraft Noise Analysis for the Existing Air Carrier System", Bolt Beranek & Newman, Inc. Report No. 2218 prepared for the Aviation Advisory Commission, 1 September 1972.

20. "Effective Perceived Noise Level Versus Distance Curves for Civil Aircraft", Bolt Beranek & Newman, Inc., Report No. 2747, EPA Contract 68-01-2265, July 1974.

21. "Aircraft Retrofit—A Cost Effectiveness Analysis", Dept. of Transportation Technical Memorandum, 18 May 1973.

22. "23-Airport Cost-Effectiveness Analysis of Noise Abatement Alternatives", A Statement for the Subcommittee on Aeronautics and Space Technology, Committee on Science and Aeronautics, House of Representatives, by the Department of Transportation, 25 July 1974.

23. "Influence of Noise Constraints on Supersonic Transport Engine Design", AIAA Paper 73-1295, AIAA/SAE 9th Propulsion Conference, 5-7 November 1973.

24. "Aircraft Noise Certification Rule for Supersonic Civil Aircraft", EPA Project Report, 24 January 1975.

B. REGULATORY BACKGROUND

To date, the FAA has adopted three regulations which have a significant influence on aircraft noise and sonic boom.

(1) Part 36, "Noise standards: aircraft type certification", which became effective on December 1, 1969 34 FR 18355), prescribed noise measurement, noise evaluation, and noise levels for the type certification, and changes to those certificates, for subsonic transport category airplanes, and for subsonic turbojet powered airplanes regardless of category. There is no similar set of standards for supersonic airplanes although the FAA stated in the preamble to Part 36 that additional rule making would be proposed, at the earliest possible date, for the noise certification of supersonic airplanes.

(2) Part 91, "Air traffic and general operating rules" was amended on March 28, 1973 by adding a new § 91.55 prohibiting the operation of a civil aircraft in the U.S. at a true flight mach number greater than 1 except in compliance with conditions and limitations in an authorization issued by the Administrator under Appendix B of that Part. (Amdt. 91-112, 38 FR 8054).

(3) Part 36, "Noise Standards: aircraft type and airworthiness certification" was amended on October 26, 1973, to require new production turbojet and transport category subsonic airplanes to comply with the noise requirements of Part 36, regardless of the date of the type certification for those airplanes (Amdt. 36-2, 38 FR 29574). This amendment established the following dates by which new production airplanes of older type designs must comply with the noise requirements of Part 36:

(a) December 1, 1973, for airplanes with maximum weights greater than 75,000 pounds, except for airplanes that are powered by Pratt and Whitney JT3D series engines.

(b) December 31, 1974, for airplanes with maximum weights greater than 75,000 pounds which are powered by Pratt and Whitney JT3D series engines.

(c) December 31, 1974, for airplanes with maximum weights of 75,000 pounds and less.

In addition to the foregoing rules, advance notice of proposed rule making 70-33, "Civil Supersonic Aircraft Noise Type Certification Standards" was published on August 6, 1970 (35 FR 12555) proposing noise requirements for the type certification of supersonic aircraft. This proposal included a response to a petition by the Environmental Defense Fund (EDF) to promulgate such standards at the earliest possible date. In regard to the specific regulatory problems to be considered by that proposal the FAA stated, among other things, that it believed the basic three-point measurement concept (i.e., takeoff, approach, and sideline) in Part 36 could be extended to supersonic aircraft, but invited comments in regard to the kinds of changes, if any, that would be appropriate for supersonic aircraft. However, with the publication of that proposal, it restated its intention to insure that supersonic aircraft, like subsonic aircraft, are subject to type certification standards that require the full application of noise reduction technology, and insure that those standards establish ceilings beyond which noise will not be permitted. Comments received in response to the ANPRM indicated a unanimous agreement among industry and community interests that there was a need for an effective noise rule for civil supersonic aircraft to avoid an increase in the community noise exposure.

With respect to format the aircraft and aircraft engine manufacturers expressed a preference for a new part for the noise requirements applicable to supersonic aircraft. Other commentators expressed the opinion that all supersonic aircraft should conform to all of the requirements of the current Part 36 or with some appropriate modification that would reflect the unique operational characteristics of supersonic aircraft.

With respect to the proposed Part 36 noise levels and measurement points the comments received in response to the ANPRM may be briefly summarized as follows:

(1) *Noise Levels.* Most of the responses indicated that as proposed herein for future SSTs and later production current SSTs, supersonic aircraft noise levels should be no higher than those for subsonic aircraft as prescribed in Appendix C of Part 36. On the other hand, representatives of the aircraft and engine manufacturing industry suggested that it is premature to establish levels for supersonic airplanes since an adequate data base was not available. However, if a noise limit is established it should be established irrespective of gross weight and should consider the levels attained by the initial production version of the Concorde.

The EPA does not agree that the noise levels for future SSTs should remain at those levels attained by the initial production version of the Concorde. Moreover, as discussed herein, there appears to be adequate data available to establish a noise level requirement that is technologically practicable and economically reasonable.

(2) *Measurement Points.* The concept of three measurement points (sideline, takeoff, and approach) was universally acceptable. However, the location of these points was a subject of controversy. Most of the commentators recommended maintaining the same reference points as those identified for subsonic aircraft under Part 36. Others stated that consideration should be given to re-locating the reference measuring points, particularly sideline, to account for the characteristic differences between supersonic and subsonic aircraft.

The EPA recognizes the characteristic differences between supersonic and subsonic airplanes. However, there is no reason to believe that any other measurement points can be defined that will account for these differences significantly better than the present Part 36 points. Therefore, in order to maintain uniformity in the methodology for aircraft noise measurements, the three point system now universally accepted for subsonic airplanes should also be applied to supersonic airplanes.

(3) *Trade-Off allowance.* Some commentators recommended that a more liberal trade-off allowance be permitted. The subsonic aircraft noise requirements of Part 36 permit an exceedance of the noise limits that is no greater than 2 dB at any one position, with a maximum of 3 dB total that must be offset by equal reductions at the remaining positions (a ⅔ trade-off). For supersonic aircraft a trade-off of ⅗ (instead of ⅔) was recommended to permit greater flexibility in design and operational use.

As previously stated, the EPA supports the view that the standards of Part 36 should be equally applicable to future and later production current supersonic airplanes without any exceptions. The inclusion of the recommended change in trade-off allowance would dilute the effectiveness of the rule; consequently, the rule as proposed herein does not revise the trade-off allowance.

C. SIGNIFICANT NOISE RELATED DESIGN FEATURES OF SST AIRCRAFT

In the development of noise regulations for civil supersonic aircraft, the FAA has recognized and considered the characteristic differences in configuration and propulsion requirements between subsonic and supersonic aircraft. (See also References 16 and 17). Many of the differences between the configurations result from the phenomenon of the drag associated with the formation of shock waves. This fundamental difference in the mechanisms of air flow at subsonic and supersonic speeds places severe limitations on the choice of both airframe configuration and powerplant with consequent repercussions on the aircraft noise characteristics.

The air flowing past a body at subsonic speeds produces a drag force as a result of the friction between the air and the body's surface. In addition, a further pressure or "form" drag results from the disturbance of the airflow caused by the passage of the body. The greater the thickness relative to the length (or diameter/length or slenderness ratio) of the body, the greater this form drag. However, it is only a small addition to the skin friction drag, and only increases slowly with body thickness over the range of shapes of practical interest.

At supersonic speeds, however, the situation is very different. The skin friction drag is similar in magnitude to that for the subsonic case, but the form drag is largely shock-wave drag, and its magnitude increases very rapidly with slenderness ratio. As a result, practical supersonic shapes have to be more slender than their subsonic counterparts if the drag is to be kept down to a level which does not undermine the aircraft's economic performance at supersonic speed. This low slenderness ratio requirement is reflected in the type of powerplant that can be efficiently utilized for supersonic aircraft.

For subsonic aircraft, one of the principal developments in reducing jet engine noise at the source has been the introduction of the turbofan engine, in which only a fraction of the air entering the engine intake goes through the combustion chambers and turbine. The recent major reduction is noise in the new generation of engines for subsonic aircraft has been achieved largely by adopting bypass ratios in the region of (5 to 6)/1. At subsonic speeds, the increased engine weight is more than compensated for by the substantial reduction in specific fuel consumption which is characteristic of these engines. At supersonic flight speeds, however, the performance penalty associated with the significant increase in wave drag caused by the size of the engines needed to produce such speeds, precludes the use of high bypass fan engines as an efficient and practical propulsion system for supersonic aircraft.

The sensitivity to drag also influences the design of the supersonic aircraft's lifting surface. As a result, the wing span of a supersonic aircraft is generally smaller than that for a comparably sized subsonic aircraft. For example, the B707/DC8 airplane has a wing span of approximately 145 feet compared with about 85 feet for the Concorde or TU-144. This wing span reduction decreases the low speed lift/drag ratio of the aircraft, thereby requiring increased engine thrust capability at takeoff in order to provide adequate lift. The higher level of installed thrust is also required to accelerate the aircraft into the supersonic flight regime.

Another, and perhaps more important reason for not using a high bypass ratio turbofan engine supersonically is that its thrust lapse rate with Mach number is much greater than that of a comparable turbojet engine, owing to the lower exhaust velocity of the turbofan engine.

D. NOISE LEVELS OF CIVIL SST AIRCRAFT

At the present time, there are two SST airplanes with flight time that are targeted for air carrier service in the very near future, the Concorde and the Tupelov TU-144. An application for a type certificate for the Concorde has been filed with the FAA, but an application has not been received for the TU-144 at this time. Although a development program for a U.S. supersonic aircraft indicated progress in noise reduction technology for SST aircraft, funding for the continued development of that program was terminated in April 1971. As distinguished from other supersonic aircraft programs, the U.S. supersonic aircraft program was developed to conform to the subsonic noise requirements of Part 36. The development program for that airplane initially contained noise specifications in terms of Perceived Noise Level (PNL) in units of PNdB which does not include corrections for tones and duration as does EPNL. The specifications were later revised as follows to correspond to the measurement concepts, adopted in the noise requirements of Part 36, using effective perceived noise level (EPNL):

Sideline—120 EPNdB at 0.35 nm. from runway center line.
Takeoff—108 EPNdB at 3.5 nm. from brake release.
Approach—108 EPNdB at 1.0 nm. from runway threshold.

In early 1970, it appeared that the EPNL at the sideline was expected to be 122 EPNdB without the use of an exhaust noise suppressor. Although the programs for the U.S. SST were terminated it is important to note that the Supersonic Transport Community Noise Advisory Committee, after months of feasibility reviews, concluded that technology can be developed to design an economically practical commercial SST aircraft/engine configuration that would meet the Part 36 noise requirements for a subsonic aircraft having a gross weight of 500,000 pounds or more.

The Concorde airframe and engine developers conducted extensive noise testing and reported the results in References 16 and 17, above. The EPA and the FAA also conducted noise tests on the Concorde 02 during several demonstration flights in the United States at Dallas-Fort Worth, and Dulles International Airports. The results of those tests

reported in Reference 16, above, indicate that the noise levels measured and reported by the Concorde developers can be achieved provided that certain noise abatement takeoff procedures, which can be made standard operating procedures for that airplane, are fully utilized.

The test results in Reference 16 also show that the preponderance of the noise energy of the Concorde is concentrated in a lower frequency range than that of the subsonic airplanes. As a result, although the Concorde and B707/DC-8 noise levels may be approximately the same about 3.5 miles from an airport, the noise levels for the Concorde would be higher at greater distances from that airport because the low frequency sound energy of the Concorde is attenuated to a lesser extent by the atmosphere.

Reference 17 describes indoor and outdoor noise and vibration testing of the Concorde 02 during takeoffs and landings at the Fairbanks International Airport, Fairbanks, Alaska, in February 1974. The results indicate that the outdoor noise levels on the flight track of the Concorde were greater than those of the tested subsonic jets by nearly 6 dB on landing and nearly 9 dB on takeoff. The measured levels for all airplanes on the tests were normalized to 600 feet so the comparisons are valid for distance. However, since there is no information regarding the operational procedures used, such as thrust settings for the airplanes, the comparisons are not adequate. If the tests were obtained under well controlled operating conditions (such as the Part 36 requirements), the noise level differences probably would not be as large and perhaps the subsonic airplane levels would exceed those of the Concorde at a distance of 600 feet with maximum thrust settings.

Regarding the differences in indoor noise level, the results of those tests indicate that the indoor noise levels on the flight track of the Concorde were greater than those of the tested subsonic jets by more than 6 dB on landing and more than 11 dB on takeoff. This difference in noise levels occurred because the structures used in the tests filtered the high frequencies of the Concorde by about 0.5 dB for landing and about 2.5 dB for takeoff.

The target noise levels established for the TU-144 were similar to those of the Concorde, i.e., no greater than the noise of the 1965 fleet of long range subsonic civil jets. The noise levels reported for the TU-144 at the FAR Part 36 measuring points are slightly lower than those reported for the Concorde. This is probably due to the different design features of the TU-144 propulsion system, described below.

In contrast to the turbojet propulsion system of the Concorde, the TU-144, at least in the early versions, utilizes four low bypass ratio turbofan engines (BPR 1.1) in the 44,000 pound thrust range as its power source. In addition to the turbofan concept, several other design features were incorporated to minimize the noise impact of the aircraft. These include:

(1) Long intake ducts with sound absorption panels;

(2) Sonic inlets to reduce forward propagation of compressor and fan noise; and

(3) High lift devices to provide improved takeoff climb at reduced thrust settings, and reduced thrust approaches.

E. NOISE TECHNOLOGY FOR SUPERSONIC AIRPLANES

Notwithstanding the foregoing differences in configurations between the subsonic and supersonic airplanes, definite progress has been made and will continue to be made in the development of current, available and future technology for the reduction of noise generated by supersonic airplanes and their propulsion systems. As used herein, current technology includes "shelf item" hardware and commonly known techniques and procedures that have been used effectively by some manufacturers. Available technology represents the results of research and development that have not been put into common practice but are available for implementation. Some performance testing may still be necessary, but reliability and effectiveness has been demonstrated in the laboratory and on model and full scale tests. Future technology represents the results of research now in progress that have not been fully tested but the results to date indicate high potential to a reasonable degree of confidence.

Under a program directed to the investigation of the needs of supersonic component technology (see DOT/FAA Study, Ref. 13, above) it was demonstrated in model tests that an 18 dB noise reduction can be achieved under static thrust conditions for high jet exhaust velocities.

Preliminary results of the NASA and DOT studies in references 13 and 14, above, indicate that current and available technology (1973-1975) propulsion systems may be capable of meeting the present Part 36 noise levels. The aircraft weight, cost, and performance would be affected by the choice of the propulsion system utilized, but various options, including the following, are now technologically current and available:

(1) Non-afterburning turbojet with exhaust suppressor,

(2) Afterburning turbojet with exhaust suppressor,

(3) Afterburning turbofan with or without exhaust suppressor,

(4) Duct burning turbofan with or without exhaust suppressor.

Utilizing future technology in the form of engine and aircraft weight reductions plus improved suppressor technology, further reductions of approximately 5 EPNdB less than the Part 36 noise levels may be achieved for the foregoing engines. To achieve lower levels than that, however, will require the development and demonstration of new propulsion concepts such as dual-cycle engines and variable bypass engines as well as methods for controlling the aerodynamic airframe noise.

In the study regarding the influence of noise constraints on supersonic engine design conducted in Reference 23, above, similar conclusions were reached for the potential of supersonic aircraft noise technology. The report concluded in pertinent part that there are several potential propulsion systems capable of meeting the FAR noise goals. These systems include the nonafterburning turbojet engine utilizing a very high level of jet suppression, and some variable cycle engines, and the duct heating turbofan engine with a low level of jet suppression. The report also concluded that the performance and economic penalties associated with meeting noise levels that are below Part 36 can be appreciable and that in order to minimize these penalties, intensive research and development programs in the critical propulsion technology areas must be undertaken.

F. HEALTH, WELFARE AND ECONOMIC CONSIDERATIONS

The introduction of an SST at any of the major airports in the U.S. will expose those persons living in the vicinity of those airports to a noise level which is generally higher than that caused by subsonic aircraft, but which may sound different because of its lower frequency range. The control of the aircraft noise for the protection of the health and welfare of those people from the noise created by the SST airplanes can be accomplished to some extent by combinations of reducing the source noise emissions and/or the protection of noise-sensitive receivers on the ground.

The aircraft designs for the existing Concorde airplanes reflect the noise technology available in the early 60's. However, some reductions of source noise emissions can be accomplished with the existing Concorde and TU-144 airplanes by use of noise abatement takeoff and landing procedures and airport operational control such as preferential runways and night curfews. Protection of noise sensitive receivers can be accomplished primarily by the soundproofing of houses and other structures in the noise-sensitive areas, or by the relocation of the existing incompatible land uses.

The effects of the introduction of SST operations on noise exposure at a hypothetical airport with operations of a hypothetical fleet are discussed in Reference 24. The noise exposure is discussed in terms of both Noise Exposure Forecast (NEF), a widely used measure for noise exposure due to aircraft operations, and Day-Night Level (Ldn), the more broadly applicable measure of noise exposure recommended by EPA and discussed in Reference 6, above. While this does not represent any particular airport realistically, it does represent an approximate average picture of the Ldn for mixed subsonic and supersonic operations at the major U.S. aircarrier airports.

The analysis of Reference 24 gives the noise impact for various aircraft noise level situations and the increases in the impact resulting from the introduction

of 1, 4, and 8 SST takeoff and landing operations per day at the hypothetical airport. The results show that, as time passes and the source noise reduction options for the subsonic aircraft are implemented, (e.g., retrofit), the noise impact decreases. Conversely, however, the change in noise impact due to introduction of Concorde operations increases as the subsonic fleet becomes quieter. Consequently, operations of the supersonic airplanes at airports in the United States would represent a noise intrusion even though the total noise impact would decrease. It is to be noted that the supersonic airplanes will be flying at subsonic speeds in the United States, thus precluding sonic boom.

The EPA recommends and strongly supports the position that SST designs conform to reduced noise requirements that are economically reasonable and technologically practicable, if they are to be introduced into operation at existing and future airports within the U.S. To accomplish this, with a minimum burden, it is incumbent upon the FAA to identify these noise requirements without delay so that the industry may become aware of what is expected of these airplanes not only now, but in the years to come. As pointed out in Reference 5, there is an approximate 8–10-year lag between the identification of current and available technology and the operational application of that technology. As a result, new aircraft designs utilizing current and available technology would not be installed in aircraft used in operational service before at least 1982.

In order to establish noise levels for existing and future types of SST aircraft, that are economically reasonable and technologically practicable under current, available, and future technology, the EPA has recommended that the FAA issue two proposed rules for the public comment. The first, as proposed herein, would require an applicant for a type certificate for a civil supersonic airplane to show compliance with the noise requirements of Part 36 effective on the date of the application of a type certificate, or an amendment thereto, made after August 6, 1970 (except for existing airplanes). That date was selected because it corresponds with the date of the publication of ANPRM 70–33 in which the FAA informed interested persons that it was considering a rule to establish noise standards for the type certification of civil supersonic airplanes. In addition, the date is believed to be early enough to preclude the commitment of significant economic resources to the development programs for new SST airplanes which might otherwise be started without adequate consideration for the environmental noise effects of those airplanes.

This rule also would require that an applicant for the original issue of Standard Airworthiness Certificates for current type supersonic airplanes upon which substantive productive effort has been commenced after the date this regulation has been proposed, must show compliance with the noise requirements of Part 36, as effective on December 1, 1969.

In order to make the rule applicable to foreign as well as domestic air carriers, it is proposed to amend the general operating rules of Part 91 by adding a new § 91.57, following the sonic boom prohibition, which would prohibit operation of any civil supersonic airplane to or from an airport located in the United States unless that airplane meets the noise requirements of Part 36 of this Chapter for that type of airplane. By placing the prohibition in the general operating rules of Part 91, it would be made clear that the requirement to comply with Part 36 applies to all operators, including certificate holders under Part 121 and foreign air carriers conducting operations under Part 129.

The second rule would recognize the noise levels that can be achieved under current and available technology for the initial production run of the Concorde and TU–144. As indicated earlier, however, the EPA, having considered a number of options for such a regulation, has not been able to formulate a rule that it believes would represent a widely acceptable resolution of the conflicting criteria that must be met in promulgating aircraft noise regulations for current SST airplanes. Consequently, a detailed discussion follows concerning the various options, including the option preferred by EPA, reviewed to make the public aware of the key issues and factors involved and thus to encourage the desired public participation in the formulation of an acceptable rule.

G. REGULATION OPTIONS CONSIDERED FOR CURRENT SST'S

The options considered for regulation of the noise of current SSTs ranged in severity from an outright ban of current SSTs to a complete absence of regulation. They are discussed in the succeeding paragraphs with pros and cons summarized.

1. *Outright ban.* Conceptually, the simplest and most effective way to control current SST noise is to prohibit their operations in the United States. From the viewpoint of equity, however, the question arises as to whether this harsh restriction is warranted in the light of the possibly modest degree of benefit to be achieved by such restriction.

PRO

There is no doubt that such a rule would be completely protective of the environment, in terms of the possible effects of the SST.

The rule is simple, with no confusion and no uncertainty.

If it were promulgated promptly, the rule would provide early notice to prospective operators and the manufacturers of the current SSTs that there would be no market for such SST operations in the United States.

CON

Since the current SSTs are about as noisy as the current 707 and DC–8 subsonic airplanes without retrofit, and since it is presumed by many that relatively few current SSTs will be placed into operation, the restriction seems unduly harsh, and therefore unfair, when viewed against the degree of environmental hazard posed by the SST.

Promulgation of such a rule could have undesirable effects on the existing reciprocal aeronautical arrangements between the United States Government and the governments of France, England, and the Soviet Union.

The rule might be considered unfair particularly because the current SSTs might be able to operate at certain airports with negligible noise impact because of the absence of noise-sensitive areas in the general vicinity of takeoff and landing paths.

2. *Imposition of Part 36 Requirements.* Requiring that the SST conform to the source noise level requirements of Appendix C of Part 36 is conceptually a logical and sensible rule, since it would require of SSTs exactly what Part 36 requires of subsonic airplanes. The proposed rule for future SSTs as proposed in a separate rule making action indeed embodies this principle. However, such a rule for current SSTs would not be considered appropriate, as there is no known technology to permit current SSTs to comply with the noise level requirements of Part 36 in an economically reasonable manner.

PRO

The rule is simple in concept, consistent with existing rules (for subsonic aircraft) and easy to enforce.

It would protect the environment against SST noise to the same extent that Part 36 does against subsonic airplane noise.

CON

The rule is inappropriate to current SSTs since as stated above, there is no known current technology for these airplanes to enable them to meet Part 36 noise level requirements. It therefore would be tantamount to a ban on current SSTs, subject to similar objections as an outright ban.

3. *Allow SST Operation at Designated Airports with Restrictions.* This option, which has a number of different possible forms, essentially would designate certain U.S. airports at which the current SSTs would be allowed to operate, subject to certain restrictions designed to minimize its effects on the noise environment. These restrictions would include one or more of the following:

(a) Limited number of takeoffs and landings.

(b) Takeoffs and landings restricted to designated noise abatement runways to avoid noise-sensitive areas.

(c) Restrictions on the time of day in which operations are allowed—e.g., curfews.

(d) Use of special noise abatement procedures for both takeoff and landing, including procedures automatically programmed on the airplane in-flight computer, with pilot takeover occurring only for reasons of safety.

In view of the limited number of current SSTs that are expected to be in operation, the following restrictions were also considered in order to permit the operation of those airplanes in the United States without adversely affecting public health and welfare:

(a) Restricted number of daily SST operations country-wide;

(b) Restricted number of daily SST operations on an airport-by-airport basis;

(c) Restricted number of airports approved for SST operations. The above restrictions would provide assurance of a limited number of SST operations approved by the Federal government.

PRO

Adoption of a rule based on the foregoing principle would avoid an outright ban of the SST, allowing a limited number of operations.

It would limit the number of localities exposed to SST noise.

If properly implemented, it would also limit the noise impact in the communities neighboring to the designated airports.

CON

The availability of airports suitable for application of this rule has not been adequately substantiated; in particular, the designated airports not only must have the right arrangement of non-noise-sensitive areas under the runway flight paths, they also must be in locations that provide adequate and convenient access to the large metropolitan centers that would serve as the point of origin or destination for most SST passengers.

The selection of airports to be designated for SST operations may be considered arbitrary and unfair by some SST operators.

On the other hand, the residents exposed to the noise impact (actual or potential) in the vicinity of the designated airports may consider the selection discriminatory against them.

In spite of careful selection of designated airports and runways, there probably would be increased noise impact due to the SST operations, since very few airports are free of neighboring noise-sensitive areas. For this reason, and because the benefits of noise abatement procedures for takeoff and landing are limited in degree, adoption of this type of rule might allow inadequately controlled increases of SST noise impacts; hence, such a rule might be considered inadequately protective of the environment.

4. *Impose Restrictions on SST Operator at SST Airports.* This option, although similar to the previous one in many respects, differs conceptually from it in that there would be no attempt to designate the airports at which SSTs would be allowed to operate. Instead, it would allow the market forces to determine the airports at which SST operations would be introduced. However, once it was established that SST operations were to be conducted at an airport, then a rule restricting the noise impact would go into effect. In one form of such a rule the SST operator would be constrained to take the action necessary (which may include tradeoff of subsonic airplane operations) to limit the increase in noise impact caused by the SST operations to that which would be caused by an airplane that meets the noise level requirements of Appendix C of Part 36 of the Federal Aviation Regulations.

Even though the retrofit of current SST airplanes is not practicable at this time, control of the incremental effect of these airplanes on the cumulative noise exposure can be achieved to some extent by noise abatement takeoff and landing procedures, and exercising airport operational control such as preferential runways and night curfews. There is also another method of operational control that might be taken to permit the introduction of the current Concorde or TU-144 supersonic airplanes while at the same time controlling the noise impact for those airports. Under this method an operator would eliminate one or more flights of his noisier subsonic turbojet engine-powered airplanes at an airport to compensate for the increase in noise generated by each SST flight that he introduces at that airport. For example, in regard to the current subsonic fleet perhaps only one B707/DC8 flight would have to be eliminated at most airports by an operator to compensate for each Concorde flight he introduced. The operator would of course have to eliminate a larger number of B707/DC8 flights if Quiet Nacelles, Quiet Engine, or Refan retrofit were installed in his subsonic fleet operating into the airport at which the SST flights are introduced.

Because the SST produces higher sideline noise levels than comparably noisy subsonic aircraft, this "tradeoff" method of most United States airports includes at airports that have heavily populated sideline areas. Fortunately, the geometry of most United States airports includes sufficient land areas adjacent to their runways so as not to preclude tradeoff. On the other hand, if tradeoff were used, suitable regulatory constraints should be applied to avoid abuse. For example, if such a rule were in force, eliminating operations of subsonic airplanes to compensate for the introduction of SSTs and subsequently restoring those same operations would be considered as a circumvention of the rule and contrary to the tradeoff purpose. Similarly, the introduction of noisy subsonic operations in anticipation of the rule and the subsequent removal of those operations to effect a tradeoff, would also be considered a circumvention of the rule and contrary to the tradeoff purpose. Regulatory constraints to prevent such abuses would include the following provisions:

(1) A requirement that all subsonic airplane operations introduced after the introduction of SST operations must be with airplanes capable of compliance with the noise level requirements of Appendix C of Part 36.

(2) A requirement that all subsonic airplane operations proposed for tradeoff must have been in service at least six months prior to introduction of SST operations.

The foregoing constraints, intended to prevent circumvention of the noise control features of the tradeoff option, might be considered discriminatory against the SST operator, for the following reason. If the SST should create new traffic demand, or if the withdrawal of the subsonic operation should leave an unsatisfied subsonic traffic demand, the SST operator could reinstate the subsonic flight only with an airplane that meets the noise level requirements of Part 36. A non-SST operator who wished to institute a new operation could do so with an airplane that does not meet those requirements, if it is an existing airplane. Of course, any newly-produced subsonic airplane introduced into operation must meet the FAR 36 noise level requirements.

While it is true that the trade-off option with constraints as proposed herein would be discriminatory in the sense described above, such discrimination might be considered appropriate, as it would be based on the fact that the SST is a newly-produced airplane with noise levels substantially above the standards of Part 36, whereas all newly-produced subsonic aircraft are required to meet those standards. Since the SST noise cannot be controlled adequately at the source, this prospective rule would attempt to control the noise impact and to permit SST operations by allowing the alternative actions listed above.

A regulation for current SSTs as outlined in the foregoing, well may be controversial. On the one hand, it may be considered inadequately protective of the environment. On the other hand, it may be considered arbitrarily harsh and discriminatory with respect to the SST manufacturers and operators, in that it imposes penalties, in the form of restrictions, on SST operators, which are incommensurate with the degree of harm that may be imposed by the projected SST operations.

The reasons for this anomalous situation reside in the following factors (which also apply to all of the other options).

(1) The current SSTs are inherently noisy by virtue of their design features, as discussed in detail in Reference 24, and there is no known technology now available that will permit significant reduction of their noise without severely compromising their operational capabilities.

(2) As a result of several factors, there is considerable uncertainty as to the ability of the SST to operate successfully on a revenue-producing basis in competition with subsonic jet aircraft. This leads to the supposition that only a small number of current-design SSTs actually will be produced and be in service. In turn, this implies that SSTs are likely to represent a minor threat to the environment, in terms of the incremental cumulative noise imposed on airport neighboring communities.

(3) Because of the large investment in both dollars and prestige, made by the governments supporting development of the SSTs, the United States government is reluctant to take overt action that might be construed as being directly responsible for the failure of the current SST programs. The apparently modest benefits in envirionmental protection that might be gained by imposing onerous restrictions on the SST easily could be outweighed by the effect of such restrictions on our international relations. This would be especially true if the current SST programs fail and the failures were attributed to the restrictions imposed by the United States.

(4) Aside from the foregoing considerations, it should be recognized that the most reliable criteria available regarding human response to environmental

noise are those related to cumulative noise exposure, as outlined in references 5 and 6. Consequently, in considering the environmental impact of current SST operations, the government must turn to cumulative noise as the criterion by which to judge that impact.

Ideally, the best place to control noise is at the source; this principle is applied in the noise level requirements of FAR Part 36. It is also implicit in the Noise Certification requirements for supersonic airplanes now under consideration by the International Civil Aviation Organization and in the rule proposed herein for future and later production current supersonic airplanes. Since, however, it is not feasible to control the source noise of current early production SSTs to Part 36 levels, the method involved here is to adopt regulatory procedures that will control the cumulative noise caused by introduction of current SST operations.

It becomes clear, however, that although such rules may limit the additional noise exposure that may be caused by an SST operator, they would provide no control over added noise exposure that may result from noisy subsonic operations introduced by a non-SST operator to accommodate increased traffic. As a consequence, such rules may be criticized as offering no control over cumulative noise while still imposing restrictive limitations on SST operators.

In response to that criticism, it should be pointed out that such a rule is designed only to limit the increase in noise exposure, or impact, caused by introduction of current SST operations. Control of additional noise impact due to increased traffic represents a completely different problem, which would be resolved in the package of nine aircraft/airport noise regulatory actions currently being developed. In the absence of the other noise regulations, however, a workable SST noise rule could perform its intended function of controlling the increase in cumulative environmental noise caused by introduction of current SST operations.

The pro and con arguments implicit in the foregoing discussion are summarized below.

PRO

While avoiding a ban on current SSTs, this type of rule would protect the public health and welfare by providing a mechanism to limit the increase in noise impact due to current SST operations.

It would avoid arbitrary restrictions on the use of airports for SST operations, allowing market forces to establish which airports would be suitable for such operations.

CON

This type of rule does not attack the SST noise problem at the source, instead using an indirect measure (noise impact) as the criterion for control.

The rule may be considered discriminatory against SST operators, imposing restrictions on them which are not imposed on non-SST operators. For example, under some circumstances it could divert business from SST operators to other airlines using airplanes equivalent in noise emissions to those traded off.

It may have the effect of disproportionately penalizing operators of already quiet fleets by forcing them to drop a greater number of operations to compensate for the introduction of SST operations.

Because the rule only effectively controls the SST operator's contribution to the cumulative noise impact, the cumulative impact may, through the actions of other airlines, shift upward to the same level at which it would have been in the absence of the regulation.

This approach does not take into consideration the greater low frequency content of SST noise as compared to subsonic airplane noise.

5. *Impose Restrictions on All Operators at SST Airports.* A variation of this option which may overcome at least some of its objectionable features would be a rule, applying only to airports with SST operations, that would require all new flight operations at such airports to comply with the foregoing limitation on the noise impact increase.

PRO

Adoption of such a rule would avoid a ban of the SST, yet would control the noise impact that otherwise would be caused by introduction of SST operations.

By requiring new flights of all operators (not only SST operators) to control the noise impact to that of an airplane meeting Part 36 noise level limits, it would eliminate the objection that the rule was discriminatory against the SST operator.

Since the characteristics that make an airport a suitable candidate for SST operations are those likely to generate considerable subsonic airplane traffic as well, the SST airports would tend to have the largest noise-affected areas. Hence, the control of noise impact increase provided by such a rule would take place at the airports most in need of such control.

Because the rule would apply at relatively few airports—those suitable for SST operations—it probably would not have a severe economic impact on any airline. The noise impact requirement in many cases could be met by shifting quiet airplanes from some other route or airport assignments, rather than requiring retrofit of a noisy one. It will be recalled that Part 36 now requires that new subsonic airplanes, which may have to be purchased to meet the increased traffic demand, would have to meet the noise level requirements of Appendix C of that Part.

CON

One objection that may be raised to this type of rule is that it evades a direct attack on the "real" problem, which is SST noise exposure; thereby it penalizes airlines that operate only subsonic airplanes, as well as SST operators. Regarding the first point, it has already been stated that the cumulative noise exposure is the basis for the best criteria available on the effects of noise. As for the second point, the rule has no effect on a subsonic operator whose airplanes meet Part 36 noise levels. It may be considered discriminatory against those operators with noisy low-bypass, narrow-bodied jets; although the rule is aimed primarily at SST noise, the side effect of controlling noise due to unretrofitted 707 and DC-8 airplanes (by no means an imaginary problem) at the airports most in need of noise control would appear to be beneficial rather than otherwise. However, such operators may contend that the rule was capricious, in that it requires such an operator to take the prescribed action based on a circumstance beyond his control, namely, the introduction of SST operations by another operator.

Another possible objection is that this approach ostensibly does not take into consideration the greater low-frequency content of SST noise as compared to subsonic airplane noise. As indicated in the earlier discussion, it is not entirely clear that this characteristic of SST noise will necessarily make it more annoying. In any event, if scientific information becomes available that make it possible to quantify the efforts of such low-frequency noise in terms of noise impact, such criteria may be applied in implementation of the rule.

6. *Escalating Restrictions on SST Source Noise.* Another option considered would aim at minimizing the noise impact of supersonic transports without imposing operational restrictions upon their use. This option would require that the various current SST airplanes manufactured after the initial production meet the following successively lower noise standards:

(a) *First 20 airplanes.* Noise limits at currently projected levels, or best efforts;

(b) *Second 20 airplanes.* Noise limits 5 dB below first production;

(c) *Third 20 airplanes.* Noise limits 10 dB below first production; and

(d) *All subsequent airplanes.* Meet the noise level requirements of Appendix C of Part 36.

This approach provides one interesting aspect. If the conservative views regarding the economic success of the current SSTs turn out to be correct and no more than twenty such airplanes are placed into service, an automatic limit is placed on the environmental degradation without any restrictions being placed on the SST.

If, on the other hand, the current SSTs were to turn out more successful, economically, than many now envisage, a series of escalating restrictions on the noise output of the SST would help to limit the overall environmental impact.

PRO

This type of rule would avoid an outright ban or other arbitrary constraints on the SST.

It would provide the SST manufacturers with the incentive, and to some extent the time, to embark on an intensive research and development activity to advance the state of the art and develop new and improved techniques and hardware for reducing the noise emissions of current SST aircraft and propulsion systems.

As implied above, it would provide automatic triggering of new standards in an escalating series for the SST, reducing the allowable noise emissions if more than the limited number of twenty were to be placed into service.

CON

Even introduction of the first 20 SSTs into operation without restriction would impose increased noise on the environment, although admittedly the increase would be limited in extent. If additional SSTs were placed in operation, there would be additional increases of environmental noise beyond that which would occur with new subsonic airplanes, which must conform to Part 36 noise level requirements. Consequently, unacceptable increases in environmental noise could occur.

In the light of present knowledge of supersonic aircraft noise control, it appears unlikely that significant reduction of the noise

emissions of current SSTs could be accomplished without extensive, and expensive, redesign. Consequently, this type of rule might be considered as effectively imposing a limit of twenty on the number of SSTs produced.

7. *No Regulation.* There are a number of commentators, not necessarily advocates of the supersonic transport, who suggest that no regulatory action at all should be taken with respect to the noise of current supersonic airplanes, notwithstanding the noise impact that may result from their operations.

PRO

Airline operations of current supersonic transports may not be viable, in terms of economics or fuel consumption. Consequently, it is hypothesized, the number operating into U.S. airports may be so small as to be no significant hazard to the environment.

This approach would avoid adding an additional burden to an already endangered project.

CON

This approach is based on the conjecture that the SST program will be of such limited success that no more than twenty current SSTs ever will be in service. Although this may be the prevailing opinion, such a conjectural outcome is by no means assured. It would appear to be only prudent to recognize the possibility that many more than twenty current SSTs will operate, and to provide suitable regulations to protect the environment in the event of such a contingency.

In any event, even twenty or fewer current SSTs landing at and taking off from a small number of airports, or the same airport, can represent a significant noise impact in the environs of those airports. Therefore, suitable regulations are required to protect the public against the encroachment of such noise.

8. *Airport Noise Regulation.* The last option considered is to delay the adoption of a current SST regulation until an airport noise regulation has been adopted. Such a regulation would provide the ground rules and procedures for cooperative decisions and actions by local communities, employing land use controls, and airport management, with the collaborative support of the FAA with its powers of operational control, to establish mutually acceptable levels of noise impact and to control numbers, types and operations of the aircraft at each airport in order to achieve the designated acceptable levels of noise.

If such an airport regulation were adopted, restrictions similar to those listed in Option 3 could then be established, appropriate to each airport, applying to all aircraft operators, thus obviating any further need for the regulatory controls on noise impact, applying specifically to current SST operators, that are incorporated in the regulation proposed herein. Pending the development and promulgation of such a regulation, the EPA believes that some standard is needed for the protection of the public health and welfare from the noise of supersonic aircraft, and that some regulation embodying the concepts discussed herein, should be adopted.

It seems apparent, in the light of the foregoing discussion, that any rule of the type discussed herein, applicable to initial production versions of current SSTs, will stir active controversy, in that it will embody provisions which may be considered objectionable by persons living in the vicinity of airports, by some segments of the aviation industry, and/or others.

The EPA recognizes the imperfections of the regulatory options discussed above, applicable to initial production versions of current SSTs. It believes, however, that some regulation should be adopted which represents the best compromise between the extremes of no regulation, on the one hand, and a ban of the current SSTs, on the other hand. The EPA believes further, that a regulation based on Option 3 (Allow SST Operation at Designated Airports with Restrictions) has considerable merit in basic concept, even though it has undesirable aspects as well. One can envisage a two-step process that would be required to enable an operator to engage in SST landing and takeoff operations at a U.S. airport: first, under an Option 3 type of regulation, the FAA would designate that airport as being suitable for SST operations, using criteria developed in response to testimony and data presented at the hearings; second, the airport operator, exercising his proprietor's rights, and basing his decision on the local situation, would agree to accept the SST operations at that airport with certain specified operating restrictions. Thus, the FAA designation of an airport for SST use would be a necessary, but not a sufficient, condition for SST operation at that airport; the airport proprietor's decision allowing such operation, and defining the restrictions of operation would be necessary, and the two decisions would be sufficient.

The EPA favors a regulation similar to the one described here but, recognizing certain undesirable aspects of the regulation as described, believes that full discussion of all the options cited and the merits and negative aspects of this particular option should first be aired through the public hearing process. All interested persons therefore are urged to include the data, if any, supporting their opinions and comments submitted in response to this notice. It will be only by a thorough study of the various views on this subject that the FAA, in cooperation with the EPA, will be able to develop a rule that provides the maximum protection of the public health and welfare, consistent with the requirements of the Federal Aviation Act as amended by the Noise Control Act of 1972.

H. THE PROPOSED REGULATION FOR FUTURE TYPES AND LATER PRODUCTION VERSIONS OF CURRENT TYPES OF SSTS

In consideration of the foregoing, in order to implement the first noise proposal, concerning future types and later production versions of current types of SSTs, it is proposed to amend Part 36 of the Federal Aviation Regulations as follows:

§ 36.1 [Amended]

1. By changing the words "subsonic turbojet airplanes" as they appear in the applicability provisions of § 36.1 to read "supersonic and subsonic turbojet powered airplanes."

2. By adding a new paragraph (e) to § 36.1 to read as follows:

* * * * *

(e) Each person who applies for the original issue of Standard Airworthiness Certificates under § 21.183, must, regardless of date of application, show compliance with the Part (including Appendix C), as effective on December 1, 1969, for any supersonic turbojet powered airplane upon which substantive productive effort was commenced after the date this regulation is proposed. For purposes of this regulation, "substantive productive effort commenced" means that parts have been fabricated or delivered or are on order (in a legally binding financial commitment) for the airplane in question equivalent in total value to 5 percent or more of the selling price of the airplane.

3. By revising paragraph (c)(2) of § 36.201 to read as follows:

§ 36.201 Noise Limits.

* * * * *

(c) * * *

(2) Application was or is made on or after December 1, 1969, or August 6, 1970 for supersonic turbojet powered airplanes (except for those airplane types that have been flown before Dec. 31, 1974), it must be shown that the noise levels of the airplane are no greater than those prescribed in Appendix C of this Part.

* * * * *

It is further proposed to amend Part 91 of this Chapter by adding a new § 91.57 immediately following § 91.55 to read as follows:

§ 91.57 Civil supersonic aircraft operation.

No person may operate a civil supersonic airplane to or from an airport located within the United States unless the airplane to be operated complies with the noise requirements for supersonic airplanes of Part 36 of this Chapter, taking into account the date on which substantive productive effort, as defined in paragraph 36.1(e), was commenced on that airplane.

These amendments are proposed under the authority of sections 307 (a) and (c), 313(a), 601, 603, and 641(c) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a), 1348(c), 1354(a), 1421, 1423, and 1431(c)); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and Executive Order 11514, March 5, 1970.

Issued in Washington, D.C., on March 25, 1975.

J. B. BARRIAGE,
Acting Director,
Office of Environmental Quality.

[FR Doc.75-8115 Filed 3-27-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 18891; FCC 75-303]

COMMUNITY ANTENNA TELEVISION SYSTEMS

First Report

In the matter of Amendment of Part 76 of the Commission's rules and regulations Relative to Diversification of Control of Community Antenna Television Systems; and Inquiry with Respect Thereto to Formulate Regulatory Policy and Rule Making and-or Legislative Proposals. See 39 FR 11117.

1. In December 1968, the Commission initiated an omnibus rule making proceeding to deal with numerous cable television issues, including diversification. Notice of proposed rule making and notice of inquiry in Docket No. 18397, FCC 68-1176, 15 FCC 2d 417 (1968). At paragraph 23, the Commission invited comments on "what consideration, if any, should be given to ownership of other local media, such as newspapers."

2. In June 1970, the Commission took two actions in the area of diversification of control of cable television. First, it adopted a rule (originally Section 74.1131 and now Section 76.501) prohibiting the ownership, operation, or control of cable television systems by national television networks, co-located television broadcast stations, or co-located television translator stations. Second report and order in Docket No. 18397, FCC 70-673, 23 FCC 2d 816, modified on reconsideration, FCC 73-80, 39 FCC 2d 377 (1973), appeal pending, Gill Cable, Inc., v. FCC, Case No. 73-1344 (9th Cir.). Second, the Commission began a new proceeding to deal with the diversification matters which were not disposed of in the Second Report and Order. Notice of proposed rule making and of Inquiry in Docket No. 18891, FCC, 70-674, 23 FCC 2d 833 (1970). In paragraph 4, the Commission stated that in view of the fact that the question of cross-ownership of newspapers and local broadcast stations is under study in Docket No. 18110, the newspaper-cable portion of Docket No. 18891 will be considered at approximately the same time as Docket No. 18110. On March 13, 1974, the Commission issued a Memorandum Opinion and Order, FCC 74-263, 45 FCC 2d 1050 (1974), requesting supplemental or new comments by all interested parties.

3. Comments have been received concerning the newspaper-cable cross-ownership aspects of this proceeding, and they have been analyzed. In addition, the Commission has given attention to this subject in connection with other proceedings (Docket 18110) and has considered all other relevant information that has come to its attention. An informal study of newspaper-cable ownership patterns based on information from cable television ownership reports (Form 325), has been completed.

4. The comments that have been filed thus far, responsive to our two separate requests for comment in this proceeding, along with a review of other available data, have not produced a record of abuse or trend of ownership or activity leading to a monopolization of viewpoints or which appears detrimental to the integration of the cable television industry into the national communication structure. Our review of the most recently filed cable ownership reports suggests that newspaper-cable ownership in the same market area represents only a very minor portion of the industry and that there is no definable pattern of growing newspaper involvement similar, for example, to that in the early stages of radio and television broadcasting. We have, accordingly, decided to issue no rules at this time prohibiting or restricting such cross-interests.

5. This is not to say, however, that we do not have real concerns with cross-interests that may tend to restrict media diversity or economic competition. Rather, what we are saying is that neither the information available to us at this time nor the state of our regulatory development provides us a sufficient base upon which to conclude that whatever theoretical benefits cross-ownership rules might have, outweigh the traditional values of open market entry or the possibility that cross-fertilization from one industry to the other will have a more positive than negative impact. On the basis of the information now before us, we believe it more appropriate to do no more than postpone any final determination on this matter until such time as we find abusive trends developing or have more conclusive information as to the potential harms that may be involved in such cross-interest relationships.

6. We are, of course, sensitive to the critical matter of timing in adopting or delaying the adoption of rules of the type under consideration in a proceeding such as this. If rules are to be adopted, it would be preferable they be adopted at an early date so that equities, later difficult to displace, do not develop but they should not be adopted so early that they cure a hypothetical rather than a real problem. For now, we believe this dictates a policy of watchful waiting while the trend of our regulation becomes clearer, the nature of the ownership and services the industry will provide more stable,[1] and the positive or negative aspects of the cross-ownership relationship are less obscure. Further, there are other aspects of cable ownership under consideration in this proceeding which need to be given consideration (cable-radio, cable-equipment manufacturers, cable-advertising agencies, cable-multiple ownership). When these matters are reviewed, we will have a further opportunity to consider the cable newspaper issue. For now, we have determined to adopt no regulations but to retain jurisdiction over this matter for such future consideration as developments in the industry or our own analysis suggest is necessary.

7. We are, as part of our program to gather more precise information about the development of the cable television industry, revising our cable television information reporting form (Form 325) and will be assisted in the analysis of this information by its computer processing. After the revision is complete, the forms distributed, and the replies received and studied, we hope to apply this greater knowledge as an did to resolving this important issue. In the meantime, we shall proceed to develop additional information not only about the newspaper portion of this proceeding but also about all of the other related aspects.

Adopted: March 12, 1975.

Released: March 24, 1975.

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

[FR Doc.75-8109 Filed 3-27-75;8:45 am]

[1] In this regard, we note particularly the issue of program originations—will they develop on a commercial basis to obtain more subscribers, to attract an audience for the sale of advertising on a direct payment basis, or will they decline in relative importance as cable channels are used for other purposes or by individuals or groups other than system owners and operators.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 270, 275]

[Release Nos. IA-439, IC-8690, File No. 4-149]

EXEMPTIVE RULES FOR VARIABLE LIFE INSURANCE

Withdrawal of Proposed Amendments and Proposed Rescission of Rules

Correction

In FR Doc. 75-6415 appearing at page 11613 of the issue for Wednesday, March 12, 1975 in the third line of the third paragraph the citation "80a-(c)(3)" should read "80a-3(c)(3)".

[17 CFR Parts 270, 275]

[Release Nos. IA-440, IC-8691, File No. S7-554]

SEPARATE ACCOUNTS OF LIFE INSURANCE COMPANIES FUNDING CERTAIN VARIABLE LIFE INSURANCE CONTRACTS

Notice of Intention to Propose Rule

Correction

In FR Doc. 75-6416 appearing at page 11614 of the issue for Wednesday, March 12, 1975, in the third column of page 11615 the last word of the 21st line of numbered paragraph 1, reading "may", should read "must"; and on page 11616 in the fifth line of the first column, "compromise" should read "comprise".

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 DEFENSE

Department of the Navy

NAVAL RESEARCH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Naval Research Advisory Committee will hold a closed meeting on April 17 and 18, 1975, at the Naval Undersea Center, San Diego, California. The agenda will consist of matters which are classified in the interest of national security, including various matters pertaining to the Committee's general mission to advise on whether research and development efforts being conducted by the Department of the Navy are adequate in relation to the problems to be solved. The Secretary of the Navy for that reason has determined in writing that this meeting of the Naval Research Advisory Committee should be closed to the public because it is concerned with matters listed in section 552(b)(1) of title 5, United States Code.

This notice corrects the notice previously published on March 4, 1975, at 40 FR 8970.

Dated: March 24, 1975.

WILLIAM O. MILLER,
Rear Admiral, JAGC, U.S. Navy, Deputy Judge Advocate General.

[FR Doc.75-8081 Filed 3-27-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-23]

JOHN LOUIS CARROLL, M.D.

Notice of Hearing

Notice is hereby given that on October 30, 1974, the Drug Enforcement Administration, Department of Justice, issued to John Louis Carroll, M.D., Sandusky, Ohio, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AC2866056, issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said order was received by Dr. Carroll, and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on April 14, 1975, in Room 1210 of the Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537.

Dated: March 20, 1975.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-8050 Filed 3-27-75;8:45 am]

KNOLL PHARMACEUTICAL CO.

Importer of Controlled Substances; Registration

By Notice dated January 21, 1975, and published in the FEDERAL REGISTER on January 27, 1975; (40 FR 4025-26) Knoll Pharmaceutical Company, 30 North Jefferson Road, Whippany, New Jersey 07981, made application to the Drug Enforcement Administration to be registered as an importer of Morphine, Hydrocodone, Codeine and Pethidine, basic class controlled substances listed in Schedule II.

No comments or objections having been received, and, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and in accordance with 21 CFR 1311.42, the above firm is granted registration as an importer of Morphine, Hydrocodone, Codeine and Pethidine.

Dated: March 19, 1975.

JOHN R. BARTELS, Jr.,
Administrator.

[FR Doc.75-8049 Filed 3-27-75;8:45 am]

UNITED STATES V. TOYOTA MOTOR SALES, U.S.A., INC. AND TOYOTA MOTOR DISTRIBUTORS, INC.

Consent Judgment and Competitive Impact Statement

The following is the text of the Consent Judgment and Competitive Impact Statement in this case which was inadvertently omitted from the Notice of Settlement published in the FEDERAL REGISTER on March 20, 1975 (40 FR 12687).

Dated: March 21, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

[Civil Action No. C 75 0473 SW]

Anthony E. Desmond, Gerald F. McLaughlin, John F. Young, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, Room 16432, San Francisco, California 94102; telephone: (415) 556-6300. Attorneys for the United States.

United States of America, Plaintiff v. Toyota Motor Sales, U.S.A., Inc., Toyota Motor Distributors, Inc., Defendants.

STIPULATION

It is stipulated by and between the undersigned parties, plaintiff United States of America, and defendants Toyota Motor Sales, U.S.A., Inc., and Toyota Motor Distributors, Inc., by their respective attorneys, that:

1. The parties consent that a final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16] and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff and defendants in this or any other proceeding.

Dated: March 12, 1975.

FOR THE PLAINTIFF

Thomas E. Kauper, *Assistant Attorney General;* Baddia J. Rashid, Charles F. B. McAleer, Anthony E. Desmond, Gerald F. McLaughlin, Barry J. Kaplan, John F. Young, *Attorneys, Department of Justice.*

FOR THE DEFENDANTS

Gore, Cladouhos & Brashares, 1750 New York Avenue, N.W., Washington, D.C. 20006; Harry W. Cladouhos, *Attorneys for Defendants.*

FINAL JUDGMENT

Plaintiff, United States of America, having filed its complaint herein on March 12, 1975; defendants having appeared by their respective counsel; and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without admission by any party with respect to any such issue;

Now, Therefore, without trial or adjudication of any issue of fact or law, and upon consent of the parties hereto, it is hereby

Ordered, adjudged, and decreed as follows:

I. This Court has jurisdiction of the subject matter hereof and the parties hereto. The complaint states a claim upon which relief may be granted against the defendants under section 1 of the Act of Congress of July 2, 1890, as amended, 15 U.S.C. § 1, commonly known as the Sherman Act.

II. As used in this Final Judgment:

(a) "Person" shall mean any individual, partnership, firm, association, corporation or other business or legal entity;

(b) "Manufacturer" shall mean Toyota Motor Company, Limited, a corporation organized and existing under the laws of Japan, a manufacturer of motor vehicles, and of optional equipment, parts and accessories therefor;

(c) "Toyota products" shall mean motor vehicles, optional equipment, parts and accessories sold by or through any of the defendants under any trade name used by Manufacturer or its subsidiaries, including, but not limited to, the name "Toyota"; and

(d) "Toyota dealer" shall mean any person who has entered into a dealer sales agreement, for the resale of Toyota products to consumers.

III. The provisions of this Final Judgment applicable to the defendants shall also apply to each of their officers, directors, agents, employees, subsidiaries, successors and assigns, and to all persons in active concert or participation with the defendants who receive actual notice of this Final Judgment by personal service or otherwise. The provisions of this Final Judgment shall not apply to acts or transactions of any of the defendants outside the United States, its territories and possessions, except as such acts or transactions affect the sale of Toyota products within or from the United States, its territories and possessions, or the sale of Toyota products to agencies of the United States, wherever located.

IV. The defendants are enjoined and restrained from entering into, adhering to, maintaining, enforcing or claiming directly or indirectly, any rights under any contract, agreement, combination, understanding, plan or program with any person to:

(a) Fix, establish, maintain or adhere to prices or discounts at which Toyota products are sold, offered for sale or advertised by any Toyota dealer;

(b) Fix, establish, maintain or adhere to trade-in allowances for used motor vehicles received by consumers as part payment on the purchase of Toyota products from any Toyota dealer;

(c) Limit or restrict any Toyota dealer from offering or advertising free accessories, optional equipment, fuel or other merchandise, or services in connection with the sale of Toyota products; nothing in this provision shall prevent defendants from taking appropriate action to ensure that all dealer advertising is in full compliance with all federal and state laws and regulations;

(d) Limit or restrict the geographic areas within which, or the persons or classes of persons to whom any Toyota dealer may sell, offer to sell or advertise Toyota products; and

(e) Require, as a condition attached to any dealer sales agreement with any Toyota dealer, that said Toyota dealer shall advertise Toyota products only as specified by its distributors or by any other person, or that said Toyota dealer shall obtain approval of any advertising materials prior to its use of such advertising materials except to ensure the accuracy and legality of such advertising; nothing in this provision shall prevent defendants from taking appropriate action to ensure that all dealer advertising is in full compliance with all federal and state laws and regulations.

V. Defendants are enjoined and restrained from:

(a) Suggesting, urging, compelling or requiring any Toyota dealer to establish, adopt, advertise or adhere to any fixed, suggested or specified price, discount, trade-in allowance, mark-up or margin of profit on the sale of any motor vehicles, parts and accessories, including but not limited to Toyota products;

(b) Encouraging the report of, or taking action in response to, any complaint by any Toyota dealer regarding the pricing, discounting, or price-related advertising of any other Toyota dealer; however, nothing in this provision shall prohibit defendants from taking appropriate action to ensure that advertising of prices by dealers is in complete compliance with all federal and state laws and regulations.

(c) Suggesting, urging, compelling or requiring any Toyota dealer to establish, adopt, adhere to or enforce adherence to any limit on the persons or classes of persons to whom, or the areas in which such dealer may sell, offer to sell or advertise Toyota products.

(d) Terminating, threatening to terminate or refusing to renew the dealer sales agreement of any Toyota dealer because of the prices at which, the persons or classes of persons to whom or the areas in which such dealer has sold, offered to sell or advertised Toyota products; and

(e) Discontinuing, curtailing or limiting the sale of Toyota products, or otherwise penalizing any Toyota dealer because of the prices at which, the persons or classes of persons to whom or the areas in which such dealer has sold, offered to sell, or advertised Toyota products.

VI. Nothing in this Final Judgment shall prohibit the defendants from:

(a) Affixing to each Toyota motor vehicle a label which states, among other things, the retail price of such motor vehicle suggested by Manufacturer, as required by the Automobile Information Disclosure Act, 72 Stat. 326, 15 U.S.C. §§ 1231–1233;

(b) Filing information, including the retail price for each model of Toyota motor vehicles suggested by Manufacturer, where required, and in the manner required, by the laws of any State; and

(c) Unilaterally suggesting retail prices, mark-ups or margins of profit to its dealers for the sale of Toyota products; provided, however, that any such suggestion shall include a statement that each dealer is free to sell at whatever prices, mark-ups or margins of profit he may choose.

VII. (a) Defendants are ordered and directed to refrain from compliance with or the enforcement of any portion of their distributor agreements and dealer sales agreements which are inconsistent with any provision of this Final Judgment.

(b) Defendant Toyota Motor Sales, U.S.A., Inc., is ordered and directed, within ninety (90) days after the date of entry of this Final Judgment, to mail to each Toyota dealer served by its distributors a copy of this Final Judgment and to notify each such Toyota dealer in writing, in a form acceptable to plaintiff, that he may sell, offer to sell or advertise Toyota products at such prices, to such persons, and in such areas as he wishes, in his sole discretion.

(c) Defendant Toyota Motor Sales, U.S.A., Inc., is ordered and directed, for a period of ten (10) years after the date of entry of this Final Judgment to deliver to each new Toyota dealer served by its distributors a copy of this Final Judgment, together with a notice in the same form as that approved for use pursuant to subparagraph VII(b) above, within ninety (90) days after such new dealer is appointed.

(d) Defendant Toyota Motor Sales, U.S.A., Inc., is ordered and directed, within ninety (90) days after the date of entry of this Final Judgment, to mail to each Toyota distributor to whom it supplies Toyota products a copy of this Final Judgment, and to notify each such distributor of Toyota products in writing, in a form acceptable to plaintiff, that Toyota dealers to whom they distribute Toyota products may sell, offer to sell or advertise Toyota products at such prices, to such persons, and in such areas as such dealers may determine, in their sole discretion.

(e) Defendant Toyota Motor Sales, U.S.A., Inc., is ordered and directed, for a period of ten (10) years after the date of entry of this Final Judgment, to deliver to each new Toyota distributor with whom it commences regular business relations, within ninety (90) days after commencing such business relations a copy of this Final Judgment, together with a notice to such new distributor in the same form as that approved for use pursuant to subsection VII(d) above.

(f) Defendants are ordered and directed, within ninety (90) days after the date of entry of this Final Judgment, to serve a copy of this Final Judgment on each of their respective officers, directors, and each of their respective employees or representatives who have direct responsibility for the sale or distribution of Toyota products, including, but not by way of limitation, any advertising agency or similar enterprise with whom defendants, or each of the defendants, have, or may have, business relations with respect to the promotion, sale or advertising of Toyota products.

(g) Defendants are ordered and directed, for a period of ten (10) years after the date of entry of this Final Judgment, to serve a copy of this Final Judgment upon each successor to those officers, directors, employees and representatives described in subparagraph VII(f) above within ninety (90) days after such successor is employed by or becomes associated with defendants or any of the defendants; and

(h) Defendants are ordered and directed, within one hundred and twenty (120) days after the entry of this Final Judgment, to serve upon plaintiff affidavits concerning the fact of, and the manner of, their compliance with the provisions of subparagraphs (a), (b), (d) and (f) of this section VII.

VIII. For a period of ten (10) years after the date of the entry of this Final Judgment, each of the defendants is ordered and directed to file with the plaintiff at its San Francisco office (unless otherwise directed), on each anniversary date of such entry, a report setting forth the steps which each such defendant has taken during the prior year to advise their appropriate officers, directors, and employees of their obligations under this Final Judgment. Such reports shall further contain the name and address of any dealer whose dealership was terminated or not renewed and shall state the reasons for such termination or non-renewal.

IX. For the purpose of securing or determining compliance with this Final Judgment, duly authorized representatives of the Department of Justice shall, on written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to each or either of the defendants, made to their respective principal offices, be permitted, subject to any legally recognized privilege:

(a) Access, during regular office hours of each or either of such defendants, to all books, records, ledgers, accounts, correspondence, memoranda and other records and documents in the possession of or under the control of each or either of such defendants, relating to any matters contained in this Final Judgment.

(b) Subject to the reasonable convenience of each or either of the defendants, and without restraint or interference from such defendants, to interview their officers or employees, who may have counsel present, regarding any matters contained in this Final Judgment.

Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, made to their respective principal offices, defendants shall submit such additional reports in writing with respect to the matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means permitted in this section IX shall be divulged

by any representatives of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff, except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

X. Jurisdiction is retained by this Court for the purpose of enabling any party to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction of or the carrying out of this Final Judgment, for the modification of any of its provisions, for the enforcement of compliance therewith, and for the punishment for violations thereof.

Entry of the Final Judgment is in the public interest.

———— ————,
U.S. District Judge.

Dated: ————————.

COMPETITIVE IMPACT STATEMENT

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act [15 U.S.C. 16 (b)] the United States hereby submits this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

I. Nature of the Proceeding. On March 12, 1975, the United States filed a civil complaint under section 4 of the Sherman Act (15 U.S.C. § 4), alleging that defendants Toyota Motor Sales, U.S.A., Inc., and Toyota Motor Distributors, Inc., violated section 1 of the Sherman Act (15 U.S.C. § 1). The complaint alleges that defendants and various co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate and foreign commerce, the substantial terms of which are that (a) Toyota dealers will sell Toyota motor vehicles at prices fixed by defendants; (b) Toyota retail dealers will refrain from advertising Toyota motor vehicles at discounted prices; and (c) Toyota dealers will refrain from selling or advertising Toyota motor vehicles outside assigned market areas.

Entry by the Court of the proposed consent judgment will terminate the action, except that the Court will retain jurisdiction over the matter for possible further proceedings which might be required to interpret, modify or enforce the judgment, or to punish alleged violations of any of the provisions of the judgment.

II. *Description of Practices Involved in the Alleged Violation.* Toyota automobiles are manufactured in Japan by Toyota Motor Company, Ltd., (Manufacturer) and are distributed worldwide by Toyota Motor Sales Company, Ltd., a Japanese subsidiary of Manufacturer. Defendant Toyota Motor Sales, U.S.A., Inc., (TMS–USA), also a subsidiary of Manufacturer, is the sole countinental United States importer of Toyota automobiles. Its principal offices are located in Torrance, California. TMS–USA utilizes a network of regional distributors to distribute its products to franchised Toyota retail dealers throughout the continental United States.

Defendant Toyota Motor Distributors, Inc., of Torrance, California, is a wholly-owned subsidiary of TMS–USA, and is the regional Toyota distributor in 14 states. Other, independent regional Toyota distributors named as co-conspirators in the Complaint are: Mid-Atlantic Toyota Distributors, Inc., of Columbia, Maryland; New England Toyota Distributors, Inc., of Woburn, Massachusetts; Southeast Toyota Distributors, Inc., of Pompano Beach, Florida; Amco Industries, Inc., of Franklin Park, Illinois; and Servco Pacific, Inc., of Honolulu, Hawaii. Servco Pacific, Inc., receives its automobiles directly from the Japanese distributor, Toyota Motor Sales Company, Ltd., which is also named as a co-conspirator in the Complaint. One U.S. Toyota distributor, Gulf States Toyota, Inc., of Houston, Texas, was not named in the suit, either as a defendant or as a co-conspirator.

The Complaint alleges that the defendants and co-conspirators engaged in a conspiracy to maintain the retail selling prices of Toyota automobiles at artificially high levels. The alleged conspiracy was carried out in several ways, including (a) the obtaining of informal agreements from franchised Toyota retail dealers to sell Toyota automobiles at the prices suggested by the Importer (TMS–USA); (b) the obtaining of agreements from dealers not to offer discounts or over-allowances on trade-ins on Toyota automobiles; (c) the restriction, in both content and geographic area, of dealer advertising; and (d) the restriction of the territories in which franchised Toyota dealers may sell or offer to sell Toyota automobiles.

According to the Complaint, the alleged conspiracy had the following effects: (a) that Toyota dealer prices have been fixed and maintained at artificially high levels; (b) that price competition among Toyota dealers has been suppressed; (c) that consumers have been deprived of the opportunity to buy Toyota products at competitive prices; and (d) that Toyota dealers have been prevented from competing with one another.

III. *Explanation of the proposed consent judgment.* Prior to filing the complaint, the United States and the defendants have agreed that the consent judgment, in a form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation provides that there has been no admission by either party with respect to any issue of fact or law. Under the provisions of section 2(e) of the Antitrust Proceduers and Penalties Act, entry of said judgment by the Court is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

A. *Prohibited Conduct.* The proposed consent judgment will prohibit the defendants from entering into or adhering to any agreements or arrangements with any person to fix or maintain the retail prices at which Toyota products are sold by franchised Toyota dealers or to fix or maintain any particular levels of trade-in allowances offered by dealers to induce customers to buy Toyota automobiles. Also prohibited is any agreement or understanding to restrict any dealer from offering such "hidden discounts" as free accessories, options or merchandise or services to induce consumers to buy Toyota automobiles. The judgment will also prohibit defendants from limiting or restricting the areas in which Toyota dealers may sell or advertise Toyota automobiles. The defendants will further be prohibited from requiring dealers to agree to advertise Toyota products only as specified by their distributors or any other persons [section IV].

The consent judgment will further eliminate the use of any coercive or suggestive tactics in obtaining dealer adherence to fixed, suggested or specified prices, discounts, trade-in allowances or margins of profit by the defendants. Also prohibited is any encouragement or compulsion of dealers, by defendants, to keep dealers' selling activities limited to any specified geographic areas or territories. Moreover, defendants will be restrained from either terminating, or threatening to terminate, or refusing to renew the franchise of any Toyota dealer because of the prices at which, or the areas in which, or the persons to whom such dealers either sell, offer to sell or advertise Toyota automobiles. The judgment also prohibits any restriction in the number of automobiles supplied by the defendants to any Toyota dealer in retaliation for the pricing policies of such dealer [section V].

The judgment will permit the defendants to suggest retail prices or mark-ups to its dealers, and to place the "manufacturer's suggested retail price" sticker on each car. The latter is required by the Automobile Information Disclosure Act (15 U.S.C. §§ 1231–1233). However, any price "suggestions" must be suggestions, and nothing more. To ensure that dealers understand the noncompulsory nature of any such communications, defendants must accompany any suggestions regarding prices, or discounts or the like, with the statement that the dealer is free to sell Toyota products at whatever prices he desires [section VI].

The judgment will immediately prevent the defendants from enforcing any provision in existing distributor or dealer franchise agreements, if such provision would require or permit activity which is prohibited by any provision in the judgment. The judgment requires defendant TMS–USA to serve copies of the judgment on all its distributors and their dealers, as well as a broad range of officers, directors and employees, to notify such persons that the decree has been entered, and to provide such persons with sufficient warning that they may not engage in any of the prohibited acts.

B. *Scope of the Proposed Judgment.* (1) Persons Bound by the Decree. The consent judgment will expressly provide maximum coverage permitted by law, and require its personal service by defendant TMS–USA upon all Toyota distributors and dealers in the continental United States, upon all officers and directors of the defendant corporations and upon all the defendants' employees or representatives who have direct responsibility for the sale or distribution of Toyota Products. Included in this last group are such entities as advertising agencies and similar enterprises, which, although not employees of defendants, might perform certain promotional functions on behalf of the defendants. TMS–USA's obligation to serve copies of the judgment will be a continuing one; for 10 years after the date of entry of the judgment, the company will be required to serve a copy of the judgment upon new distributors, dealers, officers, directors, employees and representatives within its scope of operations. Such extensive service of the decree will effectively ensure that all persons or entities who are in a position to act with the defendants in any future conduct prohibited by the judgment can be punished for violations of the decree [section III].

(2) Geographic Coverage of the Decree. The prohibitions of the proposed judgment apply to all acts or transactions within the United States, its territories and possessions. They do not apply to such acts or transactions outside the United States except to the extent that such acts or transactions may affect the sale of Toyota products within or from the United States or the sale of Toyota products to agencies of the United States wherever located.

(3) Duration of the Judgment. By its terms, the consent judgment perpetually restrains the prohibited conduct; i.e., unless the Court either modifies or vacates all or part of the judgment, the defendants are forever bound by its prohibitions.

C. *Effect of the Proposed Judgment on Competition.* The relief encompassed in the proposed consent judgment is aimed at preventing any recurrence of the activities alleged in the Complaint. Such alleged activities interfere with the normal interplay of competitive forces in the marketplace, and

accordingly result in artificially-determined price levels. The prohibitory language of the judgment will ensure that individual Toyota dealers are the sole judges of their pricing policies and the geographic scope of their selling activities. The judgment requires defendants to submit annual reports, for the next ten years, outlining the steps they have taken to comply with the provisions of the decree [section VIII], and the Government is given access, upon reasonable notice, to the records of the defendants to monitor the defendants' compliance with the provisions of the Judgment [section IX].

Accordingly, it is the opinion of the Department of Justice that the proposed consent judgment is fully adequate in terms of its prohibitory provisions as well as its enforcement provisions, to ensure that Toyota retail prices are determined in a free and competitive atmosphere. It is also the opinion of the Department that disposition of the matter without further litigation is appropriate in view of the fact that the proposed consent decree includes the form and scope of relief equal to that which might be obtained after a full airing of the issues at trial.

IV. *Remedies Available to Potential Private Litigants.* Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorney fees. Entry of the proposed consent judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions. Under the provisions of section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), this consent judgment has no prima facie effect in any subsequent private lawsuits which may be brought against these defendants.

V. *Procedures Available for Modification of the Proposed Judgment.* As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed consent judgment should be modified may submit written comments to Anthony E. Desmond, Department of Justice, Antitrust Division, San Francisco, Calif. 94102, within the 60-day period provided by the act. These comments and the responses to them will be filed with the Court and published in the FEDERAL REGISTER. All comments will be given due consideration by the Department of Justice which remains free to withdraw its consent to the proposed consent judgment at any time prior to its entry if it should determine that some modification of it is necessary. The proposed judgment provides that the Court retains jurisdiction over this action and the parties may apply to the Court for such orders as may be necessary or appropriate for modification of it [section X].

VI. *Alternatives to the Proposed Consent Judgment.* This case does not involve any unusual of novel issues of fact or law which might make litigation a more desirable alternative than entry of this consent decree. The Department considers the substantive language in the judgment to be of sufficient scope and effectiveness to make litigation on relief unnecessary as the judgment provides all the relief which was requested in the Complaint.

VII. *Other Materials.* No materials and documents of the type described in Section (b) of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16(b)] were considered in formulating this proposed judgment.

Dated: March 12, 1975.

GERALD F. MCLAUGHLIN,
JOHN F. YOUNG,
Attorneys, Department of Justice.

[FR Doc.75-8122 Filed 3-27-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[INT DES 75-17]

UTE MOUNTAIN UTE URANIUM PROJECT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a Draft Environmental Statement for the Ute Mountain Ute Uranium Project Lease, Exploration and Mining Proposal, Ute Mountain Ute Reservation, Montezuma County, Colorado.

The Environmental Statement considers human and physical environmental effects associated with the approval of a proposed exploration and mining plan submitted by Mobile Oil Corporation for the underground mining of possible uranium deposits beneath approximately 162,000 acres belonging to the Ute Mountain Ute Tribe of Indians.

Written comments are invited before May 14, 1975. Copies are available for inspection at the following locations:

Office of Communications
Room 7200 Interior Building
Washington, D.C. 20240
Telephone: (202) 343-3171

Albuquerque Area Office
Bureau of Indian Affairs
First National Bank Bldg.-East
5301 Central Avenue, NE.
Albuquerque, New Mexico 87108

Ute Mountain Ute Agency
Bureau of Indian Affairs
Towaoc, Colorado 81334
Telephone: (303) 565-8471

Colorado State Division of Planning
524 State Social Services Building
1575 Sherman Street
Denver, Colorado 80203
Telephone: (303) 892-2178

Single copies of the Draft Environmental Statement may be obtained from the Albuquerque Area Office, Bureau of Indian Affairs, First National Bank Bldg.-East, 5301 Central Avenue, NE., Albuquerque, New Mexico 87108.

Dated: March 26, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-8282 Filed 3-27-75;8:45 am]

Geological Survey

WILLISTON-AVOCA, N. DAK.

Known Leasing Area (Coal)

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), and 203 Departmental Manual No. 1, and Secretary's Order No. 2948, Federal lands within the State of North Dakota have been classified as subject to the competitive coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(34) NORTH DAKOTA

Williston-Avoca (North Dakota) Known Leasing Area (Coal); November 1, 1974; 65,304 acres.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Building 25, Denver Federal Center, Denver, Colorado 80225.

Dated: March 14, 1975.

W. A. RADLINSKI,
Acting Director.

[FR Doc.75-8120 Filed 3-27-75;8:45 am]

National Park Service

SECRETARY'S ADVISORY BOARD ON NATIONAL PARKS, HISTORIC SITES, BUILDINGS AND MONUMENTS

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments will be held on April 21, 22 and 23 at the Department of the Interior, 18th and C Streets, NW., Washington, D.C., and April 24 and 25 at Gateway National Recreation Area, New York and New Jersey.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935.

The members of the Advisory Board are as follows:

Mr. Peter C. Murphy, Jr. (Chairman) Springfield, Oregon
Mr. Steven Rose (Vice Chairman) La Canada, California
Dr. William G. Shade (Secretary) Bethlehem, Pa.
Hon. E. Y. Berry, Rapid City, South Dakota
Mr. Laurence W. Lane, Jr., Menlo Park, California
Dr. A. Starker Leopold, Berkeley, California
Mr. Linden C. Pettys, Ludington, Michigan
Mrs. Paul T. Rennell, Greenwich, Connecticut
Capt. Walter M. Schirra, Jr., Englewood, Colorado
Dr. Douglas W. Schwartz, Santa Fe, New Mexico
Dr. Edgar A. Toppin, Petersburg, Virginia

Meetings will be held in different locations as follows: April 21, 9 a.m., Room 5160. The Advisory Board will meet in

general session in regard to administrative matters pertaining to the Board and to hear reports on several topics, including the Land and Water Conservation Fund, policies for nontraditional park recreation use, Yosemite master plan activities, land acquisition progress, carrying capacity study, Bicentennial in the National Parks, and Easements on National Historic Landmarks.

April 22, 8:30 a.m., Room 5160, the History Areas Committee will meet to consider reports on two proposed new areas and to hear reports on various studies, including subthemes or portions of subthemes on "Political and Military Affairs, 1865–1914," "Science and Invention," "Architecture;" studies of sites associated with Blacks within the themes of Political and Military Affairs, Westward Expansion 1763–1898, and America at Work; and special studies of the United States Mint, New Orleans, La., The Governor's Mansion, Jackson, Mississippi, and 19th Century Suspension Bridges.

At 8:30 a.m., Room 8068, North Penthouse, the Natural Areas Committee will meet to hear reports on environmental protection of the National Parks, Nature Conservancy Study on the Preservation of Natural Diversity, natural history theme studies, and shall consider 25 natural areas as potential additions to the National Registry of Natural Landmarks.

At 8:30 a.m., Room 3119, the Recreation Areas Committee and Ad Hoc Oversight Committee will meet to consider reports on urban recreation areas, physical security & crime prevention, budget hearings, advisory committee management, and National Park Service policies and priorities.

April 23, 10 a.m., Room 5160, the Advisory Board will meet to receive reports from the committee meetings, and to formulate its comments and recommendations.

April 24 and 25 the Advisory Board will meet at Gateway National Recreation Area to inspect various management and operational functions at the Sandy Hook Unit, Staten Island Unit, Jamaica Bay Unit, and Breezy Point Unit.

The meetings will be open to the public, but the facilities and space to accommodate members of the public are limited and it is expected that not more than 25 people will be able to attend. In regard to the Gateway National Recreation Area inspection, members of the public wishing to participate must provide their own transportation.

Any member of the public may file with the Advisory Board a statement in writing concerning any of the matters to be discussed. Persons desiring further information concerning this meeting or who wish to file written statements may contact Miss Shirley Luikens, National Park Service, Washington, D.C., at 202–343–2012.

Minutes of the meeting will be available for public inspection 8 to 10 weeks after the meeting in Room 3123, Interior Building, Washington, D.C.

Dated: March 19, 1975.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.75-8102 Filed 3-27-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

FUTURES FOR LIVE SLAUGHTER CATTLE, LIVE HOGS, AND FROZEN PORK BELLIES

Information on Proposed Speculative Limits

On January 27, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 4017) to add §§ 150.12, 150.13, and 150.14 to the orders of the Commodity Exchange Commission under section 4a of the Commodity Exchange Act (7 U.S.C. 6a). These respective orders would establish limits on speculative positions and speculative daily trading in live slaughter cattle, live hogs, and frozen pork bellies for future delivery.

The Administrator of the Commodity Exchange Authority, in response to a request from the Chicago Mercantile Exchange, is submitting to that exchange information from the study which led to these proposed limits on speculative positions and speculative daily trading. The same information will also be made available to the public.

Such material does not reveal the identity of any individual trader, but does describe the size distribution of larger speculative positions and daily trading on the Chicago Mercantile Exchange in the markets for live cattle, live hogs, and frozen pork bellies. The data on positions relates to traders in reporting status (holding a position of 25 contracts or more in any one future) on individual monthly dates during the period January 31, 1972 to August 30, 1974. The data on trades relates to the size of daily trading of individuals for each trading day during the period October 8, 1974 to December 13, 1974.

The information will be made available for inspection and copying to anyone upon request at the Commodity Exchange Authority office in Washington, D.C. or its Regional Office in Chicago. In accordance with the Department of Agriculture fee schedule, copies of the material will be furnished at a charge of ten cents for each copy of each page.

Issued: March 25, 1975.

ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[FR Doc.75-8135 Filed 3-27-75;8:45 am]

Forest Service

SHAFER BUTTE PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Shafer Butte Planning Unit, Boise National Forest, Idaho. The Forest Service report number is USDA–FS–DES (Adm) R4–75–15.

The environmental statement identifies and evaluates the probable effects of the land use plan for the Shafer Butte Planning Unit on the Boise National Forest, Idaho. The purpose of the plan is to allocate the 49,000 acres of National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, management decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This draft environmental statement was transmitted to CEQ on March 20, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. and Independence Ave., S.W.
Washington, D.C. 20250

Regional Planning Office

USDA, Forest Service
Federal Building, Room 4403
324–25th Street
Ogden, Utah 84401

Forest Supervisor
Boise National Forest
1075 Park Boulevard
Boise, Idaho 83706

District Forest Ranger
Boise Ranger District
1075 Park Boulevard
Boise, Idaho 83706

A limited number of single copies are available upon request from Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Edward C. Maw, Boise National Forest, 1075 Park Boulevard, Boise, Idaho 83706. Comments must be received by May 19, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: March 20, 1975.

M. C. GALBRAITH,
Regional Forester.

[FR Doc.75-8058 Filed 3-27-75;8:45 am]

Rural Electrification Administration

ALLIED TELEPHONE COMPANY OF OKLAHOMA, INC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $2,744,000 to Allied Telephone Company of Oklahoma, Inc., Roosevelt, Oklahoma. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. H. R. Wilbourn, Jr., President, Allied Telephone Company of Oklahoma, Inc., P.O. Box 2177, Little Rock, Arkansas 72203.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. H. R. Wilbourn, Jr. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Allied Telephone Company of Oklahoma, Inc., and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 21st day of March, 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.75-8080 Filed 3-27-75;8:45 am]

CALHOUN CITY TELEPHONE COMPANY, INC.

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $1,955,000 to Calhoun City Telephone Company, Inc., Calhoun City, Mississippi. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mrs. Nora L. Creekmore, Calhoun City Telephone Company, Inc., P.O. Box 578, Calhoun City, Mississippi 38916.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mrs. Nora L. Creekmore. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Calhoun City Telephone Company, Inc., and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 21 day of March, 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.75-8079 Filed 3-27-75;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

APPLIANCE EFFICIENCY

Voluntary Program; Extension of Time for Filing Comments

On March 3, 1975, there was published in the FEDERAL REGISTER (40 FR 8846) a notice of a proposed Voluntary Program for Appliance Efficiency.

Interested persons were afforded 30 days from the date of publication within which to submit written comments or suggestions to the Assistant Secretary for Science and Technology relative to the proposed program.

Following publication of the above notice, several requests for an extension of the time for filing comments were received. These requests were made because of the complexity of the subject area, which bears strongly on both the technical and economic aspects of appliance manufacture.

As the Department of Commerce is concerned that it receive appropriate responses representing the considered views and recommendations of interested persons, the period of time for filing comments or suggestions in the instant proceedings is hereby extended until April 20, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.75-8071 Filed 3-27-75;8:45 am]

COASTAL PLAINS ECONOMIC DEVELOPMENT REGION

Modification of Boundaries

Pursuant to the provisions of section 501(a) of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3181(a)), and having examined pertinent data, I have determined that the Coastal Plains Economic Development Region, composed of parts of the States of North Carolina, South Carolina, and Georgia, meets requirements for enlargement to include certain counties in the States of Florida and Virginia. Accordingly, in response to a unanimous request from the State Members of the Coastal Plains Regional Commission and the Governors of Florida and Virginia, I have today, March 19, 1975, modified the boundaries of the Coastal Plains Economic Development Region so that it now includes the following counties in the five States:

VIRGINIA

COUNTIES

Accomack	King George
Amelia	King William
Brunswick	Lancaster
Buckingham	Mathews
Caroline	Mecklenburg
Charles City	Middlesex
Charlotte	New Kent
Chesterfield	Northampton
Cumberland	Northumberland
Dinwiddie	Nottoway
Essex	Powhatan
Gloucester	Prince Edward
Goochland	Prince George
Greensville	Richmond
Halifax	Southampton
Hanover	Spotsylvania
Henrico	Stafford
Isle of Wight	Surry
Lunenburg	Sussex
James City	Westmoreland
King and Queen	York

INDEPENDENT CITIES

Chesapeake	Norfolk
Colonial Heights	Petersburg
Emporia	Portsmouth
Franklin	Richmond
Fredericksburg	South Boston
Hampton	Suffolk
Hopewell	Virginia Beach
Newport News	Williamsburg

NORTH CAROLINA

Beaufort	Franklin
Bertie	Gates
Bladen	Greene
Brunswick	Halifax
Camden	Harnett
Carteret	Hertford
Chowan	Hoke
Columbus	Hyde
Craven	Johnson
Cumberland	Jones
Currituck	Lenoir
Dare	Martin
Duplin	Nash
Edgecombe	New Hanover

Northampton	Scotland
Onslow	Tyrrell
Pamlico	Vance
Pasquotank	Wake
Pender	Warren
Perquimans	Washington
Pitt	Wayne
Robeson	Wilson
Sampson	

SOUTH CAROLINA

Aiken	Florence
Allendale	Georgetown
Bamberg	Hampton
Barnwell	Horry
Beaufort	Jasper
Berkeley	Kershaw
Calhoun	Lee
Charleston	Lexington
Chesterfield	Marion
Clarendon	Marlboro
Colleton	Orangeburg
Darlington	Richland
Dillon	Sumter
Dorchester	Williamsburg

GEORGIA

Appling	Johnson
Atkinson	Lanier
Bacon	Laurens
Baker	Lee
Ben Hill	Liberty
Berrien	Long
Bibb	Lowndes
Bleckley	McIntosh
Brantley	Macon
Brooks	Marion
Bryan	Miller
Bulloch	Mitchell
Burke	Montgomery
Calhoun	Muscogee
Camden	Peach
Candler	Pierce
Charlton	Pulaski
Chatham	Quitman
Chattahoochee	Randolph
Clay	Richmond
Clinch	Schley
Coffee	Screven
Colquitt	Seminole
Cook	Stewart
Crawford	Sumter
Crisp	Tattnall
Decatur	Taylor
Dodge	Telfair
Dooley	Terrell
Dougherty	Thomas
Early	Tift
Echols	Toombs
Effingham	Treutlen
Emanuel	Turner
Evans	Twiggs
Glascock	Ware
Glynn	Washington
Grady	Wayne
Houston	Webster
Irwin	Wheeler
Jeff Davis	Wilcox
Jefferson	Wilkinson
Jenkins	Worth

FLORIDA

Alachua	Gulf
Baker	Hamilton
Bay	Hernando
Bradford	Holmes
Calhoun	Jackson
Citrus	Jefferson
Clay	Lafayette
Columbia	Leon
Dixie	Levy
Duval	Liberty
Escambia	Madison
Flagler	Marion
Franklin	Nassau
Gadsden	Okaloosa
Gilchrist	Putnam
St. Johns	Union
Santa Rosa	Wakulla
Sumter	Walton
Suwannee	Washington
Taylor	

Inquiries relating to this modification should be addressed to the Special Assistant to the Secretary for Regional Economic Coordination, Room 2092, Main Commerce Building, Washington, D.C. 20230.

FREDERICK B. DENT,
Secretary of Commerce.

[FR Doc.75-8073 Filed 3-27-75;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE OF THE AMERICAN MARKETING ASSOCIATION

Notice of Public Meeting

The Census Advisory Committee of the American Marketing Association will convene on May 6, 1975 at 9 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Marketing Association was established in 1946 to advise the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The Committee is composed of 14 members appointed by the President of the American Marketing Association.

The agenda for the meeting is (1) A general review of current Census Bureau topics including staff changes, budget program developments, status of the Census Black and Spanish Advisory Committees, National Academy of Sciences studies on confidentiality, year 2000 planning program, and Census Bureau work for other government agencies; (2) The statistical system planning process, including 1975 program planning for 1977 and interagency task forces on technical problems in statistics; (3) Status of 1980 Census planning; (4) Economic Census Program-current status, planning for 1977 Economic Censuses, and considerations for rebenchmarking and redesign of the Retail Trade Sample Survey; (5) Program plans for FY 1976 and future years; (6) Report of the Subcommittee on Retail Trade Statistics; and (7) Other subcommittee plans and comments—economic census, 1980 Decennial Census, measures of marketing productivity, and uses of Census Bureau statistics.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least three days prior to the meeting.

Persons wishing to submit questions or statements, planning to attend the meeting, or wishing additional information should contact, Mr. John R. Wikoff, Acting Chief, Business Division, Bureau of the Census, Room 2633, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-7564.

Dated: March 25, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.75-8116 Filed 3-27-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS EDUCATION

Meeting

Pursuant to the Federal Advisory Committee Act (5 U.S.C. Appendix I), the Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of April 1975:

National Advisory Council on Health Professions Education
April 14-15, 1975, 8:30 a.m., Conference Room #6, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland
Open on April 14, 8:30 a.m. to 10:30 a.m.
Closed remainder of meeting

Purpose. The Council advises the Secretary with respect to the administration of programs of financial assistance for the health professions and makes recommendations based on their review of applications requesting such assistance.

Agenda. During the open portion of the meeting, agenda items include administrative matters and reports. During the closed session, the committee will be performing the final review of applications requesting funds for Dental Health Training in Expanded Auxiliary Management, and Dental Health Education. The applications contain detailed information, and are accompanied by evaluations involving solely the internal views and judgments of committee members on individual grant applications, containing program designs and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications and proposals. Therefore, that portion of the meeting will not be open to the public, in accordance with the provisions set forth in section 552(b) (5) and (6), Title 5, U.S. Code and the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92-463, section 10(d).

Anyone wishing to attend, obtain a roster of members or other relevant information, should contact Mrs. Lynn Stevens, Room 4C-06, Building 31, 9000 Rockville Pike, Bethesda, Maryland, Telephone (301) 496-5353.

Agenda items are subject to change as priorities dictate.

That portion of the meeting so indicated is open to the public for observation and participation.

Dated: March 24, 1975.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.75-8084 Filed 3-27-75;8:45 am]

Office of Education

BILINGUAL EDUCATION

Closing Date for Receipt of Requests for Participation in Fellowship Program

Pursuant to the authority contained in the Bilingual Education Act as amended (Title VII of the Elementary and Secondary Education Act of 1965, as amended by Section 105 of the Education Amendments of 1974, Pub. L. 93–380, 84 Stat. 151, 20 U.S.C. 880b), the Commissioner of Education hereby gives notice that requests for participation in the program of fellowships for trainers of bilingual education teachers are being accepted from institutions of higher education, after consultation with, or jointly with, one or more local educational agencies. This notice covers requests for participation during the current fiscal year in the program of award of fellowships to persons preparing to become trainers of bilingual education teachers. A notice of proposed rule making proposing amendments to the regulations in Part 123 of Title 45 CFR to govern this program was published March 12, 1975. As finally published, these regulations will apply to the fellowship program covered by this notice. (See § 123.12–1 of such proposed rule.)

A separate notice for submission of applications for assistance under the Bilingual Education Act was published in the FEDERAL REGISTER on March 12, 1975.

Requests for participation from institutions of higher education must be received by the U.S. Office of Education Application Control Center on or before

A. *Requests for participation.* A request for participation sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue S.W., Washington, D.C. 20202, Attention: 13.403. A request for participation sent by mail will be considered to be received on time by the Application Control Center if:

(1) The request for participation was sent by registered or certified mail not later than April 25, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The request for participation is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered requests for participation.* A request for participation 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 requests for participation will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Requests for participation will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information may be obtained from the Division of Bilingual Education, Bureau of School Systems, Office of Education, Room 3600, 7th and D Streets, S.W., Washington, D.C. 20202. No standard form or format is specified or required.

Pub. L. 93–380 (the Education Amendments of 1974) enacted August 21, 1974, amended the Bilingual Education Act (title VII of the Elementary and Secondary Education Act of 1965) to authorize the Commissioner of Education to award fellowships for study in the field of bilingual education teacher training (20 U.S.C. 880b–9(a)(2)). To ensure that such training activities are designed to fulfill the purposes of the Act the Commissioner intends to award fellowships solely for study in institutions of higher education which have submitted requests for participation in response to this notice and which have had such requests approved by the Commissioner in accord with applicable law and regulations. (Proposed 45 CFR 123.12–1 (b) (c) (d))

In accord with the Notice of Proposed Rule Making printed in the FEDERAL REGISTER on March 12, 1975, requests for participation should contain information as to the nature of the graduate or other program to be carried out and of the capacity of the institution and of such program to fulfill the purposes of the Act.

It is anticipated that each institution of higher education which submits a request for participation will be notified by approximately May 15 whether such request has been approved. Thereafter, it is anticipated that the award of 100 or more fellowships will be completed prior to June 30, 1975.

Although submission of specific items of information is not required, respondents are informed that in the approval of requests for participation in the Bilingual Education Fellowship Program, consideration will be given to the nature of the graduate or other program to be carried out and of the capacity of the institution and of such program to fulfill the purposes of the Act (Proposed 45 CFR 123.12–1(b)(c)). For this reason, in their requests for participation, respondents to this notice may wish to:

1. Estimate the number of fellows to be served.

2. Describe any interdisciplinary aspects of the program.

3. Describe the relevant qualifications of existing or prospective staff members including teaching experience, language ability, and cultural/ethnic heritage with which they are most closely associated.

4. Describe the design, structure, and organizational location of the program. Institutions may wish to suggest how these and related factors, including facilities and equipment, are expected to contribute to the institutional stability of the proposed program in terms of effectiveness, efficiency, and permanency of its role in achieving the purposes of the Act, including institutionalization of the advanced degree program being proposed. (Under most circumstances, it is anticipated that the fellowship program would be based in the graduate section of a school or college of education or the institutional equivalent of such placement.)

5. Discuss the nature, extent, and current or prospective stability of any clinical or field based aspects of the proposed program's general orientation and operation.

6. Consider the selection criteria or other basis which may be used in selecting nominees for Bilingual Education Fellowships.

7. Indicate the pedagogical nature of the proposed program, with particular reference to both the program's own pedagogy and to the pedagogy it seeks to impart to participating fellows and to have them, in turn, impart to teachers or prospective teachers to be trained by them. (It is anticipated that the most desirable and effective programs will be established pedagogically as bilingual programs.)

8. Discuss the theoretical, conceptual, and operational framework and setting of the proposed program, including the comprehensiveness and bilinguality of instruction and curriculum, faculty competencies and experience with respect to bilingual education, and the adequacies of facilities and equipment available for use in implementing and operating the program.

9. Describe the extent and nature of any consultation or coordination, either accomplished or planned, involving culturally, ethnically, linguistically, and professionally appropriate local educational agencies, or community, constituent, and target group representatives in the planning, development, implementation, operation, and evaluation of the proposed programs.

10. Explain how the proposed program will contribute to the establishment and maintenance of bilingual education teacher training programs which fulfill the relative need for teachers, for programs of bilingual education, of various groups of individuals with limited English-speaking ability.

11. Describe how, why, and in what ways the proposed program will serve to improve and enhance the capacity of institutions of higher education (including the proposing institution) and of local or State education agencies (including any directly or indirectly associated with the proposed program) to provide the training activities contemplated by proposed amendments to Part 123 of Title 45 CFR, particularly those discussed in §§ 123.12, 123.12–1, and 123.14 of the proposed amendments published March 12, 1975.

12. Outline the linguistic, cultural, and ethnic orientation of the proposed program.

13. Provide the name, title, position, and address of an individual having primary responsibility for the proposed program, including any administrative requirements which might devolve on the institution of higher education in the event an approved Bilingual Education

Fellowship Program is activated within the institution through award of fellowships for participation.

14. Discuss the competencies which it is anticipated will be possessed by individuals completing the fellowship program. (It is anticipated that these may include: (1) the ability relevant to teaching subject matter in at least two languages, one being English; (2) understanding of the cultural heritage(s) of the target group(s) to be served; (3) experiences in field-based bilingual education programs; (4) demonstrable commitment to the precepts and practices of the bilingual education process; (5) mastery of the knowledge, skills, and techniques, of bilingual education methods; (6) knowledge of and ability to use community and cultural resources in the bilingual teacher training and bilingual education process; and (7) fulfillment of state certification standards and the teaching staff standards of the training institution).

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a). Amendments to the regulations for Bilingual Education Programs (45 CFR Part 123), were published as a notice of proposed rule making in the FEDERAL REGISTER on March 12, 1975. Substantial changes in the current regulations in Part 123 with respect to conditions regarding awards of assistance, activities which may be assisted, priorities and criteria governing award decisions, post award requirements, and other relevant matters are proposed in such notice. Part 123, as altered by such amendments as republished in final form, will govern the operation of the program.

(20 U.S.C. 880b)

(Catalog of Federal Domestic Assistance Number 13.403; Bilingual Education)

Dated: March 25, 1975.

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

[FR Doc.75-8297 Filed 3-27-75;8:45 am]

Social and Rehabilitation Service

STATEMENT OF ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Rehabilitation Services Administration; Deletion

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended) is hereby further amended to delete the Rehabilitation Services Administration, pursuant to the Rehabilitation Act Amendments of 1974, establishing the Rehabilitation Services Administration in the Office of the Secretary.

Under 5.10. Mission, delete the word "rehabilitation," from the mission statement.

Under 5.20. Organization and Functions, in the first paragraph change, "four major central office program organizations" to "three major central office program organizations".

Under 5.20–K, delete the paragraph under Office of Research and Demonstrations (fK12), and insert in lieu thereof the following:

Advises the Associate Administrator for Planning, Research, and Evaluation (OPRE) on all domestic and international R&D activities. Establishes SRS policy regarding domestic and international R&D management, review, and planning. Establishes priorities, plans, and implements the domestic and international R&D program authorized by those portions of the Social Security Act administered by SRS, dealing with income maintenance, medical assistance, and social services. Assesses the priorities, plans and objectives of, and reviews and evaluates the overall R&D program. Provides for the development of policies and guidelines concerning R&D operations throughout SRS. Insures appropriate input of R&D results into program policy, the planning process, and the development of improved service delivery at the State level. Responsible for coordinating SRS participation in international research and exchange activities and for insuring conformance to U.S. foreign policy.

Under 5.20–5S, Office of the Associate Administrator for Information Systems, delete the last two sentences from the paragraph under the Division of Human Services Systems and insert in lieu of the following:

"Develops service delivery management systems which support social services requirements. Develops and maintains classification systems that serve as standards for problems, services, client characteristics, service units, and needs, in support of social service requirements."

Under 5.20, Social and Rehabilitation Service Program Bureaus, delete from the first paragraph the words "the Rehabilitation Services Administration."

Under 5.20, Organization and Functions, delete the entire statement for 5.20–55, Rehabilitation Services Administration.

Under 5.40, Delegations of Authority, delete the following authorities relating to functions of the Rehabilitation Services Administration:

(9) Functions vested in the Secretary by the Vocational Rehabilitation Act, as amended (29 U.S.C. ch. 4).

(10) Functions of the Secretary as Chairman of the National Advisory Council on Correctional Manpower and Training; functions of the Secretary as Chairman of the National Policy and Performance Council; functions of the Secretary as Chairman of the National Advisory Council on Vocational Rehabilitation.

(12) Functions transferred by Reorganization Plan No. 2 of 1946 and Reorganization Plan No. 1 of 1953, to the Secretary from the Office of Education and Commissioner of Education under the Act of June 20, 1936, 49 Stat. 1559 (Randolph-Sheppard Act, 20 U.S.C. ch. 6A).

(14) Authority vested in the Secretary under sections 602(f) and 605(b) of the Public Health Service Act, as amended, to approve applications and requests relating to rehabilitation facilities.

(16) The functions under title XVII of the Social Security Act, as amended (42 U.S.C. 1391 et seq.), relating to grants to States for planning comprehensive action to combat mental retardation.

(17) The functions under parts B, C, and D of title I and the functions relating to grants for the construction of facilities for the mentally retarded of title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (42 U.S.C. 2661 et seq.).

(18) Such of the authority under the Public Health Service Act, as amended, as is necessary to carry out the functions exercised, as of August 1, 1967, by the Division of Mental Retardation, more particularly for the following purposes under the following sections of that act:

(a) Section 301, 42 U.S.C. 241, to make grants for research or research training projects in the field of mental retardation recommended by the National Advisory Health Council; and

(b) Section 303(a), 42 U.S.C. 242a, to make hospital improvement project grants, including institutional improvement project grants to hospitals or other institutions for the mentally retarded (such grants to be made only upon recommendation of the National Advisory Mental Health Council and to be paid in advance or by way of reimbursement as may be determined by, and on such conditions as found necessary by, the Administrator, Social and Rehabilitation Service).

Under 5.40, Delegations of Authority, delete under paragraph (b) Continuation of other delegations, the words, "the Commissioner of Vocational Rehabilitation.".

Under 5.40, Delegations of Authority, delete under paragraph (c) Advisory functions., the words "the Vocational Rehabilitation Administration,".

Under 5.50, Limitations on authority, delete from paragraph (a) the words "the National Advisory Council on Vocational Rehabilitation, the National Policy and Performance Council, the National Advisory Council on Correctional Manpower and Training.".

Under 5.50, Limitations on authority, delete paragraph (c). "An application for designation as a State licensing agency under the Act of June 30, 1936, as amended (Randolph-Sheppard Act, 20 U.S.C. ch. 6A), shall not be disapproved, nor shall a designation made pursuant to that Act be revoked, without prior consultation and discussion by the Administrator with the Secretary."

Under 5.70, Continuation of regulations, delete the words "the former Vocational Rehabilitation Administration, and the Division of Mental Retardation".

The effective date of this amendment is February 5, 1975.

Dated: March 21, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-8075 Filed 3-27-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX 75-11; Notice 2]

DIAMOND REO TRUCKS, INC.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standard

The National Highway Traffic Safety Administration has decided to grant Diamond Reo Trucks, Inc. a temporary exemption from compliance with Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, 49 CFR 571.121, until June 1, 1975.

Notice of petition for the exemption was published in the FEDERAL REGISTER on February 28, 1975 (40 FR 8585) and an opportunity afforded for comment.

Diamond Reo assembled 4,620 commercial vehicles and 4,321 military vehicles in 1974. On December 6, 1974, the company filed for reorganization under Chapter XI of the Federal Bankruptcy Act. One factor in the company's problems was its loss, exceeding $10,000,000, sustained in its military truck contract with the Department of the Army. The company has resumed production at a "greatly reduced volume" but finds that it has in inventory, or is committed to purchase, "an excess of $3,342,000 worth of axles, brakes and wheel equipment, drives, and other related equipment which cannot be used on trucks designed to meet the 121 Standard." Diamond Reo estimates that it can exhaust the inventory by March 1, 1976, by using it in the production of approximately 1,500 trucks. The remainder of Diamond Reo's estimated production for 1975, 3,000 trucks, will conform with Standard No. 121 as of March 1, 1975. If the exemption is denied Diamond Reo, to amortize costs on a one-year basis, would increase vehicle costs by $900 a truck, creating "a unit price which would be non-competitive resulting in a severe curtailment of sales."

One comment was received in response to the petition, submitted by Oshkosh Truck Corporation, which recommended a denial, citing factors of both safety and competition. Oshkosh opposes allowing 1,500 trucks on the public highways that do not comply with Standard No. 121, and the creation of a "non-competitive condition which would require Diamond Reo's competitors to comply with Standard No. 121 and market their trucks at a vehicle cost, unit-price disadvantage in considerable excess of $900."

The filing of a petition in bankruptcy may be viewed as establishing a prima facie case of economic hardship. However, the Administrator must also determine that a temporary exemption is in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act of 1966. Diamond Reo, in spite of its economic difficulties, produced 8,941 trucks in 1974. Its substantial inventory is not surprising in view of its production capacity. The inventory may be used in the replacement market and in present production of trucks for the export market. The most expensive item in the inventory is 617 axle assemblies with a value of $1,452,900, representing over 40 percent of total inventory value. An exemption for a period less than the 12 months requested should allow Diamond Reo to significantly reduce the inventory of the most expensive equipment item while, at the same time, allowing a much smaller number of non-complying trucks on the road than would otherwise be the case. The NHTSA thus believes that an exemption until June 1, 1975, rather than March 1, 1976, would both alleviate Diamond Reo's hardship and meet the need for motor vehicle safety.

For the reasons discussed above the Administrator finds that a temporary exemption would be consistent with the public interest and the objectives of the Act. Diamond Reo Trucks, Inc. is hereby granted NHTSA Exemption No. 75-11 from Motor Vehicle Safety Standard No. 121 *Air Brake Systems*, 49 CFR 571.121, expiring June 1, 1975.

(Sec. 3 Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on March 24, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-8158 Filed 3-27-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-3-82; Docket No. 27436]

AIR NEW ENGLAND, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of March, 1975.

Petition of Air New England, Inc., for establishment of subsidy mail rates pursuant to section 406 of the Federal Aviation Act of 1958, as amended.

The recently concluded *New England Service Investigation* awarded Air New England, Inc., a commuter air carrier under Part 298 of the Board's Economic Regulations, a certificate of public convenience and necessity to provide passenger, property, and mail services over a regional New England route.[1] After several postponements of the effective date of the certificate pending issuance to Air New England of appropriate operating authority from the Federal Aviation Administration, the certificate was made effective by the Board as of January 24, 1975.[2] By a petition filed January 24, 1975, Air New England requests establishment of a final subsidy rate of $3,753,970 for the transportation of mail over its system for successive annual periods commencing January 1, 1975. In addition, the petition requests expedited temporary rate relief adequate to provide for Air New England's cash flow needs pending determination of the final rate.

Answers in support of the petitions were filed by the State of Maine, the State of Vermont, the Lebanon Regional Airport Authority, and the Commonwealth of Massachusetts, respectively, on February 12, 1975, February 10, 1975, January 30, 1975, and March 10, 1975. These will be received as nonevidentiary memoranda under § 302.302 of the Board's rules of practice even though only the Lebanon answer was timely filed. In addition, on February 12, 1975, the State of Maine petitioned to intervene in the proceeding. For reasons fully developed in previous subsidy proceedings, we will deny Maine's petition.[3]

As a newly certificated carrier, Air New England understandably faces singular problems in attempting to justify its subsidy need for 1975 and for subsequent periods. As the petition makes clear, the costs associated with Air New England's expanded operations and responsibilities as a certificated regional carrier cannot be based entirely on experience. Some of the carrier's estimates and projections may be subject to disallowances in the determination of a final rate. Indeed, we have found it necessary to make certain adjustments in arriving at the temporary subsidy rate described below. Nevertheless, under all the circumstances here present, we find that Air New England's petition meets the procedural requirements of Rule 303 of the rules of practice.[4]

[1] Order 74-7-70, issued July 17, 1974. The designated Route 172 authorizes service between New York and Boston, on the one hand, and points in Maine, New Hampshire, Vermont and Massachusetts, on the other, subject to certain conditions and limitations including a subsidy-ineligible restriction on nonstop flights between Portland and Boston, Portland and New York/Newark, and Burlington and Boston.

[2] Order 74-10-69, October 11, 1974; Order 74-12-81, December 20, 1974; Order 75-1-91, January 23, 1975.

[3] *Helicopters, Consolidated Mail Rate Proceeding*, 37 C.A.B. 753 (1962); *Local-Service Class Subsidy Rate*, 38 C.A.B. 1044 (1963); *Northeast Airline, Inc., Mail Rate*, 39 C.A.B. 743 (1963). We consider it well established that, although public bodies may have an economic interest in their air service, and such service might depend on the availability of subsidy support, this does not constitute the direct interest necessary to support intervention in a subsidy rate case. Such persons may, of course, file memoranda in support of, or in opposition to, orders to show cause under Rules 302 and 305(c).

[4] In this connection, however, we note that the petition requests that the fair and reasonable subsidy mail rate determined by the Board be based upon the carrier's projection of its operations for calendar year 1975. The carrier claims that, although its certificate was not yet effective on January 1, 1975, its operations and the costs thereof were the same as if it were certificated. However, in its interpretation of section 406(a) of the Federal Aviation Act, the Board has consistently held that subsidy is payable only to carriers holding certificates under Section 401 of the Act authorizing the transporta-

In support of its request for temporary rate relief, Air New England contends that in the months prior to certification it experienced substantial increases in operating expenses. These, it alleges, were caused primarily by costs incurred in meeting the requirements of certificated operations. Additional expenses cited by the carrier include those stemming from compliance with Form 41 reporting requirements, payments for security personnel and equipment, interline arrangements with other certificated carriers, purchase of FH-227 aircraft for use in its higher-density markets, high interest costs and increased personnel requirements. In addition, the carrier states that increased fuel costs, inflation, and the general state of the economy have adversely affected its costs and revenues. Air New England claims that these factors, together with the seasonal nature of its traffic flows, have resulted in a serious depletion of its working capital. According to the carrier, immediate temporary subsidy relief is required if it is to continue the services for which it has been certificated.

As set forth in the Board's Statement of General Policy, 14 CFR 399.30, it is the policy of the Board to fix temporary subsidy rates only when emergency action is required—at levels designed to provide such revenues as are deemed necessary for continuation of operations—prior to the establishment of a final subsidy rate. Furthermore, temporary subsidy is granted only to an extent that minimizes the likelihood of overpayment. We have reviewed Air New England's supporting data and find that, based on this data and other relevant material, it is in the public interest, and in accordance with established Board mail-rate policy, to provide the carrier with temporary subsidy relief. Further, we tentatively find that the appropriate temporary rate is that proposed herein.

As also indicated in 14 CFR 399.30, it is the Board's policy to base temporary subsidy rates on the carrier's break-even need for eligible operations, plus its interest charges on long-term debt. In the case of Air New England, it is clear that past operations as a Part 298 commuter carrier do not entirely reflect the expenses which it must bear as a certificated carrier. Accordingly, and for the reasons outlined below, we have calculated a temporary rate based partly on Air New England's recent cost experience as a commuter carrier, partly on the carrier's forecast for certificate operations, and partly on the experience of other carriers in areas in which Air New England has had no experience, such as in the operation of FH-227 aircraft.[6]

Air New England is a small carrier compared to the established local service carriers.[7] The bulk of its operations have been, and will continue to be, performed with small aircraft types not generally used by the locals.[8]

The carrier has had considerable experience as a commuter carrier. Its small-aircraft operations during the fourth quarter of 1974 were on much the same scale as it will experience as a certificated carrier. Therefore, the Board believes that the recent cost experience of Air New England as a commuter carrier provides a reasonable basis for estimating operating costs for its small aircraft operations projected for 1975.[9] For the portion of Air New England's forecast operations which will use FH-227 equipment, the costs experienced by Ozark and Piedmont for the year ended September 30, 1974 provide the best available data on which to base a temporary rate.[9] A detailed explanation of the methods used to estimate operating expenses is set forth in Appendix A to this order.[10]

Air New England's petition does not provide a reasonable basis for estimating other operating expenses needed to compute a temporary subsidy rate. For example, no systematic attempt was made to relate forecast operating expenses to recent experience, in spite of the fact that the carrier's operations and route systems were not changed dramatically as a result of certification. Absent the detailed information needed to substantiate the relatively high-cost forecasts made by Air New England, the Board has relied on recent experience to the extent practicable.[9]

In determining the amount of operating break-even need, we have tentatively accepted Air New England's projection of operating revenues for subsidy-eligible services. The Board notes, however, that Air New England's forecast revenues are based to some extent on fares that are below the coach-fare formula prescribed in Phase 9 of the *Domestic Passenger-Fare Investigation* (DPFI).[10] The carrier should be aware that we will carefully scrutinize its fares and revenues and final subsidy rates for either future or past periods may be adjusted accordingly.

We also have tentatively accepted the carrier's estimate of security costs for temporary rate purposes because of the relatively thorough documentation of these projected expenses supplied by Air New England and by various owners and/or managers of airports that the carrier serves. We are not, however, passing on the acceptability of such costs for the purpose of determining a final rate, and we will expect the carrier to justify their reasonableness. We also intend to explore the propriety of fully underwriting net security costs with subsidy. The Board has tentatively stated that the local service carriers should be able to recoup security costs through the fare flexibility allowed them in the final decision in Phase 9 of the DPFI.[11]

Air New England's forecasts of interest expense have been accepted and included in the temporary rate, subject to the following adjustments. First, several of Air New England's loans stipulate that the rate of interest be tied to the level of the prime rate.[12] Because the prime rate has declined from its peak reached in late 1974, the Board has adjusted the carrier's projected interest expense for three loans to reflect the lower prime rate. In addition, the Board is of the opinion that the interest on future working capital loans to be provided by Delta Air Lines and New England Merchants National Bank should not be recognized in this temporary subsidy rate. Although approved by the Board, the loan agreement with Delta is contingent upon additional debt and equity financing.[13] The carrier has not yet obtained a firm commitment from New England Merchants National Bank. Moreover, there is no certainty as to when, or in what amounts, these loans may be drawn upon or the interest rates they will bear. Similarly, loans for the Hyannis hangar have not been recognized because they have not yet been drawn upon and the projected interest expenses are uncertain.

In light of the foregoing adjustments, the tentative estimated operating break-even need for Air New England, including forecast security costs of $550,567 and anticipated security surcharge revenues, would amount to $1,558,984 for the annual period commencing January 24,

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tion of mail on a subsidy-eligible basis. Accordingly, Air New England's eligibility for subsidy will commence on the effective date of its certificate, January 24, 1975.

[5] Although the Board has already determined in Docket 22973 that, for certain purposes, Air New England shall be treated as a local-service carrier (see Orders 74-10-101, 74-10-102, and 75-1-118), we tentatively agree with Air New England's position that the local-service class subsidy rate is not sufficiently indicative of its seasonal, small aircraft operations to serve as the basis for the temporary relief proposed herein.

[6] About 73 percent of Air New England's forecast aircraft miles for subsidy-eligible services will use DC-3, Beech 99, and DHC-6 aircraft. The remaining 27 percent of its subsidy eligible operations are forecast to be performed with FH-227 equipment in 1975. (As indicated above, certain of Air New England's service between Boston, New York/Newark, Portland and Burlington are subsidy-ineligible, as stated in its certificate.)

[7] Normally, we would base future estimates on annual data. However, in this case, we believe the fourth quarter is more indicative of the costs Air New England is likely to experience. During this period, Air New England was transforming its operations from a commuter to a certificated carrier and thereby was experiencing expense levels which appear more representative of certificated operations.

[8] While some of Piedmont's and Ozark's FH-227 operating costs, such as fuel costs, are lower than those projected by Air New England, other costs, such as maintenance expense and pilots salaries are undoubtedly higher. Thus, the average operating cost should approximate what Air New England will experience. Air New England proposes to operate these aircraft over an average stage length of about 90 miles. Although this is some 10-15 miles shorter than the combined length of hop experienced by Piedmont and Ozark, the differences will not materially affect cost estimates.

[9] The carrier supplied monthly cost data for 1974 in the form it used for corporate purposes. However, as a Part 298 carrier, Air New England did not maintain its accounts in the detail required for a certificated carrier and such data was not sufficient to evaluate Air New England's forecast unit costs.

[10] Order 74-12-109, December 27, 1974.

[11] Order 74-3-82, March 18, 1974 and Order 74-9-82, September 23, 1974.

[12] New England Merchants Consolidated, Norfolk County Trust, and Delta Equipment.

[13] See joint application of Air New England and Delta in Docket 27426. Also Order 75-3-27, March 10, 1975.

[10] Appendix A is filed as part of the original document.

1975. For the same period we tentatively forecast an adjusted interest expense of $377,679. Based on such estimated operating break-even need and interest expense, we find it reasonable to provide Air New England, on and after January 24, 1975, with annual temporary subsidy compensation of $1,936,663.[14]

Air New England requests that its subsidy payments reflect the seasonal nature of its traffic. The Board will grant the carrier's request.[15] We will pay 60 percent of Air New England's annual subsidy in the winter months (November through April, inclusive), 30 percent in the shoulder months (May, June, September, and October), and 10 percent in the peak summer months (July and August). The payout schedule is shown below. The determinations of the base miles and the seasonal rates are shown in Appendix A, Tables III and IV.[15a]

On the basis of the foregoing, we tentatively find and conclude that the fair and reasonable temporary rate of compensation to be paid to Air New England, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the subsidy-eligible services connected therewith between the points which the carrier has been, is presently, or hereafter may be authorized to transport mail by its certificate of public convenience and necessity, is the sum of (a) the service mail rates as heretofore and hereafter established for the carrier by orders of the Board,[16] and (b) subsidy as follows:

For each calendar month on and after January 24, 1975, in which miles designated by the Postmaster General for the transportation of mail are flown, an amount determined by multiplying the appropriate rates stated below by the scheduled subsidy-eligible miles flown during the month, or the appropriate base mileage times the number of days in the month, whichever is lower:

Period of operations	Rate per mile	Daily base mileage [1]
Jan. 24, 1975, through Apr. 30, 1975	$0.7196	8,922
May 1, 1975, through June 30, 1975 [2]	.4333	10,991
July 1, 1975, through Aug. 31, 1975 [2]	.1768	17,666
Sept. 1, 1975, through Aug. 31, 1975 [2]	.4333	10,991
Nov. 1, 1975, through Apr. 30, 1976 [2]	.7196	8,922

[1] Pending the final determination in this proceeding of the number of Air New England's schedules required under honest, economical, and efficient management, in the interest of commerce, the Postal Service, and the national defense, the daily base mileage for subsidy-eligible service set forth below is deemed reasonable for the purpose of establishing a temporary rate.

[2] And similar periods in succeeding years.

The scheduled revenue plane-miles flown shall be computed on the direct airport-to-airport mileage [17] between the points actually served on each revenue trip operated over Air New England's authorized subsidy-eligible routes pursuant to its flight schedules filed with the Board including all revenue trips operated as extra sections thereto.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 406, and 1002 (b) thereof, and the regulations promulgated in 14 CFR 302,

It is ordered, That: 1. Air New England, Inc. is directed to show cause why the Board should not fix, determine, and publish the aforesaid rate as the fair and reasonable temporary rate of compensation to be paid Air New England for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over that part of the carrier's system which is eligible for subsidy pending the fixing of a final subsidy rate in the instant proceeding.

2. Further procedures with respect to the temporary rate proposed herein shall be in accordance with the Board's rules of practice, particularly Rule 302, *et seq.*, and, if there is any objection to the rate specified herein, notice thereof must be filed within eight days, and, if notice is filed, written answer and supporting documents must be filed within 15 days after the date of service of this order.

3. If notice of objection is not filed within eight days, or if notice is filed and answer is not filed within 15 days after service of this order, or, if an answer timely filed raises no material issue of fact, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the temporary subsidy rate specified herein.

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR, § 302.307.

5. This proceeding shall remain open pending entry herein of an order fixing final rates retroactive to such date as the Board may determine, which final rates may be lower or higher than the temporary rates fixed herein.

6. The petition to intervene in this proceeding, filed by The State of Maine on February 12, 1975, is hereby denied.

7. This order shall be served upon all parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-8022 Filed 3-27-75;8:45 am]

[14] For a full explanation of the calculations used by the Board in arriving at the proposed temporary rate see Appendix A attached to this order.

[15] Seasonal subsidy payments for the Alaskan carriers have been Board policy for several years.

[15a] Filed as part of the original document.

[16] See Order 75-1-118, January 29, 1975.

[17] 14 CFR 247.1.

[Docket No. 23080-2]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES INVESTIGATION

Postponement of Hearing

Notice is hereby given that the hearing heretofore scheduled for March 25, 1975 (40 FR 7127, February 19, 1975) in the above-entitled proceeding has been postponed to June 24, 1975, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C.

Dated at Washington, D.C., March 25, 1975.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.75-8124 Filed 3-27-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. Law 92-28; 85 Stat. 79, of the proposed additions of the following commodities to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 8020

Roller, Paint w/Cover
8020-00-753-4914
8020-00-753-4915
Cover, Roller, Paint
8020-00-682-6489
8020-00-682-6490
8020-00-682-6491
8020-00-682-6492

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.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-8086 Filed 3-27-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from March 17 through March 21, 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. (May 12, 1975.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3853.

FOREST SERVICE

Draft

Communication Sites, Chugach and Tongass National Forests, Alaska, March 20: The statement is a supplement to a final EIS filed with CEQ 7 September 1973. Proposed is the construction of antenna towers and support facilities to provide RCA micro-wave links from Angoon to Ketchikan, Lena Point to Cape Spencer, and Meyers Chuck to Thorne Bay-Hydaburg. No road construction is involved, but the structures will detract from the natural beauty of the areas. (ELR Order No. 50388.)

Santa Catalina Planning Unit, Colorado National Forest, Pima and Pinal Counties, Ariz., March 20: The statement presents a number of land-use alternatives for the management of Santa Catalina Unit, Cornado National Forest. The alternatives include further development of recreation facilities to provide for the increasing population of the area as well as preservation of scenic quality. (ELR Order No. 50381.)

Apalachicola National Forest Timber Plan, several counties in Florida, March 19: Proposed is the implementation of a revised 10-year Timber Management Plan for Apalachicola National Forest. Estimated annual yield from approximately 4,600 acres of regeneration cuts will be 11.1 million board feet of sawtimber and 45 thousand cords of small roundwood. Adverse effects include temporary loss of pleasing forest scenery from timber cutting, other silvicultural treatments, and road construction. (ELR Order No. 50377.)

Osceola National Forest Timber Plan, Baker and Columbia Counties, Fla., March 19: The proposed action is the implementation of the revised 10-year Timber Management Plan for Osceola National Forest. Estimated annual yield from approximately 1,800 acres of regeneration cuts and 3,300 acres of intermediate cuts will be 6.3 million board feet and 36 thousand cords of small roundwood. Adverse impacts include degradation of forest scenery and road construction. (ELR Order No. 50379.)

Landmark Planning Unit, Boise National Forest, Valley County, Idaho, March 19: The statement concerns the land use plan for Landmark Planning Unit, Boise National Forest. The unit's 155,830 acres will be divided into management areas for protection use, and development. Recreation opportunities will receive minor modification, with dispersed opportunities restricted somewhat and opportunities at developed sites enhanced (45 pages). (ELR Order No. 50376.)

Tchoutacabouffa Unit, DeSoto National Forest, Harrison and Stone Counties Miss., March 17: The statement concerns the management plan for Tchoutacabouffa Unit, DeSoto National Forest. Environmental impacts will result from timber harvesting and other timber management activities, road reconstruction, grazing, off-road vehicle use, prescribed burning, and use of pesticides on the 40,163-acre unit (130 pages). (ELR Order No. 50358.)

Deschutes, Fremont, Ochoco, and Winema National Forests, several counties in Oregon, March 20: The statement concerns the use of amitrole, atrazine, dalapon, dicamba, 2,4,5-T, 2,4-D, silvex, and picloram on the following National Forests: Deschutes, Fremont, Ochoco, and Winema. The use of these chemicals will put herbicide residues into the environment in varying amounts, depending upon the chemical used. The killing of some non-target species and the hazard of an altered habitat to wildlife are among the adverse impacts of vegetation management. (ELR ORDER No. 50385.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Alma Unit 6 and Transmission Lines (2), several counties in Wisconsin, March 17: The statement, a revised draft, refers to Dairyland Power Cooperative's request for $91,800,000 in loan funds for the construction of Alma Generating Unit No. 6 and 79 miles of 161 kV transmission lines. The addition of the unit will require the acquisition of 105 acres of land. Adverse impacts include emissions from the coal burning unit and visual intrusion upon the landscape (62 pages). (ELR Order No. 50353.)

SOIL CONSERVATION SERVICE

Draft

Jordan Creek Watershed, Warren County, Ind., March 19: The statement concerns a project for watershed protection, flood prevention, and drainage for nearly 27,500 acres of the Jordan Creek Watershed. Twenty-three acres of wooded habitat will be destroyed as a result of 27.5 miles of channel reconstruction, and noise, pollution, and destruction of benthos will result from dredging. (ELR Order No. 50378.)

Duralde-des Cannes Watershed, Acadia and Evangeline Counties, La., March 17: The statement concerns a project for watershed protection and flood prevention on 36,440 acres of cropland and pastureland in Acadia and Evangeline Parishes, Louisiana. An estimated 209 miles of channel work and installation of five structures for water control are included. The five weirs will permanently inundate 21 acres of land. Approximately 327 additional acres of land will be committed to new channels, berms, and spoil. (ELR Order No. 50366.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

Draft

Maine Coastal Zone Management Program, Maine, March 21: The statement concerns the application for the Coastal Zone Management Program for the mid-coast segment of Maine. Approval and implementation of the program will restrict or prohibit land and water uses in certain parts of the Maine coast while promoting and encouraging development in other parts. This may affect property values, property tax revenues, and resource extraction or exploration. (ELR Order No. 50394.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6861.

Draft

White River Channel Maintenance, several counties in Arkansas, March 19: Proposed is the maintenance dredging of a 188-mile navigation channel from mile 9.8 to Newport, Arkansas. The channel provides a transportation route for agricultural goods. Adverse impacts include disruption of benthic habitat, and alteration of the river's natural appearance. (ELR Order No. 50374.)

Calumet Harbor and River, Dredging and Disposal, Illinois and Indiana, March 20: The statement concerns the periodic maintenance dredging of Calumet Harbor and River and disposal of spoil in an existing disposal site in Lake Calumet. The project is located on the southwest shore of Lake Michigan within the Chicago city limits. Adverse impacts include the disturbance of bottom sediments and the removal of pollution-tolerant organisms and the possibility of pollutants entering the Calumet River as the disposal site reaches capacity. (Chicago District.) (ELR Order No. 50387.)

Rathbun Dam and Lake, Operation and Maintenance, several counties in Iowa, March 20: The statement concerns the continued operation and maintenance of Rathbun Lake, located in portions of Appanoose, Wayne, Lucas, and Monroe Counties, Iowa. The plan consists of water control regulation, operation and maintenance of recreation areas, and management of project land and water resources. Shoreline erosions, disruption of recreation use, and damage to project roads and recreation areas result from the fluctuations related to flood control operations. (Kansas City District.) (ELR Order No. 50383.)

Oblon Creek Project, several counties in Kentucky, March 17: Proposed is a flood control project for Graves, Hickman, Carlisle and Fulton Counties, Kentucky, which provides for about 34 miles of channel enlargement, about 8 miles of new channel construction and 3 miles of channel improvement of Hurricane Creek. The dredged material will be placed on a closed spoil bank along 8 miles of the new channel work. Adverse impacts include disruption of the benthic habitat, temporary increases in stream turbidity, noise, solid wastes, air pollution, and reduction in wildlife availability and fishery values. (Memphis District.) (ELR Order No. 50362.)

Muskegon Harbor, Mitigation of Shore Damage, Muskegon County, Mich., March 17: This project entails the establishment and maintenance of seven beach nourishment supply sites to provide immediate and continued relief to damaged shore areas in the vicinity of Muskegon Harbor, Michigan. Approximately 70,000 cubic yards of sediment will be dredged from the harbor mouth and deposited in seven selected sites. Benthos at the nourishment sites will be smothered and operations would cause temporary migration of fish due to turbidity, small losses of benthic life at the dredging site, and temporary construction disruption. (Detroit District.) (ELR Order No. 50361.)

Wears Creek and Jefferson Creek, Cole County, Mo., March 19: Proposed is the construction of a flood protection project consisting of enclosing the lower reaches of Wears Creek in a covered conduit and filling the surrounding area with hydrolic fill dredged from the Missouri River. The project will displace 135 residences and 70 businesses, and will result in the loss of recreational potential of the natural Wears Creek setting, relocation of five historic buildings, and removal and relocation of some railway transportation facilities which serve area industry. (Kansas City District.) (ELR Order No. 50380.)

Elmsford-Greenburg Flood Control (2), Westchester County, N.Y., March 20: The statement is a revised draft concerning the flood control project for the Village of Elmsford and the Town of Greenburg on the Saw Mill River. The plan consists of channel modifications, approximately 5,300 feet of levees and floodwalls, ponding areas, a pumping station, and associated interior drainage facilities. The structures would alter the aesthetic value, vegetation, and fish and wildlife habitat of the streams and land. (ELR Order No. 50384.)

Dunkirk Harbor Maintenance, Chatauqua County, N.Y., March 20: Proposed is the periodic dredging of about 20,000 cubic yards of sediment from Dunkirk Harbor navigation

channels. Spoil will be deposited in a confined disposal facility at Buffalo. Also planned is the periodic maintenance of the existing pier and breakwater. Adverse impacts include resuspension of toxic chemical materials, disturbance of existing fish populations, turbidity and changes in water color, and generation of noise and dust during the placement of structural materials. (Buffalo District.) (ELR Order No. 50386.)

Scuppernong River Flood Control, Washington County, N.C., March 17: Proposed is the construction of a flood control and drainage project on Scuppernong River and Mauls Creek, consisting of about 4.1 miles of channel modification. Adverse impacts include the conversion of swamp forest and old disposal areas to grasses, loss of about 12 acres of swamp forest, and slight damages to fishery resources. (Wilmington District.) (ELR Order No. 50359.)

Ashtabula Harbor, Operations and Maintenance, Ashtabula County, Ohio, March 17: Proposed is the maintenance dredging of Ashtabula Harbor of approximately 140,000 cubic yards of sediment annually, which will be deposited in a designated area of Lake Erie. Adverse impacts include the disturbance of the benthic habitat and the further chemical and biological degradation of Lake Erie caused by open-lake dumping. (Buffalo District.) (ELR Order No. 50357.)

Lower Snake River Fish and Wildlife Compensation, Washington and Idaho, March 17: Statement concerns a report proposing compensatory measures to offset the fish and wildlife losses due to construction on the Lower Snake River. The report recommends the construction of hatcheries, the acquisition of streambank access on tributaries for fishing, and acquisition of easements for hunters. A total cost estimate is $47,972,319. Construction of hatcheries will result in disturbance of the landscape. (ELR Order No. 50365.)

Final

Savannah Harbor, Sediment Basin Project, March 18: The proposed project is the construction of a sediment basin and tide-gate structure in Back River, Savannah Harbor, and construction of a fresh-water diversion system for the Savannah National Wildlife Refuge and adjacent areas. Adverse impacts stemming from the project are lowering of water quality, upstream advancement of the salt water wedge in Middle and Back Rivers, and the use of the use of abandoned rice fields as spoil areas. Comments made by: EPA, DOC, HEW, DOI, and State and local agencies. (ELR Order No. 50372.)

NAVY

Draft

Naval Petroleum Reserve No. 4, Zone A, Alaska, March 17: The statement concerns a 3- year project to locate producible oil and natural gas on the 37,000 square mile Naval Petroleum Reserve No. 4 on the North Slope of Alaska. Adverse impacts include: increases in animal mortality rate, irreparable vegetation damage, extensive permafrost damage, serious alterations in drainage patterns, ecological repercussions to endangered species and ecosystems, and reduction in the wilderness qualities of the area (84 pages). (ELR Order No. 50354.)

Military Housing, Fort Story, Virginia Beach, Va., March 20: Proposed is the construction of 600 units of military housing by the United States Navy. These 576 four-bedroom and 24 five-bedroom units will be located on approximately 81 acres of Ft. Story, Virginia Beach, Virginia. Construction will result in removal of existing vegetation and relocation of wildlife. (ELR Order No. 50393.)

The following notice should have appeared in the FEDERAL REGISTER of March 13, 1975 instead of the notice for Highway N2, Lincoln Urban Arterial.

N-71, Scotts Bluff County, Nebr., March 6: The project involves the improvement of N-71 so as to provide a high capacity roadway facility which will meet the service requirements of an area located in and near the urban limits of Gering, Terrytown and Scottsbluff. The improvement of N-71 will be for a length of approximately 8 miles and will consist of intersections, drainage structures, and a possible new bridge over the North Platte River. Adverse impacts include increases in the levels of air, water, and noise pollution during construction, and some loss of wildlife. Figures involving the amount of acreage needed, and the number of families who must be relocated vary depending on the alternate chosen. (ELR Order No. 50320.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Draft

Southeast Regional Reclamation Authority, Orange County, Calif., March 20: The statement concerns the Southeast Regional Reclamation Authority's project to provide a method of disposal for the existing regional wastewater treatment system. The current method, an ocean outfall, is overloaded and unreliable. Two alternatives land discharge for reclamation and ocean discharge for disposal receive the major focus. All projects will include construction and associated disruptions. (ELR Order No. 50391.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451, 7th Street SW., Washington, D.C. 20410, 202-755-6295.

Draft

Neighborhood Development, Denver (Supplement), Denver County, Colo., March 20: The statement is a supplement to a final eis filed with CEQ 9 January 1973. The current proposal of the Neighborhood Development Plan includes the acquisition of eleven parcels of land and the demolition of twelve structures. The land will be cleared for 80 units of medium-density high-rise apartments and 60 units of medium-density garden apartments. (ELR Order No. 50390.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

Draft

Sherwood Uranium Project, Stevens County, Wash., March 18: The proposed action involves approval of a lease allowing development of a urantum mine and processing facilities near the town of Wellpinit on the Spokane Indian Reservation. The proposal, which includes an open pit mine for the extraction of an estimated 7,922,000 tons of uranium ore, would affect 580 acres of brushland and forestland. The landscape will have a changed physical appearance and general access to the area will be restricted. (ELR Order No. 50373.)

NATIONAL PARK SERVICE

Draft

Kaloko Honokohau National Cultural Park, Hawaii County, Hawaii, March 17: Proposed is the establishment of a Kaloko, Honokohau National Cultural Park on the North Kona coast of Hawaii County. The Park will contain 750 acres of land and 550 acres of adjacent offshore water area and will be managed so as to preserve Hawaiian culture. There will be an impact on current landowners in that plans for a resort-recreation complex will not be realized. (ELR Order No. 50355.)

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

Draft

Isbell Field, Fort Payne, DeKalb County, Ala., March 18: The statement concerns the improvement of Isbell Field in Fort Payne, Alabama. The plan includes lengthening the runway, constructing a new terminal area and access road, and relocating a county road. One family will be displaced. (ELR Order No. 50371.)

Weir Cook Municipal Airport, Indianapolis, Marion County, Ind., March 17: The statement concerns a three-stage plan to improve Weir-Cook Municipal Airport in Indianapolis over a period of 17 years. The plan includes construction of a new taxiway, parking facilities, terminal building, runways, and Instrument Landing System. Implemention of the project will result in the loss of approximately 2,118 acres to other uses, displacement of 91 families, and increased noise and air pollution (165 pages). (ELR Order No. 50368.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Crosstown Transportation Corridor, Santa Barbara, Santa Barbara County, Calif., March 17: Proposed is the construction of a 2.6-mile, 4-lane freeway and railroad transportation corridor extending from Salinas Street to Carrillo Street, following the alignment of Route 101. From 275 to 1,150 persons will be displaced, depending upon the alternative route chosen, and some residential areas will experience increased noise levels. (ELR Order No. 50352.)

17th Street, Idaho Falls, Bonneville County, Idaho, March 17: Proposed is the improvement of a 0.6 mile section of 17th Street between South Boulevard and Yellowstone Avenue in Idaho Falls. The street would be widened from two to four lanes of traffic. The existing two-lane railroad underpass structure would be retained for two lanes of westbound traffic and a new railroad underpass constructed for east-bound vehicles. The project will require the cutting of trees and encroachment upon private property for right-of-way (ELR Order No. 50367.)

I-10, Eden Isles Drive Interchange, St. Tamany County, La., March 17: Proposed is the construction of a standard rural diamond interchange linking I-10 and Eden Isles Drive. The project will be funded by Leisure, Inc. to provide a more convenient access to I-10 for residents of Eden Isles Subdivision. Thirty-five acres of land and four acres of Spartina marsh will be committed to the project. (ELR Order No. 50360.)

STH 20, I-94 to Oakes Road, Racine County, Wis., March 20: Proposed is the improvement of a 4.3 mile section of STH 20 from I-94 to Oakes Road in the Town of Mt. Pleasant, Wisconsin. The project consists of the construction of an additional 2-lane roadway parallel to the existing STH 20, separated by a grass median. The right-of-way has already been purchased. About 70 mature trees would be removed (220 pages). (ELR Order No. 50382.)

Final

State Road 84, Broward Co., Broward County, Fla., March 17: Proposed is the reconstruction from two to six lanes, of six miles of S.R. 84 between I-75 and S.R. 817.

Adverse impact will include the taking of 242 acres of land for right of way, and the displacement of 21 families, 8 businesses, and one farm. Comments made by: EPA, DOI, HEW, USDA, and State and local agencies. (ELR Order No. 50351.)

95th St. Improvement, Overland Park, Johnson County, Kans., March 17: The project involves the improvement of 95th St. between the east frontage road of I-35 in Lenexa to the Bluejacket Drive intersection in Overland Park. Adverse impacts are the use of additional land for right-of-way, increased noise levels, and temporary, construction-related increases in air pollution (42 pages). Comments made by: USDA, COE, HEW, EPA, USCG, HUD, DOC, and State and local agencies. (ELR Order No. 50356.)

Kansas Rte. 6, Kansas City, Wyandotte County, Kans., March 19: The statement refers to the proposed construction of 0.948 mile of Kansas Rte. 6 from I-635 to the Fairfax Industrial District, all in Kansas City, Kansas. Included will be right of way acquisition, grading, bridges, fencing, seeding and high type pavement. Adverse impacts include, the relocation of some residents, increased noise levels, and inconveniences normally associated with construction (132 pages). Comments made by: HEW, HUD, DOI, USDA, COE, USCG, OEO, DOC, and one State agency. (ELR Order No. 50375.)

U.S. 54 and K-96, Butler County, Kans., March 20: The project involves the improvement of 13 miles of U.S.-54 and K-96; to meet freeway standards. The facility will be a 4-lane highway with controlled access. Depending upon the alternate chosen, the project will require from 338 to 622 acres of land for right-of-way and displace 0 to 42 homes, 0 to 5 farms, 0 to 10 businesses and 1 nonprofit organization. Four to 14 land severances will occur. Adverse impacts are: loss of agricultural land, loss of wildlife, alterations or destruction of terraces, waterways and ponds resulting in erosion, and water pollution. Increases in noise pollution levels will occur. Comments made by: USDA, HEW, USCG, COE, EPA, DOT, HUD, OEO, DOI, and State agencies. (ELR Order No. 50389.)

(71 pages), Blue Earth County, Minn., March 17: Proposed is a 4.5 mile bypass of the City of Mankato. The highway will require 264 acres for right-of-way, including 95 acres of good agricultural land; 16 families and 2 businesses will be displaced (39 pages). Comments made by: DOI, EPA, HEW, DOT, USDA, COE, DOC, and State agencies. (ELR Order No. 50363.)

I-10, Jackson County, Miss., March 17: Proposed is the construction of an 18.9 mile segment of I-10 from S.R. 57 to the Mississippi-Alabama State line. The segment would complete I-10 across the Mississippi Gulf Coast. Approximately 98% of the right-of-way land has been acquired, displacing 30 families and 7 businesses. The highway will also bisect the nesting area of the Mississippi Sandhill Crane, an endangered species. A bridge will be constructed on the Pascagoula River Marsh and will center primarily on the dredging of the work canal. Comments made by: EPA, USCG, DOI, USDA, HUD, and State and local agencies. (ELR Order No. 50364.)

I-79, Kanawha Co., W. Va., March 20: The statement refers to the construction of a 14 mile segment of I-74. The 4-lane, limited access highway connects Big Chimney and the Roane County Line. Adverse impacts are increased air and noise pollution, and the displacement of families and businesses. Comments made by: FPC, COE, EPA, DOI, USDA, and State and local agencies. (ELR Order No. 50392.)

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.

Draft

VA Hospital, 420-Bed Replacement, Augusta, Richmond County Ga., March 18: Proposed is the construction of a 420-Bed Replacement Veterans Hospital within the Urban Renewal Medical Center complex of Augusta. Adverse impacts include construction disruption and increased traffic in the area. (ELR Order No. 50370.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-8053 Filed 3-27-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 351-8]

AIR POLLUTION CHEMISTRY AND PHYSICS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Air Pollution Chemistry and Physics Advisory Committee will be held at 9 a.m., April 17 and 18, 1975, in Conference Room A, Crystal Mall Building 2, 1921 Jefferson Davis Highway, Arlington, Virginia 20460.

This is the regular spring meeting of this committee. The agenda will include (a) ambient sulfates, (b) atmospheric fine particulate matter, (c) Freon problem, (d) oxidant measurement calibration, and (e) energy-related air pollution research.

The meeting will be open to the public. Any member of the public wishing to participate or present a paper should contact Dr. Alfred H. Ellison, Deputy Director, Chemistry and Physics Laboratory, Environmental Protection Agency, National Environmental Research Center, Research Triangle Park, North Carolina (919-549-8411, extension 2191).

JOHN BUCKLY,
Acting Assistant Administrator for Research and Development.

MARCH 21, 1975.

[FR Doc.75-8046 Filed 3-27-75;8:45 am]

[(FRL 352-7) OPP-261002]

AMCHEM PRODUCTS, INC.

Withdrawal of Pesticide and Food Additive Petitions

On August 15, 1974, the Environmental Protection Agency gave notice (39 FR 29417) that Amchem Products, Inc., Brookside Ave., Ambler PA 19002, had filed a petition (FAP 5H5056) with the Agency. This petition proposed the establishment of a food additive tolerance for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on raisins at 10 parts per million resulting from application of the plant regulator to growing grapes.

Amchem Products, Inc., has withdrawn this petition without prejudice in accordance with the regulations (21 CFR 121, § 121.52) pertaining to section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348).

Dated: March 24, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-8128 Filed 3-27-75;8:45 am]

[FRL 352-3]

NORTH DAKOTA NAVIGABLE WATERS

Public Hearing and Request for Approval of State Program

A public hearing to consider the request of the State of North Dakota for state program approval to participate in the National Pollutant Discharge Elimination System (NPDES) permit program for the control and abatement of discharges into waters of the State in compliance with the 1972 amendments to the Federal Water Pollution Control Act, 33 U.S.C.A. sections 1251-1376 (Supp. 1973), (hereinafter, the Act) will be held on Tuesday, May 6, 1975, at 10 a.m. in the Large Hearing Room, State Capitol Building, Bismarck, North Dakota.

Section 402(b) of the Act provides that the Governor of the State desiring to administer the NDPES permit program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. Among other authorities, the State must have: (1) adequate authority to issue permits which comply with all pertinent requirements of the Act; (2) adequate authority, including civil and criminal penalties, to abate violations of permits or the permit program; and (3) authority to ensure that the Administrator, the public, or any other affected State, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. Also, the State must have, and commit itself to use, manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR 124), beginning at page 28390.

The State of North Dakota has submitted a full and complete Request for State Program Approval and proposes that the North Dakota State Department of Health, State Capitol Building, Bismarck, North Dakota 58501 operate the NPDES program.

Governor Link's request and the program description are available for inspection at the following locations:

(1) U.S. Environmental Protection Agency, Enforcement Division, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

(2) North Dakota State Department of Health, State Capitol Building, Bismarck, North Dakota 58501.

(3) Clerk of District Court, First Jurisdictional District, Cass County Court, Box 2806, Fargo, North Dakota 58102.

(4) Clerk of District Court, Sixth Jurisdictional District, Stark County Court House, Dickinson, North Dakota 58601.

(5) Clerk of District Court, First Jurisdictional District, Grand Forks County Court House, Third Floor, Box 387, Grand Forks, North Dakota 58201.

(6) Clerk of District Court, Fifth Jurisdictional District, Ward County Court House, Minot, North Dakota 58701.

(7) Clerk of District Court, Fifth Jurisdictional District, Williams County Court House, Williston, North Dakota 58801.

The public hearing panel will consist of the Administrator, or his representative, who will serve as the Presiding Officer, the Director of the North Dakota State Department of Health, or his representative, and the Regional Administrator, Region VIII, or his representative.

All interested persons wishing to attend, to comment upon, or to object to this State request are invited to attend the public hearing. Written comments may be presented at the hearing or submitted by May 13, 1975, either in person or by mail to the Regional Office of the U.S. Environmental Protection Agency, Enforcement Division, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203, attention: John Kapsner.

Oral statements will be received and considered, but for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to bring additional copies for the use of the hearing panel and other interested persons. The presiding officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

All comments or objections received by March 13, 1975, or presented at the public hearing will be considered by EPA before taking final action on the North Dakota request for State Program Approval.

Please bring the foregoing to the attention of persons whom you know would be interested.

RICHARD H. JOHNSON,
Acting Assistant Administrator for Enforcement.

MARCH 24, 1975.

[FR Doc.75-8131 Filed 3-27-75;8:45 am]

[(FRL 352-8) OPP-260102]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Notice of Filing

Petitions proposing the establishment of pesticide tolerances in or on certain raw agricultural commodities and the establishment of tolerances relating to food additives have been filed with the Environmental Protection Agency (EPA). Notice is given pursuant to the provisions of sections 408(d) (1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act. The petitions and proposals are:

PP 5F1591. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. Proposes the establishment of tolerances for residues of the desiccant paraquat (1, 1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the bis-(methyl sulfate) or dichloride salt (calculated as the cation) in or on the raw agricultural commodities sorghum fodder at 40 parts per million (ppm); alfalfa and clover at 30 ppm; sorghum grain at 5 ppm; kidney of cattle at 0.30 ppm; gizzard of poultry, at 0.20 ppm; and meat, fat, and meat byproducts (except gizzard) of poultry, the meat, fat, and meat byproducts of hogs, and eggs at 0.05 ppm. Proposed analytical method for determining residues is one in which the sample is refluxed with sulfuric acid to free the paraquat cation, and after cleanup and reduction with sodium dithionite, the paraquat is determined spectrophotometrically. PM25

PP 5F1598. Chevron Chemical Co., Ortho Div. Proposed establishment of a tolerance for residues of the desiccant paraquat (1,1'-dimethyl-1-4,4'-bipyridinium ion) derived from the application of either the bis (methyl sulfate) or dichloride salt calculated as the cation) in or on the raw agricultural commodity sunflower seeds at 2 ppm. Proposed analytical method same as above. PM25

FAP 5H5078. Chevron Chemical Co., Ortho Div. Proposes establishment of food additive tolerance for residues of the desiccant paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) in sunflower meal and sunflower seed hulls at 30 ppm from application of the pesticide to growing sunflowers. PM25

PP 5F1599. Shell Chemical Co., Suite 200, 1025 Connecticut Ave., NW, Washington DC 20036. Proposes establishment of a tolerance for negligible residues of the herbicide 2-[[4-chloro-6-(ethylamino)-*s*-triazin-2-yl] amino]-2-methylpropionitrile in or on the raw agricultural commodity cottonseed at 0.05 ppm. Proposed analytical method for determining residues is a gas-liquid chromatographic procedure using an alkali flame ionization detector. PM25

PP 5F1592. Zoecon Corp., 975 California Ave., Palo Alto CA 94304. Proposes establishment of tolerances for residues of the insect growth regulator Methoprene (isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-deodecadienoate) in the raw agricultural commodities meat, meat byproducts and fat of cattle at 0.1 ppm and in milk at 0.01 ppm. Proposed analytical method for determining residues is a gas liquid chromatographic procedure using a flame ionization detector. PM17

Dated: March 24, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-8129 Filed 3-27-75;8:45 am]

[(FRL 352-5) OPP-261003]

SHELL CHEMICAL CO.

Filing of Food Additive Petition

Shell Chemical Company, 1025 Connecticut Ave., NW, Washington, D.C. 20036, has filed a petition (FAP 5H5077) proposing establishment of a food additive tolerance for residues of the insecticide dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide in tomato puree, tomato paste and catsup from the application of the insecticide to the raw agricultural commodity tomatoes. Notice of this filing is given pursuant to the provisions of section 409(b) of the Federal Food, Drug, and Cosmetic Act.

Dated: March 24, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-8127 Filed 3-27-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 20386, 20387; Files Nos. BMPCT-7336; BMPCT-7374]

CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL AND UHF BROADCASTING CO.

Applications for Oral Argument

In re applications of Chicago Federation of Labor and Industrial Union Council (WCFL-TV), Chicago, Illinois, Docket No. 20386, File No. BMPCT-7336; UHF Broadcasting Company (WUHF-TV), Baltimore, Maryland, Docket No. 20387, File No. BMPCT-7374; for extension of time to complete construction.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the applications of Chicago Federation of Labor and Industrial Union Council (BMPCT-7336) and UHF Broadcasting Company (BMPCT-7374) for extensions of time in which to complete construction of television broadcast stations WCFL-TV, channel 38, Chicago, Illinois, and WUHF-TV, channel 54, Baltimore, Maryland, respectively. Also before the Commission are letters of the Chief, Broadcast Bureau, to the permittees, dated November 18, 1974, and November 21, 1974, respectively, dismissing the above applications, cancelling the construction permits and deleting the call letters therefor, and the letter requests of WCFL-TV, dated February 14, 1975, and WUHF-TV, dated December 12, 1974, requesting reinstatement of their applications and recision of the action cancelling the construction permits.

2. *Accordingly, it is ordered,* That the request of Chicago Federation of Labor and Industrial Union Council for reinstatement of the extension application, construction permit and call sign for WCFL–TV, Chicago, Illinois, and the request of UHF Broadcasting Company for reinstatement of the extension application, construction permit and call sign for WUHF–TV, Baltimore, Maryland, are granted.

3. *It is further ordered,* That, the above-captioned applications of Chicago Federation of Labor and Industrial Union Council and UHF Broadcasting Company are designated for oral argument Before the Review Board in Washington, D.C., at a time and date to be specified in a subsequent order, upon the following issues: (1) To determine, pursuant to section 319(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules:

(a) Whether the failure to construct stations WCFL–TV and WUHF–TV has been due to causes not under the control of the respective permittees.

(b) Whether there are other matters sufficient to justify a further extension of time to construct the said stations.

(2) To determine, in the light of the facts adduced pursuant to the above issues, whether a grant of the applications would serve the public interest, convenience and necessity.

4. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, in person, or by attorney shall, within ten (10) days, of the mailing of this Order, file with the Commission an original and twelve (12) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified in this order.

Adopted March 12, 1975.

Released March 17, 1975.

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

[FR Doc.75-8113 Filed 3-27-75;8:45 am]

[Dockets Nos. 20262, 20263; Files Nos. 6970-C2-P-(2)-70, 1915-C2-P-70 FCC 75 R-112]

HOUSTON BROADCASTING SERVICE AND SOUTHWESTERN BELL TELEPHONE CO.

Order Enlarging Issues

In re applications of Roy M. Teel d/b/a Houston Radiophone Service, Houston, Texas, Docket No. 20262, File No. 6970–C2–P–(2)–70; Southwestern Bell Telephone Company, Houston, Texas, Docket No. 20263, File No. 1915–C2–P–70; For construction permits to establish new air-ground facilities in the Domestic Public Land Mobile Radio Service.

1. The above-capitioned mutually exclusive applications for construction permits to establish new air-ground facilities in the Domestic Public Land Mobile Radio Service (DPLRMS) in Houston, Texas, were designated for hearing by Commission Memorandum Opinion and Order, 39 FR 43583, published on December 26, 1974, on the following issues: 1. To determine on a comparative basis the nature and extent of services proposed by each applicant. 2. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the above-captioned applicants would better serve the public interest, convenience and necessity.

Now before the Review Board is a motion to clarify and enlarge issues,[1] filed December 26, 1974, by Roy M. Teel d/b/a Houston Radiophone Service (Houston) seeking clarification of the above-designated issues and addition of the following issues: a. To determine the manner in which each applicant proposes to provide for management arrangement at the local level and the effect of such management on the efficiency of the proposed service.

b. To determine the plans of each applicant for the establishment of procedures necessary to permit local aircraft operators to obtain access to the system and its plans to promote an efficient, high quality service to the area.

c. To determine, in light of the Government's antitrust action against American Telephone and Telegraph Company and its subsidiaries and the Commission's decision in *Chastain et al.* v. *AT&T*, 43 FCC 2d 1079, 28 RR 2d 1343 (1973), *recon. den.*, 49 FCC 2d 749, 31 RR 2d 1487 (1974), whether Southwestern Bell should be disqualified from being the licensee of its proposed station.

2. Houston, in support of the requested issues, essentially relies on the same allegations as are contained in a recent series of motions to clarify and enlarge issues involving Bell System operating company stations[2] and non-Bell stations in proceedings for construction permits to establish new air-ground DPLMRS facilities.[3] Since we have already considered and ruled on almost identical requests for issues predicated on the same allegations and arguments in a Memorandum Opinion and Order, *James D. and Lawrence D. Garvey, d/b/a Radiofone,* FCC 75R–*111*, adopted this same date, no useful purpose would be served by reiterating our disposition here.

3. *Accordingly, it is ordered,* That the motion to clarify and enlarge issues, filed December 26, 1974, by Roy M. Teel d/b/a Houston Radiophone Service is granted to the extent indicated herein, and is denied in all other respects; and

4. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine the effect of the Commission's decision in *Chastain et al.* v. *AT&T*, 43 FCC 2d 1979, 28 RR 2d 1343, (1973), *recon. den.*, 49 FCC 2d 749, 31 RR 2d 1487 (1974), on the basic and/or comparative qualifications of the Southwestern Bell Telephone Company to be a Commission licensee.

5. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein SHALL BE upon Roy M. Teel d/b/a Houston Radiophone Service and the burden of proof SHALL BE upon Southwestern Bell Telephone Company.

6. *It is further ordered,* That if favorable action is taken on the application of Southwestern Bell Telephone Company for construction of an air-ground station in Houston, Texas, any such grant will be made subject to the following condition:

This grant is without prejudice to whatever action, if any, the Commission may deem appropriate as a result of the pending civil action entitled *United States* v. *American Telephone and Telegraph Company, Western Electric Company, Inc., and Bell Telephone Laboratories, Inc.*, (Civil No. 74–1698), filed November 20, 1974, in the United States District Court for the District of Columbia.

Adopted March 17, 1975.

Released March 21, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-8110 Filed 3-27-75;8:45 am]

[Dockets Nos. 20252, 20253; File Nos. BP-19550, BP-19595; FCC 75R-134]

JULIE P. MINER AND ALBERT L. CRAIN

Order Enlarging Issues

In re applications of Julie P. Miner (KDXU), St. George, Utah, Docket No. 20252, File No. BP–19550; Albert L. Crain, St. George, Utah, Docket No. 20253; File No. BP–19595; for construction permits.

1. The mutually exclusive applications of Julie P. Miner (Miner) and Albert L. Crain (Crain) for a new standard broadcast station at St. George, Utah, were designated for hearing by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, Mimeo No. B 34142, released December 13, 1974, 39 FR 45075, published December 30, 1974.[1] Now be-

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[1] Also before the Review Board are the following related pleadings: (a) opposition, filed January 8, 1975, by Southwestern Bell; (b) opposition, filed January 8, 1975, by the Common Carrier Bureau; and (c) reply, filed January 20, 1975, by Houston.

[2] Southwestern Bell is a wholly-owned subsidiary of the American Telephone and Telegraph Company.

[3] See Memorandum Opinion and Orders designating: (1) the air-ground applications of James D. and Lawrence D. Garvey, d/b/a Radiofone and South Central Bell Telephone Company, 39 FR 42025, published December 4, 1974; (2) the air-ground applications of Answerphone, Inc. and the Mountain States Telephone and Telegraph Company, 39 FR 43245, published December 11, 1974; and (3) the air-ground applications of Roy M. Teel d/b/a Houston Radiophone Service and Southwestern Bell Telephone Company, 39 FR 43583, published December 26, 1974.

[1] Although the instant petition should have been filed on or before January 14, 1975 (fifteen days after the publication of the designation Order) Miner has demonstrated good cause for its delay, as required by § 1.229(b), and the Board will therefore consider its request on the merits.

fore the Review Board is a petition to enlarge issues, filed January 23, 1975, by Miner, requesting the addition of a § 1.526 issue against Crain.[2]

2. According to the uncontroverted affidavit of Julie P. Miner, on January 7, 1975, Crain's public file did not contain eight of the thirteen amendments to the Crain application then on file with the Commission. While the Bureau maintains that at least seven of the eight omissions appear to be minor in nature and Crain contends that no member of the general public has been inconvenienced since only persons associated with Miner have asked to inspect the file, the Board cannot excuse Crain on either of these grounds, particularly in view of the large number of missing documents involved. At the same time, however, the conduct cited by petitioner appears to represent a single, isolated incident caused by inadvertence on Crain's part, rather than by an intent to conceal the missing information. Consequently, while we will add the requested § 1.526 issue we will do so on a comparative basis only. See *Community Broadcasting, Inc.* 33 FCC 2d 714, 23 RR 2d 723 (1972); *Edward G. Atsinger, III*, 29 FCC 2d 443, 21 RR 2d 1039 (1971).

3. *Accordingly, it is ordered*, That the petition to accept late filed pleading, filed February 20, 1975 by Albert L. Crain, IS granted; and

4. *It is further ordered*, That the petition to enlarge issues, filed January 23, 1975, by Julie P. Miner, is granted; and

5. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue: To determine whether Albert L. Crain has made available for public inspection a complete copy of its application pursuant to § 1.526 of the rules, and if not, the effect thereof on the applicant's comparative qualifications to be a Commission licensee.

Adopted March 24, 1975.

Released March 25, 1975.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

[FR Doc.75-8111 Filed 3-27-75;8:45 am]

[Dockets Nos. 20378, 20379; File No. BPH 8922, BPH-8943]

TALLAHATCHIE BROADCASTING AND PANOLA BROADCASTING CO.

Applications for Consolidated Hearing

In re applications of E. W. and Shera H. Bie, d/b as Tallahatchie Broadcasting, Sardis, Mississippi, Docket No. 20378, File No. BPH-8922, Requests: 95.9 MHz, Channel No. 240; 3 kW(H&V); 233 feet; Harold B. McCarley, tr/as Panola Broadcasting Company, Batesville, Mississippi, Docket No. 20379, File No. BPH-8943, Requests: 95.9 MHz, Channel No. 240; 3 kW(H&V); 153 feet; for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in nearby communities.

2. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

3. E. W. and Shera H. Bie, d/b as Tallahatchie Broadcasting (Tallahatchie) will require a total of $36,165 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Lease payments on equipment	$7,560
Land	499
Building	6,500
Miscellaneous	2,200
Working capital	19,406
Total	36,165

To meet this requirement Tallahatchie relies on $33,195 from cash on hand or in banks, and $25,000 from profits from existing operations. Tallahatchie has likewise failed to set aside specific funds for the cost of a comparative hearing. However, in light of the fact that Tallahatchie has $22,030 in excess of the cost estimated for construction, it appears that they are financially qualified.

4. Because of the failure of Tallahatchie to indicate the date of its community leader and its general public survey, the Commission is unable to determine whether its ascertainment efforts were conducted within six months of the filing of the application. Additionally, since Tallahatchie failed to indicate the number of people contacted in the general public survey, the Commission is unable to determine whether a random sample was achieved. In light of the requirements of questions and answers 13 (b) of the Commission's *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971), an appropriate issue will be added.

5. Harold B. McCarley, tr/as Panola Broadcasting Company (Panola) will require a total of $54,885 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Equipment	$21,985
Building	10,000
Miscellaneous	2,000
Loan Repayment with interest	2,900
Working capital (first-year)	18,000
Total	54,885

To meet this requirement, Panola relies on $39,000 from liquid assets and $20,000 from a bank loan. The letter evidencing the bank loan fails to state the collateral involved. Thus, the loan as documented is unacceptable. As a result, Panola's financial data shows $39,000 available to meet a $54,885 requirement. Additionally, Panola has declined to set aside or estimate the cost of the forthcoming comparative hearing. Accordingly, a financial issue will be specified.

6. Because of the failure of Panola to indicate the date of its community leader and general public survey, the Commission is unable to determine whether its ascertainment efforts were conducted within six months of the filing of the application. In addition, since Panola failed to indicate the number of people contacted in the general public survey or the method by which they were selected, the Commission is unable to determine whether a random sample of the general public was achieved. In light of the requirements of questions and answers 15 and 13(b) of the Commission's *Primer on the Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971), an appropriate issue will be added.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues: 1. To determine the efforts made by Tallahatchie Broadcasting to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

2. To determine with respect to the application of Panola Broadcasting Company: (a) Whether the bank loan relied on by the applicant includes any collateral arrangements, and, if so, what the nature of those arrangements is; (b) Whether sufficient additional funds are available to defray the applicant's legal expenses for this proceeding; and (c) Whether, in light of the evidence adduced in (a) and (b), above, the applicant is financially qualified to construct and operate as proposed.

3. To determine the efforts made by Panola Broadcasting Company, to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

4. To determine the areas and populations which would receive primary service from the proposals and the availability of other primary aural service (1 mV/m or greater in the case of FM) service to such areas and populations.

5. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals

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[2] Also before the Board are: comments, filed February 5, 1975, by the Broadcast Bureau; and opposition and a petition to accept late filed pleading, both filed February 20, 1975, by Crain; and a reply, filed March 3, 1975, by Miner. Crain's petition to accept late filed pleading is unopposed and since Crain has demonstrated good cause for its one day delay, its petition will be granted.

[1] By the Review Board: Board Member Berkemeyer absent.

would better provide a fair, efficient and equitable distribution of radio service.

6. To determine, in the event it is concluded that a choice between the applicants should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

9. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

10. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 17, 1975.

Released: March 25, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-8112 Filed 3-27-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

OLD OIL ALLOCATION PROGRAM

Entitlement Notice for January 1975

Correction

In FR Doc. 75-7025 appearing at page 12466 in the issue for Tuesday March 18, 1975, the following corrections are made in the table:

The "required to sell" column is corrected for the following reporting firms:

1. Apex, the figure reading "5" is changed to "0".

2. Arco, the figure reading "262,835" is changed to "262,830".

3. Ashland, the figure reading "415,-439" is changed to "415,435".

4. Augsbury, the figure reading "2" is changed to "0".

5. Bay, the figure reading "83,210" is changed to "83,218".

6. Bayou, the figure reading "10,746" is changed to read "10,742".

7. Belcher, the figure reading "162,040" is changed to read "162,046".

8. Blue-Ridge, the figure reading "32,560" is changed to read "32,562".

9. Central, the figure reading "22,966" is changed to read "22,962".

10. Champlin, the figure reading "2" is changed to read "0".

11. Cirillo, the figure reading "26,26", is changed to "26,266".

12. Citgo, the figure reading "20" is changed to "0".

FEDERAL MARITIME COMMISSION

F. H. FENDERSON, INC.

Petition for the Removal of Portwide Exemption

Notice is hereby given that F. H. Fenderson, Inc. (FMC License No. 1469), located at 12 Main Street, Calais, Maine 04619, filed a petition for the removal of portwide exemptions granted by the Commission to the Ports of Searsport and Portland, Maine, pursuant to § 510.22(a) of Federal Maritime Commission General Order 4 (46 CFR 510.22(a)).

Section 510.22(a) of General Order 4 prohibits a licensed independent ocean freight forwarder from collecting compenastion if its requests the carrier or its agent to perform any of the forwarding services. This section further provides for an exemption from this prohibition to licensee/agents in the port of loading upon application therefor and upon a finding by the Commission that an adequate supply of forwarding services is not being held out by nonagent licensees domiciled at the port of loading. On May 2, 1965, the Commission granted the Ports of Searsport and Portland, Maine a portwide exemption.

F. H. Fenderson, Inc., alleges that an adequate supply of forwarding services is now being held out by nonagent licensees at Searsport and Portland, Maine and that the present exemptions are no longer justified on this basis.

Interested parties may inspect and obtain a copy of the petition at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10105. Comments with reference to the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1975. A copy of any such statement or request for a hearing should also be forwarded to the petitioner (as indicated herein), and the comments should indicate that this has been done.

By order of the Commission.

Dated: March 25, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-8133 Filed 3-27-75;8:45 am]

FEDERAL RESERVE SYSTEM

NORTHWESTERN FINANCIAL CORP.

Order Approving Acquisition of Northwestern Finance Company

Northwestern Financial Corporation, North Wilkesboro, North Carolina, a bank holding company within the meaning of the Bank Holding Company Act ("Act"), has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Northwestern Finance Company, North Wilkesboro, North Carolina ("Finance"), a company that engages in the activity of making commercial loans for its own account. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)). In addition, Finance is engaged in the activities of holding title to and leasing offices to The Northwestern Bank, North Wilkesboro, North Carolina ("Bank"), Applicant's sole banking subsidiary; and investing in marketable securities; and has, on one occasion, entered into an indemnity agreement, as an accommodation for Bank, with an insurance company on a construction performance bond. Upon approval by the Board of the acquisition, Applicant will liquidate the loans, refrain from entering into future indemnity agreements, and dispose of the marketable securities presently held by Finance.[1] Thereafter, Finance will engage solely in the activity of holding title to and leasing offices to Bank. Performance of this nonbanking activity does not require prior Board approval (12 U.S.C. 1843(c)(1)(A)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 37544 (1974)). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is the fourth largest banking organization in North Carolina. Through Bank (deposits of $864 million), Applicant controls approximately 7.7 per cent of the total deposits held by commercial banks in the State.[2] In addition, Applicant has wholly-owned subsidiaries that are engaged in the activities of mortgage banking and servicing, providing financial and investment advice to a real estate investment trust, making loans, factoring, full payout leasing, and acting as agent for the sale of insurance in a community of less than 5,000 people.

Finance (total assets of $8 million) is primarily engaged in holding title to and leasing offices to Bank. In addition, Finance holds a small amount of real estate loans which it has originated and certain marketable securities, and is a party to one indemnification agreement. Finance, which owns 12.5 per cent of Applicant's total outstanding shares, is not an affiliate of Applicant but has some common share ownership and management with Applicant. Thus, the present proposal merely represents a consolidation in Applicant of the ownership of its banking offices. Inasmuch as Finance appears to be a relatively minor competitive factor in the commercial lending market that it serves, acquisition of Finance by Applicant would not result in the elimination of any significant actual or potential competition. On the basis of these and other facts of record, it appears to the Board that competitive considerations lend weight toward approval of the application. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest. To the contrary, approval of the acquisition would eliminate potential "conflicts of interests" between Applicant and Finance. Further, upon consummation, there will accrue some increase in operating efficiencies in the holding company structure.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond, pursuant to authority delegated hereby.

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[1] In addition, prior to consummation of this proposal, Finance will divest itself of an approximately 12 per cent interest in a small business investment company in which Bank has a 46 per cent interest, and of other securities such that, at the time of consummation, Finance will not hold more than 5 per cent of the shares of any company other than wholly-owned subsidiaries engaged in leasing premises to Bank.

[2] All banking data are as of June 30, 1974, unless otherwise indicated.

By order of the Board of Governors,[8] effective March 19, 1975.

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

[FR Doc.75-8060 Filed 3-27-75;8:45 am]

REPUBLIC OF TEXAS CORP.

Order Approving Merger of Bank Holding Companies

Republic of Texas Corporation, Dallas, Texas ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Houston National Company, Houston, Texas ("Company"), a bank holding company, and thereby acquire 100 percent of the voting shares (less directors' qualifying shares) of Houston National Bank, Houston, Texas ("Bank"). Inasmuch as Company's principal operating asset is Bank, the proposed merger of Applicant with Company is treated herein as the proposed acquisition of Bank.

Notice of receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two banks[1] with aggregate deposits of approximately $2,000 million,[2] representing approximately 5 per cent of the total deposits in commercial banks in Texas, and ranks thereby as the fourth largest multi-bank holding company in the State.[3] Bank holds total deposits of $402 million, representing approximately 1 per cent of total deposits in the State, and is the twelfth largest banking organization in Texas. Consummation of the proposal would increase Applicant's share of the deposits in the State to about 6 per cent and the resulting organization would become the State's third largest bank holding company.

As noted above, Applicant presently has two banking subsidiaries—Republic National Bank of Dallas ($1,905 million in domestic deposits) and Oak Cliff National Bank ($96 million in deposits). Both these subsidiaries are located in the Dallas banking market, wherein Applicant ranks as the largest banking organization with 5.1 per cent of the market's deposits.

The subject proposal would represent Applicant's initial entry into the Houston market, the second largest market in terms of deposits in the State. Applicant is the only multi-bank holding company in the State with deposits over $1 billion that is not represented in Houston and it undoubtedly regards entry into this market as having a high priority in its future plans.

The Houston market is attractive for de novo entry, and several banks smaller than Bank are available in the market that might serve as a foothold acquisition for Applicant. However, in view of the fact that there are 169 banks in the Houston market, including representatives from the State's largest bank holding companies, and the generally competitive nature of the market, the negative effects of the proposal on present and future competition are minimal. Bank does not apear to have a significant competitive position within the market despite its $402 million total deposits. Although relatively large in absolute terms, Bank ranks a distant fifth in the market with less than one-fourth of the deposits of the market's largest banking organization and less than one-half of the deposits of the third largest banking organization in the market. Moreover, Bank is the only banking organization of the seven largest in the market that is not now part of a multi-bank holding company. Affiliation with Applicant would improve Bank's competitive position in the market. Accordingly, the Board concludes that, on balance, the overall competitive considerations lend weight to approval of the application.

In acting on Applicant's proposal in 1973 to become a bank holding company, the Board noted at that time that Applicant's commitments to add additional capital to Republic National Bank and to dispose of certain impermissible, nonbanking interests within the period prescribed in section 4(a)(2) of the Act were factors weighing in favor of approval of that application (38 FR 30580).[4] Since the formation of the holding company in May 1974, improvement has occurred in the capital position, internal operations, and credit condition of Republic National Bank of Dallas; and Applicant has initiated efforts towards the disposal of its impermissible activities. In connection with the present proposal, Applicant has indicated that the capital of Republic would be augmented by $126 million during the period from December 1974 to December 1977. In addition, Applicant proposes to increase the capital of Bank by $6.5 million during 1975. Applicant is embarking on a program of acquisition which will presumably afford it entry to the major banking markets of the State. To accomplish this, the divestment of the Howard interests should be substantially consummated on schedule and the proceeds used at least in part to provide the additional capital funds contemplated. On the basis of its judgment that the above objectives are likely to be achieved, the Board finds that considerations relating to the financial and managerial resources could be considered reasonably satisfactory and the overall prospects of Applicant and its subsidiary banks favorable and consistent with approval.

Considerations relating to the convenience and needs of the community served by Bank are consistent with, and lend weight toward, approval of the application in light of the fact that Applicant should be able in a short period of time to provide a strong competitive alternative in the Houston market. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record,[5] the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[6] effective March 18, 1975.

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

[FR Doc.75-8061 Filed 3-27-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-237]

COMMONWEALTH EDISON CO.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-19 to the Commonwealth Edison Company which revised Technical Specifications for operation of the Dresden Nuclear Power Station Unit 2 located in Grundy County, Illinois. The amendment is effective as of its date of issuance.

The amendment permits replacement of one reactor coolant system electromatic relief valve with a combination safety/relief valve and other related changes.

[8] Voting for this action: Governors Sheehan, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governor Mitchell.

[1] In addition, Applicant indirectly controls interests of more than 5 per cent but less than 25 per cent in 21 banks.

[2] This figure does not include foreign deposits which amounted to $1,183 million as of June 30, 1974.

[3] All banking data are as of June 30, 1974, and reflect holding company formations and acquisitions approved through January 31, 1975.

[4] For a description of the nonbanking interests which Applicant is required to divest, see the Board's determination of September 10, 1973, regarding the "grandfather" privileges of The Republic National Bank of Dallas with respect to The Howard Corporation, Dallas, Texas ("Howard") (1973 *Federal Reserve Bulletin* 768).

[5] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, and Coldwell. Voting against this action: Governors Holland and Wallich. Dissenting Statement of Governors Holland and Wallich filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

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 these actions, see (1) the application for amendment dated October 11, 1974, (2) Amendment No. 4 to License No. DPR-19 with Change No. 30, and (3) the Commission's concurrently issued related Safety Evaluation and the Safety Evaluation dated May 24, 1974, in Docket 50-249 on the same subject. 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 Morris Public Library at 604 Liberty Street in Morris, Illinois 60451.

A single copy of items (2) and (3) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 20th day of March 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-8106 Filed 3-27-75;8:45 am]

[Dockets Nos. 50-450; 50-451]

DELMARVA POWER & LIGHT CO., AND PHILADELPHIA ELECTRIC CO., (SUMMIT POWER STATION, UNITS 1 & 2)

Resumption of Hearing

Please take notice that the public hearing being held before an Atomic Safety and Licensing Board (the Board), to consider the application of the DelMarVa Power and Light Company and the Philadelphia Electric Company (the applicants) for construction permits to build two high temperature gas-cooled reactors to be designated the Summit Power Station, will resume on April 22, 1975 at the following location:

U.S. District Court
844 King Street
Wilmington, Delaware 19801

The hearing on this matter has been in recess since August 22, 1974, awaiting the completion of certain further studies. As mentioned in the original Notice of Hearing, these proposed facilities would be located in New Castle County, Delaware, near the Chesapeake and Delaware Canal, about 15 miles southwest of Wilmington. Each of these two units is designated for initial operation at approximately 2,000 megawatts thermal MW(t) with a net electrical output of approximately 785 megawatts MW(e).

The issues being considered at this hearing are those environmental and "NEPA"[1] issues set forth in the Commission's "Notice of Hearing on Application for Construction Permits" issued August 24, 1973 (38 FR 23547, Aug. 31, 1973), as well as the issue of site suitability as prescribed in the Commission's regulations regarding preconstruction permit activities. (See, particularly, 10 CFR 50.10 (e) (1) and (e) (2) (ii).) The radiological health and safety issues will be considered at a separate session to be scheduled later.

The hearing will be conducted from 9:30 a.m. to 5 p.m. each day, and continued day-to-day until completed. Interested members of the public are invited to attend.

It is so ordered.

Issued at Bethesda, Maryland, this 24th day of March, 1975.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.75-8063 Filed 3-27-75;8:45 am]

[Dockets Nos. STN 50-498, STN 50-499]

HOUSTON LIGHTING AND POWER CO. (SOUTH TEXAS PROJECT, UNITS 1 AND 2)

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Final Environmental Statement prepared by the Commission's Division of Reactor Licensing related to the proposed South Texas Project, Units 1 and 2, to be constructed by the Houston Lighting and Power Company in Matagorda County, Texas, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and at the Matagorda County Courthouse, 1700 Seventh Street, Bay City, Texas 77414. The Final Environmental Statement is also being made available at the Division of Planning Coordination, Office of the Governor, P.O. Box 12428, Capitol Station, Austin, Texas 78711.

The notice of availability of the Draft Environmental Statement for the South Texas Project, Units 1 and 2 and request for comments from interested persons was published in the FEDERAL REGISTER on November 29, 1974 (39 FR 41575). The comments received from Federal, State and local officials and interested members of the public have been included as an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. 747 NUREG-75/019) may be purchased, at current rates, from the National Technical Information Service, Springfield, Va. 22161.

[1] National Environmental Policy Act of 1969, Pub. L. 91-190, 42 U.S.C. 4321 et seq., 83 Stat. 852 et seq.

Dated at Rockville, Maryland, this 24th day of March, 1975.

For the Nuclear Regulatory Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-8105 Filed 3-27-75;8:45 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER & LIGHT CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-16 issued to Jersey Central Power & Light Company (the licensee), for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The amendment would revise the provisions in the Technical Specifications: (1) to permit operation of the facility using a partial loading of 8 x 8 fuel assemblies, (2) to reduce the maximum allowable in-sequence control rod reactivity worth, and (3) to require a greater degree of operability of the rod worth minimizer and to change related procedural controls during reactor startup. These changes would revise the provisions in the Technical Specifications in accordance with the licensee's applications for amendment dated May 31, 1974, January 30, 1975, and January 31, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By April 28, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, Trowbridge & Madden, Bar Building, 910 17th Street NW.,

Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the applications for amendment dated May 31, 1974, January 30, 1975, and January 31, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753. The license amendment and 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 24th day of March, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-8107 Filed 3-27-75;8:45 am]

[Docket No. 50-305]

KEWAUNEE NUCLEAR POWER PLANT

Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has considered the issuance of a change to the Environmental Technical Specifications, Appendix B, of Facility Operating License No. DPR-43. These changes would authorize the Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company to reduce the frequency of counting and recording the species of fish collected in the circulating cooling water trash basket from a daily basis to a minimum of twice per week during circulating water pump operation.

The Commission's Division of Reactor Licensing has prepared an environmental impact appraisal for the proposed change to the Environmental Technical Specifications, Appendix B, of Facility Operating License No. DPR-43, Kewaunee Nuclear Power Plant, described above. On the basis of this appraisal, we have concluded that an environmental impact statement for this proposed action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216.

Dated at Bethesda, Maryland this 20th day of March 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-8064 Filed 3-27-75;8:45 am]

[Docket No. 50-305]

KEWAUNEE NUCLEAR POWER PLANT, ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-43, issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company, which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant, located in Kewaunee County, Wisconsin. The amendment is effective as of its date of issuance.

The amendment permits the licensee to reduce the frequency of counting and recording the species of fish collected in the circulating cooling water trash basket from a daily basis to a minimum of twice per week during circulating water pump operation.

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 the amendment dated November 20, and December 2, 1974, (2) Amendment No. 6 to License No. DPR-43 with Change No. 8 and (3) the Commission's related Negative Declaration with supporting Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Kewaunee Public Library, Kewaunee, Wisconsin 54216.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 20th day of March 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-8065 Filed 3-27-75;8:45 am]

[Docket Nos. 50-443; 50-444]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, ET AL. (SEABROOK STATION, UNITS 1 AND 2)

Order Setting Fifth Prehearing Conference

Please take notice that the Atomic Safety and Licensing Board (the Board) will hold the Fifth Prehearing Conference in the above-captioned proceeding on Wednesday, April 16, 1975 at 10 a.m. local time in the Superior Courtroom, 2d Floor, Hillsboro County Courthouse, 19 Temple Street, Nashua, New Hampshire. This Prehearing Conference shall deal with the following matters:

1. Pending motions including Applicants' motion for summary disposition;
2. The status of the hearing before the Environmental Protection Agency relating to the cooling water system;
3. The status of discovery;
4. A schedule for further action including proposed dates for the evidentiary hearing on health and safety issues; and
5. Such other matters which may aid in the orderly disposition of the proceeding.

Issued at Bethesda, Maryland, this 24th day of March 1975.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.75-8068 Filed 3-27-75;8:45 am]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.13, "Instruction Concerning Prenatal Radiation Exposure," describes the instruction that should be provided to employees of NRC licensees concerning biological risks to embryos or fetuses that are exposed to radiation.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 8.13 will, however, be particularly useful in evaluating the need for an early revision if received by May 30, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 8 Regulatory Guides currently being developed include the following:

Surface Contamination Limits.
Dosimetry for Criticality Accidents.
Performance Specification for Reactor Emergency Monitoring Instrumentation.
Personal Neutron Dosimeters.
Acceptable Programs for Respiratory Protection.
Bioassay for Plutonium.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 21st day of March, 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director, Office of Standards Development.

[FR Doc.75-8066 Filed 3-27-75;8:45 am]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-18 issued to Rochester Gas and Electric Corporation (the licensee), for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York, and currently authorized for operation at power levels up to 1520 MWt.

The license amendment would revise the Technical Specifications for the facility to incorporate an updated inservice inspection program for the primary coolant system and other safety related components. Included in this revised inservice inspection program are the surveillance requirements for the high energy fluid piping outside containment. This surveillance is intended to reduce the probability of ruptures in the main steam and main feedwater piping outside containment. Modifications to the facility have also been proposed to provide added assurance that the facility will withstand the consequences of postulated ruptures in the high energy fluid piping outside containment without loss of capability to achieve and maintain safe shutdown of the facility as required by the Commission's regulations.

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 regulations.

By April 28, 1975 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Arvin E. Upton, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street NW., Washington, D.C. 20036, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the Commission's letter to the licensee dated December 18, 1972, and the licensee's report on postulated pipe breaks outside of containment dated November 1, 1973, supplements to the report dated May 24, 1974, and November 1, 1974, and the proposed inservice inspection program dated October 31, 1974. All of these documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Lyons Public Library, 67 Canal Street, Lyons, New York 14489 and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. Safety Evaluation Reports will be prepared by the Office of Nuclear Reactor Regulation for the license amendment and for the proposed facility modifications. The Safety Evaluation Reports and the license amendment, 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 25th day of March 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-8237 Filed 3-27-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 25, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from

the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Water-Plumbing Systems Inspection Report (Mobile Home), 26–8731A, on occasion, inspectors, Lowry, R. L., 395–3772.

Electrical Systems Inspection Report (Mobile Home), 26–8731B, on occasion, inspectors, Lowry, R. L., 395–3772.

Fuel and Heating Systems Inspection Report (Mobile Home), 26–8731C, on occasion, inspectors, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce:

Employers Workers Compensation Program Survey, DIB 987, single-time, sample of employers with workers compensation programs, Strasser, A., 395–3880.

Carrier's Workers Compensation Program Survey, DIB 988, single-time, insurance carriers handling workers compensation insurance, Strasser, A., 395–3880.

REVISIONS

VETERANS ADMINISTRATION

Mobile Home Appraisal Report, 26–8712, single-time, appraisers, Lowry, R. L., 395–3772.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, APT Station Questionnaire, annually, educational institutions, amateur operators, Lowry, R. L., 395–3772.

DEPARTMENT OF THE INTERIOR

Geological Survey:

Request for Well Maximum Production Rate, 9–1867, on occasion, oil production industry, Lowry, R. L., 395–3772.

Report of Operations—Outer Continental Shelf (Oil and Gas), 9–152, monthly, business firms, Lowry, R. L., 395–3772.

Request for Reservoir Mer, 9–1866, on occasion, business firms, Lowry, R. L., 395–3772.

PHILIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–8171 Filed 3–27–75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 24, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Request for Determination of Reasonable Value (Mobile Home), 26–8728, on occasion, lenders, Caywood, D. P., 395–3443.

ENVIRONMENTAL PROTECTION AGENCY

Evaluation of Alternative Pest Management Implementation Strategies for Growers, single-time, cotton and citrus growers in California, Weiner, N., 395–4890.

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service, Survey of Tennessee Craft Organizations and Organization Members, single-time, craft association leaders and members, Lowry, R. L., 395–3772.

Animal and Plant Health Inspection Service, Application for Import Permit for Birds, VS–17–20, on occasion, bird importers, Lowry, R. L., 395–3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Accessibility of Institutions of Higher Education to Physically Handicapped, OE–9045, OE–9045–1, single-time, all colleges and universities in the United States, 09, 395–3898.

Public Health Service:

Veterinary Medical Manpower & Educational Needs, Reg. 10 6303, single-time, veterinarians residing in Alaska, Idaho, Oregon, and Washington, Collins, L., 395–3756.

Practice Location & Dental Career Study, Dental Career Study: Identify Predictors of Shortage Area Dental Practice, Reg. 30120, single-time, practicing dentists in Maryland, Collins, L., 395–3756.

Analysis of Group Practice Efficiency, Physician Questionnaire & Screening Questionnaire, HRABHSR1125, single-time, physicians, Collins, L., 395–3756.

DEPARTMENT OF LABOR

Manpower Administration, Interview Instruments for Evaluation of Federally Assisted Special Apprentice Training Programs, MT–1065, single-time, participants in special apprenticeship training programs, Strasser, A., 395–3880.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Consolidated Institutional Report(s) for Federal Student Financial Aid Program, OE1152–1, annually, Lowry, R. L., 395–3772.

Office of the Secretary, National Day Care Consumer Survey—Field Survey Instrument, OS–16–75, single-time, households with children 13 years and under, Reese, B. F., 395–5630.

DEPARTMENT OF JUSTICE

Departmental and other, Law Enforcement Education Program Change in Student Status Card, LEEP/10, on occasion, students in LEEP participating universities and colleges, Lowry, R. L., 395–3772.

DEPARTMENT OF THE INTERIOR

Geological Survey, Well Potential Test Report, 9–1868, on occasion, oil producing industry, Evinger, S. K., 395–3648.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:

Report on Marriages, Divorces & Annulments, HSM 112, monthly, Evinger, S. K., 395–3648.

Monthly Vital Statistics Report, PHS–1383, monthly, Evinger, S. K., 395–3648.

Annual Marriage & Divorce Statistical Report Forms, HSM 113–3, annually, Evinger, S. K., 395–3648.

Monthly Marriage and Divorce Statistical Report Forms, HSM 110, monthly, Evinger, S. K., 395–3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–8172 Filed 3–27–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812–3681]

AETNA VARIABLE ANNUITY LIFE INSURANCE CO., ET AL.

Filing of Application

MARCH 21, 1975.

In the matter of Aetna Variable Annuity Life Insurance Company, Variable Annuity Account B of Aetna Variable Annuity Life Insurance Company, Variable Annuity Account C of Aetna Variable Life Insurance Company, and Aetna Variable Fund, Inc., 151 Farmington Avenue, Hartford, Connecticut 06115; (812–3681).

Notice is hereby given that AEtna Variable Annuity Life Insurance Company ("AEtna Variable"), which was formerly named Participating Annuity Life Insurance Company, and which is a stock life insurance company organized under the laws of Arkansas and registered under the Investment Company Act of 1940 (the "Act") as an open-end diversified management investment company, Variable Annuity Account B of AEtna Variable ("Non-Tax Sheltered Account"), and Variable Annuity Account C of AEtna Variable ("Tax Sheltered Account") (together the "Registered Annuity Accounts"), both separate accounts registered under the Act as unit investment trusts, and AEtna Variable Fund, Inc. ("Fund"), registered under the Act as an open-end diversified management investment company, ("Applicants") filed an application on August 16, 1974 and amendments thereto on January 20, 1975, February 26, 1975, and February 28, 1975, for an order (1) pursuant to section 17(b) of the Act to exempt from section 17(a) of the Act a series of proposed transactions, (2) pursuant to section 11(a) to permit certain offers of exchange and (3) pursuant to section 6(c) of the Act exempting all or some of the Applicants, to the extent noted below, from the provisions of sections 10(a), 10(b)(2), 14(a), 15(a), 15(b), 15(c), 16(a), 32(a)(1) and 32(a)(2) of the Act, all in connection with a proposed realignment of AEtna Variable's variable annuity and variable life insurance operations (the "realignment program").

AEtna Variable, a wholly owned subsidiary of AEtna Life and Casualty Company ("AEtna Life"), is principally engaged in the business of selling variable annuity contracts and is registered under the Act in order to conduct these variable annuity operations. In order to sell the registered variable contracts, AEtna Variable is also registered as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act"). At the present time, AEtna Variable has two variable annuity separate accounts, Variable Annuity Account A ("Account A") and Variable Annuity Account B ("Account B"), and two variable life insurance separate accounts, Variable Life Account A ("Life A") and Variable Life Account B ("Life B"), which were established for the purpose of segregating all assets attributable to variable contracts from the general assets of AEtna Variable which are held in its general account. The variable annuity separate accounts invest their assets in a portfolio of securities, primarily equity investments such as common stock. As an internally managed investment company, AEtna Variable performs all investment functions for its variable annuity separate accounts.

Account B, the most significant separate account, has been used for substantially all variable annuity contracts issued by AEtna Variable since December 1, 1964. As of December 31, 1974, the reserves for such contracts aggregated approximately $240 million, and during 1974 purchase payments amounted to approximately $96 million.

Applicants represent that AEtna Variable's unitary approach to registration, i.e., where the insurance company itself is registered under the Act as an investment company, as opposed to the approach whereby a life insurance company's separate account is the entity registered under the Act, has been a source of many problems in that insurance activities have remained subject to regulation that was designed primarily for investment operations of companies in the securities business. Applicants state that, as AEtna Variable expands its insurance activities regulation under the Act becomes increasingly burdensome and impedes AEtna Variable's ability to perform its administrative and investment functions smoothly and efficiently. Applicant is the last life insurance company which is itself registered as an investment company.

It is further stated by Applicants that, under the unitary form of registration under the Act, AEtna Variable has been required to extend voting rights to its variable annuity contract owners. Presently, AEtna Variable's voting arrangements are such that AEtna Life, as the common stockholder, and the variable annuity contract owners are entitled to vote on all matters submitted to security holders. As a result, AEtna Life is entitled to vote on matters relating to separate account operations, and variable annuity contract owners are entitled to vote on matters not relating to separate account operations.

Applicants propose a realignment program of AEtna Variable's present operations and mode of registration under the Act so as to conform with other life insurance companies engaged in variable annuity operations. This principally entails the substitution of separate accounts of AEtna Variable as the entities registered under the Act instead of AEtna Variable, the insurance company, itself. In this way, Applicants expect to be able to avoid the difficulties posed by the regulation of non-investment company business and the complex voting arrangements. With the deregistration of AEtna Variable, following the registration of its separate accounts, non-investment company activities will no longer be subject to regulation under the Act. Furthermore, at that time it will no longer be mandatory for AEtna Variable to extend voting rights to its variable annuity contract owners with respect to all matters upon which stockholders of AEtna Variable are entitled to vote.

Under the realignment program AEtna Variable: (1) has established three new separate accounts, two of which, the Registered Annuity Accounts, were established on July 16, 1974 pursuant to the laws of Arkansas, and are registered under the Act as unit investment trusts; (2) has caused the incorporation of the Fund in Maryland on July 16, 1974, and registered it under the Act as an open-end diversified management investment company. The Fund is a no-load fund.

The Registered Annuity Accounts will succeed to the operations of Account B. This will be achieved by transferring the assets of Account B to the Fund in exchange for Fund shares, issued without sales charge, which Fund shares will be transferred to the Registered Annuity Accounts, unit investment trusts, in direct proportion to the value of the contracts funded in such accounts. These Registered Annuity Accounts will at implementation and initially thereafter invest solely in shares of the Fund although at some future time an additional mutual fund may be available and contract owners would then be able to elect whether to have their investments accumulated in Fund shares, in shares of the other funding medium, or in a combination of both.

The Fund was organized by AEtna Variable for purposes of the realignment program. No shares of the Fund are presently outstanding, and no shares will be issued prior to implementation of the realignment program. At present, shares of the Fund may be sold only to AEtna Variable for allocation to its separate accounts. The Fund has investment objectives, policies and restrictions which are substantially the same as those now applicable to Account B.

AEtna Variable will act as investment adviser to the Fund and for this purpose will register under the Investment Advisers Act of 1940. Under a management agreement between AEtna Variable and the Fund, AEtna Variable will receive an investment advisory fee from the Fund deducted from the Fund's daily net asset value at a rate equivalent to approximately .44% on an annual basis. At present, variable annuity contracts provide for deductions from the current value of the respective contract for investment expenses, mortality risks, expense risks and income taxes expenses. The total deduction varies with the type of contract involved, but the investment expenses account for .44%, an amount equal to the investment advisory fee to be paid by the Fund to AEtna Variable. Applicants state that should the investment advisory fee change AEtna Variable will adjust the component charges of the deduction from the current value of variable annuity contracts, to the extent necessary, so that regardless of the amount paid by the Fund for investment advisory services, the total respective deduction mentioned above will remain unchanged.

After the realignment program goes into effect, AEtna Variable will request to be deregistered under the Act but will continue to be regulated under state insurance laws as a life insurance company.

All expenses attributable to the realignment program will be borne by the general account of AEtna Variable or by AEtna Life.

The realignment program has been approved by the board of directors of AEtna Variable. Likewise, on August 16, 1974, the realignment program was approved by the voting security holders of AEtna Variable. At that time the security holders also approved an amendment to AEtna Variable's charter which (a) limits voting rights in AEtna Variable to the stockholders, effective upon the filing of the deregistration order with the Arkansas Insurance Commissioner, and (b) authorizes the grant to participants in any separate account of AEtna Variable registered with the Commission as a unit investment trust the right to instruct AEtna Variable as to the voting of shares of any management investment company held in such account.

To effectuate the realignment program discussed above, Applicants request exemptions from the following provisions of the Act to the extent noted below:

Section 17(a). Pursuant to section 17 (b) of the Act, Applicants request an exemption from section 17(a) of the Act to permit, in connection with the realignment program, the transactions whereby AEtna Variable will sell the assets of Account B to the Fund, the Fund will purchase the assets of Account B from AEtna Variable, the Fund will sell its own shares to AEtna Variable, AEtna Variable may be deemed to be selling Fund shares to the Registered Annuity Accounts, and the Registered Annuity Accounts may be deemed to be purchasing Fund shares from AEtna Variable.

Applicants submit that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company

concerned and with the general purposes of the Act. It is stated by Applicants that the purposes, and results of the proposed transactions are and will be essentially changes in form to permit AEtna Variable to alter its pattern of registration under the Act.

Section 11. Applicants state that the change in entities through which variable annuity contracts are funded whereby the Registered Annuity Accounts will succeed to the operations of present Account B, may involve the exchange, at net asset value, of securities of registered unit investment trusts, contracts funded in the Registered Annuity Accounts, for the securities of another investment company, contracts funded in AEtna Variable's Account B, and, accordingly, come within the provisions of section 11(c) of the Act. Applicants, therefore, request approval of the terms of the offer of exchange pursuant to section 11(a). It is repeated by Applicants, that the exchange involved is one essentially of form, not substance, and will effect only a change in the manner the assets ultimately supporting the variable annuity contracts are held.

Section 14(a). The Fund and the Registered Annuity Accounts each will have assets substantially in excess of $100,000 when the realignment program is implemented. The Fund and the Registered Annuity Accounts will have no assets prior to that date. Though no shares of the Fund and no contracts issued by the Registered Annuity Accounts will be sold prior to implementation, the process of implementation, whereby the Fund will issue its shares in return for assets and liabilities of Account B and the Registered Annuity Accounts will fund variable annuity contracts in return for Fund shares received, may not satisfy the provisions of section 14(a) of the Act.

Applicants seek an exemption from section 14(a) to permit the implementation of the realignment program whereby the Fund will issue its own shares and the Registered Annuity Accounts will fund variable annuity contracts without either company having $100,000 paid in by 25 or fewer persons. Applicants state that the exemption is appropriate here because the Fund and the Registered Annuity Accounts are merely a substitution for the existing Account B and are being utilized to achieve a change in the pattern of registration of the variable annuity operations of AEtna Variable.

Section 15(b). The by-laws of the Fund presently provide that Fund shares may be sold only to AEtna Variable for allocation to its separate accounts. To the extent that AEtna Variable may be deemed an underwriter of Fund shares, the Fund and AEtna Variable request an exemption from section 15(b) so that AEtna Variable need not enter into a written underwriting contract with the Fund. The sales of Fund shares will be made at net asset value. There is no present intention of offering the shares of the Fund directly to the public.

Section 10(a), 10(b)(2). The original board of directors of the Fund, named by the incorporator of the Fund, consisted of the ten persons who presently constitute the board of directors of AEtna Variable. The present board of directors of the Fund contains five persons, all of whom were former members of the Fund's board and are members of the board of directors of AEtna Variable, and therefore are all interested persons of the Fund as well as AEtna Variable, to the extent it is deemed to be a principal underwriter of shares of the Fund. Of the five, three are not interested persons of AEtna Variable, as an investment company. Applicants represent that when AEtna Variable receives a deregistration order, which is expected to occur within one year after the implementation date, these three persons will resign as directors of AEtna Variable but will retain their positions as directors of the Fund. At that point, a majority of the board of directors of the Fund will be persons who are not interested persons of the Fund or of AEtna Variable, to the extent it is deemed to be a principal underwriter of shares of the Fund.

The Fund requests an exemption from the provisions of section 10(a) and 10(b)(2) of the Act to permit it to have a board of directors all of the members of which are interested persons of the Fund or AEtna Variable, to the extent it is deemed to be a principal underwriter of shares of the Fund, from the date the Fund was registered until the date of the order of deregistration of AEtna Variable. It is stated by the Fund that the board of directors to be exempted is necessary to provide continuity in the management of assets funding the variable annuity contracts issued by AEtna Variable and to permit the Fund and the Registered Annuity Accounts to operate in a manner that conforms substantially to the present operation of Account B.

Section 15(c), 32(a)(1). Applicants state that the original ten member board of directors of the Fund approved an investment advisory agreement with AEtna Variable and selected Peat, Marwick, Mitchell & Co., which is the independent public accountant for AEtna Variable including its separate accounts, as the independent public accountant for the Fund. All members of that board and of the present five member board, as directors also of AEtna Variable, were and are interested persons of AEtna Variable, as an investment adviser to the Fund, and the Fund. Applicants state that at the date of the order of deregistration of AEtna Variable three of the present directors will resign as directors of AEtna Variable. Thereafter a majority of the board of directors of the Fund will be persons who are not interested persons of AEtna Variable, as an investment adviser to the Fund, or the Fund itself. Subsequent to that time and prior to the first meeting of stockholders of the Fund, which shall take place within one year after the implementation date, the directors of the Fund who are not interested persons will take the action called for by sections 15(c) and 32(a)(1) of the Act with respect to the approval of the investment advisory agreement and the selection of the independent public accountant.

The Fund requests an exemption from these provisions to permit AEtna Variable to act as investment adviser to the Fund and to permit the independent public accountant to act as such from the date the Fund was registered under the Act until the time the Fund complies with section 15(c) and 32(a)(1), as described above. Again, the Fund states the exemption is necessary to permit the Fund and the Registered Annuity Accounts to operate in a manner that conforms substantially to the present operation of Account B.

Section 15(a), 16(a), and 32(a)(2). Since there will be no shares of the Fund outstanding prior to the date the realignment program is implemented, there will be no opportunity for stockholder approval of the investment advisory agreement, the election of directors or ratification of the selection of an independent public accountant. The Fund and AEtna Variable request an exemption from section 15(a), and the Fund requests an exemption from 16(a) and 32(a)(2) to permit AEtna Variable to act as investment adviser to the Fund and to permit the Fund's directors and independent public accountant to act as such from the date the Fund was registered under the Act until the first meeting of stockholders of the Fund after the date the realignment program is implemented, which meeting shall take place within one year after such implementation date, unless extended by Commission order. The exemption is necessary to allow the Fund to operate normally until shareholder voting can be held.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that 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 April 15, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be

filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 15, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-8087 Filed 3-27-75;8:45 am]

[812-3737]

ALPEX COMPUTER CORP.

Filing of Application

MARCH 24, 1975.

In the matter of Alpex Computer Corp., 37 Executive Drive, Danbury, Connecticut, 06810; (812-3737).

Notice is hereby given that Alpex Computer Corp. ("Applicant"), a closed-end, non-diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on December 13, 1974, and an amendment thereto on March 5, 1975, pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from the provisions of sections 30 (a), (b) and (d) of the Act and the rules and regulations thereunder for the period ending December 31, 1975. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that, from its organization through March, 1970, it was directly engaged, and from April, 1970, until July, 1973, it was engaged through Pitney Bowes-Alpex, Inc. ("PBA"), a 50% owned subsidiary, in the business of developing, manufacturing and selling Sales Point Information Computing Equipment ("SPICE"). Applicant states that such equipment, which was developed by its President, Norman Alpert, was designed to provide retail stores with computerized systems for recording and updating sales credit and inventory information. Applicant further states that in July, 1973, Pitney-Bowes, Inc. ("PB"), Applicant's joint venturer in PBA, exercised a stock option which resulted in a reduction of Applicant's stock ownership in PBA from 50% to approximately 36%. Prior to July, 1973, Applicant's officers served as President or Chairman of the Board and Chief Executive Officer, Vice Presidents, Treasurer and Secretary of PBA; and at least 50% of PBA's Board of Directors were Applicant's nominees. After July, 1973, as a consequence of PB obtaining a majority equity interest in PBA, only two of PBA's nine directors were Applicant's nominees. Applicant also states that, on November 12, 1973, the Board of Directors of PBA voted, over the objections of Applicant's representatives, to wind up the operations of PBA.

Applicant additionally states that, on September 30, 1974, it completed an exchange offer involving approximately $3,700,000 principal amount of its 7½% Debentures, which require semi-annual interest payments, for new 9% Debentures, which permit the accrual and deferral of interest for a period up to five years. A primary purpose of the exchange offer was to permit Applicant to devote its limited financial resources to other corporate purposes, including, but not limited to, the further development of a line of products for use primarily in the leisure field.

Section 30(a) of the Act requires every registered investment company to file annually with the Commission such information, documents, and reports as investment companies having securities registered on a national securities exchange are required to file annually pursuant to section 13(a) of the Securities Exchange Act of 1934 ("Exchange Act") and the rules and regulations thereunder. Section 30(b) of the Act requires every registered investment company to file with the Commission (1) such information and documents, other than financial statements, as the Commission may require, on a semi-annual or quarterly basis, to keep reasonably current the information and documents contained in the registration statement of such company, and (2) copies of every periodic or interim report or similar communication containing financial statements and transmitted to any class of such company's security holders, not later than 10 days after such transmission. Section 30(d) of the Act requires every registered investment company to transmit to its stockholders, at least semi-annually, certain financial reports as of a reasonably current date, as prescribed by the Commission.

Applicant states that since its initial offering of securities in 1968 it has been subject to, complied with and continues to comply with the financial reporting and proxy rules promulgated under the Exchange Act, and that all significant developments concerning Applicant have been made available to the public through press releases.

Applicant estimates that it would cost approximately $10,000 to $15,000 to comply with the financial reporting provisions of the Act during its fiscal year ending December 31, 1975. Applicant also states that its assets and income will be devoted to general corporate purposes and to the development of a line of products described above. Applicant further states that, since this product line presently being developed should be completed within its current fiscal year ending December 31, 1975, at which time Applicant would not be deemed to be an investment company under the Act, it is limiting its request for exemption from the financial reporting requirements of sections 30 (a), (b) and (d) of the Act and the rules and regulations thereunder to the period ending December 31, 1975. In support of its request for exemption, Applicant has agreed to hold only "government securities" as that term is defined in section 2(a)(16) of the Act and has agreed not to invest, reinvest or trade in "investment securities" as that term is defined in section 3(a)(3) of the Act.

Applicant submits that the requested exemption from the provisions of sections 30 (a), (b) and (d) of the Act and the rules and regulations thereunder is appropriate in the public interest and consistent with the protection of investors and the purposes of the Act.

Section 6(c) of the Act provides that the Commission may, by order upon application, conditionally or unconditionally, exempt any person from any provisions of the Act or of any rules or regulations promulgated thereunder if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than April 17, 1975, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, and the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exhange 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 case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-8088 Filed 3-27-75;8:45 am]

[File No. 500-1]

AMERICAN AGRONOMICS CORP.

Suspension of Trading

MARCH 21, 1975.

The common stock of American Agronomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 24, 1975 through April 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-8095 Filed 3-27-75;8:45 am]

[70-5651]

APPALACHIAN POWER CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

MARCH 21, 1975.

In the matter of Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia, 24009; (70-5651).

Notice is hereby given that Appalachian Power Company ("Appalachian"), an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Appalachian proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $40,000,000 principal amount of First Mortgage Bonds, to mature in not less than 5 and not more than 30 years. The interest rate (which will be expressed in a multiple of ⅛ of 1%) and the price to be paid to Appalachian for the Bonds (which shall not be less than 100% unless Appalachian shall authorize a lower percentage not less than 99%, and shall not exceed 102.75%) will be determined by competitive bidding. The terms of the Bonds preclude Appalachian from redeeming any such Bonds prior to May 1, 1980, if such redemption is for the purpose of refunding such Bonds with proceeds of funds borrowed at a lower effective interest cost. The Bonds will be issued under and secured by the Mortgage and Deed of Trust, dated as of December 1, 1940, to Bankers Trust Company and G. E. Maier ("Trustees"), and a new Indenture Supplemental thereto which will be dated as of the first day of the month in which the Bonds are to be issued.

The proceeds realized from the sale of the Bonds are proposed to be used to retire short-term debt incurred for various corporate purposes including the financing of part of the cost of the Company's construction program for the year 1975. The presently estimated cost of Appalachian's construction program for 1975 is approximately $140,000,000. At March 4, 1975, commercial paper in the amount of $73,165,000 and notes to banks in the amount of $45,360,000 were outstanding, and it is anticipated that at the time of the issuance and delivery of the Bonds, an aggregate amount of commercial paper and notes to banks estimated at approximately $145,000,000 will be outstanding.

Expenses of Appalachian in connection with the proposed transaction will be filed by amendment. The proposed transaction is subject to the jurisdiction of the State Corporation Commission of Virginia and the Public Service Commission of Tennessee, and no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 17, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-8089 Filed 3-27-75;8:45 am]

[File No. 500-1]

BBI, INC.

Suspension of Trading

MARCH 24, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 25, 1975 through April 3, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-8096 Filed 3-27-75;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

MARCH 20, 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 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 21, 1975 through March 30, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-8097 Filed 3-27-75;8:45 am]

[70-5639]

MICHIGAN CONSOLIDATED GAS CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

MARCH 21, 1975.

In the matter of Michigan Consolidated Gas Company, One Woodward Avenue, Detroit, Michigan 48226; (70-5639).

Notice is hereby given that Michigan Consolidated Gas Company ("Michigan Consolidated"), a gas utility subsidiary company of American Natural Gas Company, a registered holding company, has

filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Michigan Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40,000,000 principal amount of First Mortgage Bonds, __% Series due 1995. The interest rate (which will be a multiple of ⅛th of 1%) and the price, exclusive of accrued interest, (which will not be less than 98½% nor more than 101½% of the principal amount), will be determined by competitive bidding. The bonds will be issued under an Indenture of Mortgage and Deed of Trust dated as of March 1, 1944 as heretofore supplemented by twenty-two supplemental indentures and as to be further supplemented by a Twenty-third Supplemental Indenture, to be dated as of April 15, 1975, between Michigan Consolidated and First National City Bank, as Trustee, and including a prohibition, until May 1, 1980, against refunding the issue through borrowings having an interest cost to Michigan Consolidated lower than the interest cost of the bonds.

Michigan Consolidated states that there is a possibility that changing market conditions may necessitate reducing the maturity of the bonds to between five and ten years. If Michigan Consolidated determines, after discussions with each of the potential underwriters, that bonds of this shorter maturity should be offered for bidding, it will promptly notify the Commission and amend its application. The terms of the bonds of this shorter maturity would differ from the proposed bonds only to the extent that the bonds of shorter maturity would contain no sinking fund provision.

It is stated that the net proceeds from the sale of the bonds will be used to pay, in part, 1975 construction and improvement of facilities costs, estimated at $95,000,000. The additional funds required to finance 1975 construction are to be obtained from operations and from short-term borrowings which will be the subject of a future application to the Commission.

The fees and expenses to be paid in connection with the proposed transaction are estimated at $211,000, including counsel fees of $35,500 and accounting fee of $15,000. The fee of counsel for the purchasers of the bonds is estimated at $19,000 and is to be paid by the successful bidders. It is stated that the issuance and sale of the bonds require authorization by the Michigan Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 16, 1975 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-8090 Filed 3-27-75;8:45 am]

[70-5647]

MIDDLE SOUTH UTILITIES, INC. AND MIDDLE SOUTH ENERGY, INC.

Proposed Issue and Sale of Common Stock By Subsidiary Company to Holding Company

MARCH 21, 1975.

In the matter of Middle South Utilities, Inc., Middle South Energy, Inc., 225 Baronne Street, New Orleans, Louisiana, 70112; (70-5647).

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Middle South Energy, Inc. ("MSEI"), a subsidiary company of Middle South, have filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, and 12(f) of the Act and Rules 43 and 50(a)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

MSEI proposes to issue and sell to Middle South (the holder of all of the issued and outstanding shares of MSEI's common stock no par value per share), and Middle South proposes to acquire, 20,000 additional shares of MSEI's common stock, for an aggregate purchase price of $20,000,000 in cash. Middle South and MSEI believe it preferable for the additional common stock to be sold at times coinciding with MSEI's cash needs, which are primarily determined by the nature and pace of the construction work on its Grand Gulf Nuclear Electric Station near Vicksburg, Mississippi. Accordingly, the applicants-declarants request authority to consummate the proposed transactions at various times through August 1, 1975.

It is stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that no special or separate expenses are anticipated in connection with the issuance and sale of the common stock.

Notice is further given that any interested person may, not later than April 14, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices 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.75-8091 Filed 3-27-75;8:45 am]

[File No. 500-1]

NJB PRIME INVESTORS

Suspension of Trading

MARCH 20, 1975.

The shares of beneficial interest, the 6¾% convertible subordinated debentures due 1991 and the 7% subordinated debentures due 1980 of NJB Prime Investors being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of NJB Prime

Investors being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 9:45 a.m. (e.d.t.) on March 20, 1975 through midnight (e.d.t.) on March 29, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-8098 Filed 3-27-75;8:45 am]

[54-251]

PENN FUEL SYSTEM, INC., ET AL.

Order for Hearing on Plan Filed

MARCH 19, 1975.

In the matter of Penn Fuel System, Inc., Penn Fuel Gas, Inc., John H. Ware, 55 South Third Street, Oxford, Pennsylvania, 19363; and North Penn Gas Company, 76-80 Mill Street, Port Allegany, Pennsylvania, 16743; (54-251).

Notice is hereby given that Penn Fuel Gas, Inc. ("Penn Fuel") and John H. Ware ("Ware"), an affiliate of Penn Fuel, have filed an amendment to their application-declaration, as previously amended, with this Commission, submitting a plan under section 11(e) of the Public Utility Holding Company Act of 1935 ("Act") ("plan") and a request for an exemption under section 3(a)(1) of the Act for Penn Fuel System, Inc. ("System"), a company to be organized under the laws of Pennsylvania. All interested persons are referred to the plan, which is summarized below, for a complete statement of the proposed transactions.

Penn Fuel, a Pennsylvania corporation, is an exempt holding company pursuant to section 3(a)(1) of the Act, Holding Company Act Release No. 10646 (June 29, 1951). Ware, the president and a director of Penn Fuel, owns or controls, directly or indirectly, approximately 93% of its outstanding common stock. Penn Fuel has twenty-five wholly-owned subsidiary gas utility companies, of which twenty-four are incorporated in Pennsylvania and doing business solely within its boundaries and one is incorporated in Maryland and does business in both Maryland and Pennsylvania. The utility subsidiary companies are presently supplying natural gas at retail to about 29,000 customers. Penn Fuel also engages through other subsidiaries in the sale of liquified propane gas in containers to customers in Pennsylvania, New Jersey, Delaware and Maryland, and engages in the sale of gas appliances in connection with its overall business. As of December 31, 1974, Penn Fuel reported consolidated net assets of $26,519,564. For the 12 months ended December 31, 1974, it had gross revenues of $24,628,866 and net income of $860,777.

North Penn Gas Company ("North Penn") is a gas utility company incorporated in Pennsylvania and engaged in supplying gas at retail to approximately 28,000 customers in eight counties in northern Pennsylvania. North Penn sells gas at wholesale to other gas utility companies operating in Pennsylvania and New York, and also sells gas appliances to its retail customers. On December 31, 1974, North Penn reported net assets of $31,613,487. It had gross revenues of $25,822,785 and net income for the twelve months ended December 31, 1974, of $1,342,372.

On March 20, 1969, the Commission pursuant to sections 9(a)(2) and 10 approved an application of Ware, members of his family and others whose stock ownership might be attributed to him ("associates") to acquire majority control of the common stock of North Penn (Holding Company Act Release No. 16319). Ware, currently chairman of North Penn's board of directors, and his associates acquired approximately 62% of North Penn's 450,000 shares of common stock. The remaining shares are held by investors and an employees' thrift plan.

In his original application to acquire the North Penn stock, Ware represented that within two years after the date of such purchase, appropriate steps would be taken to eliminate the minority interest in North Penn's common stock. Performance of this undertaking has been delayed by intervening events.

On March 26, 1974, the Commission ordered a hearing on terms of a proposed acquisition of the North Penn stock by Penn Fuel (Holding Company Act Release No. 18344). Objections to the proposed exchange offer were filed and the hearing, originally scheduled for June 3, 1974, has been postponed from time to time to permit the parties to negotiate a settlement. The plan reflects the results of these negotiations.

Under the plan, System, the new holding company, will acquire all of the outstanding common stock of North Penn and the stock of Penn Fuel held by Ware and his associates. System will register under section 5(a) of the Act for the sole purpose of eliminating the minority stock interest in North Penn in accordance with the standards of section 11(b)(2) and Ware's commitment.

The plan provides that System will acquire 207,000 shares of the outstanding North Penn common stock by issuing to Ware and certain of his associates common stock of System on the basis of 1.1 shares of System stock for each share of North Penn stock. The remaining stockholders of North Penn stock will receive, in exchange for each share of North Penn, $3.10 in cash and $15.40 principal amount of 10% serial installment notes of System. The notes will be secured by all of the North Penn common stock to be owned by System and the last installment of the notes will be payable December 31, 1979. The Penn Fuel stock will be acquired by System on a share for share basis.

The Division of Corporate Regulation has advised the Commission that based on its preliminary examination of the plan, the following matters and questions are presented for consideration in lieu of those issues noticed in the Commission's order for hearing of March 26, 1974, but without prejudice to the presentation of additional matters and questions upon further examination:

1. Whether the terms of the proposed acquisition of control of Penn Fuel and North Penn by System is consistent with Section 10 of the Act.

2. Whether the proposed transactions satisfy the previous undertakings by Ware and section 10(b) of the Act.

3. Whether the proposed acquisition of the publicly-held minority common stock of North Penn System is fair and equitable to the persons affected thereby and necessary to comply with section 11(b)(2).

4. Generally, whether the proposed transactions are in all other respects compatible with the provisions and standards of the Act and the rules promulgated thereunder.

It is hereby ordered That a hearing be held in respect to the plan and that the hearing commence on April 23, 1975, or such later date as may be designated by the hearing officer, at 10 a.m. at the office of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 in such room as may be designated by the hearing room clerk.

It is further ordered That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered That jurisdiction be, and it hereby is, reserved to separate in whole or in part, either for hearing or for disposition, any issues or questions which may arise in this proceeding and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered That the Administrative Law Judge previously designated shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's Rules of Practice.

It is further ordered That any person, other than those who have already entered an appearance in File 70-4709, desiring to be heard in this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before April 21, 1975, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon counsel for the companies and Ware: John N. Schaeffer, Jr., Esquire,

Morgan, Lewis & Bockius, 123 South Broad Street, Philadelphia, Pennsylvania 19109, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other official actions involving the subject matter of this proceeding.

It is further ordered That the Secretary of the Commission shall give notice of the aforesaid by mailing copies of this Notice and Order for Hearing by certified mail to the Pennsylvania Public Utility Commission and the Federal Power Commission; that Penn Fuel and North Penn shall each mail copies of this Notice and Order for Hearing not later than 21 days prior to the date set for hearing to their stockholders of record and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this Notice and Order for Hearing in the FEDERAL REGISTER.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-8092 Filed 3-27-75;8:45 am]

[31-749]

PROVIDENCE GAS CO.

Filing of Application for Exemption

MARCH 21, 1975.

In the matter of The Providence Gas Company, 100 Weybosset Street, Providence, Rhode Island, 02901; (31-749).

Notice is hereby given that The Providence Gas Company ("Providence"), a gas utility company and a holding company, has filed an application, and an amendment thereto, for an exemption under sections 3(a)(1) or 3(a)(2) of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transaction.

Providence, a Rhode Island corporation, is engaged in the business of selling natural gas to retail customers for residential, commercial and industrial use. Providence purchases its gas under a long-term contract with Algonquin Gas Transmission Company and distributes it to approximately 104,000 customers in sixteen cities and towns within the State of Rhode Island. In 1974, Providence sold 16,670,000 MCF of gas to customers within Rhode Island. No sales were made to customers outside of Rhode Island. Providence's executive offices, distribution and maintenance facilities and storage facilities are all located within Rhode Island.

On December 31, 1974, Providence acquired substantially all of the assets of The Newport Gas Light Company ("Newport"), a Rhode Island corporation, and now carries on Newport's business in its Newport Division. During 1974, the Newport Division distributed 1,089,792 MCF of gas to approximately 4,700 customers, all of whom are located within Rhode Island. The executive offices and utility assets of the Newport Division are all located within Rhode Island.

Providence is a holding company, as defined in section 2(a)(7) of the Act, by virtue of its ownership of 45% of the outstanding capital stock of Tiverton Gas Company ("Tiverton"), a gas utility company organized under the laws of Rhode Island which, in 1974, distributed 37,100 MCF of gas to approximately 500 customers in Tiverton, Rhode Island. Providence acquired Tiverton's stock as a part of its acquisition of Newport's assets. All of Tiverton's offices and distribution facilities are located in Rhode Island, and no gas sales are made without Rhode Island. It is stated that Providence has no meaningful role in Tiverton's management and does not participate in its operations.

Providence also owns all of the issued and outstanding stock of three non-utility subsidiaries, Bay Front Real Estate Company, Prudence Corporation and Arrowhead Propane Corporation, all of which are Rhode Island companies.

Providence proposes that it be exempted from the obligations of a holding company under the Act under either section 3(a)(1) or section 3(a)(2). Under section 3(a)(1), a holding company is exempted if it and its utility subsidiaries are incorporated in a single state and their utility operations are predominently intrastate in character. Section 3(a)(2) exempts holding companies which are predominently public-utility companies. The applicant states that it is entitled to exemption under either action.

The fees and expenses to be paid or incurred in connection with the proposed transaction will not exceed $500. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 15, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, or as it may be further amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-8093 Filed 3-27-75;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

MARCH 21, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 24, 1975 through April 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-8099 Filed 3-27-75;8:45 am]

[File No. 500-1]

SOUTHWESTERN RESEARCH CORP.

Suspension of Trading

MARCH 20, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Southwestern Research Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:45 a.m. (e.d.t.) on March 20, 1975 through midnight (e.d.t.) on March 29, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-8100 Filed 3-27-75;8:45 am]

[File No. 81-176]

VENTURA INTERNATIONAL INC.

Application and Opportunity for Hearing

MARCH 20, 1975.

Notice is hereby given that Ventura International Inc. ("Applicant") has

filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") that Applicant be granted an exemption from the provisions of section 13 and 15(d) of the 1934 Act.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting, interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of its fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons.

Section 13 and 15(d) of the 1934 Act require that issuers of securities registered pursuant to section 12 or that have filed a registration statement that has become effective pursuant to the Securities Act of 1933 must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the registration or periodic reporting provisions under sections 13 and 15(d), if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

(1) Applicant is a Nevada corporation formed in 1961 which has over its life engaged in various business activities. At the end of 1973, Applicant's principal business was conducted through its wholly owned subsidiary, the Smith Agency, Inc. ("Smith"), a general insurance consulting and agency organization.

(2) On December 27, 1973 the Applicant's shareholders approved a plan of complete liquidation under the Nevada Corporation Statutes and on January 4, 1974 the Applicant sold all of the stock of Smith. Since such time of sale, the Applicant has not engaged in any business and has substantially liquidated its assets and distributed the major part of the proceeds to its shareholders pursuant to the Plan.

(3) Applicant has 213,066 outstanding shares of Common Stock 91,955 of which are held by Allegheny Airlines and its associates and 102,366 of which are held by the former stockholders of Smith and their associates.

(4) The Applicant's common stock is not registered on any registered stock exchange and there is no active market for the shares.

(5) Applicant's sole assets currently consist of a fund to be utilized to meet expenses incurred in preparing Applicant's 1974 Annual Report on Form 10–K and an escrow fund of $250,000 established under the Plan of Liquidation to meet claims or damages that may result from breach of any representation or warranty of the Applicant or Smith in the Agreement effecting the sale of Smith's stock. The escrow fund will continue in existence for a term based generally upon Applicant's and Smith's term of liability upon their federal and state tax returns. Upon termination and after expenses and possible set-offs, the fund will be distributed to Applicant's shareholders. Income on the fund will be remitted to Applicant's shareholders annually.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to section 13 or 15(d) of the 1934 Act because its common stock is registered with the Securities and Exchange Commission.

The Applicant argues that the inactive status of the Company, the nature of its assets with its attendant income and the composition of the Applicant's stockholdings effectively foreclose the possibility of price manipulation of the Common Stock and obviate the need for periodic reporting.

For a more detailed statement of the information presented, all persons are referred to the application and amendments which are on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any person not later than April 14, 1975 may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. 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. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–8094 Filed 3–27–75;8:45 am]

[File No. 500–1]

WINNER INDUSTRIES, INC.

Suspension of Trading

MARCH 21, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 24, 1975 through April 2, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75–8101 Filed 3–27–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Authority Delegation 30; Revision 15]

FIELD OFFICES

Delegations of Authority To Conduct Program Activities

Correction

In FR Doc.75–6304 appearing on page 11657 in the issue for Wednesday, March 12, 1975, the headings should read as set forth above.

On page 11658, column two, in the third line of paragraph 3 (b)(1), "...—bursement loans)" should read "...—bursed loans)".

In paragraph 4(1) of column two on page 11658, "Regional" should read "Regional Director".

On page 11659 at the top of column two, the paragraph after 2(2) numbered (5) reading "Assistant Director for F&I Administration" should be numbered (3) and should read as follows: "Assistant Regional Director for Administration."

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods,

materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 24th day of March, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending March 21, 1975

Name of applicant	Location of enterprise	Principal product or activity
Potvin Lumber Co	Stamford, Vt	Manufacture of lumber.
Cantera Tono Torres	Guanica, P.R	Crushing 1" stone into artificial ASTM specification sand.
Hartsville Industrial Development Board (Lessor to Lamsteel Corp.).	Hartsville, Tenn	Manufacturing of industrial sewing machine table tops and steel stands for garment and shoe industry.
Broad River Marine, Inc	Beaufort County, S.C.	Sales of marine products; boats, Mercury motors, trailers, Honda products, and motorcycles.
Weakley County Supply Co	Dresden, Tenn	Increased supply and variety of building, electrical, plumbing supplies, and additional employment.
Wentworth Manufacturing Co	Lake City, S.C	Manufacture of women's dresses.
Vergil Haddix	Richmond, Ky	Single and multifamily residential lots.
Rainducker, Inc	Chisholm, Minn	Manufactures women's and children's outerwear.
Boyce Ranson Ford, Inc	Spartanburg, S.C	Automobile sales.
Newellton Development Corp	Newellton, La	Nursing home.
The Boggs Avenue Co	Grand Island, Nebr	Do.
Ruby Mountains Manor, Inc	Elko, Nev	Do.
Minchs Wholesale Meats	Red Bluff, Calif	Slaughtering and further processing of cattle.

[FR Doc.75-8055 Filed 3-27-75;8:45 am]

Office of the Secretary

JOSEPH WEISS & SONS, INC.

Certification of Eligibility To Workers To Apply for Adjustment Assistance

Under date of February 18, 1975, the U.S. International Trade Commission made a report of the results of its investigation (TEA-W-258) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance on behalf of the workers and former workers of Joseph Weiss & Sons, Inc., Brooklyn, New York. In this report, the Commission found that articles like or directly competitive with manufactured granite produced by Joseph Weiss & Sons, Inc. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such firm engaged in the production and installation of manufactured granite.

Upon receipt of the U.S. International Trade Commission's affirmative finding, the Department, through the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation (Notice of Delegation of Authority and Notice of Investigation 34 FR 18342; 37 FR 2472; 40 FR 8609, 29 CFR Part 90).

Following this, the Director made a recommendation to me relating to the matter of certification. In the recommendation, she noted that concession generated imports like or directly competitive with manufactured granite produced by Joseph Weiss & Sons, Inc., more than tripled from 1967 to 1973. Despite efforts to compete effectively in the domestic granite market, Joseph Weiss & Sons, Inc., was not able to overcome the price advantage gained by foreign manufactured granite producers as a result of tariff reductions. Company production began a downward trend in 1972 when work of major contracts neared completion and the company was unable, due to increased import competition, to secure significant additional contracts. Most recently, the company lost a major contract to a supplier of imported manufactured granite in 1974. Labor force reductions at Joseph Weiss & Sons, Inc., caused in major part by increased import competition began in January 1974 and continues to date.

Lincoln Stone Setters, Inc., the installation operation of Joseph Weiss & Sons, Inc., expects to layoff installers of manufactured granite beginning in March 1975. The imminent layoff of installers is a direct result of granite contracts lost by Joseph Weiss & Sons, Inc., to suppliers of imported granite. After due consideration I make the following certifications:

All hourly and salaried employees of Joseph Weiss & Sons, Inc., Brooklyn, New York, who became or will become unemployed or underemployed after January 19, 1974, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

All workers engaged in the installation of manufactured granite, at Lincoln Stone Setters, Inc., Brooklyn, New York, a wholly-owned subsidiary of Joseph Weiss & Sons, Inc., who became or will become unemployed or underemployed after February 28, 1975, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 14th day of March, 1975.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary, Trade and Adjustment Policy.

[FR Doc.75-8127 Filed 3-27-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 731]

ASSIGNMENT OF HEARINGS

MARCH 25, 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 42011 Sub 14, D. Q. Wise and Co., Inc., now being assigned June 3, 1975 (1 day), at Dallas, Texas; in a hearing room to be designated later.

MC 111401 Sub 430, Groendyke Transport, Inc., now being assigned June 4, 1975 (3 days), at Dallas, Texas; in a hearing roon to be designated later.

MC 128932 Sub 7, Robert L. Torrans, d.b.a. Commercial Storage & Distribution Co., now being assigned June 9, 1975 (1 week), at Dallas, Texas; in a hearing room to be designated later.

MC 114273 Sub 211, Cedar Rapids Steel Transportation, Inc., now being assigned June 9, 1975, at Chicago, Ill., in a hearing room to be later designated.

MC 114457 Sub 202, Dart Transit Company, now being assigned June 3, 1975, at Chicago, Ill., in a hearing room to be later designated.

MC 139499 Sub 3, U.S. Transport, Inc., now being assigned June 9, 1975 (1 day), at San Francisco, Ca., in a hearing room to be designated later.
MC 116763 Sub 297, Carl Subler Trucking, Inc., now being assigned June 10, 1975 (1 day), at San Francisco, Ca., in a hearing room to be designated later.
MC 125433 Sub 54, F-B Truck Line Company, now being assigned June 11, 1975 (1 day), at San Francisco, Ca., in a hearing room to be designated later.
MC 134922 Sub 95, B. J. McAdams, Inc., now being assigned June 12, 1975 (1 day), at San Francisco, Ca., in a hearing room to be designated later.
MC 106644 Sub 192, Superior Trucking Company, Inc., now being assigned June 13, 1975 (1 day), at San Francisco, Ca., in a hearing room to be designated later.
MC 124964 Sub 20, Joseph M. Booth, d.b.a. J. M. Booth Trucking, now being assigned June 16, 1975 (2 days), at San Francisco, Ca., in a hearing room to be designated later.
MC-F-12360, Tri-State Motor Transit Co.—Purchase (Portion)—National Carriers, Inc., and MC 109397 Sub 307, Tri-State Transit Co., now being assigned June 18, 1975 (3 days), at San Francisco, Ca., in a hearing room to be designated later.
MC 113855 Sub 292, International Transport, Inc., now being assigned June 23, 1975 (1 week), at San Francisco, Ca., in a hearing room to be designated later.
MC 114004 Sub 127, Chandler Trailer Convoy, Inc., Extension—Buildings, now being assigned June 17, 1975 (4 days), at Nashville, Tennessee; in a hearing room to be designated later.
MC 111170 Sub 217, Wheeling Pipe Line, Inc., now being assigned June 23, 1975 (1 day), at Memphis, Tennessee; in a hearing room to be designated later.
MC 133655 Sub 79, Trans-National Truck, Inc., now being assigned June 24, 1975 (2 days), at Memphis, Tennessee; in a hearing room to be designated later.
MC 134922 Sub 75, B. J. McAdams, Inc., now being assigned June 26, 1975 (2 days), at Memphis, Tennessee; in a hearing room to be designated later.
MC 114334 Sub 27, Builders Transportation Co., now assigned April 23, 1975 at Jackson, Mississippi; will be held in the Jackson Hilton Hotel, 750 N. State Street.
MC 30844 Sub 516, Kroblin Refrigerated Express, Inc., now being assigned June 5, 1975 (2 days), at Chicago, Ill. in a hearing room to be later designated.
MC 113434 Sub 62 Gra-Bell Truck Line, Inc., now being assigned June 11, 1975 (3 days), at Chicago, Ill., in a hearing room to be later designated.
MC 139614, Erin Tours, Inc., now being assigned continued hearing on April 29, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC-F-12190, National Freight, Inc.—Purchase—Northeastern Trucking Company, now assigned April 15, 1975, at Washington, D.C., is postponed to May 20, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 138730 Sub 2, Caravan Tours, Inc., d.b.a. Caraven Towne Cars, now assigned June 9, 1975, at Newark, N.J., is cancelled and reassigned June 9, 1975 (2 weeks), at the Holiday Inn, 707 Route 46, Parsippany, N.J.
MC 113678 Sub 546, Curtis, Inc., now assigned April 7, 1975, at Omaha, Nebr., is cancelled and the application is dismissed.
MC 53965 Sub 107, Graves Truck Line, Inc., MC 110563 Sub 151, Coldway Food Express, Inc., MC 111231 Sub 191, Jones Truck Lines, Inc., MC 113678 Sub 584, Curtis, Inc., MC 114273 Sub 231, CRST, Inc., MC 114284 Sub 65, Fox Smythe Transportation Co., Inc., MC 114569 Sub 115, Shaffer Trucking, Inc., MC 118142, Sub 77, M. Bruenger & Co., Inc., MC 119741 Sub 51, Green Field Transport Company, Inc., MC 123004 Sub 6, The Luper Transportation Company, MC 127042 Sub 153, Hagen, Inc., and MC 134323 Sub 69, Jay Lines, Inc., now assigned April 7, 1975, at Wichita, Kans., postponed indefinitely.
MC-F-12321, Akers Motor Lines, Inc.—Control—Central Motor Lines, Inc., now assigned April 9, 1975, at Washington, D.C., has been postponed to May 7, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 117574 Sub 254, Daily Express, Inc., now being assigned June 17, 1975, at Chicago, Ill., in a hearing room to be later designated.
MC 128270 Sub 8, Redlehs Interstate, Inc., now being assigned June 18, 1975 (3 days), at Chicago, Ill., in a hearing room to be later designated.
MC 108207 Sub 409, Frozen Food Express, Inc., now being assigned June 23, 1975 (1 week), at Chicago, Ill., in a hearing room to be later designated.

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

[FR Doc.75-8141 Filed 3-27-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 25, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before April 14, 1975.

FSA No. 42961—*Rice from Houston, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-522), for interested rail carriers. Rates on cracked or broken rice (brewers' rice) or milled rice, in bulk, in covered hopper cars, as described in the application, from Houston, Texas, to Newark, N.J.

Grounds for relief—Water competition.

Tariff—Supplement 16 to Southwestern Freight Bureau, Agent, tariff 326-C, ICC No. 5155. Rates are published to become effective on April 24, 1975.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42962—*Rice from Houston, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-523), for interested rail carriers. Rates on cracked or broken rice (brewers' rice) or milled rice, in bulk in covered hopper cars, as described in the application, from Houston, Texas, to Newark, N.J.

Grounds for relief—Maintenance of depressed rates published to meet water competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 16 to Southwestern Freight Bureau, Agent, tariff 326-C, ICC No. 5155. Rates are published to become effective on April 24, 1975.

By the Commission.

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

[FR Doc.75-8142 Filed 3-27-75;8:45 am]

[Notice 255]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

MARCH 28, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 17, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35464. By order of March 6, 1975, the Motor Carrier Board approved the lease to K. C. Matthews, doing business as Matthews Trucking Co., Beaumont, Texas, of Certificate of Registration No. MC-121587 issued November 30, 1966, to Gulf Coast Transportation, Inc., Winnie, Texas, evidencing a right to engage in transportation in interstate commerce as described in Certificate of Convenience and Necessity No. 5217 dated December 3, 1973, issued by the Railroad Commission of Texas, William D. Lynch, P.O. Box 912, Austin, Texas 78767, attorney for applicants.

No. MC-FC-75618. By order of March 14, 1975, the Motor Carrier Board approved the transfer to Benjamin Blatt, doing business as Ben Blatt, Pittsburgh, Pa., of the operating rights in Permit No. MC-135028 issued September 14, 1971, to Sterling Wilson Perkins, Pittsburgh, Pa., authorizing the transportation of electrical appliances, lighting fixtures and electrical supplies from the storage facilities of the Allied Electrical Supply Company at Pittsburgh, Pa., to points in Ohio, West Virginia, and named counties in Pennsylvania. Gerald S. Lesher, 1018 Frick Bldg., Pittsburgh, Pa., 15219, attorney for applicants.

No. MC-FC-75704. By order entered March 7, 1975, the Motor Carrier Board approved the transfer to Eastside Enterprises, Inc., Springfield, Oreg., of the operating rights set forth in Certificate No. MC-136595 (Sub-No. 1), issued by the Commission, April 19, 1973, to Frank J. Williams, doing business as Eastside Mobile Home Transporting, Springfield,

Oreg., authorizing the transportation of prefabricated buildings, sectionalized, from Eugene, Oreg., to points in Washington. Lawrence V. Smart, Jr., 419 N.W. 23d Ave., Portland, Oreg. 97210, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8140 Filed 3-27-75;8:45 am]

[Notice 32]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Schwerman Trucking Co.:		
MC-124078 Sub-531	MC-124078 Sub-541	July 19, 1974
MC-124078 Sub-542	MC-124078 Sub-544	Do.
Chemical Express Carriers, Inc., MC-124236 Sub-58	MC-124236 Sub-60	July 26, 1974
Hiner Transport, Inc., MC-124344 Sub-4	MC-124344 Sub-5	July 31, 1974
Karl Arthur Weber, MC-128196 Sub-6	MC-128196 Sub-7	July 19, 1974
Larson Transfer & Storage Co., Inc., MC-128652 Sub-8	MC-128652 Sub-9	July 31, 1974
DBA, ABC Cartage, MC-129802 Sub-6	MC-129802 Sub-5	July 19, 1974
DBA, Angelo Trucking Co., MC-134233 Sub-3	MC-134233 Sub-4	Do.
Interstate Contract Carrier Corp., MC-134599 Sub-67	MC-134599 Sub-79	July 17, 1974
Transportes Kispanos, Inc., MC-134784	MC-134784 Sub-1	Dec. 22, 1972
Coyote Truck Line, Inc., MC-136318 Sub-4, 7	MC-136318 Sub-5	July 19, 1974
Concord Trucking Co., Inc., MC-136371 Sub-13	MC-136371 Sub-10	July 17, 1974
DBA, Box Trucking, MC-136989 Sub-4	MC-136989 Sub-5	July 22, 1974
DBA, Rents Farm Supply, MC-138176	MC-138176 Sub-1	July 19, 1974
TMI Transport Corp., MC-138367 Sub-1	MC-138367 Sub-2	July 29, 1974
S & S Transport Co., MC-138441 Sub-1	MC-138441 Sub-2	July 22, 1974
Gulf Shores Charter Services, Inc., MC-138717 Sub-1	MC-138717 Sub-2	July 19, 1974
DBA, GVS, MC-138769	MC-138769 Sub-1	July 25, 1974

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-8143 Filed 3-27-75;8:45 am]

federal register

FRIDAY, MARCH 28, 1975
WASHINGTON, D.C.
Volume 40 ■ Number 61
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

TOLERANCES FOR PESTICIDES IN FOOD AND ANIMAL FEED ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Reorganization and Republication

Title 21—Food and Drugs

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

[Recodification Docket No. 10]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

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

Reorganization and Republication

The Commissioner of Food and Drugs, for the purposes of establishing an orderly development of informative regulations for the Food and Drug Administration, furnishing ample room for expansion of such regulations in years ahead, and providing the public and affected industries with regulations that are easy to find, read, and understand, initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations. This is the tenth document in a series of recodification documents.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

The Environmental Protection Agency, in cooperating with the Food and Drug Administration in their recodification program, is issuing the following reorganization and republication document.

The following table shows the relationship of former CFR section numbers and the new section numbers assigned to them.

Old Section	*New Section*	*Old Section*	*New Section*
121.204	561.210	121.334	561.280
121.211	561.230	121.335	561.360
121.215	561.160	121.336	561.150
121.216	561.110	121.337	561.250
121.218	561.220	121.338	561.80
121.221	561.130	121.339	561.60
121.226	561.120	121.340	561.350
121.227	561.370	121.341	561.400
121.228	561.270	121.342	561.140
121.240	561.180	121.343	561.50
121.260	561.380	121.344	561.190
121.270	561.260	121.345	561.330
121.274	561.70	121.346	561.300
121.281	561.40	121.347	561.200
121.287	561.365	121.348	561.90
121.289	561.310	121.349	561.20
121.290	561.340	121.350	561.320
121.296	561.290	121.1006	123.270
121.300	561.100	121.1020	123.250
121.303	561.410	121.1038	123.420
121.326	561.170	121.1052	123.280
121.330	561.30	121.1061	123.40
121.331	561.240	121.1062	123.310
121.332	561.390	121.1072	123.240
121.1074	123.360	121.1231	123.440
121.1075	123.390	121.1232	123.200
121.1076	123.380	121.1234	123.130
121.1079	123.330	121.1236	123.370
121.1083	123.300	121.1240	123.150
121.1093	123.110	121.1241	123.90
121.1093a	123.120	121.1242	123.160
121.1096	123.210	121.1243	123.400
121.1126	123.190	121.1245	123.220
121.1133	123.225	121.1247	123.430
121.1152	123.230	121.1248	123.180
121.1172	123.260	121.1249	123.60
121.1178	123.20	121.1251	123.50
121.1196	123.450	121.1252	123.170
121.1204	123.100	121.1253	123.410
121.1205	123.320	121.1254	123.30
121.1206	123.460	121.1256	123.350
121.1207	123.80	121.1264	123.70
121.1218	123.290	121.1268	123.285
121.1220	123.140	121.2504	123.520
121.1226	123.340		

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation.

Dated: March 7, 1975.

LEONARD AXELROD,
Acting Deputy Assistant Administrator for Pesticide programs.

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

Subpart A—Food Additives Permitted in Food for Human Consumption

Sec.

123.20 Aluminum phosphide.
123.30 Benomyl.
123.40 Captan.
123.50 Carbophenothion.
123.60 Chlordimeform.
123.70 (2 - Chloroethyl) trimethylammonium chloride.
123.80 1,1 - Bis(*p*-chlorophenyl) - 2,2,2-zotriazin-3(4*H*)-ylmethyl] phosphorodithioate.
123.90 Copper.
123.100 2,4-D.
123.110 DDT.
123.120 DDT and its related degradation products in manufactured dairy products.
123.130 Dialfor.
123.140 2,2-Dichlorovinyl dimethyl phosphate.
123.150 *O,O*-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4*H*)-ylmethyl] phosphorodithioate.
123.160 Diquat.
123.170 Endosulfan.
123.180 Endothall.
123.190 Ethion.
123.200 Ethylene oxide.
123.210 Ethyl formate.
123.220 Formetanate hydrochloride.
123.225 Fumigants for grain-mill machinery.
123.230 Fumigants for processed grains used in production of fermented malt beverages.
123.240 Hydrogen cyanide.
123.250 Inorganic bromide.
123.260 Malathion.
123.270 Maleic hydrazide.
123.280 Metaldehyde.
123.285 Methoprene.
123.290 1-Methoxycarbonyl -1- propen -2- yl dimethylphosphate and its beta isomer.
123.300 Methyl chloride.
123.310 Methyl formate.
123.320 *N*-Octylbicycloheptene dicarboximide.
123.330 Paraformaldehyde.
123.340 Phosalone.
123.350 Picloram.
123.360 Piperonyl butoxide.
123.370 Propargite.
123.380 Propylene oxide.
123.390 Pyrethrins.
123.400 Simazine.
123.410 Succinic acid 2,2-dimethylhydrazide.
123.420 Tetradifon.
123.430 Tricyclohexyltin hydroxide.
123.440 Trifluralin.
123.450 Toxaphene.
123.460 Zinc ion and maneb coordination product.

Subpart B—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

123.520 Malathion.

AUTHORITY: Sec. 409, 72 Stat. 1785 (21 U.S.C. 348).

Subpart A—Food Additives Permitted in Food for Human Consumption

§ 123.20 Aluminum phosphide.

The food additive aluminum phosphide may be safely used in accordance with the following prescribed conditions:

(a) It is used to generate phosphine in the fumigation of processed foods.

(b) To assure safe use of the additive, it is used in compliance with label and labeling conforming to that registered with the U.S. Environmental Protection Agency. Labeling shall bear a warning to aerate the finished food for 48 hours before it is offered to the consumer. A further warning shall state that under no condition should the formulation containing aluminum phosphide be used so that it or its unreacted residues will come in contact with any processed food.

(c) Residues of phosphine in or on processed foods do not exceed 0.01 part per million.

§ 123.30 Benomyl.

A tolerance of 50 parts per million is established for combined residues of the fungicide benomyl (methyl-1-(butylcarbamoyl) - 2 - benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in raisins when present therein as a result of application of the fungicide to growing grapes.

§ 123.40 Captan.

A tolerance of 50 parts per million is established for residues of captan (*N* - trichloromethylmercapto - 4-cyclohexene-1,2-dicarboximide) in or on washed raisins when present as a result of fungicidal treatment by preharvest application to grapes and postharvest application during the drying process.

§ 123.50 Carbophenothion.

A tolerance of 20 parts per million is established for combined residues of the insecticide carbophenothion (*S*-[(p-cholorophenylthio) methyl] *O,O*-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on dried tea resulting from application of the insecticide to growing tea.

§ 123.60 Chlordimeform.

A tolerance of 15 parts per million is established for combined residues of the insecticide chlordimeform *N'*-(4-chloro-*o*-tolyl)-*N,N*-dimethylformamidine) and

its metabolites containing the 4-chloro-o-toluidine moiety (calculated as the parent insecticide) in or on dried prunes from application of the insecticide to the growing raw agricultural commodity plums (fresh prunes).

§ 123.70 (2 - Chloroethyl) trimethylammonium chloride.

A tolerance of 6 parts per million is established for residues of the plant regulator (2-chloroethyl) trimethylammonium chloride in the sugarcane by-product molasses, resulting from application of the plant regulator to the growing crop sugarcane. Such residues may be present therein only as a result of the application of the plant regulator to the growing sugarcane treated under an experimental permit, which expires October 4, 1975, and on which said sugarcane a temporary pesticide tolerance for the plant regulator expiring the same date has been established.

§ 123.80 1,1 - Bis(*p*-chlorophenyl)-2,2,2-trichloroethanol.

A tolerance of 45 parts per million is established for residues of the insecticide 1,1-bis(p-chlorophenyl)-2,2,2-trichloroethanol in dried tea when present therein as a result of its application to the growing tea crop.

§ 123.90 Copper.

A tolerance of 1 part per million is established in potable water for residues of copper resulting from the use of the algicides or herbicides basic copper carbonate (malachite), copper sulfate, and copper triethanolamine to control aquatic plants in reservoirs, lakes, ponds, irrigation ditches, and other potential sources of potable water.

§ 123.100 2,4-D.

Tolerances are established for residues of the herbicides 2,4-D (2,4-dichlorophenoxyacetic acid) as follows:

2 parts per million in the milled fractions (except flour) derived from barley, oats, rye, and wheat to be ingested as food or to be converted to food. Such residues may be present therein only as a result of application to the growing crop of the herbicides identified in 40 CFR 180.142.

0.1 part per million (negligible residue) in potable water. Such residues may be present therein only as a result of application of the dimethylamine salt of 2,4-D to irrigation ditch banks in the Western United States in programs of the Bureau of Reclamation; cooperating water user organizations; the Bureau of Sport Fisheries, U.S. Department of the Interior; Agricultural Research Service, U.S. Department of Agriculture and the Corps of Engineers, U.S. Department of Defense.

§ 123.110 DDT.

Tolerances are established for residues of the insecticide DDT (a mixture of 1, 1, 1-trichloro-2,2-bis(p-chlorophenyl) ethane and 1, 1, 1-trichloro-2-(o-chlorophenyl)-2-(p-chlorophenyl) ethane) in or on the following processed foods, when present therein as a result of the application of this insecticide to growing crops:

100 parts per million in or on peppermint oil and spearmint oil.
80 parts per million in or on dried hops.
6 parts per million in crude soybean oil.
If residues of toxaphene are also present from application to the growing crop, the total residue of both such chlorinated organic compounds shall not exceed 12 parts per million.

§ 123.120 DDT and its related degradation products in manufactured dairy products.

Tolerances of 1.25 parts per million on the milk-fat basis are established for residues in manufactured dairy products for each or any combination of the following: DDT, DDD (1,1-dichloro-2,2-bis(p-chlorophenyl) ethane), and DDE (1,1 - dichloro - 2,2 - bis(p-chlorophenyl) ethylene). Such residues may be present therein only as a result of permissible residues in milk.

§ 123.130 Dialifor.

A tolerance of 2 parts per million is established for combined residues of the insecticide dialifor (*S*-(2-chloro-1-phthalimidoethyl) *O,O*-diethyl phosphorodithioate and its oxygen analog *S*-(2-chloro-1-phthalimidoethyl *O,O*-diethyl phosphorothioate in or on raisins from application of the insecticide to the growing raw agricultural commodity grapes.

§ 123.140 2,2-Dichlorovinyl dimethyl phosphate.

The food additive 2,2-dichlorovinyl dimethyl phosphate may be present as a residue, from application as an insecticide on packaged or bagged nonperishable processed food (see § 121.1(j)), in an amount in such food not in excess of 0.5 part per million. To assure safe use of the insecticide, its label and labeling shall conform to the label and labeling registered by the U.S. Environmental Protection Agency and the usage employed shall conform with such label or labeling.

§ 123.150 *O,O*-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4*H*)-ylmethyl] phosphorodithioate.

A tolerance of 1 part per million is established for residues of the insecticide *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4*H*)-ylmethyl] phosphorodithioate in soybean oil resulting from application of the insecticide to the raw agricultural commodity soybeans.

§ 123.160 Diquat.

An interim tolerance of 0.01 part per million is established for residues of the herbicide diquat in potable water (calculated as the cation) resulting from the use of its dibromide salt to control aquatic weeds in canals, lakes, ponds, and other potential sources of potable water.

§ 123.170 Endosulfan.

A tolerance of 24 parts per million is established for combined residues of the insecticide endosulfan (6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro - 6,9-methano - 2,4,3 - benzodioxathiepin - 3-oxide) and its metabolite endosulfan sulfate (6,7,8,9,10,10-hexachloro - 1,5,5a,6,9,9a-hexahydro-6,9 - methano - 2,4,3-benzodioxathiepin-3,3-dioxide) in or on dried tea (reflecting less than 0.1 part per million residues in beverage tea) resulting from application of the insecticide to growing tea.

§ 123.180 Endothall.

An interim tolerance of 0.2 part per million is established for residues of the herbicide endothall (7-oxabicyclo[2.2.1] heptane-2,3-dicarboxylic acid) in potable water from use of its potassium, sodium, di-*N,N*-dimethylalkylamine, and mono-*N,N*-dimethylalkylamine salts as algicides or herbicides to control aquatic plants in canals, lakes, ponds, and other potential sources of potable water.

§ 123.190 Ethion.

Tolerances for residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate), including its oxygen analog (*S*-[[(diethoxyphosphinothioyl) thio]methyl]*O,O*-diethyl phosphorothioate), when present as a result of its application to growing agricultural commodities are established as follows:

10 parts per million in dried tea.
4 parts per million in raisins.

§ 123.200 Ethylene oxide.

Ethylene oxide may be safely used as a fumigant for the control of microorganisms and insect infestation in ground spices and other processed natural seasoning materials, except mixtures to which salt has been added, in accordance with the following prescribed conditions:

(a) Ethylene oxide, either alone or admixed with carbon dioxide or dichlorodifluoromethane, shall be used in amounts not to exceed that required to accomplish the intended technical effects. If used with dichlorodifluoromethane, the dichlorodifluoromethane shall conform with the requirements prescribed by § 121.1209(a) of this chapter.

(b) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency and it shall be used in accordance with such label or labeling.

(c) Residues of ethylene oxide in ground spices from both postharvest application to the raw agricultural commodity whole spices and application to the ground spices shall not exceed the established tolerance of 50 parts per million for residues in whole spices in 40 CFR 180.151.

§ 123.210 Ethyl formate.

The food additive ethyl formate may be safely used in or on specified dried fruits in accordance with the following prescribed conditions:

(a) It is used or intended for use in or on raisins and dried Zante currants as a bulk and package fumigant.

(b) It is used in accordance with directions registered with the U.S. Envi-

ronmental Protection Agency, and so used that the total formic acid present, free and combined, in the finished product shall not exceed 250 parts per million.

(c) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency.

§ 123.220 Formetanate hydrochloride.

A tolerance of 8 parts per million is established for residues of the insecticide formetanate hydrochloride (*m*-[[(dimethylamino)methylene amino] phenyl methyl-carbamate hydrochloride) in dried prunes when present therein as a result of the application of the insecticide to growing plums (fresh prunes).

§ 123.225 Fumigants for grain-mill machinery.

Fumigants may be safely used in or on grain-mill machinery in accordance with the following prescribed conditions:

(a) The fumigants consist of one or more of the following: Carbon disulfide, carbon tetrachloride, ethylene dibromide, ethylene dichloride, methyl bromide.

(b) To assure safe use of the fumigant, its label and labeling shall conform to the label and labeling registered by the U.S. Environmental Protection Agency.

(c) Residues of inorganic bromides (calculated as Br) in milled fractions derived from cereal grain from all fumigation sources, including fumigation of grain-mill machinery, shall not exceed 125 parts per million.

§ 123.230 Fumigants for processed grains used in production of fermented malt beverages.

Fumigants for processed grain may be safely used, in accordance with the following conditions.

(a) They consist of one of the following mixtures:

(1) Carbon tetrachloride with either carbon disulfide or ethylene dichloride, with or without pentane.

(2) Methyl bromide and ethylene dibromide. Total residues of inorganic bromides (calculated as Br) from the use of this mixture and any previous fumigations shall not exceed 125 parts per million.

(b) They are used to fumigate corn grits and cracked rice used in the production of fermented malt beverages.

(c) To assure safe use of the fumigant, its label and labeling shall conform to the label and labeling registered by the U.S. Environmental Protection Agency, and the usage employed should conform with such label or labeling.

(d) The total residue of inorganic bromides in fermented malt beverages, resulting from the use of corn grits and cracked rice fumigated with the mixture described in paragraph (a)(2) of this section plus additional residues of inorganic bromides that may be present from uses in accordance with other regulations in this chapter promulgated under sections 408 and/or 409 of the act, does not exceed 25 parts per million of bromide (calculated as Br).

§ 123.240 Hydrogen cyanide.

The food additive hydrogen cyanide may be present as a residue in certain processed foods in accordance with the following prescribed conditions:

(a) The food additive is present as a result of its use as a fumigant.

(b) The residues of hydrogen cyanide shall not exceed the following levels:

(1) 125 parts per million in cereal flours.

(2) 90 parts per million in cereals that are cooked before being eaten.

(3) 50 parts per million in uncooked ham, bacon, and sausage.

(4) 200 parts per million in cocoa.

(c) Where tolerances are established under both sections 408 and 409 of the act on the raw agricultural commodity and on the processed food, respectively, the total residues of hydrogen cyanide in or on the processed food shall not be greater than that designated in paragraph (b) of this section.

(d) To assure safe use of the additive, the label and labeling of the pesticide formulation containing the food additive shall conform to the label and labeling registered by the U.S. Environmental Protection Agency.

§ 123.250 Inorganic bromide.

The food additive inorganic bromide may be present as a residue in certain processed foods in accordance with the following conditions:

(a) When the food additive is present as a result of fumigation of the processed food with methyl bromide or from such fumigation in addition to the authorized use of methyl bromide, ethylene dibromide, or the nematocide 1,2-dibromo-3-chloropropane on the source raw agricultural commodity, as provided for in 40 CFR Part 180, the total residues of inorganic bromides (calculated as Br) shall not exceed the following levels:

400 parts per million in or on dried eggs and processed herbs and spices.
325 parts per million in or on parmesan cheese and roquefort cheese.
250 parts per million in or on concentrated tomato products and dried figs.
125 parts per million in or on processed foods other than those listed in paragraph (b) of this section.

(b) When the food additive is present as the result of the use of a mixture of methyl bromide and ethylene dibromide as a fumigant, the residues of inorganic bromides (calculated as Br) shall not exceed the following levels:

400 parts per million in or on dried eggs and processed herbs and spices.
125 parts per million in or on bread, biscuit, cake, cookie, and pie mixes; breading; cereal flours and related products complying with Part 15 of this chapter; cracked rice; dried vegetables; flours of barley, milo (sorghum), oats, rice, and rye; macaroni and noodle products complying with Part 16 of this chapter; and soya flour.

(c) When the food additive is present in fermented malt beverages in accordance with §§ 123.230 and/or 121.1194 of this chapter, the amount shall not exceed 25 parts per million (calculated as Br).

(d)–(v) [Reserved]

(w) Where tolerances are established under sections 408 and 409 of the act on both the raw agricultural commodities and processed foods made therefrom, the total residues of inorganic bromides in or on the processed food shall not be greater than those designated in paragraphs (a) and (b) of this section, unless a higher level is established elsewhere in 40 CFR 180.151 or in this part.

§ 123.260 Malathion.

Malathion may be safely used in accordance with the following conditions:

(a) (1) It is incorporated into paper trays in amounts not exceeding 100 milligrams per square foot.

(2) Treated paper trays are intended for use only in the drying of grapes (raisins).

(3) Total residues of malathion resulting from drying of grapes on treated trays and from application to grapes before harvest shall not exceed 12 parts per million on processed ready-to-eat raisins.

(b) Residues of malathion in refined safflower oil from application to the growing safflower plant shall not exceed 0.6 part per million.

§ 123.270 Maleic hydrazide.

A food additive known as maleic hydrazide (1,2-dihydro-3,6-pyridazinedione) may be present in potato chips when used in accordance with the following conditions:

(a) The food additive is present as a result of the application of a pesticide formulation containing maleic hydrazide to the growing potato plant in accordance with directions registered by the U.S. Environmental Protection Agency.

(b) The label of the pesticide formulation containing the food additive conforms to labeling registered by the U.S. Environmental Protection Agency.

(c) The food additive is present in an amount not to exceed 160 parts per million by weight of the finished food.

§ 123.280 Metaldehyde.

The food additive metaldehyde may be safely used as a preharvest spray or dust on strawberries to control slugs and snails, in accordance with the following prescribed conditions:

(a) The food additive is applied as a preharvest spray or dust on growing strawberries at a rate of not more than 1 pound per acre, calculated as metaldehyde, and applied not later than 14 days before first picking.

(b) A tolerance of zero is established for residues of metaldehyde on strawberries.

(c) To insure safe usage of the additive:

(1) The label of any market package of the additive shall bear, in addition to other information required by the act, the name of the additive.

(2) The label of any prepared mix or concentrate shall indicate the percentage by weight of the additive.

(3) The label shall bear adequate directions for use, in conformance with paragraph (a) of this section and may indicate that in the event the metaldehyde is removed by rain an additional application may be made provided such application is made not less than 14 days before first picking.

§ 123.285 Methoprene.

The insect growth regulator methoprene (isopropyl (E,E-11-methoxy-3,7, 11-trimethyl-2,4-dodecadienoate)) is exempt from the requirement of a tolerance in potable water when used on pastures, rice fields, marshlands, and other noncrop areas to control floodwater mosquitoes.

§ 123.290 1-Methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer.

A tolerance of 4 parts per million is established for residues of the insecticide 1-methoxycarbonyl-1-propen-2-yl dimethylphosphate and its beta isomer in dehydrated parsley when present as a result of application of the insecticide to the growing crop.

§ 123.300 Methyl chloride.

The food additive methyl chloride may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use as a propellant in pesticide formulations in an amount not to exceed 30 percent of the finished formulation.

(b) It is used or intended for use in food storage and processing areas whereby spray applications do not contact fatty foods.

(c) To assure safe use of the additive, the label and labeling of the pesticide formulation containing the food additive shall conform to the label and labeling registered by the U.S. Environmental Protection Agency.

§ 123.310 Methyl formate.

The food additive methyl formate may be safely used in or on specified dried fruits in accordance with the following prescribed conditions:

(a) It is used or intended for use in or on raisins and dried Zante currants as a bulk and package fumigant.

(b) It is used in accordance with directions registered with the U.S. Environmental Protection Agency, and so used that the total formic acid present, free and combined in the finished product shall not exceed 250 parts per million.

(c) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency.

§ 123.320 *N*-Octylbicycloheptene dicarboximide.

The food additive *N*-octylbicycloheptene dicarboximide may be safely used in accordance with the following prescribed conditions:

(a) It is used in combination with piperonyl butoxide and pyrethrins for insect control in food-processing and food-storage areas, provided that the food is removed or covered prior to such use.

(b) Residues in food resulting from the use described in paragraph (a) of this section shall not exceed 10 parts per million of *N*-octylbicycloheptene dicarboximide, 10 parts per million of piperonyl butoxide, and 1 part per million of pyrethrins.

(c) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency and it shall be used in accordance with such label and labeling.

§ 123.330 Paraformaldehyde.

The food additive paraformaldehyde may be safely used in accordance with the following prescribed conditions.

(a) It is used to control microbial or fungal growth in maple tree tapholes.

(b) It is so used that the maple sirup produced from the sap of treated maple trees does not contain in excess of 2 parts per million of formaldehyde.

§ 123.340 Phosalone.

Tolerances are established for residues of the insecticide phosalone (*S*-(6-chloro - 3 - (mercaptomethyl) - 2 - benzoxazolinone) *O,O*-diethyl phosphorodithioate) in or on the following processed foods when present therein as a result of application of the insecticide to the growing crops:

40 parts per million in or on dried prunes.

20 parts per million in or on raisins.

8 parts per million in or on dried tea.

§ 123.350 Picloram.

The following interim tolerances are established for residues of the herbicide picloram (4-amino-3,5,6-trichloropicolinic acid) resulting from application of 2,4-D-picloram mixtures to growing barley and wheat in the States of Minnesota, Montana, Nebraska, North Dakota, and South Dakota:

2 parts per million in milled fractions (except flour) of barley and wheat.

1 part per million in flour of barley and wheat.

These interim tolerances expire April 1, 1976.

§ 123.360 Piperonyl butoxide.

The food additive piperonyl butoxide may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with pyrethrins for control of insects:

(1) In cereal grain mills and in storage areas for milled cereal grain products, whereby the amount of piperonyl butoxide is at least equal to but not more than 10 times the amount of pyrethrins in the formulation.

(2) On the outer ply of multiwall paper bags of 50 pounds or more capacity in amounts not exceeding 60 milligrams per square foot, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethrins in the formulation. Such treated bags are to be used only for dried foods.

(3) On cotton bags of 50 pounds or more capacity in amounts not exceeding 55 milligrams per square foot of cloth, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethrins in the formulation. Such treated bags are constructed with waxed paper liners and are to be used only for dried foods that contain 4 percent fat or less.

(4) In two-ply bags consisting of cellophane/polyolefin sheets bound together by an adhesive layer when it is incorporated in the adhesive. The treated sheets shall contain not more than 50 milligrams of piperonyl butoxide per square foot (538 milligrams per square meter). Such treated bags are to be used only for packaging prunes, raisins, and other dried fruits and are to have a maximum ratio of 3.12 milligrams of piperonyl butoxide per ounce of fruit (0.10 milligram of piperonyl butoxide per gram of product).

(5) In food processing and food storage areas: *Provided*, That the food is removed or covered prior to such use.

(b) It is used or intended for use in combination with pyrethrins and *N*-octylbicycloheptene dicarboximide for insect control in accordance with § 123.320.

(c) A tolerance of 10 parts per million is established for residues of piperonyl butoxide in or on:

(1) Milled fractions derived from cereal grains when present therein as a result of its use in cereal grain mills and in storage areas for milled cereal grain products.

(2) Dried foods when present as a result of migration from its use on the outer ply of multiwall paper bags of 50 pounds or more capacity.

(3) Foods treated in accordance with § 123.320.

(4) Dried foods that contain 4 percent fat, or less, when present as a result of migration from its use on the cloth of cotton bags of 50 pounds or more capacity constructed with waxed paper liners.

(5) Foods treated in accordance with paragraph (a)(4) and (5) of this section.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

(e) Where tolerances are established under sections 408 and 409 of the act on both raw agricultural commodities and processed foods made therefrom, the total residues of piperonyl butoxide in or on the processed food shall not be greater than that permitted by the larger of the two tolerances.

§ 123.370 Propargite.

Tolerances are established for residues of the insecticide propargite (2-(*p*-*tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite) in the following processed foods when present therein as a result of the application of this insecticide to growing crops:

30 parts per million in dried hops.

25 parts per million in raisins.

§ 123.380 Propylene oxide.

The food additive propylene oxide may be safely used in or on foods in accordance with the following prescribed conditions:

(a) It is intended as a package fumigant in or on dried prunes and glace fruit. It is also intended as a fumigant in or on bulk quantities of cocoa, gums, processed spices, starch, and processed nutmeats (except peanuts) when such bulk foods are to be further processed into a final food form.

(b) Except in the fumigation of packaged dried prunes and glacé fruit, it is applied in retorts not more than one time and not in excess of a 4-hour duration at a temperature not in excess of 125° F.

(c) When used as described in paragraphs (a) and (b) of this section, residues shall not exceed the following limitations:

Food	Limitations
	(*Expressed as parts per million of propylene oxide except where noted*)
Cocoa	300.
Glacé fruit	700 (as propylene glycol).
Gums	300.
Processed nutmeats (except peanuts).	300.
Prunes, dried	700 (as propylene glycol).
Spices, processed	300.
Starch	300.

(d) Propylene oxide for use as prescribed in this section will bear labeling meeting the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

§ 123.390 Pyrethrins.

The food additive pyrethrins may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with piperonyl butoxide for control of insects:

(1) In cereal grain mills and in storage areas for milled cereal grain products, whereby the amount of pyrethrins is from 10 percent to 100 percent of the amount of piperonyl butoxide in the formulation.

(2) On the outer ply of multiwall paper bags of 50 pounds or more capacity in amounts not exceeding 6 milligrams per square foot, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation. Such treated bags are to be used only for dried foods.

(3) On cotton bags of 50 pounds or more capacity in amounts not exceeding 5.5 milligrams per square foot of cloth, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation. Such treated bags are constructed with waxed paper liners and are to be used only for dried foods that contain 4 percent fat or less.

(4) In two-ply bags consisting of cellophane/polyolefin sheets bound together by an adhesive layer when it is incorporated in the adhesive. The treated sheets shall contain not more than 10 milligrams of pyrethrins per square foot (107.6 milligrams per square meter). Such treated bags are to be used only for packaging prunes, raisins, and other dried fruits and are to have a maximum ratio of 0.31 milligram of pyrethrins per ounce of fruit (0.01 milligram of pyrethrins per gram of product).

(5) In food processing areas and food storage areas: *Provided*, That the food is removed or covered prior to such use.

(b) It is used or intended for use in combination with piperonyl butoxide and *N*-octylbicycloheptene dicarboximide for insect control in accordance with § 123.320.

(c) A tolerance of one part per million is established for residues of pyrethrins in or on:

(1) Milled fractions derived from cereal grains when present as a result of its use in cereal grain mills and in storage areas for milled cereal grain products.

(2) Dried foods when present as the result of migration from its use on the outer ply of multiwall paper bags of 50 pounds or more capacity.

(3) Foods treated in accordance with § 123.320.

(4) Dried foods that contain 4 percent fat, or less, when present as a result of migration from its use on the cloth of cotton bags of 50 pounds or more capacity constructed with waxed paper liners.

(5) Foods treated in accordance with paragraphs (a)(4) and (a)(5) of this section.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency, and it shall be used in accordance with such label and labeling.

(e) Where tolerances are established under sections 408 and 409 of the act on both raw agricultural commodities and processed foods made therefrom, the total residues of pyrethrins in or on the processed food shall not be greater than that permitted by the larger of the two tolerances.

§ 123.400 Simazine.

Tolerances are established for residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-*s*-triazine) or simazine and its metabolites 2-amino-4-chloro-6-ethylamino-*s*-triazine and 2,4-diamino-6-chloros-*s*-triazine as follows:

1 part per million for residues of simazine in sugarcane byproducts (molasses and sirup), resulting from application of the herbicide to the growing crop sugarcane.

0.5 part per million for combined residues of simazine and its metabolites 2-amino-4-chloro-6-ethylamino-*s*-triazine and 2,4-diamino-6-chloro-*s*-triazine in potable water. Such residues may be present therein only as a result of the application of the herbicide on aquatic plants under an experimental permit which expires October 22, 1975, in connection with a temporary pesticide tolerance for residues of the herbicide and the metabolites in fish, such temporary pesticide tolerance expiring the same date as the experimental permit.

§ 123.410 Succinic acid, 2,2-dimethylhydrazide.

A tolerance of 135 parts per million is established for residues of the plant regulator succinic acid, 2,2-dimethylhydrazide in dried prunes resulting from application of the plant regulator to the growing raw agricultural commodity plums.

§ 123.420 Tetradifon.

Tolerances are established for residues of tetradifon (2,4,5,4'-tetrachlorodiphenyl sulfone) when present as a result of its application as a pesticide chemical to growing agricultural crops, as follows:

120 parts per million in or on dried hops.
10 parts per million in or on dried figs.
8 parts per million in or on dried tea.

§ 123.430 Tricyclohexyltin hydroxide.

Tolerances are established for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on the following processed foods when present therein as result of application of the insecticide to the growing crops:

90 parts per million in dried hops.
4 parts per million in dried prunes.

§ 123.440 Trifluralin.

Tolerances are established for residues of the herbicide trifluralin in or on peppermint oil and spearmint oil at 2 parts per million when present therein as a result of application of the herbicide to the growing crops.

§ 123.450 Toxaphene.

A tolerance of 6 parts per million is established for residues of the insecticide toxaphene (chlorinated camphene containing 67 to 69 percent chlorine) in crude soybean oil when present therein as a result of the application of this insecticide to the growing soybean crop. If residues of DDT are also present from application to the growing crop, the total residue of both such chlorinated organic compounds shall not exceed 12 parts per million.

§ 123.460 Zinc ion and maneb coordination product.

Tolerances are established for residues of a fungicide which is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate) in or on the following processed foods, when present therein as a result of the application of this fungicide to growing crops:

28 parts per million in raisins.
20 parts per million in the bran of barley, oats, rye, and wheat.
1 part per million in the flours of barley, oats, rye, and wheat.

Subpart B—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

§ 123.520 Malathion.

Malathion may be safely used for the control of insects during the drying of

grapes (raisins) in compliance with § 123.260 by incorporation into paper trays in amounts not exceeding 100 milligrams per square foot.

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

Sec.

561.20 Acephate.
561.30 Aldicarb.
561.40 Aluminum phosphide.
561.50 Benomyl.
561.60 *sec*-Butylamine.
561.70 Carbophenothion.
561.80 Chlordimeform.
561.90 (2 - Chloroethyl) trimethylammonium chloride.
561.100 2,4-D.
561.110 Dalapon.
561.120 DDT.
561.130 Demeton.
561.140 Dialifor.
561.150 3',4'-Dichloropropionanilide.
561.160 *O,O*-Diethyl *S*-2-(ethylthio) ethyl phosphorodithioate.
561.170 Dimethoate including its oxygen analog.
561.180 *O,O*-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate.
561.190 *O,O*-Dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate.
561.200 2,4-Dinitro-6-octylphenyl crotonate and 2,6-dinitro-4 - octylphenyl crotonate.
561.210 Dioxathion.
561.220 Diuron.
561.230 Ethion.
561.240 Fluometuron.
561.250 Formetanate hydrochloride.
561.260 Inorganic bromides.
561.270 Malathion.
561.280 Methanearsonic acid.
561.290 Phorate.
561.300 Phosalone.
561.310 Piperonyl butoxide.
561.320 Procyazine.
561.330 Propargite.
561.340 Pyrethrins.
561.350 Simazine.
561.360 Succinic acid, 2,2-dimethylhydrazide.
561.365 Synthetic isoparaffinic petroleum hydrocarbons.
561.370 TDE (DDD).
561.380 Thiabendazole.
561.390 *S,S,S*-Tributyl phosphorotrithioate.
561.400 Tricyclohexyltin hydroxide.
561.410 Zinc ion and maneb coordination product.

AUTHORITY: Sec. 409, 72 Stat. 1785 (21 U.S.C. 348).

§ 561.20 Acephate.

Tolerances are established for combined residues of acephate (*O,S*-dimethyl acetylphosphramidothioate) and its cholinesterase-inhibiting metabilite *O,S*-dimethyl phosphoramidothioate in the following processed feeds, when present as a result of the application of this insecticide to growing crops:

8 parts per million in cottonseed meal.

4 parts per million in cottonseed hulls and soybean meal.

§ 561.30 Aldicarb.

A tolerance of 0.3 part per million is established for residues of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde *O*-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde *O*-(methylcarbamoyl) oxime in or on cottonseed hulls. Such residues may be present therein only as a result of application of the pesticide chemical to the growing raw agricultural commodity cotton.

§ 561.40 Aluminum phosphide.

The food additive aluminum phosphide may be safely used in accordance with the following prescribed conditions:

(a) It is used to generate phosphine in the fumigation of animal feeds.

(b) To assure safe use of the additive, it is used in compliance with label and labeling conforming to that registered with the U.S. Environmental Protection Agency. Labeling shall bear a warning to aerate the finished feed for 48 hours before use. A further warning shall state that under no condition should the formulation containing aluminum phosphide be used so that it or its unreacted residues will come in contact with any processed feed.

(c) Residues of phosphine in or on animal feeds do not exceed 0.01 part per million.

§ 561.50 Benomyl.

Tolerances are established for combined residues of the fungicide benomyl (methyl - 1 - (butylcarbamoyl) -2-benz - imidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) as follows:

125 parts per million in dried grape pomace and raisin waste when present therein as a result of application of the fungicide to growing grapes.

70 parts per million in dried apple pomace when present therein as a result of application (preharvest and/or postharvest) of the fungicide to the raw agricultural commodity apples.

50 parts per million in dried citrus pulp when present therein as a result of application (preharvest and/or postharvest) of the fungicide to the raw agricultural commodity citrus fruits.

§ 561.60 *sec*-Butylamine.

A tolerance of 90 parts per million is established for residues of the fungicide *sec*-butylamine in citrus molasses and dried citrus pulp for cattle feed when present therein as a result of postharvest application of the fungicide to citrus fruit.

§ 561.70 Carbophenothion.

A tolerance of 10 parts per million is established for residues of the insecticide carbophenothion (*S*-(p-chlorophenylthiomethyl) *O,O*-diethyl phosphorodithioate) in or on dehydrated citrus pulp and citrus meal for cattle feed when present therein as a result of the application of this insecticide in the production of grapefruit, lemons, limes, oranges, tangelos, and tangerines.

§ 561.80 Chlordimeform.

The following tolerances are established for combined residues of the insecticide chlordimeform (*N'*-(4-chloro-o-tolyl)-*N,N*-dimethylformamidine) and its metabolites containing the 4-chloro-*o*-toluidine moiety (calculated as the insecticide) resulting from carryover and concentration after application of the insecticide to growing crops:

25 parts per million in dried apple pomace.

10 parts per million in cottonseed hulls.

§ 561.90 (2 - Chloroethyl) trimethylammonium chloride.

A tolerance of 6 parts per million is established for residues of the plant regulator (2-chloroethyl) trimethylammonium chloride in the sugarcane byproduct molasses intended for animal feed, resulting from application of the plant regulator to the growing crop sugarcane. Such residues may be present therein only as a result of the application of the plant regulator to the growing sugarcane treated under an experimental permit, which expires October 4, 1975, and on which said sugarcane a temporary pesticide tolerance for the plant regulator expiring the same date has been established.

§ 561.100 2,4-D.

A tolerance of 2 parts per million is established for residues of 2,4-D (2,4-dichlorophenoxyacetic acid) in the milled fractions derived from barley, oats, rye, and wheat to be ingested as animal feed or converted into animal feed. Such residues may be present therein only as a result of application to the growing crop of the herbicides identified in 40 CFR 180.142.

§ 561.110 Dalapon.

A tolerance of 20 parts per million is established for residues of the herbicide dalapon (calculated as 2,2-dichloropropionic acid) in dehydrated citrus pulp for cattle feed, when present therein as a result of the application of dalapon sodium salt or dalapon sodium-magnesium salt mixtures during the growing of citrus fruit.

§ 561.120 DDT.

The following tolerance is established for residues of DDT resulting from use of DDT as a pesticide on the growing agricultural crop: 100 parts per million in or on dried tomato pomace to be used in dog and cat food at levels up to 5 percent by weight of the prepared food. If residues of TDE (DDD) on tomatoes are also present, the total of both such chlorinated compounds shall not exceed 100 parts per million.

§ 561.130 Demeton.

A tolerance of 5 parts per million is established for residues of demeton (a mixture of *O,O*-diethyl *O*(and *S*)-2-(ethylthio) ethyl phosphorothioates) in dehydrated sugar beet pulp for livestock feed when present therein as a result of the application of the pesticide in the production of sugar beets, provided that if residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate are also present, the total of both residues shall not exceed 5 parts per million.

§ 561.140 Dialifor.

Tolerances are established for combined residues of the insecticide dialifor (*S*-(2-chloro-1-phthalimidoethyl) *0,0*-diethyl phosphorodithioate) and its oxygen analog *S*-(2-chloro-1-phthalimidoethyl) *0,0*-diethyl phosphorothioate in or on the following processed foods when present therein as a result of application to growing apples, citrus, and grapes:

40 parts per million in dried apple pomace.

20 parts per million in dried grape pomace.

15 parts per million in dried citrus pulp.

10 parts per million in or on raisin waste.

§ 561.150 3',4'-Dichloropropionanilide.

A tolerance of 10 parts per million is established for the combined residues of the herbicide 3',4'-dichloropropionanilide and its metabolites (calculated as 3',4'-dichloropropionanilide) in or on rice bran, rice hulls, rice polishings, and other milling fractions resulting from application of the herbicide to the growing raw agricultural commodity rice.

§ 561.160 *O,O*-Diethyl *S*-2-(ethylthio) ethyl phosphorodithioate.

Tolerances for residues of *O,O*-diethyl *S*-2-(ethylthio) ethyl phosphorodithioate, calculated as demeton, in ingredients for livestock feed are established as follows:

(a) 5 parts per million in dehydrated sugar beet pulp when present therein as a result of the application of the pesticide to the growing agricultural crop, provided that, if residues of demeton are also present, the total of both residues shall not exceed 5 parts per million.

(b) 5 parts per million in pineapple bran when present therein as a result of the application of the insecticide in the production of pineapples.

§ 561.170 Dimethoate including its oxygen analog.

A tolerance of 5 parts per million is established for total residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate) in dried citrus pulp for cattle feed. Such residue may be present therein only as a result of the application of the insecticide to the growing agricultural crop.

§ 561.180 *O,O*-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate.

The following tolerances are established for residues of the insecticide *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3 (4H)-ylmethyl] phosphorodithioate in the indicated commodities when used for the feed of cattle, goats, and sheep:

5 parts per million in dried citrus pulp.

1.5 parts per million in sugarcane bagasse.

Such residues may be present therein only as a result of the application of the insecticide to the growing agricultural crop.

§ 561.190 *O,O*-Dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate.

A tolerance of 2.5 parts per million is established for residues of the insecticide *O,O*-dimethyl 2,2,2-trichloro-1-hydroxyethyl phosphonate in dried citrus pulp when present therein as a result of application of the insecticide to growing citrus fruit.

§ 561.200 2,4-Dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate.

A tolerance of 0.3 part per million is established for combined residues of the fungicide and insecticide that is a mixture consisting of 2,4-dinitro-6-octylphenyl crotonate and 2,6 - dinitro - 4-octylphenyl crotonate and related nitro-octylphenols (principally dinitro, calculated as the ester) in dried apple pomace when present as a result of application of the fungicide and insecticide to the growing crop apples.

§ 561.210 Dioxathion.

A tolerance of 18 parts per million is established for residues of dioxathion (2,3-*p*-dioxanedithiol-*S,S*-bis (*O,O*-diethylphosphorodithioate)) in dehydrated citrus pulp for cattle feed when present therein as a result of the application of the pesticide to the growing agricultural crop.

§ 561.220 Diuron.

A tolerance of 4 parts per million is established for residues of diuron (3-(3,4-dichlorophenyl) - 1,1-dimethylurea) in dried citrus pulp for livestock feed when present therein as a result of the application of the pesticide in the production of citrus fruits.

§ 561.230 Ethion.

A tolerance of 10 parts per million is established for total residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) including its oxygen analog (*S*-[[(diethoxyphosphinothioyl) thio]methyl]*O,O* - diethyl phosphorothioate) in dehydrated citrus pulp for cattle feed when present therein as a result of the application of the pesticide to the growing agricultural crop.

§ 561.240 Fluometuron.

A tolerance of 0.2 part per million is established for residues of the herbicide fluometuron (1,1-dimethyl-3-(α,α,α-trifluoro-*m*-tolyl) urea) in or on sugarcane bagasse resulting from application of the herbicide to the growing raw agricultural commodity sugarcane.

§ 561.250 Formetanate hydrochloride.

A tolerance of 10 parts per million is established for residues of the insecticide formetanate hydrochloride (*m*-[[(dimethylamino) methylene] amino] phenyl methylcarbamate hydrochloride) in citrus molasses resulting from application of the insecticide to the growing raw agricultural commodities grapefruit, lemons, limes, oranges, and tangerines.

§ 561.260 Inorganic bromides.

Tolerances are established for residues of inorganic bromides (calculated as Br) as follows:

400 parts per million for residues in or on dog food, resulting from fumigation with methyl bromide.

125 parts per million for residues in or on milled fractions for animal feed from barley, corn, grain sorghum (milo), oats, rice, rye, and wheat, resulting directly from fumigation with methyl bromide or from carryover and concentration of residues of inorganic bromides from fumigation of the grains with methyl bromide or ethylene dibromide.

90 parts per million for residues in or on dehydrated citrus pulp for cattle feed, resulting from carryover and concentration of residues in this feed item when present therein as a result of soil treatment with the nematocide 1,2-dibromo-3-chloropropane in the production of citrus fruits.

§ 561.270 Malathion.

Malathion (*O,O*-dimethyl dithiophosphate of diethyl mercaptosuccinate) may be safely used in feed in accordance with the following conditions.

(a) A tolerance of 50 parts per million is established for residues of malathion in dehydrated citrus pulp for cattle feed, when present as the result of the application of the pesticide to bagged citrus pulp during storage. Whether or not tolerances for residues of malathion on the fresh fruit have been established under section 408 of the act, the total residue of malathion in the dried citrus pulp shall not exceed 50 parts per million.

(b) A tolerance of 10 parts per million is established for malathion in nonmedicated cattle feed concentrate blocks resulting from its application as a pesticide to paper used in packaging the nonmedicated cattle feed concentrate blocks.

§ 561.280 Methanearsonic acid.

A tolerance of 0.9 part per million (expressed as As_2O_3) is established for residues of the herbicide methanearsonic acid in, or on cottonseed hulls, from application of the disodium and monosodium salts of methanearsonic acid in the production of cotton.

§ 561.290 Phorate.

A tolerance of 1 part per million is established for residues of the insecticide phorate (*O,O*-diethyl *S*-(ethylthiomethyl) phosphorodithioate) in or on dried sugarbeet pulp for cattle feed when present therein as a result of application of the insecticide to the growing agricultural crop.

§ 561.300 Phosalone.

Tolerances are established for residues of the insecticide phosalone (*S*-(6-chloro - 3 - (mercaptomethyl) - 2 - benzoxazolinone) *O,O*,-diethyl phosphorodithioate) in or on the following processed foods, when present therein as a result of the application of this insecticide to growing crops:

85 parts per million in or on dried apple pomace.
45 parts per million in or on dried grape pomace.
12 parts per million in or on dried citrus pulp.

§ 561.310 Piperonyl butoxide.

The food additive piperonyl butoxide may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with pyrethrins for control of insects:

(1) On the outer ply of multiwall paper bags of 50 pounds or more capacity in amounts not exceeding 60 milligrams per square foot.

(2) On cotton bags of 50 pounds or more capacity in amounts not exceeding 55 milligrams per square foot of cloth. Such treated bags are constructed with waxed paper liners and are to be used only for dried feeds that contain 4 percent fat or less.

(b) It is used in combination with pyrethrins, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethrins in the formulation. Such treated bags are to be used only for dried feeds.

(c) A tolerance of 10 parts per million is established for residues of piperonyl butoxide when present as the result of migration:

(1) In or on dried feeds from its use on the outer ply of multiwall paper bags of 50 pounds or more capacity.

(2) In or on dried feeds that contain 4 percent fat, or less, from its use on cotton bags of 50 pounds or more capacity constructed with waxed paper liners.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency.

(e) Where tolerances are established under sections 408 and 409 of the act on both raw agricultural commodities and processed foods made therefrom, the total residues of piperonyl butoxide in or on the processed food shall not be greater than that permitted by the larger of the two tolerances.

§ 561.320 Procyazine.

A tolerance of 0.2 part per million is established for residues of the herbicide procyazine (2-[[4-chloro-6-(cyclopropylamino)-1,3,5-triazin-2-yl]amino]-2-methylpropanenitrile) in sweet corn cannery waste, resulting from application of the herbicide to the growing sweet corn. Such residues may be present therein only as a result of the application of the herbicide to the growing sweet corn treated under an experimental program, which expires November 6, 1975, and on which said corn a temporary pesticide tolerance for the herbicide expiring the same date has been established. Residues remaining in or on the above commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/food additive tolerance.

§ 561.330 Propargite.

Tolerances are established for residues of the insecticide propargite (2-(*p*-*tert*-butylphenoxy)cyclohexyl 2-propynyl sulfite) in the following processed feeds, when present therein as a result of the application of this insecticide to growing crops:

80 parts per million in dried apple pomace.

40 parts per million in dried citrus pulp and dried grape pomace.

§ 561.340 Pyrethrins.

The food additive pyrethrins may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with piperonyl butoxide for control of insects:

(1) On the outer ply of multiwall paper bags of 50 pounds or more capacity in amounts not exceeding 6 milligrams per square foot.

(2) On cotton bags of 50 pounds or more capacity in amounts not exceeding 5.5 milligrams per square foot of cloth. Such treated bags are constructed with waxed paper liners and are to be used only for dried feeds that contain 4 percent fat or less.

(b) It is used in combination with piperonyl butoxide, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation. Such treated bags are to be used only for dried feeds.

(c) A tolerance of 1 part per million is established for residues of pyrethrins when present as the result of migration:

(1) In or on dried feeds from its use on the outer ply of multiwall paper bags of 50 pounds or more capacity.

(2) In or on dried feeds that contain 4 percent fat, or less, from its use on cotton bags of 50 pounds or more capacity constructed with waxed paper liners.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Environmental Protection Agency.

(e) Where tolerances are established under sections 408 and 409 of the act on both raw agricultural commodities and processed foods made therefrom, the total residues of pyrethrins in or on the processed food shall not be greater than that permitted by the larger of the two tolerances.

§ 561.350 Simazine.

A tolerance of 1 part per million is established for residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-*s*-triazine) in the sugarcane byproduct molasses intended for animal feed, resulting from application of the herbicide to the growing crop sugarcane.

§ 561.360 Succinic acid, 2,2-dimethylhydrazide.

A tolerance of 90 parts per million is established for residues of the plant regulator succinic acid, 2,2-dimethylhydrazide in peanut meal resulting from application of the plant regulator to the growing raw agricultural commodity peanuts.

§ 561.365 Synthetic isoparaffinic petroleum hydrocarbons.

Synthetic isoparaffinic petroleum hydrocarbons complying with § 121.1154 (a) and (b) may be safely used as a component of insecticide formulations for use on animal feeds in an amount no greater than reasonably required to accomplish its intended effect as an adjuvant in the insecticide formulation and shall not be intended to accomplish any effect in animal feed. It is used or intended for use as a component of insecticide formulations used in compliance with regulations issued in 40 CFR Part 180 and in this part.

§ 561.370 TDE (DDD).

The following tolerances are established for residues of TDE (DDD) resulting from use of TDE (DDD) as a pesticide on the growing agricultural crop: 100 parts per million in or on dried tomato pomace to be used in dog and cat food at levels up to 5 percent by weight of the prepared food. If residues of DDT are also present, the total of both such chlorinated compounds shall not exceed 100 parts per million.

§ 561.380 Thiabendazole.

Tolerances are established for residues of the fungicide thiabendazole (2-(4-thiazolyl)benzimidazole) as follows:

35 parts per million in dried citrus pulp from the postharvest application to the raw agricultural commodity citrus fruit.

33 parts per million in dried apple pomace from postharvest application to the raw agricultural commodity apples.

20 parts per million in citrus molasses from postharvest application to the raw agricultural commodity citrus fruit.

3.5 parts per million in dried and/or dehydrated sugar beet pulp for livestock feed from application to growing sugar beets.

§ 561.390 *S,S,S*-Tributyl phosphorotrithioate.

A tolerance of 6 parts per million is established for residues of the defoliant *S,S,S*-tributyl phosphorotrithioate in or on cottonseed hulls. Such residue may be present only as a result of application of the defoliant to the growing cotton crop.

§ 561.400 Tricyclohexyltin hydroxide.

Tolerances of 8 parts per million are established for combined residues of tri-

cyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide), in dried apple pomace when present therein as a result of the application of the insecticide to growing apples and in dried citrus pulp when present therein as a result of the application of the insecticide to growing citrus fruit.

§ 561.410 Zinc ion and maneb coordination product.

Tolerances are established for residues of a fungicide which is a coordination product of zinc ion and maneb (manganous ethylenebisdithiocarbamate) containing 20 percent manganese, 2.5 percent zinc, and 77.5 percent ethylenebisdithiocarbamate (the whole product calculated as zinc ethylenebisdithiocarbamate) in or on the following processed feed, when present therein as a result of the application of this fungicide to growing crops: 20 parts per million in the milled feed fractions of barley, oats, rye, and wheat.

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

EMERGENCY SCHOOL AID

Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 185]

EMERGENCY SCHOOL AID

Notice of Proposed Rule Making

Pursuant to the authority contained in the Emergency School Aid Act, Title VII of the Education Amendments of 1972, as amended by the Education Amendments of 1974 (20 U.S.C. 1601–1619), the Assistant Secretary for Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 185 of Title 45 of the Code of Federal Regulations as set forth below. The proposed regulations would amend Part 185 as that Part is set forth in the Code of Federal Regulations, revised as of April 1, 1974, and in amendments to the Part contained in 39 FR 13268 (April 12, 1974) and 39 FR 17547 (May 17, 1974). Only those provisions of Part 185 which are proposed to be amended are set forth below.

The changes made in the proposed regulations are essentially of two types: (1) changes to conform the regulations to amendments to the authorizing statute made by the Education Amendments of 1974, and (2) changes made in the light of the experience of the program during the last two fiscal years. Following are explanatory remarks on the more significant amendments proposed by this notice.

Subpart A—Purpose

Section 185.02(k) revises the definition of "desegregation" to incorporate in the term the assignment of faculty as well as children, since "desegregation" is used in connection with both faculty and children in section 706(a)(1)(A) of the Act, relating to plans which qualify local educational agencies for assistance. In addition, in order more accurately to reflect the focus of the statute, the membership of persons in a "minority group" (defined in section 720(9) of the Act) is used in lieu of a reference to their "race, color, religion, or national origin."

Subpart B—Basic Grants

Section 185.11(b)(3) is amplified to define more precisely the characteristics of a plan under section 706(a)(1)(C)(iii) of the Act to prevent minority group isolation reasonably likely to occur in the absence of assistance. Under the amended regulation such plans qualify the applicant for assistance where they are supported by credible evidence that minority group isolation would occur in the absence of assistance either in the year for which assistance is sought or in the following year. Projections of isolation at a more distant future time are deemed too speculative to serve as a basis for the award of limited program funds. There are no restrictions on the kind of evidence which may be provided by the applicant to show the likelihood of minority group isolation; determinations as to the adequacy of such a showing will be made case by case on the basis of all evidence submitted with the application.

Section 185.11(c) is amended by adding a new subparagraph (4), relating to plans to prevent minority group isolation submitted by certain applicants for assistance. Under the statute, such plans may relate only to schools with a minority group enrollment of between 20 and 50 percent. While any local educational agency may apply on the basis of such a plan, the new subparagraph requires agencies in which minority group children comprise more than 50 percent of the total enrollment to provide information to ensure that program funds are not used to reinforce significantly disproportionate racial or ethnic enrollments or to provide superior services to children in schools where the minority group enrollment is substantially smaller than that of the agency as a whole.

Section 185.11(b) is amended by the addition of a new subparagraph (6), which precludes assistance to local educational agencies implementing voluntary plans which provide for eliminating, reducing, or preventing minority group isolation in certain schools by increasing such isolation in others.

Section 185.11(d)(1) is revised to implement section 643 of the Education Amendments of 1974, relating to projects to establish or maintain one or more integrated schools. Under the amended statute such projects, where undertaken by local educational agencies in which minority group children comprise more than 50 percent of the total enrollment and which agree to apply for pilot project assistance under Subpart C, are an independent basis for eligibility for assistance under the Act. The characteristics of an integrated school for purposes of this section are set out in § 185.11(d)(2), and remain substantially the same as in previous years.

Section 185.12, which sets forth the authorized activities for basic grants, is not proposed to be amended. In view of Congressional criticism that too great an emphasis has been placed on the improvement of reading and mathematics skills as compared to human relations activities, it should be noted that the regulation closely parallels the language of section 707 of the Act and, like the statute, permits the funding of human relations activities. (Section 185.22, which sets forth authorized activities for pilot projects under Subpart C, also permits funding human relations activities, but reflects the statutory requirement in section 706(b) of the Act that pilot projects be designed to improve the academic achievement of children in minority group isolated schools.) While a change in the program regulations is not deemed appropriate, the Office of Education has, in the light of encouraging evaluation findings regarding human relations activities, set in motion administrative procedures designed to ensure that potential applicants are aware that such activities may be assisted under the Act.

Section 185.13(n) is revised to reflect the prohibition, in section 252 of the Education Amendments of 1974, against the use of program funds for the transportation of students or teachers to overcome racial imbalance or to carry out a desegregation plan.

Section 185.14(a)(2) is revised (pursuant to section 710(c) of the Act, as amended by the Education Amendments of 1974) to include a new objective criterion, "effective net prevention of minority group isolation," for use in rating applications for assistance submitted pursuant to plans to prevent such isolation and integrated schools projects. The new measure is intended to be roughly analogous to the "effective net reduction in minority group isolation" measure used to rate other applications. Under the new regulation the degree of prevention of isolation is calculated by comparing the expected enrollments in schools affected by the plan or project assuming its implementation with expected enrollments assuming the plan or project is not implemented. Section 185.14(a)(2) is also amended to reduce from 60 to 50 the number of points assigned to reduction or prevention of isolation. This change, together with changes in the structure of the rating scales used to assign these points, will permit a more meaningful ranking of applicants that has previously been the case. Like changes are made in provisions relating to criteria for awards under other Subparts. See §§ 185.24 (pilot projects), 185.54 (bilingual projects), and 185.64 (public and nonprofit private organizations).

Subpart C—Pilot Projects

Section 185.21, relating to eligibility for assistance, is revised to implement the relevant provisions of the Education Amendments of 1974. The amended regulation makes clear that a local educational agency applying pursuant to an integrated schools project (see discussion of § 185.11(d)(1) above) is eligible for pilot project assistance regardless of whether it receives a basic grant, so long as it maintains during the period of its assistance one or more schools which meet the requirements of § 185.11(d)(2). In addition, § 185.24, relating to criteria for awards, is revised to reflect an approach consistent with revisions made in § 185.14(a)(2) (see discussion above).

Subpart D—Metropolitan Area Projects

This Subpart is substantially revised to implement relevant provisions of the Education Amendments of 1974. Section 185.31 is revised pursuant to section 642 of the Amendments, which eliminates the reservation of funds for metropolitan area projects formerly contained in section 704(b) of the Act and provides for funding such projects under the special project authority contained in section 708 of the Act. Sections 185.31(c), 185.32(c) and 185.36, relating to the establishment of education parks under section 709(a)(3) of the Act, are deleted pursuant to section 222 of the Amendments, which repeals the authority for that activity.

As a result of amendments to the Act, interdistrict transfer projects and area-wide plans under §§ 185.31 (a) and (b) respectively may be funded only in competition with other special projects under section 708(a) of the Act (or, for certain interdistrict transfer projects, in competition with basic grant projects under section 706(a) of the Act). In view of the likely increase in competition for funds, the provision in § 185.34(c) that no more than 30 percent of funds for a given type of metropolitan area project be awarded to applicants in any one State is deleted.

SUBPART E—GENERAL REQUIREMENTS

Section 185.44(d)(3) contains requirements for waivers of ineligibility resulting from the discriminatory assignment of teachers, as prohibited by § 185.43(c)(2). The regulation is revised pursuant to the May 14, 1974, decision of the United States Court of Appeals for the District of Columbia in Kelsey v. Weinberger, and substantially restores the requirements for waiver in effect prior to the summer of 1973. Thus, an applicant for a waiver of ineligibility based on discriminatory faculty assignment must reassign faculty members to eliminate the effects of the discriminatory practice before the waiver may be approved.

Section 185.44(g), relating to access to information and records by officials of the Department, is amended to take into account any applicable provisions of the recently enacted sections 438 and 440 of the General Education Provisions Act.

Section 185.45, relating to termination of assistance, is revised to make it clear that the requirement for a full administrative hearing on the question of termination of assistance applies only after assistance has been formally awarded.

A new § 185.46 is added to complement § 185.45 by providing for an opportunity for an informal hearing with the Assistant Secretary or her designee where an applicant is denied assistance on eligibility grounds. Such grounds would include determinations that the applicant lacked a qualifying plan or project under section 706(a) of the Act, that it failed to meet the eligibility requirements in section 706(d)(1) of the Act, that (in the case of an applicant under section 708(b) of the Act), it was not a public or private nonprofit organization, and similar determinations resulting in the Assistant Secretary's refusal to consider the activities proposed by the applicant. Conversely, denials of assistance because, for example, the applicant's proposed activities were not authorized by law, or were of insufficient merit to warrant funding, would not trigger the provisions of the new section.

SUBPART F—BILINGUAL PROJECTS

In addition to revisions in the criteria for awards discussed in connection with § 185.14(a)(2) above, this Subpart is amended in two other significant respects. First, the provision in § 185.54(c) that no more than 30 percent of funds for bilingual projects be awarded for projects in any one State is deleted as unduly inflexible. Second, § 185.56 is amended to apply the provisions of §§ 185.43 and 185.44, regarding eligibility, to local educational agencies which request assistance through private nonprofit organizations pursuant to § 185.51(b), as well as agencies which apply for direct assistance pursuant to § 185.51(a).

SUBPART G—PUBLIC OR NONPROFIT PRIVATE AGENCIES

In addition to revisions in § 185.64 designed to reflect an approach consistent with that taken in § 185.14(a)(2) (see discussion of that section above), § 185.64 is amended by the deletion, as unduly restrictive, of the provision in paragraph (c)(3) that no more than 33 percent of any State's nonprofit group allotment be awarded for activities relating to a single local educational agency.

SUBPART H—EDUCATIONAL TELEVISION

This Subpart is revised in light of program experience during the last two fiscal years.

Section 185.72 is renamed "Authorized activities and areas of concern" and amended in the following respects:

Paragraph (a) provides that for the fiscal year 1975 the authorized areas of concern to be addressed by assisted television series include two general areas set forth last year (improvement of written and oral expression by students at the secondary level, and meeting the special needs of minority group members which may be unique to a particular geographic region) and two new areas—improvement of cognitive skills of elementary school age children and fostering inter-racial and inter-ethnic understanding among elementary school age children.

Deleted from the areas of concern for new television series (other than regional programming) set forth in paragraph (a) last year are cultural attainments of racial and ethnic groups, reduction of inter-racial and inter-ethnic conflict and tensions, and initial reading attack experiences. The reasons for these deletions include the fact that previously assisted series may be broadcast for several years and the fact that little interest was shown last year in the initial reading area.

Subparagraph (c)(1) of § 185.72 amplifies the statutory requirement in section 711(b)(2) of the Act that assisted programs be made "reasonably available for transmission, free of charge." This subparagraph provides that users of assisted programs may not be charged any cost beyond (1) the cost of tape duplication and, (2) where there is a contract between a recipient of funds under Subpart H and a talent union as described in § 185.72(c)(2) (discussed below), the cost of payments to members of the talent union for usages of the programs beyond those usages specified in the contract. The cost of tape duplication, as opposed to a charge for the content of assisted programs, is not considered to be subject to the aforementioned statutory language and is not a cost which the producer of assisted programs can reasonably be expected to bear except to the extent specified in § 185.72(e) (discussed below).

Subparagraph (c)(2) of § 185.72 provides that any contract between a recipient of funds under Subpart H and a talent union must allow certain minimal uses of the television programs assisted, charges for which may not be passed on to users of the assisted programs. The charging of users for payments to members of talent unions for the uses specified in subparagraph (c)(2) is deemed to be inconsistent with the aforementioned statutory requirement that assisted programs be made "reasonably available for transmission, free of charge."

Subparagraph (c)(3) of § 185.72 provides that arrangements for distributing the television programs developed with funds received under Subpart H shall be undertaken by the recipient and shall be subject to the approval of the Assistant Secretary; however, the Assistant Secretary may assume the responsibility for making such arrangements if she deems such action appropriate. The purpose of these provisions is to ensure that a series may be viewed by the largest appropriate audience. Subparagraph (c)(3) also permits an agreement between a recipient of funds and a national television network providing for an exclusive right to broadcast each program in a series (in coverage areas where the network would actually broadcast such programs) until the thirteenth week following the week in which each such program is first broadcast. This provision is deemed consistent with the statutory requirement that assisted programs be made "reasonably available for transmission" in that without such minimal exclusivity rights, a network might be unwilling to broadcast assisted programs at all.

Paragraph (e) of § 185.72 stipulates that specified numbers and kinds of television program videotapes and other tangible items to be produced by a recipient of funds under Subpart H must be provided by the recipient to the Assistant Secretary, at intervals specified by the Assistant Secretary.

Paragraph (f) of § 185.72 contains a disclaimer which must be carried by each program in a series assisted under Subpart H.

Section 185.73(a)(2) requires that a proposal must make provision for production of prototypical pilot materials.

The criteria for awards under § 185.74 are revised, the chief revision being a substantial increase in the number of points allowable under paragraph (c) for "Activities," especially "Program content and design" and "Staffing." The revisions are based on a reconsideration of the elements which should be considered in evaluating proposals. Paragraph (f) of § 185.74 is amended to provide that no proposal need be approved which sets forth projected costs that are unreasonable in relation to projected outcomes, or which is not supported by a record of past activities engaged in by the proposer or its officers or employees indicating capability for implementing the proposal.

New § 185.77 provides that a recipient of funds under Subpart H which is to develop and produce a television series must produce prototypical pilot materials at times specified by the Assistant Secretary and then conduct an evaluation of such materials to serve as the formative evaluation for the series. A decision by the Assistant Secretary, on the basis of the pilot materials and the evaluation, that the production of the recipient's series should not be continued shall be a basis for termination pursuant to the procedures set forth in § 185.45. Moreover, no commitments by the recipient of funds relating to production activity beyond the conduct of the evaluation will be recognized by the Assistant Secretary unless a favorable decision on project continuation is made by the Assistant Secretary; any party with whom the recipient enters into a commitment for such production activity prior to such a favorable decision must be informed of the possibility of non-recognition at the time the commitment is entered into. The purpose of these provisions is to facilitate termination of awards which, on the basis of the aforementioned pilot materials and evaluation, appear to be of such insufficient promise for achieving the purposes of the Act or Subpart H that their continuation beyond such stage is unwarranted.

SUBPART I—EVALUATION

Section 185.83, entitled "Proposals" to reflect the nature of the request for funds where awards are made by contract, is amended by the deletion of requirements that offerors make certain assurances. These assurances are deemed inappropriate in the context of the procurement contracts authorized by this Subpart, and unnecesary to ensure that activities funded are properly carried out.

Section 185.84(b) is amended to apply the Federal Procurement Regulations (41 CFR Ch. 1 and 3) to the review of proposals for evaluation contracts.

SUBPART J—SPECIAL PROJECTS

This Subpart is reorganized so that §§ 185.91 through 185.91–3 cover "Special Arts Projects," §§ 185.92 through 185.92–4 cover "Special Mathematics Projects," §§ 185.93 through 185.93–4 cover "Special Student Concerns Projects," and §§ 185.94 through 185.94–4 cover all "Other Special Projects."

The "Special Arts Projects" regulations, §§ 185.91 through 185.91–3 (formerly §§ 185.91–1, 185.92–1, 185.93–1, and 185.94–1), no longer require that special arts activities be conducted primarily with students attending schools in which the proportion of minority group children enrolled is no greater than 50 percent. It is believed that the conduct of special arts projects in schools in which the proportion of minority group children enrolled is greater than 50 percent would be consistent with the purpose of the special arts projects.

The "Special Mathematics Projects" regulations (§§ 185.92 through 185.92–4) derive from new section 708(a)(3) of the Act, as added by section 644 of the Education Amendments of 1974. These regulations authorize grants to private nonprofit agencies, institutions, or organizations for the conduct, in cooperation with one or more eligible local educational agencies, of special programs of instruction in advanced mathematics by qualified instructors.

The "Special Student Concerns Projects" regulations (§§ 185.93 through 185.93–4) authorize a new type of project designed to eliminate the disproportionately high incidence of suspension, expulsion, and other disciplinary action involving minority group students. Grants are authorized for this purpose to public agencies or organizations (other than local educational agencies) which would conduct projects in cooperation with one or more eligible local educational agencies. Each project assisted would have two major components: first, identifying probable causes of, and formulating remedial action for, the disproportionately high incidence of disciplinary action respecting minority group students in the schools of the cooperating local agency or agencies, and second, developing and implementing a program designed to eliminate such disproportionately high incidence in one or more schools of each cooperating local educational agency. A report of findings is required at the conclusion of the first stage. Illustrative activities are set forth in § 185.93–1 (a)(1)–(3) and (b)(1)–(8).

The "Other Special Projects" regulations (§§ 185.94 through 185.94–4, formerly set forth in parts of §§ 185.91–94) have been amended with respect to a number of technical matters.

The regulations authorizing special reading projects (formerly set forth in parts of §§ 185.91–94) have been deleted. Program experience suggests that authority for such projects under subpart J is unnecessary in light of the scope of authorized activities under Subparts B—Basic Grants, and C—Pilot Projects.

SUBPART K—RESERVATIONS

This Subpart is revised to implement section 642 of the Education Amendments of 1974 by deleting § 185.95(a) (providing for a separate reservation for metropolitan area projects), and by amending § 185.93(b)(1) to include metropolitan projects in the reservation for special projects under section 708(a) of the Act (see discussion of Subpart D above).

COMMENTS REQUESTED

Interested persons are invited to submit written comments on the proposed regulations to Dr. Herman R. Goldberg, Associate Commissioner, Equal Educational Opportunity Programs, Room 2001, 400 Maryland Avenue, SW., Washington, D.C. 20202, on or before April 28, 1975. Comments in response to this notice will be available for public inspection in the above office between the hours of 8 a.m. and 4:30 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program Nos. 13.525, 13.526, 13.527, 13.528, 13.529, 13.530, 13.531, and 13.532—Emergency School Aid Act)

Dated: February 25, 1975.

VIRGINIA Y. TROTTER,
Assistant Secretary for Education.

Approved: March 21, 1975.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

It is proposed to amend 45 CFR Part 185 as follows:

1. The table of contents is amended by adding or revising the following entries:

Subpart D—Metropolitan Area Projects

* * * * *

185.36 [Reserved]

* * * * *

Subpart E—General Requirements

185.46 Determinations of ineligibility prior to award of assistance.
185.47–185.50 [Reserved]

* * * * *

Subpart H—Educational Television

185.71 Eligibility for funds.
185.72 Authorized activities and areas of concern.
185.73 Proposals.
185.74 Criteria for awards.
185.75 Advisory committees.
185.76 Limitations on eligibility.
185.77 Required approval by Assistant Secretary of pilot materials.
185.78–185.80 [Reserved]

Subpart I—Evaluation

* * * * *

185.83 Proposals.

* * * * *

Subpart J—Special Projects

SPECIAL ARTS PROJECTS

185.91 Eligibility for assistance.
185.91–1 Applications.
185.91–2 Criteria for assistance.
185.91–3 Community involvement.

SPECIAL MATHEMATICS PROJECTS

185.92 Eligibility for assistance.
185.92–1 Authorized activities.
185.92–2 Applications.
185.92–3 Criteria for assistance.
185.92–4 Community involvement.

SPECIAL STUDENT CONCERNS PROJECTS

185.93 Eligibility for assistance.
185.93–1 Authorized activities.
185.93–2 Applications.
185.93–3 Criteria for assistance.
185.93–4 Community involvement.

OTHER SPECIAL PROJECTS

185.94 Eligibility for assistance.
185.94–1 Authorized activities.
185.94–2 Applications.
185.94–3 Criteria for assistance.
185.94–4 Community involvement.

* * * * *

AUTHORITY: Except as specifically noted below, the provisions of this Part 185 are issued under Title VII of Public Law 92–318, 88 Stat. 354–371, as amended by sections 222, 641–646, and 845 of Public Law 93–380, 88 Stat. 484–613 (20 U.S.C. 1601–1619).

2. In § 185.02, paragraph (c) is added and paragraphs (k) and (n) are revised to read as follows:

§ 185.02 Definitions.

* * * * *

(c) The term "equipment" means machinery, utilities and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and other related material.

(Public Law 92-318, section 720(4))

* * * * *

(k) The term "desegregation" means the assignment of children or faculty to public schools and within such schools without regard to their membership in a minority group, but "desegregation" does not mean the assignment of such persons to or within public schools in order to overcome racial imbalance.

(Public Law 92-318, sections 706(a), 720(9))

* * * * *

(n) The term "the Act" means the Emergency School Aid Act (title VII of Public Law 92-318, as amended by Public Law 93-380).

* * * * *

3. In § 185.11, (b)(3), (c)(1) and (2), and (d)(1) and (2)(ii) are revised; and new (b)(6) and (c)(4) are added as follows:

§ 185.11 Eligibility for assistance.

* * * * *

(b) * * *

(3)(i) A local educational agency may apply for assistance under this subpart if it has adopted and is implementing, or will, if assistance is made available to it under this subpart, adopt and implement, a plan to prevent minority group isolation reasonably likely to occur (in the absence of assistance under this subpart) in any school operated by such agency in which school at least 20 percent, but not more than 50 percent, of the enrollment consists of minority group children.

(ii) For purposes of this subparagraph, minority group isolation will not be deemed reasonably likely to occur (in the absence of assistance under this subpart) in any school unless the applicant demonstrates by credible evidence that minority group children will comprise more than 50 percent of the enrollment of such school during the fiscal year for which such assistance is sought or during the next succeeding fiscal year. Such evidence may include, but is not limited to, enrollment figures for such school during previous fiscal years, enrollment figures of schools from which the enrollment of such school is drawn, demographic data concerning the attendance area served by such school, and school board resolutions or other evidence of final official action likely to affect the enrollment of such school during the fiscal year for which assistance is sought or the next succeeding fiscal year.

* * * * *

(6) A plan described in subparagraphs (2), (3), or (4) of this paragraph or a project described in paragraph (d) of this section shall not be deemed to meet the requirements of this section where the elimination, reduction, or prevention of minority group isolation accomplished or to be accomplished in schools to which such plan or project relates results in an equal or greater degree of minority group isolation in other schools operated by the local educational agency or agencies to which such plan or project relates.

(Public Law 92-318, sections 702(a)(2), 706(a)(1)(B), (C), and (D), 720(10))

(c) *Implementation of a plan or project.* (1) For purposes of determining eligibility for assistance under this subpart, a local educational agency shall be deemed to be implementing a plan or project if it is operating its school system in accordance with the requirements of such plan or project. The eligibility of a local educational agency for consideration under the Act shall not be affected by the date on which its plan was adopted, or ordered to be adopted, or by the fact that the steps to be taken under the plan have been completed.

(2) Where the eligibility of a local educational agency is based on a plan described in paragraphs (b) and (d) of this section, such agency shall provide assurances and information satisfactory to the Assistant Secretary that such plan has been adopted and implemented, or will be adopted and implemented if assistance is made available to it under this subpart, including:

(i) A copy of a school board resolution or other evidence of final official action adopting and implementing such plan, or agreeing to adopt and implement such plan upon the award of assistance under the Act; and

(ii) In the case of a plan to be implemented upon the award of assistance under the Act, including a plan or project described in paragraphs (b)(3) and (d) of this section, evidence that notice of the contents of such plan or project and of the intent to implement it upon the award of such assistance has been published in a newspaper of general circulation serving the school district of such agency no later than 20 days prior to submission by such agency of an application for such assistance.

* * * * *

(4) An application of a local educational agency pursuant to a plan to prevent minority group isolation described in paragraph (b)(3) of this section shall, where minority group children constitute more than 50 percent of the enrollment of all the schools operated by such agency, be accompanied by (i) a statement of the enrollment, by race, in any school operated by the applicant in which minority group children constitute more than 70 percent of the enrollment; (ii) a statement of the reasons for such disproportionate minority group enrollment in each such school; and (iii) a statement of instructional and other services to be provided to children enrolled in each such school which will ensure that services to such children are comparable to services to be provided to children enrolled in any school to which the plan described in paragraph (b)(3) of this section relates.

(Public Law, 92-318, sections 706(a)(1), 706(d)(1)(D), 710(a)(9))

(d) *Integrated schools projects.* (1) A local educational agency in the schools of which more than 50 percent of the number of children enrolled are minority group children may apply for assistance under this subpart for the establishment or maintenance of one or more integrated schools: *Provided, however,* That such agency has agreed to apply for an equal amount of assistance under subpart C of this part.

(2) * * *

(ii) For purposes of this paragraph, an integrated school must have a faculty in which (*a*) the percentage of minority group teachers, supervisors, and administrators, taken together, is within 10 percent of the percentage of minority group members residing in the school district served by the local educational agency (or the appropriate governmental unit for which such information is available), or (*b*) where the percentage of minority group teachers, supervisors, and administrators, taken together in the school district served by the local educational agency, has increased by 10 percent or more over the 3 fiscal years immediately preceding the year or years for which assistance is sought under this paragraph, the percentage of such personnel of such school is within 10 percent of the percentage which exists in the faculty of such agency as a whole.

(Public Law 92-318, sections 706(a), 720(7); Public Law 93-380, section 643)

4. In § 185.13, the introductory text and authority to paragraph (k), and (l)(2) and (n) are revised as follows:

§ 185.13 Applications.

* * * * *

(k) *Reports and information.* An assurance that the applicant will submit such reports containing such information in such form as the Secretary or the Assistant Secretary may require in order to carry out their functions under the Act, and that the applicant will keep such records and afford such access thereto as will be necessary to assure the correctness of such reports and to verify them; and a description of provisions for the evaluation of the activities for which assistance is sought.

* * * * *

(Public Law 92-318, sections 706(d), 710(a)(15), 710(a)(16); 20 U.S.C. 1232c)

(l) * * *

(2)(i) An assurance that the applicant has not had or maintained in effect prior to the date of its application for assistance under the Act, and will not have or maintain in effect subsequent to such

date, any practice, policy, or procedure with respect to minority group personnel in violation of § 185.43(b) (or that if such a violation has occurred, application for a waiver of ineligibility has been made to the Secretary); and (ii) a statement of the number of principals, full-time classroom teachers, and athletics head coaches, by race, for the academic year immediately preceding (*a*) the year in which the applicant first implemented any portion of a plan for desegregation or for elimination or reduction of minority group isolation in its schools pursuant to an order of a Federal or State court or administrative agency, or (*b*) the year in which the applicant first implemented any portion of a plan or project described in § 185.11, whichever is earlier, and of the number of principals, full-time classroom teachers, and athletics head coaches, by race, as of the date of its application;

* * * * *

(n) *Transportation.* An assurance that no funds made available under the Act will be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system or to carry out a plan for racial desegregation of any school or school system.

(Public Law 93-380, section 252)

5. Paragraph (a) of § 185.14 is revised as follows:

§ 185.14 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance by local educational agencies under this subpart, the Assistant Secretary shall apply the following objective criteria (80 points):

(1) The need for such assistance, as indicated by the number and percentage of minority group children enrolled in the schools of such agency (or, in the case of an application submitted pursuant to a plan described in § 185.11(b)(4), the number and percentage of such children enrolled in the schools of local educational agencies to which such plan relates) for the fiscal year or years for which assistance is sought, or the most recent fiscal year for which such figures are available, as compared to other school districts in the State (30 points); and

(2)(i) Except for applications submitted pursuant to a plan or project described in § 185.11(b)(3) or §185.11(d), the effective net reduction in minority group isolation (in terms of the number and percentage of children affected), in the schools operated by such agency (or, in the case of an application submitted pursuant to a plan described in § 185.11(b)(4), in the schools operated by local educational agencies to which such plan relates) accomplished or to be accomplished by the implementation of a plan described in § 185.11 and the program, project, or activity to be assisted (50 points). The term "effective net reduction in minority group isolation," for purposes of this division, means the weighted net change effected or to be effected by such plan in the number of minority group children enrolled in minority group isolated schools operated by such agency or agencies, and the weighted net total of minority group children placed or to be placed as a result of such plan in a school in which the proportion of such children has been reduced (but remains greater than 50 percent). Minority group children placed as a result of such plan in schools in which the proportion of such children has been increased (and is greater than 50 percent) shall be counted against the reduction credited to such agency under this division. Such effective net reduction shall be computed between the fiscal year (or relevant portion thereof) immediately preceding implementation of such plan and the first fiscal year (or relevant portion thereof) for which assistance is sought under the Act, or the most recent fiscal year for which such figures are available.

(ii) In the case of an application submitted pursuant to a plan or project described in § 185.11(b)(3) or § 185.11(d), the effective net prevention of minority group isolation (in terms of the number and percentage of children affected) in the schools operated by such agency likely to be accomplished by the implementation of such plan or project and the program, project, or activity to be assisted (50 points). The term "effective net prevention of minority group isolation," for purposes of this division, means the weighted net change likely to be effected by such plan or project in the number of minority group children who would be enrolled in minority group isolated schools operated by such agency during the fiscal year for which assistance is sought (or, in the case of a plan to prevent minority group isolation reasonably likely to occur during the fiscal year immediately succeeding the fiscal year for which assistance is sought, during succeeding fiscal year) and, in the case of applications submitted pursuant to a project described in § 185.11(d), the weighted net change likely to be effected by such project during the fiscal year for which assistance is sought in the number of minority group children who would be enrolled in schools in which the proportion of such children would be prevented from increasing (but would remain greater than 50 percent). Minority group children to be placed as a result of a plan or project described in § 185.11(b)(3) or § 185.11(d) in schools in which the proportion of such children would be increased (and would be greater than 50 percent) shall be counted against the prevention credited to such agency under this division. Such effective net prevention shall be computed on the basis of a comparison between enrollments likely to occur in the relevant fiscal year or years in the absence of a plan or project described in § 185.11(b)(3) or § 185.11(d), and the enrollments likely to occur during such fiscal year or years as a result of the implementation of such plan or project.

(Public Law 92-318, sections 710(c) (1), (2) and (3); Public Law 93-380, section 643)

6. Section 185.21 is revised as follows:

§ 185.21 Eligibility for assistance.

(a) A local educational agency which is eligible for assistance under § 185.11 may apply for assistance by grant or contract for funds reserved pursuant to § 185.95(c), for unusually promising and innovative pilot programs or projects specially designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools, if the number of minority group children enrolled in the schools of such agency for the fiscal year preceding the fiscal year for which assistance is to be provided (1) is at least 15,000, or (2) constitutes more than 50 percent of the total number of children enrolled in such schools.

(Public Law 92-318, sections 705(a)(2), 706(b); Public Law 93-380, section 643(b))

(b)(1) A local educational agency shall be considered eligible for assistance under this subpart if it is implementing a plan described in § 185.11(a) or is implementing or will (if assistance is made available to it under the Act) adopt and implement a plan described in § 185.11(b), regardless of whether it applies for or receives assistance under subpart B of this part.

(2) In the case of applications submitted pursuant to a project described in § 185.11(d), a local educational agency shall be considered eligible for assistance under this subpart if it will (if such assistance is made available) establish or maintain one or more integrated schools as defined in § 185.11(d)(2), regardless of whether such agency receives assistance under subpart B of this part.

(Public Law 92-318, section 706(b); Public Law 93-380, section 643)

7. Paragraph (a) of § 185.24 is revised as follows:

§ 185.24 Criteria for assistance.

(a) In approving applications for assistance under this subpart, the Assistant Secretary shall apply the objective criteria set out in § 185.14(a), except that a maximum of 25 points shall be awarded to any applicant under § 185.14(a)(2).

(Public Law 92-318, sections 706(b), 710(c)(1), (2), and (3))

* * * * *

8. In § 185.31, (a)(1) and the authority for paragraph (a), and (b)(1) and the authority for paragraph (b) are revised as set forth below, and paragraph (c) is deleted.

§ 185.31 Eligibility for assistance.

(a) *Interdistrict transfers.* (1) A local educational agency (i) which is located within a Standard Metropolitan Statistical Area, or which serves a school district adjacent to a school district which is located wholly within such an area, and (ii) whose total student enrollment includes a percentage of minority group members which is smaller than the percentage of minority group members enrolled as students in

all schools of the local educational agencies within such an area, may apply for assistance, by grant or contract, from funds reserved pursuant to § 185.95(b)(1), for the purpose of a joint arrangement with a cooperating local educational agency located within the same Standard Metropolitan Statistical Area (whose student enrollment includes a percentage of minority group members which is greater than the percentage of minority group members enrolled as students in all schools of the local educational agencies within such area) for the establishment or maintenance of one or more integrated schools.

* * * * *

(20 U.S.C. 1603(b), 1605(a)(2), 1608(a)(1), 1619(6); Senate Rept. No. 92-61, p. 16)

(b) *Area-wide plans.* (1) Two or more local educational agencies located within a Standard Metropolitan Statistical Area may apply for a grant from funds reserved pursuant to § 185.95(b)(1) for the joint development of a plan to reduce and eliminate minority group isolation, to the maximum extent possible, in the public elementary and secondary schools in such area. Such a plan shall, at a minimum, provide that by a certain date (no later than July 1, 1983), the percentage of minority group children enrolled in each public elementary and secondary school in such area shall be at least 50 percent of the percentage of such children enrolled in all such schools in such area, and shall specify in detail the means by which such objective is to be achieved.

* * * * *

(20 U.S.C. 1603(b), 1608(a)(2))

§ 185.32 [Amended]

9. Paragraph (c) of § 185.32 is deleted.

10. Section 185.33 is revised to read as follows:

§ 185.33 Applications.

An applicant desiring to receive assistance under this subpart for any fiscal year shall submit to the Assistant Secretary an application therefor for that fiscal year, which application shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use the funds received under this subpart only for the activities set forth in § 185.32. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and the Assistant Secretary. Such application shall comply with the requirements of § 185.13 (a) through (n), except that applications submitted pursuant to this subpart need not comply with § 185.13(f)(2), and applications for assistance under § 185.31 (b) ply with § 185.13(l)(2), and applications for assistance under § 185.31(b) need not comply with § 185.13(h) (with respect to the statement of procedures described therein).

(20 U.S.C. 1608(a)(2); Public Law 93-380, section 252)

11. Paragraph (c) of § 185.34 is revised to read as follows:

§ 185.34 Criteria for assistance (inter-district transfers).

* * * * *

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.31(a), the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed program, project, or activity, in relation to the amount of funds available for assistance under this subpart and the other applications pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this subpart, or which sets forth a program, project, or activity, of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section, except that where there is pending before the Assistant Secretary an application for assistance under § 185.31(b) which meets the requirements of the Act and this subpart, and which sets forth a program, project, or activity of such sufficient promise for achieving the purposes of the Act that its approval is warranted, the Assistant Secretary shall ensure that at least one grant is made for the purposes of § 185.31 (b) prior to the award of any assistance for the purposes of § 185.31(a).

(20 U.S.C. 1608(b), 1609(c)(1)(C), 1609(c)(5).)

§ 185.36 [Reserved]

12. Section 185.36 is deleted and reserved.

13. Paragraph (b)(1) of § 185.37 is revised to read as follows:

§ 185.37 Advisory committees.

* * * * *

(b) *Area-wide plans.* (1) Applications for assistance under § 185.31(b) shall comply with the requirements of §§ 185.41(a) through (g) as to advisory committee participation and public hearings. For purposes of this paragraph, the references in § 185.41 to "the community" or "communities to be served" shall be understood to refer to the entire area to be affected by the plan to be developed under § 185.31(b). Where the affected Standard Metropolitan Statistical Area includes members of minority groups in insubstantial proportions, applicants for assistance under § 185.31(b) may establish a committee pursuant to this paragraph which includes equal numbers of non-minority group members and of members from each minority group substantially represented in the community, and an equal number of members, taken together, from other minority groups represented in the community.

* * * * *

Subpart E—General Requirements

14. The heading of Subpart E is revised to read as set forth above.

15. Paragraphs (c)(3) and (d) of § 183.41 are revised as follows:

§ 185.41 Advisory committees.

* * * * *

(c) * * *

(3) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and members from each minority group substantially represented in the community. (For example, in a school district containing both Negro and Spanish-surnamed communities, the committee shall be composed of equal numbers of Negro, Spanish-surnamed American, and nonminority group members.) At least 50 per centum of the members of the committee shall be parents of children directly affected by the program, project, or activity for which assistance is sought. In addition to members appointed pursuant to subparagraphs (1) and (2) of this paragraph, and taking into account the students to be appointed pursuant to subparagraph (4) of this paragraph, such agency shall select the minimum number of additional persons as may be necessary to meet the requirements of this subparagraph. (For example, if in a biracial community the civic or community organizations designate three minority groups members and two nonminority group members, three of whom are parents; and two teachers who are not parents are also selected, and two students are to be selected pursuant to subparagraph (4) of this paragraph, the agency must select two nonminority parents and one minority parent to complete the committee.)

* * * * *

(d) *Comments by committee; hearings.* No application by a local educational agency for assistance under subpart B, C, D, H, or J of this part shall be approved which is not accompanied by the written comments of a committee formed in accordance with paragraph (c) of this section. If a majority of the members of such committee requests an informal hearing with the Assistant Secretary with respect to such application, an opportunity for such a hearing shall be afforded to such committee prior to approval of such application. The Assistant Secretary or his designee shall hold such hearing in or near the school district served by such agency, and in no case at a greater distance from such school district than the appropriate Regional Office of the Department. The affected local educational agency shall be afforded an opportunity to respond to the comments or criticisms offered by the committee. The Assistant Secretary or his designee shall communicate his findings as to the matters presented by such committee at such hearing,

and his action or decision on the basis of such findings, to the committee and the affected local educational agency, in writing, prior to approval of such agency's application for assistance.

(Public Law 92-318, section 710(b))

* * * * *

16. Paragraphs (d)(3) and (g) of § 185.44 are revised as follows:

§ 185.44 Waiver of ineligibility.

* * * * *

(d) * * *

(3) In the case of ineligibility resulting from discriminatory assignment of teachers as prohibited by § 185.43(b)(2), such applications for waiver shall contain evidence that such agency has assigned its full-time classroom teachers to its schools so that no school is identified as intended for students of a particular race, color, or national origin. Such nondiscriminatory assignments shall, in the case of a local educational agency implementing a plan described in § 185.11(a), conform to the requirements of such plan with respect to the assignment of faculty. In the case of local educational agencies not implementing such a plan, or implementing such a plan which contains no provision as to assignment of faculty, such assignments shall be made so that the proportion of minority group full-time classroom teachers at each school is between 75 per centum and 125 per centum of the proportion of such minority group teachers which exists on the faculty as a whole.

* * * * *

(g) Access to information and records: Agencies applying for assistance under the Act or for a waiver under this section shall furnish to the Secretary or the Assistant Secretary such information and such access to their facilities or records as such official may deem necessary for the administration of the Act, or for a determination as to eligibility or as to whether or not a waiver should be granted. Consideration of applications for assistance under this part may be delayed pending submission or collection of such information. Such information may include confidential or other records maintained by such agency on personnel and students, with racial or other identification of such personnel or students, and financial and other records maintained by such agency. Subject to any applicable provisions of section 438 of the General Education Provisions Act (20 U.S.C. 1232 g) as added by section 513 of P.L. 93-380 and amended by P.L. 93-568 and section 440 of such Act (20 U.S.C. 1232i) as added by section 515 of P.L. 93-380, limitations on access to information or records based on considerations of privacy or confidentiality may not operate to bar the Department from evaluating or seeking to enforce compliance with any provision of the Act, this regulation, grant terms or conditions, or other applicable laws. Information of a confidential nature obtained by the Department in connection with compliance evaluation or enforcement shall not be disclosed except where necessary in formal enforcement proceedings or as otherwise required by law. The Assistant Secretary shall not approve an application under this part which requires a waiver by the Secretary unless the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives have been given notice of the intention to grant such a waiver at least 15 days prior to such approval.

(Public Law 92-318, sections 706(d)(2), (3), (5), and (6); Public Law 93-380, section 513)

17. In § 185.45, (a)(6) and the authority to paragraph (a) are revised, and paragraphs (b), (c)(1), and the authority to paragraph (c) are revised as follows:

§ 185.45 Termination of assistance.

(a) * * *

(6) The procedures and requirements set out in this section shall apply to any assistance awarded to any recipient under this part. Assistance shall not be deemed to have been awarded unless such award is supported by an award document on file with the Department.

(Public Law 92-318, sections 702-720; Public Law 93-380, section 511)

(b) *Additional sanctions.* In an appropriate case such as one involving violations of the eligibility limitations set out in § 185.43 arising subsequent to approval of an application for assistance under this part or a failure to comply with the terms of a waiver granted pursuant to § 185.44 or other eligibility requirements, the Assistant Secretary shall declare the award of such assistance to be null and void as of the date of such violation or failure, and shall refuse to recognize any obligation incurred after such date or to reimburse the recipient for any costs incurred or expenditures made after such date, regardless of the date of obligation. Such sanctions shall be imposed in accordance with the provisions of this section.

(Public Law 92-318, sections 702-720; Senate Report No. 92-61, pp. 18, 41-42)

(c) *Proceedings.* (1) If the recipient requests an opportunity to show cause why a suspension of assistance pursuant to paragraph (a)(1) of this section should not be imposed, the Assistant Secretary or his designee shall, within 7 days after receiving such request, hold an informal meeting for such purpose. After such meeting has been held, the Assistant Secretary or his designee shall promptly notify the recipient of his determination regarding suspension of assistance to the recipient.

* * * * *

(Public Law 92-318, sections 702-720; Public Law 93-380, section 511)

* * * * *

18. Section 185.46 is added, and §§ 185.47-185.50 remain reserved as follows:

§ 185.46 Determinations of ineligibility prior to award of assistance.

(a)(1) Upon a determination by the Assistant Secretary that an applicant for assistance under this part is ineligible for the assistance sought by such applicant, the Assistant Secretary shall notify the applicant in writing of such determination and the reasons therefor. (2) Such notification shall offer the applicant an opportunity to show cause why such determination should be revoked and its application considered for funding.

(b) If the applicant requests an opportunity to show cause why the determination of ineligibility referred to in paragraph (a)(1) of this section should be revoked and its application considered for funding, the Assistant Secretary or his designee shall, within 7 days after receiving such request, hold an informal meeting for such purpose. After such meeting has been held the Assistant Secretary or his designee shall promptly notify the applicant of his determination regarding the eligibility of the applicant.

(c) This section shall apply to determinations of ineligibility with respect to any applicant for assistance under this part. Except as provided in this section or as otherwise provided by law, the Assistant Secretary shall not be required to afford any such applicant an opportunity for hearing with respect to a determination of ineligibility referred to in paragraph (a)(1) of this section.

(Public Law 92-318, sections 702-720; Public Law 93-380, section 511)

§§ 185.47-185.50 [Reserved]

19. Section 185.51 is revised to read as follows:

§ 185.51 Eligibility for assistance.

(a) Any local educational agency which is implementing a plan or project described in § 185.11 or § 185.31(a) may apply for assistance, by grant or contract, from funds reserved pursuant to § 185.95(b)(2), (1) to develop educational programs designed (i) to meet the educational needs of minority group children who are from environments in which a dominant language is other than English for the development of reading, writing, and speaking skills in the English language and their primary language, and (ii) to meet the educational needs of such children and their classmates to understand the history and cultural background of the minority groups of which such children are members; or (2) to carry out activities authorized by § 185.12 to implement the educational programs described in this paragraph (whether or not developed with assistance made available under this subpart).

(20 U.S.C. 1607(c)(1) (B) and (C))

(b) Any nonprofit private agency, institution, or organization may apply for assistance, by grant or contract, under this subpart to develop the educational programs described in paragraph (a) of this section: *Provided however*, That such development is requested by one or more local educational agencies which are implementing a plan or project described in § 185.11 or § 185.31(a).

(20 U.S.C. 1607(c)(1)(A))

(c) For purposes of determining eligibility for assistance under this subpart, the Assistant Secretary may determine that members of any specific ethnic group with limited English-speaking ability constitute a "minority group," as that term is used in this subpart and in § 185.11, upon a finding that such group has been denied equal educational opportunity because of language barriers and cultural differences. Applications for assistance under this subpart relating to local educational agencies which are implementing plans or projects described in § 185.11 or § 185.31(a) with respect to Negroes, American Indians, Spanish-surnamed Americans, Portuguese, Orientals, Alaskan natives, or Hawaiian natives shall be considered only on the basis of such plans or projects. No plan or project affecting a minority group other than those named in the preceding sentence shall be deemed to qualify an applicant for assistance under this subpart if it results in any increase in minority group isolation for any member of any minority group named in the preceding sentence.

(20 U.S.C. 1619(9)(A))

20. Paragraph (c)(2) of § 185.53 is revised to read as follows:

§ 185.53 Applications.

* * * * *

(c) * * *

(2) In the case of nonprofit private applicants, evidence that the proposed activity has been requested by one or more local educational agencies which are implementing a plan or project described in § 185.11 or § 185.31(a). Such evidence may include (i) a copy of a school board resolution or other final official action requesting the assistance of the applicant, or (ii) a letter from the school board chairman or superintendent of a local educational agency requesting such assistance. No application by a nonprofit private applicant shall be approved less than 10 days after a copy of said application has been submitted by the Assistant Secretary to the appropriate State educational agency for comment, unless the Assistant Secretary has received comments from such agency upon such application prior to expiration of the 10-day period.

21. Paragraphs (a) and (c) of 185.54 are revised as follows:

§ 185.54 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance under this subpart, the Assistant Secretary shall apply the following objective criteria (55 points):

(1) The need for such assistance, as indicated by the number and percentage of minority group children enrolled in the schools of the local educational agency or agencies with respect to which assistance is sought for the fiscal year or years for which assistance is sought who are from environments in which a dominant language is other than English (30 points); and

(2) The effective net reduction or effective net prevention of minority group isolation, as defined in § 185.14(a)(2), in terms of the number and percentage of children affected, in all the schools operated by such agency or agencies accomplished or to be accomplished by the implementation of a plan described in § 185.11 or § 185.31(a) (25 points).

(20 U.S.C. 1607(c)(1))

* * * * *

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance under this subpart, the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) or effectively carrying out its proposed program, project, or activity, in relation to the amount of funds available for assistance under this subpart and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth a program, project, or activity of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section until the sums available for the purposes of this subpart have been exhausted.

(20 U.S.C. 1607(c)(1))

22. Paragraphs (a)(2)(iv) and (b)(2)(iii) of § 185.55 are revised to read as follows.

§ 185.55 Program or project committees.

(a) * * *

(2) * * *

(iv) At least 50 per centum of the members of a committee formed under this subparagraph must be members of a minority group as described in subdivision (ii) of this subparagraph. At least 50 per centum of the members of the committee shall be parents of children directly affected by the program, project or activity for which assistance is sought. In addition to members appointed pursuant to paragraph (a)(2)(i), (ii), and (iii) of this section, and taking into account the students to be appointed pursuant to paragraphs (a)(2)(v) of this section, such agency shall select the minimum number of additional persons as may be necessary to meet the requirements of this subdivision.

* * * * *

(b) * * *

(2) * * *

(iii) At least 50 per centum of the members of the board formed under this subparagraph must be members of a minority group as described in paragraph (a)(2)(ii) of this section. Such board shall have at least 10 members. At least 50 per centum of the members of such board shall be parents of children directly affected by a plan or project described in § 185.11 or § 185.31(a), or a program, project, or activity assisted under this subpart. In addition to members appointed pursuant to paragraphs (b)(2)(i) and (ii) of this section, and taking into account the students to be appointed pursuant to paragraph (b)(2)(iv) of this section, the applicant shall select the minimum number of additional persons as may be necessary to meet the requirements of this division.

* * * * *

23. Section 185.56 is revised to read as follows:

§ 185.56 Limitations on eligibility; nonpublic participation.

The limitations on eligibility set forth in § 185.43 shall apply to local educational agencies applying for, or requesting that a nonprofit private agency, institution, or organization apply for, asssitance under this subpart. The provisions of § 185.44 as to waiver of ineligibility shall apply to such local educational agencies. The provisions of § 185.45 as to termination of assistance shall apply to all recipients of assistance under this subpart. The provisions of § 185.42 as to participation of children or staff enrolled in or employed by nonpublic schools shall apply to local educational agencies applying for assistance under this subpart.

(20 U.S.C. 1605(d), 1607(c)(1), 1609 (a) and (b), 1611(c))

24. Paragraphs (a) and (d)(1) of § 185.61 are revised as follows:

§ 185.61 Eligibility for assistance.

(a) *Eligible applicants.* (1) Any public agency, institution, or organization (other than a local educational agency) and any nonprofit private agency, institution, or organization may apply for assistance, by grant or contract, from funds reserved pursuant to § 185.95(d)(1)(i) to carry out programs, projects, or activities designed to support the development or implementation of a plan or project described in § 185.11 or § 185.31(a).

(2) Any such agency, institution, or organization (other than a local educational agency or a nonpublic elementary or secondary school) may apply for such assistance from funds reserved pursuant to § 185.95(d)(1)(ii) to carry out such programs, projects, or activities.

(Public Law 92-318, sections 705(a)(3) and 708(b); Public Law 93-380, section 645)

* * * * *

(d) *Relation to local educational agency.* (1) A program, project, or activity designed to support the implementation of a plan or project described in § 185.11 or § 185.31(a) may be assisted under this subpart if the local educational agency with respect to which the applicant proposes to carry out its program, project, or activity is implementing such a plan or project, regardless of

whether such local educational agency applies for or receives assistance under the Act.

* * * * *

25. In § 185.62, the introductory text and paragraphs (a), (d), (e), (g), (h), (i), (j), and (k) are revised as follows:

§ 185.62 Authorized activities.

Financial assistance under this subpart shall be available for programs or projects which would not otherwise be funded and which involve activities designed to support the development or implementation of a plan or project described in § 185.11 or § 185.31(a) and to carry out the purposes described in § 185.01. Such programs or projects shall include one or more of the following activities:

(a) Supplemental remedial services beyond those provided by the local educational agency, including student to student tutoring, to meet the special need of children (including gifted or talented children) in schools which are affected by a plan or project described in § 185.11 or § 185.31(a) when such services are necessary to the success of such plan or project.

* * * * *

(d) Community activities, including public information and parental involvement efforts, regarding matters related to a plan or project described in § 185.11 or § 185.31(a);

(e) Administrative and auxiliary services to facilitate the success of the applicant's program or project, where such services are part of, and in conjunction with, a comprehensive program or project designed to support the development or implementation of a plan or project described in § 185.11 or § 185.31(a);

* * * * *

(g) Programs designed to deal with the problems of dropouts, academic failures, and increased suspensions or expulsions resulting from or attendant to the implementation of a plan or project described in § 185.11 or § 185.31(a);

(h) Interracial programs or projects relating to the social and recreational needs of children attending schools affected by a plan or project described in § 185.11 or § 185.31(a);

(i) Cultural enrichment activities which promote interracial and intercultural understanding among children attending schools affected by a plan or project described in § 185.11 or § 185.31 (a) and, where appropriate, the parents of such children;

(j) Home-focused projects for the enrichment of the educational atmosphere in the homes of children attending schools affected by a plan or project described in § 185.11 or § 185.31(a), including parent-child home reading projects and school-related family or neighborhood activities;

(k) At the request of a local educational agency, assistance or support in the development of a plan or project described in § 185.11 or § 185.31(a); or

* * * * *

26. Subparagraphs (4), (6), and (7) of § 185.63(b) are revised as follows:

§ 185.63 Applications.

* * * * *

(b) * * *

(4) A statement of (i) the extent to which other public or nonprofit private agencies, institutions, or organizations in the school district or school districts affected by a plan or project described in § 185.11 or § 185.31(a) have been consulted in the preparation of the application, and (ii) the provisions which have been made by the applicant for effective liaison with such agencies, institutions, or organizations which have applied for, or received, assistance under the Act with regard to coordination of programs, projects, or activities so assisted.

* * * * *

(6) A statement of past activities engaged in by the applicant or its officers or employees in the appropriate school district with respect to such matters as education, human relations, desegregation or elimination, reduction, or prevention of minority group isolation in public elementary or secondary schools or other community activities or concerns; and

(7) A copy of the plan or project described in § 185.11 or § 185.31(a) with respect to which assistance is sought under this subpart or a complete description of such plan or project.

(Public Law 92-318, section 708(b))

27. In § 185.64, paragraphs (a), (b)(1)(i), and (b)(3)(iv) are revised as set forth below, and paragraph (c)(3) is deleted.

§ 185.64 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance under this subpart, the Assistant Secretary shall apply the following objective criteria (40 points):

(1) The number and percentage of minority group children enrolled in the schools operated by the local educational agency or agencies with respect to which the applicant proposes to carry out its program project, or activity for the fiscal year or years for which assistance is sought (15 points);

(2) The effective net reduction or effective net prevention of minority group isolation (in terms of the number and percentage of children affected), as defined in § 185.14(a)(2), in all the schools operated by such agency or agencies accomplished or to be accomplished by the implementation of the plan or project described in § 185.11 or § 185.31(a) with respect to which assistance is sought by the applicant (25 points).

(Public Law 92-318, section 708(b))

(b) * * *

(1) *Needs assessment (6 points).* (i) The degree to which the applicant has cooperated with, or complemented the efforts of, the appropriate local educational agency, in assessing the needs of the community with respect to desegregation or the elimination, reduction, or prevention of minority group isolation; and

* * * * *

(3) * * *

(iv) *Parent and community involvement (6 points).* The extent to which the application for assistance (a) reflects efforts to include persons broadly representative of the community to be served as members of the advisory committee established pursuant to § 185.65(a), and to utilize the contributions of such persons who are concerned with the problems of education and desegregation or the elimination, reduction, or prevention of minority group isolation; (b) delineates specific responsibilities for the advisory committee in addition to those required in § 185.65(d); and (c) sets forth procedures for involving parents and residents of the community to the maximum extent possible in all aspects of the proposed program, project, or activity.

* * * * *

28. Paragraph (b)(3) of § 185.65 is revised to read as follows:

§ 185.65 Advisory committees.

* * * * *

(b) * * *

(3) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and of members from each minority group substantially represented in the community or in the student body of the appropriate local educational agency. At least 50 per centum of the nonstudent members of such committee shall be parents of children directly affected by a plan or project described in § 185.11 or § 185.31(a). In addition to members appointed to the committee by civic or community organizations, and those selected pursuant to subparagraph (2) of this paragraph, the applicant shall select the minimum number of additional persons as may be necessary to meet the requirements of this subparagraph.

* * * * *

29. Subpart H is revised to read as follows:

Subpart H—Educational Television

§ 185.71 Eligibility for funds.

(a) Any public or private nonprofit agency, institution, or organization with the capability of providing expertise in the development of television programming and with access to facilities necessary for such development may apply for a contract from funds reserved pursuant to § 185.95(b)(3) to pay the cost of development and production of integrated children's television programs of cognitive and affective educational value. For purposes of this subpart, "programs of cognitive and affective educational value" are those which teach concrete academic skills and encourage interracial and interethnic understanding.

(20 U.S.C. 1610(a), (b)(1); Senate Rept. No. 92-61, p. 24)

(b) No more than seven contracts shall be awarded pursuant to this subpart during the fiscal year ending June 30, 1975.

(20 U.S.C. 1610(b)(1))

§ 185.72 Authorized activities and areas of concern.

(a) Funds made available under this subpart during the fiscal year ending June 30, 1975 shall be used to pay the normal and necessary expenses of researching, planning, writing, editing, staging, directing, performing, producing, reproducing, and distributing integrated children's television programs where such activities would not otherwise be funded and are designed to carry out the purposes described in § 185.01. Such programs shall be a standard-length series addressing one of the following areas of concern:

(1) Improvement of written and oral expression by students at the secondary level with linguistic and grammatical deficiencies;

(2) Improvement of cognitive skills of minority and non-minority group elementary school age children in one or more areas, such as mathematics, science, social studies, or language, including language skills of children from non-English dominant backgrounds;

(3) Fostering of inter-racial and inter-ethnic understanding among elementary school age children; and . . .

(4) Meeting the special needs of subgroups of minority groups as defined in § 185.02(f) which may be unique to a particular geographic region through a program series intended for less than nation-wide utilization.

(20 U.S.C. 1610(b)(1))

(b)(1) No more than one contract for a standard-length series shall be awarded for any one of the areas of concern described in subparagraphs (a) (1) and (2), and (3) of this section in any fiscal year, and no more than four contracts shall be awarded for "regional" programming as described in subparagraph (a)(4) of this section in any fiscal year, unless the Assistant Secretary determines that the proposals pending before him for additional contracts for programming directed to the same area of concern are of exceptional merit or promise.

(2) No more than one contract shall be awarded for television programming directed to a particular racial or ethnic group in a particular geographical area in any fiscal year, unless the Assistant Secretary determines that the proposals pending before him for additional contracts for programming directed to the same group in the same area are of exceptional merit or promise.

(3) No contract awarded for "regional" programming as described in paragraph (a)(4) of this section shall exceed $250,000 in amount.

(20 U.S.C. 1610(b)(1))

(c)(1) Television programs developed in whole or in part with funds made available under this subpart shall be made reasonably available for transmission, free of charge, and shall not be transmitted under commercial sponsorship. Broadcast and nonbroadcast users of such programs may not be charged any cost beyond (i) the cost of tape duplication and, (ii) where there is a contract between a recipient and a talent union as described in paragraph (c)(2) of this section, the cost of payments to members of such talent union for usages beyond those usages specified in such contract.

(2) Any contract between a recipient of funds under this subpart and a talent union must allow at least the following usages of the television programs assisted, charges for which may not be passed on to users:

(i) Six years of usage by public television stations (a year of usage being defined, for this purpose, as unrestricted use during three separate weeks of any given program within a series);

(ii) Six years of usage (as defined in paragraph (c)(2)(i) of this section) by a commercial station where there is no public television station serving that station's coverage area or where all public television stations serving that station's coverage area have exercised a right of first refusal;

(iii) Unrestricted perpetual rights for use in in-school audiovisual contexts, including transmission by education-dedicated, local origination CATV channels and Instructional Television Fixed Service systems; and

(iv) One broadcast in each of two three-year periods over commercial stations.

(3) Arrangements for making the television programs developed with funds under this subpart reasonably available for transmission, free of charge, shall be undertaken by the recipient and shall be subject to the approval of the Assistant Secretary; however, the Assistant Secretary may assume the responsibility for making such arrangements if he deems such action appropriate. A recipient may not restrict usages, except as provided in paragraph (c)(1) of this section or by an agreement with one national television network providing for an exclusive right to broadcast each program in a series (in coverage areas where the network would actually broadcast such programs) until the thirteenth week following the week in which each such program is first broadcast.

(4) For purposes of this paragraph, where the costs of transmission are met by a commercial firm, a brief statement to that effect at the beginning or end of such transmission shall not be considered commercial sponsorship.

(5) No television program developed in whole or in part with funds made available under this subpart shall be used or transmitted in such a manner as to result in a financial benefit to any person or organization.

(20 U.S.C. 1610(b)(2); Senate Rept. No. 92-61, pp. 24-25)

(d) Funds made available under this subpart shall not be used for construction, repair, or remodeling of any building or facility, or for the purchase of any equipment which has a useful life of more than one year and is not consumed in use, except where it can be demonstrated that the purchase of specific items of equipment will cost less than their rental. For purposes of this paragraph, "construction, repair, or remodeling" includes construction of buildings and facilities and structural alterations, renovations, and remaking of existing buildings and facilities or space therein.

(20 U.S.C. 1610(b)(1))

(e) *Deliverables.* Recipients of funds under this subpart must provide the following items to the Assistant Secretary at intervals specified by the Assistant Secretary:

(1) One master two-inch color highband videotape of each production in the series;

(2) Four first generation two-inch color highband videotape dubs of each production in the series (except that only two dubs shall be required for programming described in § 185.72(a)(4));

(3) One three-quarter-inch cassette tape of each production in the series;

(4) One three-quarter-inch cassette tape of a pilot production;

(5) Three one-minute promotional spots, with a 30-second liftout of each, to be delivered as:

(i) A composite tape of all six spots on a two-inch highband color, master videotape;

(ii) Four composite tapes of all six spots as first generation two-inch highband color, videotape dubs (except that only two tapes shall be required for programming described in § 185.72(a)(4)); and

(iii) A three-quarter inch composite videotape of all six spots;

(6) Five copies of teacher guide material consisting of one typewritten page in final form for each production;

(7) Five copies of pilot production test results; and

(8) One set of final scripts.

(20 U.S.C. 1610(b)(1))

(f) *Disclaimer.* Each program in a series assisted under this subpart must carry the following disclaimer: "This program was produced by [*Name of Recipient*] under a contract from the U.S. Department of Health, Education, and Welfare, Office of Education. The content of this program is the responsibility of the contractor and no official endorsement by the Department, or the Office of Education, is to be inferred."

(20 U.S.C. 1610(b)(1))

§ 185.73 Proposals.

(a) *General.* (1) A proposer for a contract under this subpart for any fiscal year shall submit to the Assistant Secretary a proposal therefor for that fiscal year, which proposal shall be in a form specified by the Assistant Secretary and shall contain such information and set forth such policies and procedures as will assure that the proposer will use funds received under this subpart only for the activities described in § 185.72.

(2) The proposal must make provision for production of prototypical pilot materials.

(20 U.S.C. 1610(b)(1))

(b) *Basic assurances.* Proposals for funds under this subpart shall comply with the requirements of § 185.13 (a), (b), (c), (d), (f), (h), (k)(1) (i), and (ii), (k)(2), and (m).

(20 U.S.C. 1609(a), 1610(b)(1))

(c) *Assurances by local educational agencies.* Proposals by local educational agencies for funds under this subpart shall comply with the requirements of § 185.13(g), (i), (j), (k)(1)(iii), (k)(3), (l), and (n), in addition to the requirements specified in paragraphs (b) and (e) of this section. Such proposals, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the proposer and the Assistant Secretary.

(20 U.S.C. 1609(a), 1610(b)(1))

(d) *Assurances by other proposers.* Proposals by public or private nonprofit agencies, institutions, or organizations (other than local educational agencies) under this subpart shall comply with the requirements of § 185.63(b) (2) and (5) in addition to the requirements specified in paragraphs (b) and (e) of this section.

(20 U.S.C. 1610(b)(1))

(e) *Additional information and assurances.* Proposals for funds under this subpart shall contain the following information, in addition to the assurances and information required by the other applicable paragraphs of this section:

(1) A detailed description of the integrated children's television programs to be developed and produced with funds made available under this subpart, together with an identification of the audience to be reached by such programs and a statement of the educational and other gains to be achieved;

(2) A statement of the name, address, position, duties, prior experience in educational television and school and community affairs, and race of all persons permanently employed (or to be employed) in positions of responsibility by the proposer on the development, production, and administrative staffs of the project;

(3) A detailed description of the evaluation procedures to be employed by the proposer pursuant to § 185.77 in measuring and evaluating the program appeal of, and the educational and other changes to be achieved by, the television programs for which funds are sought;

(4) A statement of (i) past activities engaged in by the proposer or its officers or employees indicating the relative capability of the proposer to provide expertise in the development of integrated children's television programming, and to develop and produce the proposed television programs, and (ii) the access of the proposer to facilities necessary for such development and production; and

(5) A budget detailing all costs of the proposed project.

(20 U.S.C. 1610(b) (1) and (3))

(f) *Proposal procedure.* The Assistant Secretary may require the information described in this section to be submitted either in a single proposal or sequentially, and may require additional information and assurances of selected proposers.

(20 U.S.C. 1610(b)(1))

§ 185.74 Criteria for awards.

In reviewing and approving proposals for contracts under this subpart, the Assistant Secretary shall apply the following criteria:

(a) *Needs assessment (10 points).* The extent to which the proposer has undertaken a comprehensive assessment, on the basis of test data, audience surveys, and other objective evidence, of the educational and other needs of the target population, and the magnitude of the needs so assessed.

(20 U.S.C. 1610(b)(1))

(b) *Statement of objectives (15 points).* The degree to which the proposer sets forth specific objectives which:

(1) articulate with the needs described by the proposer in its proposal;

(2) are capable of attainment through the proposed television series; and

(3) are shown to have been derived by persons possessing relevant professional and experiential background, and who include, to a significant degree, persons representative of the racial and ethnic populations to be served by the series.

(20 U.S.C. 1610(b)(1), 1610(b)(3)(A))

(c) *Activities (63 points)*—(1) *Program content and design (33 points).* The extent to which the proposed television programming promises to reach the expected or potential target audience and to encourage and sustain the participation, interest, and educational and other growth of such audience, and the extent to which the programming can stand by itself as effective instruction without the necessity for teacher assistance;

(2) *Staffing (22 points).* (i) The extent to which the proposal sets out an overall staff plan clearly delineating positions and responsibilities and maximizing staff capabilities;

(ii) The extent to which minority group persons will occupy key creative, administrative and executive decision-making project positions; and

(iii) The extent to which provision is made for on-the-job-training for minority group persons to enable them to become qualified to assume positions of technical and professional responsibility.

(3) *Supplementary materials (2 points).* The extent to which the proposal sets forth a plan for developing a guide which will provide teachers employing the series in classroom work with suggestions for varied, realistic and effective ancillary classroom activity; and

(4) *Advisory committee participation (6 points).* The extent to which the proposal (i) clearly delineates specific opportunities for continuing advisory committee participation in the development and evaluation of the proposed television programming in addition to those required by § 185.75, and (ii) includes evidence that such participation has been encouraged and has in fact occurred.

(20 U.S.C. 1610(b)(1), 1610(b)(3)(A))

(d) *Management (7 points).* The quality of a detailed flow chart or milestone chart, submitted with the proposal, of activities sufficient to accomplish all proposed tasks.

(e) *Formative evaluation (5 points).* The extent to which the proposal sets out a detailed format, including specific study design, for applying formative evaluation techniques prior to and during a pilot phase of production of the proposed television programming, in order to determine the production and presentation techniques which offer the greatest promise of achieving the stated objectives.

(20 U.S.C. 1610(b)(1), 1610(b)(3)(C))

(f) *Funding criteria.* In determining amounts to be awarded to proposers for funds under this subpart, the Assistant Secretary shall consider the additional cost to such proposer (as such cost is defined in § 185.13(a)) of effectively developing and producing its proposed television programming, in relation to the amount of funds available under this subpart and the other proposals for such funding pending before him. The Assistant Secretary shall not be required to approve any proposal which does not meet the requirements of the Act or this part, or which sets forth proposed television programming of such insufficient promise for achieving the purposes of the Act that its approval is not warranted, or which sets forth projected costs that are unreasonable in relation to projected outcomes, or which is not supported by a record of past activities engaged in by the proposer or its officers or employees indicating capability for implementing the proposal. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to proposers (whose proposals meet such requirements and are of sufficient promise to warrant approval) in order of their ranking on the basis of the criteria set out in this section until the sums available for the purposes of this subpart have been exhausted.

(20 U.S.C. 1610(b)(1))

(g) In making the determinations required under this section, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of education, educational television, and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(20 U.S.C. 1610(b) (1) and (3))

§ 185.75 Advisory committees.

(a) Public or private nonprofit agencies, institutions, or organizations (other than local educational agencies) submit-

ting proposals for contracts under this subpart shall comply with the requirements as to advisory committee participation set forth in § 185.65, except as follows:

(1) References in said section to a "district-wide advisory committee" shall be understood to be references to an advisory committee representing the entire area to be served by the proposed television programming, and references in said section to a "program, project, or activity" shall be understood to refer to the proposed television programming for which funds are sought.

(2) (i) The requirements of § 185.65(b) shall not apply to proposals submitted under this subpart. References in § 185.65 to paragraph (b) of said section shall be understood to refer to the provisions of this subparagraph (2).

(ii) A proposer shall designate at least five civic or community organizations, each of which shall select a member of the proposer's advisory committee. The civic or community organizations which participate in the selection process shall, when taken together rather than considered individually, be broadly representative of the minority and nonminority communities to be served.

(iii) A committee formed under this paragraph must be composed of equal numbers of nonminority group members and of members from each minority group substantially represented in the area to be served by the proposed television programming. At least 50 percent of the nonstudent members of such committee, to be selected by the proposer, shall be parents of children at whom the proposed television programming for which funds are sought will be directed.

(iv) Where the proposed television programming will be directed at secondary school age students, at least 50 percent of the total membership of the committee, to be selected by the proposer, must be secondary school students enrolled in a secondary school or schools located within the area to be served by the proposed television programming. Among such student members there must be equal numbers of nonminority group persons and persons from each minority group substantially represented in the area to be served by the proposed television programming.

(3) The post-award consultation described in § 185.65(d) shall be at least once every three months.

(20 U.S.C. 1610(b)(1))

(b) Local educational agencies submitting proposals for contracts under this subpart shall comply with the requirements as to advisory committee participation and public hearings set forth in § 185.41 (a) through (g), except as follows:

(1) References in said section to a "district-wide advisory committee" shall be understood to be references to an advisory committee representing the entire area to be served by the proposed television programming, and references in said section to a "program, project, or activity" shall be understood to refer to the proposed television programming for which funds are sought.

(2) The designation of teachers pursuant to § 185.41(c)(2) and students (who must be designated only where the proposed television programming will be directed at secondary school age students) pursuant to § 185.41(c)(4) shall be with reference to the entire area to be served by the proposed television programming.

(3) The post-award consultation described in § 185.41(e) shall be at least once every three months.

(20 U.S.C. 1609(a) (2) and (3), 1609(b))

§ 185.76 Limitations on eligibility.

The limitations on eligibility set forth in § 185.43 shall apply to educational agencies submitting proposals for funds under this subpart. The provisions of § 185.44 as to waiver of ineligibility shall apply to local educational agencies submitting proposals for funds under this subpart. The provisions of § 185.45 as to termination of assistance shall apply to all recipients of assistance under this subpart.

(20 U.S.C. 1605(d), 1609 (a) and (b), 1610 (b)(1))

§ 185.77 Required approval by Assistant Secretary of pilot materials.

A recipient of funds under this subpart must produce prototypical pilot materials at times specified by the Assistant Secretary. The recipient must then conduct an evaluation of such materials to serve as the formative evaluation for the series. No commitments by the recipient relating to production activity beyond the conduct of this evaluation will be recognized by the Assistant Secretary unless a favorable decision on project continuation is made by the Assistant Secretary. Any party with whom the recipient enters into a commitment for such production activity prior to such a favorable decision must be informed of this possibility of non-recognition at the time the commitment is entered into. An unfavorable decision on project continuation shall be a basis for termination pursuant to § 185.45.

(20 U.S.C. 1609(a)(15), 1610(b)(1), 1610(b)(3)(C))

§§ 185.78–185.80 [Reserved]

30. The section title and introductory text of paragraph (a) of § 185.83 are revised as follows:

§ 185.83 Proposals.

(a) *Information.* Proposals submitted pursuant to this subpart shall contain such information, and set forth such policies and procedures, as will assure that the offeror will use funds received under this subpart only for the activities described in § 185.82. In addition, such proposals shall contain the following information:

* * * * *

31. Paragraph (b) of § 185.84 is revised as follows:

§ 185.84 Criteria for awards.

* * * * *

(b) *Funding criteria.* In awarding contracts under this subpart, the Assistant Secretary shall apply the provisions of the Federal Procurement Regulations (41 CFR Ch. 1 and 3), except that he shall not be required to approve any proposal which does not meet the requirements of the Act or this subpart, or which sets forth a proposed evaluation of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. From the funds reserved pursuant to § 185.95(b)(4) for any fiscal year, the Assistant Secretary may award one or more contracts under this subpart.

(20 U.S.C. 1612)

32. Subpart J is revised to read as follows:

Subpart J—Special Projects

Special Arts Projects

§ 185.91 Eligibility for assistance.

(a) Any public agency or organization responsible for the administration of statewide public arts programs, such as a State Arts Council or State Arts and Humanities Commission, may apply for assistance by grant from funds reserved pursuant to § 185.95(b)(1) for special projects that would through the arts provide opportunities for interracial and intercultural communication and understanding to help meet the special needs incident to the implementation of a plan or project described in § 185.11 or § 185.31(a). Activities assisted under this section must be conducted primarily with students who attend schools affected by such plan or project, in which the proportion of minority group children enrolled is no less than 20 percent. Such schools must be located in local educational agencies which are in compliance with the requirements described in § 185.43 or § 185.44.

(b) No more than $1,000,000 from funds reserved pursuant to § 185.95(b)(1) shall be awarded for grants pursuant to this section during any fiscal year.

(20 U.S.C. 1605(d) and 1607(a))

§ 185.91–1 Applications.

(a) Applications by public agencies or organizations pursuant to § 185.91 shall comply with the requirements of § 185.13 (a), (b), (c), (d), (f), (g), (h), (j), (k)(1)(i), (k)(1)(ii), (k)(2) and (m). Applications submitted by public agencies or organizations which are local educational agencies shall also comply with the requirements of § 185.13 (e), (i), (k)(3), (l), and (n). The provisions of § 185.42 as to participation of children or staff enrolled in or employed by nonpublic schools shall apply to local educational agencies applying pursuant to § 185.91. All applications for assistance under § 185.91, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary.

(20 U.S.C. 1605(d), 1607(a), 1609(a))

(b) In addition to the information and assurances required by paragraph (a) of this section, applications by public agencies and organizations pursuant to § 185.91 shall contain the following information:

(1) A letter from each local educational agency implementing a plan or project described in § 185.11 or § 185.31 (a) in which the applicant proposes to conduct activities which gives evidence that the local educational agency has reviewed the proposed project and has agreed to participate in the program activities, if funded, and which contains a list of those schools operated by such local educational agency which would be served by the applicant's proposed activities;

(2) A copy of the plan or project described in § 185.11 or § 185.31(a) for each local educational agency which the applicant proposes to serve unless such local educational agency has previously applied for assistance under the Act;

(3) A statement, signed by the appropriate official of each local educational agency in which the applicant proposes to conduct activities, that such local educational agency is in compliance with the requirements described in § 185.43 or § 185.44;

(4) A statement of the name, position, and prior experience in education, the arts, and interracial/intercultural relations of the State level project director employed (or to be employed) by the applicant in connection with the proposed activities;

(5) A copy of the statutory provision, State executive order or other evidence establishing the status of the applicant agency as a public agency or organization responsible for the administration of statewide public arts programs.

(20 U.S.C. 1607(a), 1609(a))

§ 185.91–2 Criteria for assistance.

(a) *Objective criteria.* In approving applications for assistance pursuant to § 185.91, the Assistant Secretary shall apply the following criterion: the need for such assistance, as indicated by the number and percentage of minority group children within the State in which the applicant is located (10 points).

(20 U.S.C. 1607(a), 1609(c)(1))

(b) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational, artistic, and programmatic merits of applications for assistance by public agencies or organizations pursuant to § 185.91 on the basis of the following criteria (90 points):

(1) *Needs assessment (14 points).* The magnitude of needs, in the schools to be served, assessed jointly by the applicant and the appropriate local educational agency or agencies, for intercultural/interracial arts activities as such activities relate to the special needs incident to the implementation of a plan or project described in § 185.11 or § 185.31(a).

(2) *Statement of objectives (10 points).* (i) The degree to which the applicant sets out specific measurable objectives for its activities in relation to the needs identified (5 points); and (ii) the degree to which the activities to be assisted afford promise of achieving the objectives identified in the application (5 points).

(3) *Activities (55 points).* (i) *Project design (20 points).* The extent to which the proposed activities are clearly related to the needs identified and to the stated objectives, which activities (*a*) complement activities being carried out by the appropriate local educational agency or agencies (5 points); (*b*) provide opportunities for artists to assist students in the development of artistic expression (5 points); (*c*) provide opportunities for artists to create, and arts groups to present, activities that promote interracial and intercultural understanding (5 points); and (*d*) provide opportunities for the artists to serve as a resource to the appropriate school, local educational agency, and community (5 points).

(ii) *Staffing (20 points).* At a minimum, the proposed activities must set out a plan to utilize qualified minority group artists and arts groups. Points will be awarded on the basis of the extent to which the application demonstrates that: (*a*)(*1*) at least 50% of the artists and art group members (when taken together as a group) to be utilized by the applicant are minority group members (5 points); and (*a*)(2) the proportion of members of each minority group among such artists and art groups (when taken together as a whole) represents the proportion of such minority groups in the minority population of the State in which the applicant is located (5 points); (*b*) qualified artists and art groups who have demonstrated the ability to work effectively with students and teachers in interracial/intercultural educational settings will be utilized (5 points); (*c*) the presence or availability of a State level project director with experience in education, the arts, and interracial/intercultural relations is indicated (3 points); and (*d*) adequate training and orientation will be provided for students, teachers, and other educational personnel in the uses of artists and arts experiences, and for artists in the need of students, teachers and administrators (2 points).

(iii) *Delivery of services (10 points).* The extent to which the proposed activities (*a*) involve to the fullest extent practicable the total educational and artistic resources already existing in the community or communities to be served, including those of other public or nonprofit private agencies, organizations, or institutions (2 points); (*b*) describe available facilities which are adequate for the performance of the proposed activities and are convenient and accessible to the persons involved in such activities (2 points); (*c*) provide for effective notification of and communication with the intended beneficiaries of proposed activities (2 points); (*d*) give evidence of coordination with, and mutual support of, the State education agency's arts education programs (2 points); and (*e*) give evidence that they will be documented so that successful models can be replicated (2 points). For purposes of this subdivision, "community or communities to be served" shall mean the community or communities in which are located local educational agencies in which activities are to be conducted with assistance made available under § 185.91.

(iv) *Parent and community involvement (5 points).* The extent to which the application (*a*) provides for increased communication between parents and the school system (2 points); and (*b*) provides for specific opportunities for community and parental participation in the implementation of the proposed activities in addition to those required by § 185.91–3 (3 points).

(4) *Resource management (6 points).* The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude to give substantial promise of achieving the stated objectives (2 points); (ii) the costs of project components are reasonable in relation to the expected benefits (2 points); and (iii) all possible efforts have been made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed activities (2 points).

(5) *Evaluation (5 points).* The extent to which the application sets out a format for objective measurement of the results of the proposed activities, including (i) a timetable for compilation of data for evaluation and a method of reviewing the activities in the light of such data (2 points); and (ii) a description of the instruments to be used for evaluation of the proposed activities, or a description of the procedure to be employed in selecting such instruments (3 points).

(6) In making the determinations required under this paragraph the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of the arts, education, and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(c) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.91 the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed activities, in relation to the amount of funds available for assistance pursuant to § 185.91 and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth activities of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this

section. Awards of assistance made pursuant to § 185.91 will be limited to an approximate range of $50,000 to $100,000. No more than one award of assistance pursuant to § 185.91 will be made for activities in any State.

(20 U.S.C. 1601(b), 1607(a), 1609(c) (1), (2), (4), and (6))

§ 185.91–3 Community involvement.

(a) *Advisory committee.* A public agency or organization applying for assistance pursuant to § 185.91 shall, prior to submission of such an application, consult with a State level advisory committee formed in accordance with paragraph (b) of this section in identifying problems and assessing the needs to be addressed by such application. Such applicant shall afford such committee a reasonable opportunity (not less than 10 days) in which to review and comment upon such application, and shall establish such committee at least 5 days prior to the commencement of such review period. In connection with the establishment of such committee, the applicant shall furnish to each member of such committee a copy of the Act and this regulation.

(20 U.S.C. 1607(a))

(b) *Composition.* (1) In order to establish a State level advisory committee as required by this section, the applicant shall designate four State level civic or community organizations (which when taken together rather than considered individually, are broadly representative of the minority and nonminority communities in the State), one State level teacher organization, and one State level parent organization, each of which shall select one member of their organization to serve as a member of the State level advisory committee. In addition the applicant shall designate a State level student organization or organizations to select student members so that the membership of the State level advisory committee will include one nonminority group student and one student from each minority group substantially represented in the State.

(2) The State level advisory committee formed pursuant to paragraph (a) of this section must be composed of equal numbers of nonminority group members and of members from each minority group substantially represented in the State, including at least one member with arts or arts related experience. In addition to members selected pursuant to subparagraph (1), the applicant shall select the minimum number of additional persons as may be necessary to meet the requirements of this subparagraph.

(20 U.S.C. 1607(a))

(c) *Public hearing and publication.* Public agencies or organizations applying for assistance pursuant to § 185.91 shall hold at least one open, public hearing with parents, teachers, and secondary school students, including but not limited to the members of a committee formed in accordance with paragraph (b) of this section, at which hearing such persons are afforded a full opportunity to understand the activities for which assistance is being sought and to offer recommendations thereon. Such hearing shall be held no less than 7 days prior to submission of an application under the Act, and shall be advertised in a newspaper of statewide circulation or otherwise made public not less than 7 days prior to the date of such hearing. Such publication shall include the names of the members of the State level advisory committee established pursuant to paragraph (a) of this section and a statement of the purpose of such committee. Evidence of such publication and a copy of the minutes of the hearing required by this subparagraph shall be submitted with such agency's application for assistance. At a minimum, such minutes shall include a statement of the date, time and location of such hearings, the number of persons in attendance, and a brief summary (not a verbatim transcript) of the views expressed at such hearing.

(20 U.S.C. 1607(a))

(d) *Comments and suggestions by advisory committee.* No application for assistance pursuant to § 185.91 shall be approved which is not accompanied by the written comments of a committee formed in accordance with paragraph (b) of this section. No amendment to activities assisted under § 185.91 shall be approved, and no additional funds made available, unless such committee has been consulted and involved in the development of and has been given an opportunity to comment upon, such amendment of or addition to such activities. Such comments shall be included with any application submitted by such applicant for such amendments or additions.

(e) *Post-award consultation.* Each application for assistance pursuant to § 185.91 shall contain an assurance that the applicant will consult at least monthly with its State level advisory committee established under this section with respect to policy matters arising in the administration and operation of any activities for which funds are made available under § 185.91, and that the applicant will provide such committee with a reasonable opportunity to periodically observe and comment upon all such activities.

(20 U.S.C. 1607(a))

SPECIAL MATHEMATICS PROJECTS

§ 185.92 Eligibility for assistance.

Any private, nonprofit agency, institution, or organization, or a combination of such agencies, institutions, or organizations, may submit an application for a grant from sums reserved pursuant to § 185.95(b)(1) for the conduct, in cooperation with one or more local educational agencies implementing a plan or project described in § 185.11 or § 185.31(a), of special programs for the teaching of standard mathematics to both minority and nonminority group children attending schools affected by such a plan or project in which the proportion of minority group children enrolled is no less than 20 percent. Such special programs shall consist of instruction in advanced mathematics by qualified instructors with bachelor degrees in mathematics or the mathematical sciences from colleges or other institutions of higher education, or with equivalent experience. A cooperating local educational agency must be in compliance with the requirements described in § 185.43 or § 185.44.

(20 U.S.C. 1605(d) and 1607(a)(3))

§ 185.92–1 Authorized activities.

Funds made available for special mathematics projects described in § 185.92 may be used for compensation for instructors described in said section, purchase of textbooks, materials, and supplies necessary to conduct the instructional program, rental of space and equipment, compensation for auxiliary personnel, and administrative costs. Such funds shall not be used for construction, repair or remodeling of any building or facility, or for the purchase of any equipment which has a useful life of more than one year and is not consumed in use, except where it can be demonstrated that the purchase of specific items of equipment will cost less than their rental. For purposes of this section, "construction, repair, or remodeling" includes construction of buildings and facilities and structural alterations, renovations, and remaking of existing buildings or space therein.

(20 U.S.C. 1607(a)(3))

§ 185.92–2 Applications.

(a) Applications for funds for special mathematics projects shall comply with the requirements of § 185.63, except as follows:

(1) The term "activities set forth in § 185.62" in § 185.63(b)(1) shall be understood to refer to activities set forth in § 185.92–1;

(2) The statement of past activities required by § 185.63(b)(6) shall be supplemented by a statement of past activities engaged in by the applicant or its officers or employees with respect to mathematics and to the teaching thereof; and

(3) The phrase "under this subpart" in § 185.63(b)(7) shall be understood to mean "under § 185.92".

(b) All applications for assistance under this subpart, together with all correspondence and other written materials relating thereto, shall be made readily

available to the public by the applicant and by the Assistant Secretary.

(c) In addition to the information and assurances required by paragraph (a) of this section, applications shall contain the following:

(1) A letter from each local educational agency with which the applicant proposes to conduct activities, indicating that the local educational agency has reviewed the proposed project and the application and has agreed to participate in the program activities, if funded, and containing a list of those schools within such local educational agency which are eligible for assistance pursuant to § 185.92 and whose students are to participate in the project.

(2) A statement, signed by an authorized official of each local educational agency with which the applicant proposes to conduct activities, that such local educational agency is in compliance with the requirements described in § 185.43 or § 185.44.

(20 U.S.C. 1605(d), 1607(a)(3), 1609(a))

§ 185.92–3 Criteria for assistance.

(a) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational and programmatic merits of applications for funds for special mathematics projects on the basis of the following criteria:

(1) *Needs assessment (10 points).* (i) The magnitude of needs in the schools to be served, assessed jointly by the applicant and the appropriate local educational agency or agencies, for special programs for the teaching of advanced mathematics within multiethnic classroom situations as such programs relate to the special needs incident to the implementation of a plan or project described in § 185.11 or § 185.31(a) (5 points);

(ii) The degree to which the applicant has demonstrated, by standardized achievement test data or other objective evidence, the existence of such needs (5 points).

(2) *Statement of objectives (10 point).* (i) The degree to which the applicant sets out specific measurable objectives for its project in relation to the needs identified (5 points) and (ii) the degree to which the project to be assisted affords promise of achieving the objectives specified in the application (5 points).

(3) *Activities (50 points).* (i) *Project design (30 points).* (a) The extent to which the proposed project sets out activities clearly related to the needs identified and to the stated objectives, (b) the extent to which the proposal demonstrates that the use of techniques in advanced mathematics will result in the successful teaching of standard mathematics to the intended beneficiaries, (c) the extent to which the project fits into the overall goals of the mathematics program within the individual schools to be served, (d) the extent to which the applicant demonstrates a coordinated effort on the part of the applicant and the local educational agency or agencies to be served in the development and planning of the proposed project, (e) the extent to which the proposed project is sufficiently concentrated and specific as to give promise of measureable growth for each participant, and (f) the extent to which the proposed project will be adaptable to the individual needs of students and will allow for flexibility in approach based on an ongoing assessment of project goals and the progress of individual students.

(ii) *Staffing (10 points).* The extent to which the proposed project (a) provides for a multi-ethnic staffing plan so that the instructional staff implementing the project reflects the racial and ethnic composition of the student body, (b) includes provisions for making maximum use of present staff capabilities, (c) provides for qualified (beyond the extent required pursuant to § 185.92) instructors to implement the program, and (d) provides adequate training and orientation for students, teachers, and other educational personnel with regard to the proposed project.

(iii) *Delivery of services (5 points).* The extent to which the proposed project (a) sets out a plan for meeting the logistical requirements of the proposed activities including a description of adequate and conveniently available facilities and equipment and (b) involves to the fullest extent practicable the total educational resources already existing in the community or communities to be served.

(iv) *Parent and community involvement (5 points).* The extent to which the application provides for specific opportunities for community and parental participation in the implementation of the proposed project in addition to those required by § 185.92–4.

(4) *Resource management (6 points).* The extent to which the application contains evidence that (i) the amount of funds requested is of sufficient magnitude to give substantial promise of achieving the stated objectives; (ii) the costs of project components are reasonable in relation to the expected benefits; and (iii) the project includes activities of modest to average cost.

(5) *Evaluation (10 points).* The extent to which the application sets out a format for objective, quantifiable measurement of the success of the proposed project in achieving the stated objectives, including (i) a timetable for compilation of data for evaluation and a method of reviewing the project in the light of such data; (ii) a description of instruments to be used for evaluation of the proposed project (and of the method for validating such instruments where necessary), or a description of the procedure to be employed in selecting such instruments; and (iii) provisions for comparison of evaluation results with norms, control group performance, results of other programs, or other external standards; and (iv) the extent to which the applicant provides for effective collection and organization of information on the educational results of the proposed project.

(6) In making the determinations required under this paragraph the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of mathematics, education, and human relations from the Department, other Federal agencies, State, or local governmental units, or the private sector.

(b) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.92 the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed project in relation to the amount of funds available for assistance pursuant to § 185.92 and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth a project of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section. However, in determining the amount of assistance to be awarded to applicants described in § 185.92, the Assistant Secretary may consider whether there is, or is expected to be, pending before him an application submitted pursuant to § 185.91, § 185.93, or § 185.94 which meets the requirements of the Act and this part and which sets forth a project of sufficient promise for achieving the purposes of the Act that its approval is warranted.

(20 U.S.C. 1601(b), 1607(a)(3), 1609(c)(1), (2), (4), and (6))

§ 185.92–4 Community involvement.

Applicants shall comply with the requirements for advisory committee participation set forth in § 185.65. Where the primary area to be served by the project is larger than that of one local educational agency, members of the advisory committees required by this section, and civic or community organizations designated to select such members, shall be selected to represent the larger area to be served.

(20 U.S.C. 1607(a)(3))

SPECIAL STUDENT CONCERNS PROJECTS

§ 185.93 Eligibility for assistance.

(a) Any public agency or organization (or a combination of such agencies or organizations) other than a local educational agency may apply for assistance by grant from funds reserved pursuant to § 185.95(b)(1) for the conduct of spe-

cial student concerns projects designed to eliminate the disproportionately high incidence of suspension, expulsion, and other disciplinary action involving minority group students in the schools of cooperating local educational agencies. Projects must be conducted in cooperation with one or more local educational agencies implementing a plan or project described in § 185.11 or § 185.31(a). Cooperating local educational agencies must be in compliance with the requirements described in § 185.43 or § 185.44.

(b) No more than one-half of one percent of the funds appropriated under the Act for any fiscal year shall be awarded pursuant to this section.

(20 U.S.C. 1605(d), 1607(a))

§ 185.93–1 Authorized activities.

A grant for a special student concerns project described in § 185.93 must be used both for the cost of activities described in paragraph (a) of this section and the cost of activities described in paragraph (b) of this section, as follows:

(a) Identifying probable causes of, and formulating remedial action for, the disproportionately high incidence of suspension, expulsion, and other disciplinary action involving minority group students enrolled in the schools of the cooperating local educational agency or agencies. Such activities may include, but are not limited to, the following:

(1) Analysis of the cooperating local educational agencies' student enrollment and absentee files, suspension, expulsion, and other disciplinary records, and other pertinent existing data;

(2) Identification and analysis of State, local, and school policies, practices, procedures, rules, or regulations which may bear on the disproportionately high incidence of disciplinary action respecting minority group students in the schools of cooperating local educational agencies; and

(3) Gathering of observational data, interviews with students, parents, and school personnel, and other survey techniques, and analysis of the results thereof.

At the conclusion of the activities described in this paragraph a report of findings must be prepared and made available to the cooperating local educational agencies and to school personnel, parents, and students in the community served by those agencies.

(b) Developing and implementing a program designed to eliminate the disproportionately high incidence of suspension, expulsion, and other disciplinary action involving minority group students in one or more schools in each cooperating local educational agency. Such a program must be innovative, operable at a reasonable cost, and replicable. Such a program may include, but is not limited to, the following:

(1) Development and use of new curricula and instructional methods, practices, and techniques (and the acquisition of instructional materials relating thereto) to support instruction specifically designed to eliminate the disproportionately high incidence of disciplinary action involving minority group students, such as instruction in the language, cultural heritage, and contemporary history of minority groups;

(2) The provision of additional professional or other staff members specially trained in problems related to expulsions, suspensions, and other disciplinary action;

(3) Training for the community (including school staff, parents, students, school board members, and government, civic, and business leaders) in methods of preventing circumstances that result in the disproportionately high incidence of disciplinary action involving minority group students;

(4) Comprehensive guidance, counselling, and other personal services for students;

(5) Innovative interracial educational projects involving the joint participation of minority groups and other students, including extracurricular activities;

(6) Development of a model "Student Bill of Rights" or adaptation of a previously developed "Student Bill of Rights" to establish general guidelines for students and school personnel;

(7) Development of proposed revisions to State, local and school board policies, practices, procedures, rules, and regulations;

(8) Innovative activities developed and conducted by students and designed to identify causes of, and to develop remedies for, the disproportionately high incidence of disciplinary action involving minority group students.

(c) All activities authorized under this section must be conducted in a manner consistent with sections 438–440 of the General Education Provisions Act (including the "Family Educational Rights and Privacy Act of 1974"), as amended, and any regulations promulgated thereunder.

(20 U.S.C. 1232g–12321, 1607(a))

§ 185.93–2 Applications.

(a) Applications pursuant to § 185.93 shall comply with the requirements of § 185.13(a), (b), (c), (d), (f), (g), (h), (j), (k)(1)(i), (k)(1)(ii), (k)(2), and (m). All applications for assistance under § 185.93, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary.

(b) In addition to the information and assurances required by paragraph (a) of this section, applications shall contain the following information:

(1) A description of the proposed project and of such policies and procedures as will insure that the applicant will use funds received under § 185.93 only for the activities described in § 185.93–1;

(2) A letter from each local educational agency with which the applicant proposes to conduct activities, indicating that the local educational agency has reviewed the proposed project and the application and has agreed to participate in the program activities, if funded;

(3) A statement, signed by an authorized official of each local educational agency with which the applicant proposes to conduct activities, that such local educational agency is in compliance with the requirements described in § 185.43 or § 185.44.

(20 U.S.C. 1605(d), 1607(a), 1609(a))

§ 185.93–3 Criteria for assistance.

(a) *Educational and programmatic criteria.* The Assistant Secretary shall determine the educational and programmatic merits of applications for funds for special student concerns projects on the basis of the following criteria:

(1) *Needs assessment (25 points).* (i) The extent to which the applicant has undertaken a preliminary assessment of the needs to be addressed by the proposed project and has obtained objective data as to suspension, expulsion, and other forms of disciplinary action respecting minority group students in the cooperating local educational agencies;

(ii) The difference in magnitude between the extent of such disciplinary action prior to implementation of a plan or project described in § 185.11 or § 185.31 (a) and the extent of such disciplinary action during implementation of such plan or project, a greater difference indicating greater need;

(iii) The percentage of such disciplinary action involving students who are members of minority groups as opposed to the percentage of students in attendance in the schools of the cooperating local educational agency or agencies who are minority group members, a greater difference indicating greater need.

(2) *Statement of objectives (6 points).* (i) The degree to which the applicant sets out specific measurable objectives for its project in relation to the needs identified;

(ii) The degree to which the project promises realistically to address the needs identified.

(3) *Activities (43 points).* (i) *Project design (28 points).* (a) The extent to which students are involved in assessing disciplinary pattern problems and involved in devising solutions; (b) the extent to which the cooperating local educational agencies will be actively involved in the project's implementation, (c) the quality of any data collection and analysis methods outlined in the application, and (d) the extent to which principals, teachers, and other personnel of the schools to participate in the program described in § 185.93–1(b) will be involved in the development of such program;

(ii) *Staffing (3 points).* The extent to which the application sets out an ade-

quate staffing plan for the project and provides that staff members will be selected who have had experience in dealing with disciplinary pattern problems;

(iii) *Delivery of services (3 points).* The extent to which the proposed project sets out a plan for meeting the logistical requirements of the proposed activities, including a description of adequate and conveniently available facilities and equipment;

(iv) *Parent and community involvement (9 points).* The extent to which the application (a) delineates specific opportunities for community and advisory committee participation in the development and implementation of the proposed project in addition to those required by § 185.93–4, and (b) includes evidence that such participation has been encouraged and has in fact occurred.

(4) *Resource management (4 points).* The extent to which the application contains evidence that (i) the costs of project components are reasonable in relation to the expected benefits; (ii) all possible efforts have been made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed project; and (iii) the proposed project will be coordinated with existing efforts in the same area.

(5) *Evaluation (12 points).* The extent to which the application sets out a format for objective, quantifiable measurement of the success of the proposed project in achieving the stated objectives, including (i) a timetable for compilation of data for evaluation and a method of reviewing the project in the light of such data; and (ii) a description of instruments to be used for evaluation of the proposed project (and of the method for validating such instruments), or a description of the procedure to be employed in selecting such instruments.

(6) *Replicability (5 points).* The extent to which the project may be easily replicated in other schools, both within the cooperating local educational agency or agencies and in other local educational agencies.

(7) *Dissemination (5 points).* The extent to which adequate provision is made to disseminate information regarding the progress and findings of the project, including results of the program described in § 185.93–1(b), to other educational agencies and other interested agencies and organizations.

(8) In making the determinations required under this paragraph, the Assistant Secretary is authorized to purchase or utilize the services, recommendations, and advice of experts in the areas of student discipline patterns, education, and human relations from the Department, other Federal agencies, State or local governmental units, or the private sector.

(b) *Funding criteria.* In determining amounts to be awarded to applicants for assistance pursuant to § 185.93, the Assistant Secretary shall consider the additional cost to such applicant (as such cost is defined in § 185.13(a)) of effectively carrying out its proposed project in relation to the amount of funds available for assistance pursuant to § 185.93 and the other applications for such assistance pending before him. The Assistant Secretary shall not be required to approve any application which does not meet the requirements of the Act or this part, or which sets forth a project of such insufficient promise for achieving the purposes of the Act that its approval is not warranted. In applying the criterion set out in this paragraph, the Assistant Secretary shall award funds to applicants (whose applications meet such requirements and are of sufficient promise to warrant approval) in the order of their ranking on the basis of the criteria set out in this section. No more than one award shall be made for any fiscal year to applicants proposing to carry out projects with respect to local educational agencies in any one State, unless the Assistant Secretary determines that several applications for such State are of exceptional merit or promise.

(20 U.S.C. 1601(b), 1607(a), 1609(c) (1), (2), (4), and (6))

§ 185.93–4 Community involvement.

Applicants shall comply with the requirements for advisory committee participation set forth in § 185.65. Where the primary area to be served by the project is larger than that of one local educational agency, members of the advisory committees required by this section, and civic or community organizations designated to select such members, shall be selected to represent the larger area to be served.

(20 U.S.C. 1607(a))

Other Special Projects

§ 185.94 Eligibility for assistance.

(a)(1) The Assistant Secretary may assist, by grant or contract, any State or local educational agency or other public agency or organization (or a combination of such agencies and organizations), from funds reserved pursuant to § 185.95 (b)(1) for the purpose of conducting special programs or projects which the Assistant Secretary determines will make substantial progress toward achieving the purposes of the Act.

(2) No more than two and one-half percent of the funds appropriated under the Act for any fiscal year shall be awarded pursuant to this section for projects in Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(20 U.S.C. 1607(a))

(b) *Limitations on eligibility; nonpublic participation.* The limitations on eligibility set forth in § 185.43 shall apply to educational agencies applying for assistance under this section. The provisions of § 185.44 as to waiver of ineligibility shall apply to local educational agencies applying for assistance under this section. The provisions of § 185.45 as to termination of assistance shall apply to all recipients of assistance under this section. The provisions of § 185.42 as to participation of children or staff enrolled in or employed by non-public schools shall apply to local educational agencies applying for assistance under this section.

(20 U.S.C. 1605(d), 1607(a), 1609(a), 1611(c))

§ 185.94–1 Authorized activities.

(a) Assistance made available pursuant to § 185.94 shall be used for activities described in or authorized by §§ 185.12, 185.22, 185.32, 185.52, 185.62, and 185.72 which would not otherwise be funded and which are designed to carry out the purposes described in § 185.01.

(b) The provisions of § 185.12(b), (c), and (d) shall apply to assistance made available under § 185.94.

(20 U.S.C. 1607(a))

§ 185.94–2 Applications.

Applications by local educational agencies for assistance under this subpart shall comply with the requirements of § 185.13(a) through (n). Applications by other public agencies or organizations shall be in such form, and contain such information and assurances, as may be required by the Assistant Secretary. All applications for assistance under this subpart, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Assistant Secretary.

(20 U.S.C. 1607(a), 1609(a))

§ 185.94–3 Criteria for assistance.

The merits of applications for assistance pursuant to § 185.94 shall be determined on the basis of the criteria set forth in § 185.14, to the extent that such criteria are applicable to the proposed program, project, or activity.

(20 U.S.C. 1607(a), 1609(c))

§ 185.94–4 Community involvement.

Applicants for assistance pursuant to § 185.94 which are local educational agencies shall comply with the requirements of § 185.41, to the extent that such requirements are applicable to the proposed program, project, or activity. Other applicants for assistance pursuant to § 185.94 shall comply with the requirements for advisory committee participation set forth in § 185.65. Where the primary area to be served by the project is larger than that of one local educational agency, members of the advisory committees required by this section, and civic or community organizations designated to select such members, shall be selected to represent the larger area to be served.

(20 U.S.C. 1607(a), 1609(a)(2) and (3), 1609(b))

33. In § 185.95, paragraph (a) is deleted and (b)(1) and the authority to paragraph (b) are revised as follows:

§ 185.95 Reservations of funds.

(a) [Reserved]

(b) The Assistant Secretary hereby reserves:

(1) An amount no less than 4 percent nor more than 5 percent of the sums appropriated under the Act for any fiscal year for the purposes of special projects under subparts D and J of this part;

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(20 U.S.C. 1603(b), 1607(a) and (c), 1610, 1612; Public Law 93-380, section 642)

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PART IV

INTERSTATE COMMERCE COMMISSION

■

RAIL SERVICE CONTINUATION SUBSIDIES

Standards For Determination

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 293 (Sub-No. 2)]

PART 1125—STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

Miscellaneous Amendments

On February 25, 1974, (39 FR 7182), the Director of the Rail Services Planning Office (Office) of the Interstate Commerce Commission (Commission) issued a notice of proposed rulemaking and order, pursuant to section 205(d)(3) of the Regional Rail Reorganization Act of 1973 (Act) which provides that the Rail Services Planning Office shall: "* * * within 180 days after the date of enactment of this Act, determine and publish standards for determining the "revenue attributable to the rail properties," the "avoidable costs of providing service" and "a reasonable return on the value," as those phrases are used in section 304 of this Act, after a proceeding in accordance with the provisions of section 553 of Title 5, United States Code * * *".

After an extended period for public comment, the Office issued standards on July 1, 1974, (39 FR 24294). On July 30, 1974, the Office issued a notice announcing that petitions seeking amendment of the standards would be accepted if filed on or before August 19, 1974, (39 FR 28196).

In requesting amendment of the standards, several parties urged that the standards be tested on actual branch lines and that the time for filing be extended. On September 10, 1974, the Office issued a notice stating that the standards would be tested and that the time for filing pleadings was being extended to October 30, 1974, (39 FR 33544).

Following an in-depth analysis of the petitions and of the knowledge gained from the testing of the standards, the Office published revised standards for determining rail service continuation subsidies on January 8, 1975, (40 FR 1624). Since the revised standards reflected significant changes from the original version, the Office invited additional comments to be filed by February 18, 1975.

POSITIONS OF THE PARTIES AND DISCUSSION

Only 17 comments were filed in response to the Office's invitation and some of those did not suggest further modifications of the standards. There now appears to be a general consensus that the conceptual approach taken is correct and that, with minor amendments, the standards are fair, equitable, and operable.

General. Many of the comments seem to stem from a lack of understanding of the relationship between the subsidy standards and Federal rail service continuation assistance.

Federal financial assistance is provided for under section 402 of the Act. The responsibility for administering the program is assigned to the Secretary of Transportation who has delegated his responsibilities to the Federal Railroad Administrator. The procedures and requirements regarding applications for and disbursement of Federal rail service continuation assistance were published on January 28, 1975, (49 CFR Part 255, 40 FR 4232). The rules provide, inter alia, that, if certain prescribed planning functions are followed, Federal matching funds will be made available to States on the basis of a 70/30 ratio. Under the FRA rules Federal matching funds will not be available if a State fails to perform its planning functions, (e.g., the development of a State rail transportation plan).

Under section 304 of the Act, rail service on rail properties of a railroad in the region which transfers to ConRail or to profitable railroads operated in the region all or substantially all of its rail properties designated for such conveyance in the Final System Plan may discontinue service and/or abandon the properties not designated for inclusion unless: (1) a shipper, a State, the United States, the local or regional transportation authority, or any responsible person offers a rail service continuation subsidy *based upon the standards determined* by this Office; (2) a subsidy is offered which is payable pursuant to an existing subsidy agreement; or (3) there is made an offer to purchase such rail properties in order to operate rail service over such properties. There is no requirement that Federal funds be involved in any of the offers. As a matter of fact, some states have constitutional limitations which will prevent them from participating in the Federal subsidy program, and a few states may fail to comply with the FRA rules. In those instances, the subsidy payment may have to be funded entirely through non-Federal sources. There is also a strong possibility that, with some subsidizers, the advantages of negotiating a subsidy agreement free of Federal and State influences would override the advantages of the matching funds. This would be especially true when the subsidy payment is insignificant in relationship to the size of the branch or the subsidizer's ability to pay. Consequently, these standards may be applied in many situations not involving the expenditure of Federal matching funds.

This lack of understanding of the two programs has led to some confusion about the relative responsibilities of the Office and FRA in promulgating the standards for the respective programs. While section 402(f) limits the length of the term of the subsidy agreement involving Federal funds to two years, there is no such limitation with respect to a subsidy agreement which does not involve Federal funds.

It has also been suggested that Congress amended the Act (Pub. L. 93-488) to limit applications of Federal funds to rail freight services, thereby excluding passenger services. It is not the role of this Office, at least in this forum, to determine whether the intent of the amendment was to exclude passenger services from Federal assistance under section 402. It is clear, however, that the amendment only pertains to section 402 and does not amend section 304. Consequently, even assuming arguendo that passenger service is not eligible for section 402 funds, the amendment has no impact on section 304 subsidy offers, as they do not necessarily involve Federal funds.

The practical problem of implementing the subsidy program after the Final System Plan is approved by the Congress gives rise to another line of comments. It is assumed, even though the United States Railway Association did not affirmatively so state in the Preliminary System Plan issued February 26, 1975, that ConRail will be the operating railroad for most of the lines which are not recommended for inclusion in the new system but for which a subsidy is offered. If such is the case, the negotiations of the subsidy agreement will involve three parties: the subsidizer; ConRail, and the trustees of the railroad owning the property. Section 304(c) of the Act provides that the operator of the rail service will receive the difference between the revenues attributable to properties and the avoidable cost for providing such service and the trustee shall receive a reasonable rate of return on the value of rail properties on which rail service is operated. Consequently, the subsidizer will be negotiating operational issues with ConRail and valuation issues with the trustees. While the standards do not specifically identify this practicality they are flexible enough without modification to accommodate it. This situation was anticipated in the development of the definition of the word "railroad" in the standards, The standards provide that the term may mean "either the owner of the rail properties over which subsidized service is or may be performed, or the operator of that service or both."

The United States Department of Transportation (DOT), the Association of American Railroads (AAR), the Central Railroad Company of New Jersey (CNJ), and the Penn Central Transportation Company (Penn Central) continue to take issue with the Office's authority to issue comprehensive standards that will result in a formula by which a subsidy payment may be readily computed. The parties offer no new information or discussion of any issues which the Office did not consider when the present standards were adapted. Accordingly, the Office sees no reason to reconsider any issues relating to the Office's authority.

The CNJ indicates concern that the so-called "actual costs" used in the subsidy standards are historical numbers that will have no real value when the Final System Plan is implemented. It fails to recognize the flexibility of the standards. If it turns out that ConRail operates the CNJ lines proposed for abandonment, estimates of ConRail revenues and costs could be used in the interim calculation, and an adjustment taking into account

ConRail's actual experience would take place at the end of the subsidy year.

Several parties have suggested that the revised standards be tested on actual branch lines. The Office considered such tests but due to the inherent flexibility built into the present standards it is impossible to make actual calculations unless there are parties available to negotiate many of the important issues. The Office does recognize, however, that it is important for the potential subsidizers to be able to estimate the subsidy amount. By using the computer program the United States Railway Association utilized in making its light density line recommendations, the Office will attempt to make necessary modifications to develop an estimated subsidy payment. It is believed that, even though negotiations between the parties could significantly change the estimated payment, the calculations will provide a good estimate of the range of the subsidy payment required. It should also be noted as a practical matter that while the standards require rehabilitation of track to Class I standards for those lines presently operating under waivers by the FRA, the unavailability of labor, equipment and materials will result in minimum rehabilitation of subsidized lines during the first few years of the program.

It was also suggested that the Office should assure that the operating railroad does not have to use its own funds as operating capital, or if it does, provide that the operator be reimbursed for the use of the funds. The Office agrees that a requirement of advanced quarterly payments of the estimated subsidy payment would not only establish the subsidizers good faith but would assist in establishing his credit rating as well. The Office also believes that there are advantages to withholding the last payment until the actual data relating to the subsidy period is available. Such an arrangement would assure that the majority of the working capital is provided by the subsidizer and would encourage the operator to quickly settle the account for the year. The Office also recognizes that the FRA regulations provide that payment of Federal funds will follow the provision of service. However, since the timing of the payments is a matter of administration of the subsidy agreement, and, therefore, outside the scope of the Office's responsibility the Office will not prescribe rules regarding such payments. The parties will be able to negotiate this issue, but, if deferred payments are involved, the operating railroad should be compensated for the use of the working capital. Accordingly, such interest will be considered as an avoidable cost. The interest rate, as computed in section 1125.7, will be applied to a monthly proration of the estimated subsidy payment.

The CNJ also asserts that some of the data requested by the standards is not now available by that railroad. No other railroad has indicated that the data requested in the standards is unobtainable. As a practical matter this should not be a problem since there will be sufficient data developed through the planning process to make the interim calculation, and the final payment will be based on branch line data collected during the subsidy period.

Several parties, including the Center for Rural Manpower and Public Affairs, AAR, DOT, Penn Central, Pennsylvania DOT, and the New England Regional Commission commented on the 15 percent ceiling to end-of-year adjustments resulting from an increase in the estimated subsidy payment. The arguments include constitutional issues, lack of authority on the part of the Office, incentive to overestimate, and the necessity for distinguishing between recurring and non-recurring expenses. While the Office continues to see advantages in establishing a ceiling to the subsidy payment for a given year, the arguments to the contrary have some merit. The fact that the New England Regional Commission, representing six New England States, favors modifying the rule indicates that the necessity for a fixed ceiling is not as important as the Office originally believed it to be. Accordingly, the standards will be modified to require a carryover only if the operator fails to notify the subsidizer of the fact in one of the first three quarterly Financial Status Reports required under section 1125.8(f) or if the increase results from an expense preapproved by the subsidizer. This modification will assure that the subsidizer is kept informed of the financial status of the line and will provide timely information either to secure the additional funds or to minimize the losses. It will also provide a means to cover expenses that were not anticipated but which both parties agree are necessary to the continued operation of the line.

The petitions contain considerable comment regarding the handling of rehabilitation costs under the subsidy program. Most parties suggest that the cost of rehabilitation must be spread over a longer period. This issue was raised during the prior comment period, and no new information was presented which persuades the Office to change the present rule requiring recovery of rehabilitation costs during the term of the subsidy agreement.

It was suggested that a procedure be adopted to check the necessity of rehabilitation. Since this Office has no power to direct the FRA or any state regulatory agency to conduct inspections of branch lines, it is impossible to require such an independent inspection of the condition of the facilities. The present standards do, however, require the operator to furnish the subsidizer with an estimate of costs on a specific project basis. This should facilitate a negotiated agreement as to the level of effort required before any rehabilitation work is performed. The unavailability of supplies, equipment, and labor will result in a situation where there is little probability that major rehabilitation work on light density lines will be performed in the next few years. As a result, the problem in the near term will probably be to get the operator to agree to a certain level of rehabilitation as opposed to an over-rehabilitation situation.

The AAR and the Penn Central have also suggested that the cost of administering the subsidy program should be an avoidable cost. The Office agrees that the costs of administering the program are clearly avoidable; however, the problem of defining such costs could be as difficult as developing the operational costs. Since the administrative costs will undoubtedly relate to the volume of traffic on the branch, it appears that a payment related to revenues would be appropriate. Neither of the parties suggested a method for identifying such costs. If it were done on an actual basis, the costs of collecting such data would result in another administrative cost. In order to avoid such compounding of costs, the Office will establish one-half of one percent of the annual revenues as a flat rate to cover all costs of administering the subsidy program.

Revenues. Several issues, including attributing revenue-cost differences of rerouted bridge traffic to the branch, the apportionment basis for certain accounts, and limiting the scope of the revenue attributable to the branch operation, were raised again. Each of these issues was addressed in the Office's prior report and since no new rationale has been presented, the Office sees no reason to reconsider them. The Pennsylvania DOT suggested that revenue accounts 103, 106, 107, 108, and 109 relating to passenger service should be allocated or assigned on a different basis. The types of revenue included in these accounts make direct assignment of these revenues impractical; however, the Office does recognize the need for a more definitive standard. Accordingly, section 1125.4(c) will be modified to specify that amounts will be apportioned to the branch only if such revenue items are earned by trains operating on the branch line.

Avoidable Costs. The on-branch cost portion of the revised standards generated the most comments, many of which covered the same areas of concern raised previously. Only those areas where new or additional data was introduced to support a particular position are considered herein.

The $1,000 per mile minimum allowance for maintenance of way raised several comments. Basically, the railroads contend that $1,000 per mile is unrealistically low and the non-railroad petitioners contend that the figure is high. The Office recognized in its January 8, 1975, report that the $1,000 per mile maintenance of way figure is unrealistically low over the long term and encouraged the parties to negotiate a higher rate. However, the Office also recognized that, as a practical matter, the railroads have failed to direct maintenance resources toward light density lines and that such lines can and have been operated for significant periods of time with little or no maintenance. Accordingly the Office sees no reason to modify the standards in this regard.

Borden, Inc., suggested that accounts 278—*Maintaining joint tracks, yards, and other facilities—Dr.*, 279—*Maintaining joint tracks, yards and other facilities—Cr.*, 281—*Right-of-way expenses*, and 282—*Other expenses* be included only if they are required for the continued operation of the branch line or were requested by the subsidizing body. The present standards provide that costs assigned to these accounts be the actual branch costs assigned on a direct basis. The Office believes that the assignment basis presently used in the standards and the suggested change by the petitioner are similar and no further modification is necessary.

Borden, Inc., also recommended that accounts 329—*Dismantling retired equipment* and 330—*Retirement—Equipment* be further clarified. The petitioner asserts that the subsidizing body should not have to pay the cost of retiring equipment for a prior year when the subsidy period begins the following January. The petitioner was not explicit as to what should be clarified in regards to these two accounts. Since the standards presently include only costs that are directly attributable to the branch during the subsidy year, the Office sees no merit in the petitioner's contention.

This petitioner also recommended that account 331—*Equipment—Depreciation* should be deleted in its entirety from the standards citing two Commission decisions in abandonment cases where the Commission held that depreciation was not an allowable out-of-pocket expense. The petitioner, has attempted like many others, to compare the subsidy standards with abandonment cases. This is not a valid comparison. The subsidy standards are designed in accordance with the Act to define the cost of providing service and not the cost of abandoning service.

It was also suggested that equipment depreciation should be included only if the equipment is solely related to the branch. Since few light density lines will have equipment assigned on a full-time basis, the only rational way to determine the branch-related portion is a method of allocation based on a service unit factor that is a function of the use of the equipment being assigned to the branch.

Two petitioners contend that the interim formula's method of computation of through train costs results in an overstatement of the crew costs and that the same methodology used to develop local/way and yard crew costs should be used to have compatibility between the various types of crew costs. After reviewing this contention the Office finds there is merit to the contention and the standards will be amended accordingly to reflect the same methodology used to develop local/way and yard crew costs.

Several petitioners assert that the allocation of train supplies and expenses on the basis of train-hours overstates the amount assignable to the branch and that the more appropriate service unit factor is car-miles. Analysis of the types of expense items chargeable to account 402—*Train supplies and expenses* indicates that a majority of the items of expense are more related to a time factor than to a distance factor; and, therefore, the car-mile factor advocated by the petitioners is rejected.

Another petitioner has recommended that the explanation covering section 1125.5(c) (12) and (14) and 1125.5(d) be expanded to include "for the exclusive use of the branch." The standards state that costs assigned under these accounts shall be the actual branch costs assigned on a direct basis. The Office believes that assigning such costs on a direct basis will more nearly reflect the avoidable costs of providing service and that the limitation "of exclusive use of the branch" may be too restrictive in certain instances.

The inclusion of account 415—*Clearing wrecks*, according to one petitioner, should be included only if the cause of the derailment can be totally attributable to the branch. The Office sees no way that this burden can be shifted from the branch. Regardless of the cause of the derailment, the costs assigned to account 415 are clearly costs which would not be incurred if service on the branch was discontinued.

The AAR contends that the crew costs are understated because the costs are based on straight time hours. They state that overtime should be included because many of the branch lines operate on an overtime basis. It is true that some overtime may be incurred on a branch; however, it is not possible to assign it equitably to a particular branch since there is no control over where a crew works during its regular time. Furthermore, the difference is less significant than might at first appear since constructive allowances, vacation and holiday pay are earned on straight time and not overtime.

The AAR and Penn Central questioned the exclusion of a number of overhead accounts contending that omission of these accounts distorts the actual cost. They pointed to the *Accountants' Handbook* which states that the assignment of all overhead costs will prevent an understatement of project costs. These contentions were raised previously by these petitioners and they have submitted no new data to cause the Office to revise the standards in this respect. It should be pointed out that the reference made to the *Accountants' Handbook* relates to a standardized manufacturing cost accounting system which is not related to railroad cost accounting.

According to AAR the revised standards will underestimate branch line operating costs because joint operations and facility costs involving the branch and main line have not been considered. The standards do recognize both the revenues and costs relating to these items contrary to petitioner's statement. The off-branch costs reflect the costs associated with joint operations and facilities to the extent these costs are incorporated in the variable costs developed by the application of Rail Form A.

The calculation of car costs by identifying car-miles and car-days by car type and applying it to the per diem rate by car type was advocated by the New England Regional Commission rather than the method based on system average car costs which is used in the standards. The use of the suggested calculation is rejected by the Office because it would be overly complex to apply and per diem rates contain an element of profit.

Penn Central contends that the calculation of freight train car costs has omitted certain rental expenses included in schedule 376 of the Annual Report, i.e., line 17, *Leased Rental-Railroad, Insurance and Other Companies;* line 18, *Other Basis* and; line 21, *Auto Racks*. After reviewing this contention, the Office finds that rental expenses relating to these items are properly includable in the calculation of car-mile and car-day costs and will be so reflected in the standards.

In reviewing the standards, it was noted that "col. (d)" in section 1125.5 (j)(2), should read "col. (b)" and "col. (b)" in section 1125.5(j)(3) should read "col. (e)." These inadvertent errors are corrected in the revisions to the standards published herewith.

The comments regarding the off-branch costs related primarily to the appropriateness and uncertainty of using variable costs developed through the application of Rail Form A to the Carrier Annual Report (Form R–1) as the proper level for reimbursement. These issues were discussed in the January 8, 1975, report and the additional comments do not reveal any new considerations which require further comment or modification of the standards.

Investment base and reasonable return on the value. Comments from several of the parties were directed to the valuation of rail properties, the valuation arbitration procedures and the reasonable return on the value of the properties.

The National Industrial Traffic League (NITL) urges that the valuation be limited to the net carrier investment in the property involved. The absence of such a limitation, it is argued, could result in the carriers increasing the alleged investment base by designating the property for abandonment. It is possible that in some instances net liquidation value could exceed original cost less accrued depreciation; in other instances it may well be less. Under the circumstances most likely to occur under section 304 of the Act, the person receiving the return will not be a carrier, but the trustee of a debtor estate whose carrier responsibilities, at least as to the properties involved, will have been assumed by Con-Rail or some other operator under the subsidy agreement. It would be unfair in these circumstances to impose such a limitation.

The Pennsylvania DOT notes that the value of rail properties must be appraised on the basis of there being no rail service present and fears that the consideration of recent sales of adjoining or similar properties which had rail service may bias the appraisal. The point has merit and should be brought to the attention of the appraisers or arbitrators at the

time of such appraisal or arbitration. The Office sees no need to include all such possibilities in the standards.

Penn Central, on the other hand, reiterates that the regulations should not attempt to define the value, and that in any case the definition should not exclude consideration of the value for railroad purposes. It contends that an abandonment under section 304 of the Act, in contrast to one under section 1(18) of the Interstate Commerce Act, is precipitated by the decision of the United States Railway Association that the particular line is not to be included in Con-Rail, rather than by a decision of railroad management. This appears to be an erroneous analysis. Exclusion of any line from the system does not obligate the trustees to discontinue service under section 304(a) but rather merely permits them to do so unless an offer to purchase or subsidize is made. Should the trustees consider that the best performance of their duties as fiduciaries is to continue rail operations over the line in question, they are not debarred by the Act from doing so.

The AAR recommends again that "fair market value" be substituted for net liquidation value, and that the standards incorporate instructions to the appraisers as to details to be considered in arriving at the value. For reasons stated in the discussion accompanying the January 8, 1975, standards publication, these recommendations have not been adopted.

The Penn Central urges that the arbitration award should be subject to review by the Reorganization Court, and that provision should be made for periodic reappraisal. Court review is available under the provisions of 9 U.S.C., 10–12, and reappraisal of the value can be obtained, if any party desires, at the time of each subsidy agreement renewal. It appears unnecessary to stipulate these matters in the subsidy standards.

The AAR urges that the arbitration be voluntary, not mandatory or binding. It is not mandatory if the parties can agree on a valuation. To provide for arbitration which is not binding would appear to serve no useful purpose and would be contrary to the very definition of the term.

The Center for Rural Manpower and Public Affairs and other parties recommend that the arbitrator be instructed, rather than deciding on the merits, to choose the value submitted by one of the parties which is nearest his own appraisal. Although this practice is understood to have been adopted in the sports field, it is not prevalent in commercial arbitration procedures; its legality and fairness in the circumstances contemplated here could be questioned; and it is by no means clear that the expense to the parties would be reduced.

As to the return on the value, the AAR again contends that it should be based on calculations the Office of Management and Budget (OMB) developed for distinctly different circumstances and purposes; that it should asume a hypothetical but unproven combined State and Federal income tax rate as high as 51 percent applicable to the trustees; and that flexibility in the rate of return is undesirable, since the "aggregate opportunity cost of capital to the investing public changes very slowly, and certainly not on a year-to-year basis." These observations appear to be based on an imperfect reading of the Act, which directs the Office, not another agency, to determine and publish standards for a reasonable return on the value as that phrase is used in section 304 of the Act; on a misunderstanding of the circumstances under which such reasonable rate of return would be applicable; and on inattention to the course of publicly-quoted bond and stock yields during the past year.

The Penn Central with more cogency, again argues for some premium over the yield on marketable U.S. Government securities to take account of the risks and liquidity of each subsidy agreement. It suggests that the determination of such premium be left open for negotiation on a case-by-case basis, subject to final decision by the Reorganization Court. It refers to the credit difficulties currently involving certain "moral obligation" bonds.

The Office, in the explanatory material published January 8, 1975, described some of the difficulties it had experienced in endeavoring to evolve a basis for a premium sufficiently flexible to account for differences in credit status as between various subsidizing bodies.

Possible variations in the credit status of prospective subsidizers in relation to the fiduciary duties of the trustees do present difficulties, the scope of which cannot presently be foreseen. These have been mitigated by the provision that interest accrue on deferred installments of the estimated subsidy; this would bring into such payments an element of "interest on the interest." In any event, section 304 of the Act does not require the trustees to enter into contracts with irresponsible persons.

Negotiation between the parties as to all elements of the subsidy agreements is encouraged, but although the Office cannot preempt the jurisdiction of the courts it is not apparent that its duties under section 205(d)(3) of the Act could be discharged by leaving the standard for reasonable return on the value open to the suggested process.

For the reasons given above, and subject to these explanatory comments, §§ 1125.6 and 1125.7 of the standards will remain as published January 8, 1975. Contentions raised by the parties and not specifically addressed herein have nevertheless been considered and determined to be without merit.

PARTIES FILING PETITIONS

GOVERNMENT

Federal—Office of the Public Counsel, Rail Services Planning Office, United States Department of Transportation.

State—Commonwealth of Pennsylvania Department of Transportation, New York State Department of Transportation, Pennsylvania Public Utility Commission and the Pennsylvania State Legislative Board, United Transportation Union (jointly).

Regional—New England Regional Commission.

BUSINESS

Agrico Chemical Company, Archer Daniels Midland Company, CF Industries, Inc., Evans Products Company, FS Services, Inc., Illinois Grain Corporation, International Minerals & Chemical Corporation, Royster Company, and Swift Chemical Company (jointly), Borden Chemical Division, Borden, Inc., Mortgage Bondholder's Protective Committee of the Central Railroad Company of New Jersey, Georgia-Pacific Corporation.

ORGANIZATIONS

Center for Rural Manpower and Public Affairs, Citizens for Sound Planning, National Industrial Traffic League.

RAILROADS

Association of American Railroads, Central Railroad Company of New Jersey, Penn Central Transportation Company.

CONCERNED CITIZENS

Fayette B. Shaw, Ph. D.

ORDER

In consideration of the foregoing: *It is ordered*, That Part 1125 of Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations, be amended by making the changes set forth below to the standards adopted on January 8, 1975.

It is further ordered, That this order shall become effective March 28, 1975.

[SEAL] ROBERT L. OSWALD,[1]
Secretary.

1. Delete the period (.) from the last sentence of § 1125.1(c) and add "* * * unless the railroad notifies the subsidizer that the estimate will be exceeded by more than 15 percent in one of the first three quarterly Financial Status Reports required by § 1125.8(f); or the increase results from an expense preapproved by the subsidizer."

2. Delete § 1125.3(c)(4) and insert in lieu thereof:

(4) Transportation costs shall be estimated, based upon system average costs. The number of trips per year shall be based upon the frequency of service performed at the time the notice is filed unless the parties agree to a different level. Labor costs for train crews shall be based on system average costs for each type of crew applied to the hours of service on the branch. The crew costs shall be classified into four major categories: Yard, local/way, though, and passenger. The straight time average cost per hour for each yard, local/way or through train crew member shall be calculated using the railroad's Employees, Service, and Compensation Report (Form B) for the base year. The calculation is made by adding together the straight time compensation, col. (9), and the constructive allowances, col. (11), and dividing this total by the straight time hours actually worked, col. (4). This process would be repeated for each yard, local/way and through train class of employee. After the hourly rate is determined for each member, the cost per crew

[1] Present: Alan M. Fitzwater, Acting Director, Rail Services Planning Office, to whom the matter under consideration in this docket has been assigned.

hour shall be calculated based on the exact size and consist of the crew currently serving the branch. The crew cost per hour is multiplied by the estimated hours that will be incurred in serving the branch during the subsidy period. The estimated direct crew costs must be increased to cover fringe benefits using the procedure described in section 1125.5(e). The railroad shall also furnish estimates of costs for the remaining transportation accounts using the final standards as a guide to their includability and basis of calculation.

3. Delete the period (.) from the sentence found in § 1125.3(c)(6) and add: "plus an allowance for administrative costs based upon one-half of one percent of the revenues estimated in § 1125.3(a)."

4. Delete the sentence contained in § 1125.4(c) and insert in lieu thereof: "The revenues assigned under these accounts shall be apportioned to the branch on the basis of the ratio of passenger car-miles on the branch to passenger car-miles on the system of the railroad but only if such revenue is earned by trains operating on the branch line."

5. Delete "col. (d)" where it appears in § 1125.5(j)(2) and insert "col. (b)" in lieu thereof.

6. Delete § 1125.5(j) (3) and (4) and insert in lieu thereof:

(3) The cost per car-day shall be calculated by adding 50 percent of the railroad's total freight-train car repair cost (R–1, Sch. 320, line 74, col. (e); 60 percent of the railroad's total freight-train car depreciation costs (R–1, Sch. 330, line 3, col. (e); 100 percent of the railroad's return on investment on freight-train cars (Rail Form A, Form 2, line 20, col. (6); the time portion of the railroad's payments for the hire of time-mileage freight-train cars (R–1, Sch. 376, line 14, col. (d) plus 50 percent of *Leased Rental—Railroad, Insurance and Other Companies* (R–1, Sch. 376, line 17, cols. (d) and (f)), *Other Basis* (R–1, Sch. 376, line 18, cols. (d) and (f)) and *Auto Racks* (R–1, Sch. 376, line 21, cols. (d) and (f)); subtracting the time portion of the railroad's receipts for hire of time-mileage freight-train cars (R–1, Sch. 376, line 14, col. (c)), and 50 percent of *Leased Rental—Railroad, Insurance and Other Companies* (R–1, Sch. 376, line 17, cols. (c) and (e)); *Other Basis* (R–1, Sch. 376, line 18, cols. (c) and (e)), and *Auto Racks* (R–1, Sch. 376, line 21, cols. (c) and (e)); and dividing the result by the total system car-days developed in paragraph (1).

(4) The cost per car-mile shall be calculated by adding 50 percent of the railroad's total freight-train car repair cost (R–1, Sch. 320, line 74, col. (e)); 40 percent of the railroad's total freight-train car depreciation costs (R–1, Sch. 330, line 3, col. (e)); the mileage portion of the railroad's payments for hire of time-mileage freight-train cars (R–1, Sch. 376, line 8, col. (d)) plus 50 percent of *Leased Rental—Railroad, Insurance and other Companies* (R–1, Sch. 376, line 17, cols. (d) and (f)), *Other Basis* (R–1, Sch. 376, line 18, cols. (d) and (f)), and *Auto Racks* (R–1, Sch. 376, line 21, cols. (d) and (f)); subtracting the mileage portion of the railroad's receipts for the hire of time-mileage freight-train cars (R–1, Sch. 376, line 8, col. (c)), and 50 percent of the following lines: *Leased Rental—Railroad Insurance and Other Companies* (R–1, Sch. 376, line 17, cols. (c) and (e)), *Other Basis* (R–1, Sch. 376, line 18, cols. (c) and (e)), and *Auto Racks* (R–1, Sch. 376, line 21, cols. (c) and (e)); and dividing the result by the total system car-miles developed in paragraph (2).

7. Add the following new paragraphs to § 1125.5:

(l) *Administrative costs.* One-half of one percent of the total annual revenues attributed to the branch shall be allowable as an avoidable cost to the railroad to cover all costs of administering the subsidy program.

(m) *Deferred subsidy payments.* If the subsidy amount is paid in deferred payments, the railroad shall be compensated for the use of its working capital by applying the interest rate established in section 1125.7 to the deferred payment for the period of time such payment is outstanding.

[FR Doc.75–8144 Filed 3–27–75;8:45 am]

federal register

FRIDAY, MARCH 28, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 61

PART V

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 F.R. 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended (40 U.S.C. 276a), and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

South Carolina	SC75–1041

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arizona:	
AZ75–5034	Mar. 4, 1975
Connecticut:	
NY75–3010	Jan. 24, 1975
Delaware:	
DE75–3001	Jan. 3, 1975
NY75–3010	Jan. 24, 1975
Florida:	
FL75–1018	Feb. 7, 1975
FL75–1030	Mar. 7, 1975
Georgia:	
MD75–3008	Jan. 17, 1975
Illinois:	
AR–3055; AR–3056; AR–3057; AR–3058; AR–3059; AR–3060; AR–3062	Aug. 2, 1974
IL75–2001	Jan. 3, 1975
Iowa:	
IA75–4034; IA75–4035; IA 75–4036; IA75–4037; IA 75–4038; IA75–4039; IA 75–4040; IA75–4041; IA 75–4042; IA75–4043; IA 75–4044; IA75–4045; IA 4046	Jan. 31, 1975
Maine:	
NY75–3010	Jan. 24, 1975
Maryland:	
AR–2086	Nov. 22, 1974
AR–2093	Dec. 20, 1974
MD75–3008	Jan. 17, 1974
NY75–3010	Jan. 24, 1975
Massachusetts:	
NY75–3010	Do.
Michigan:	
AR–3148	Oct. 11, 1974
Montana:	
MT75–5012; MT75–5017; MT75–5019	Feb. 7, 1975
MT75–5029	Feb. 21, 1975
Nevada:	
NV75–5005	Jan. 24, 1975
New Hampshire:	
NY75–3010	Do.
New Jersey:	
NY75–3010	Do.
New York:	
NY75–3010	Do.
North Carolina:	
MD75–3008	Jan. 17, 1975
North Dakota:	
AR–1053	Dec. 6, 1974
ND75–5031	Feb. 28, 1975
Ohio:	
AR–3169	Nov. 15, 1974
Oklahoma:	
AR–80	Nov. 22, 1974
AR–85	Dec. 6, 1974
AR–89	Dec. 13, 1974
OK75–4049	Feb. 7, 1975
Pennsylvania:	
AQ–2083	Apr. 5, 1974
AR–2001	July 5, 1974
AR–2027; AR–2030	Aug. 30, 1974
NY75–3010	Jan. 24, 1975
PA75–3019	Feb. 28, 1975
Rhode Island:	
NY75–3010	Jan. 24, 1975
RI75–2033	Feb. 7, 1975
South Carolina:	
MD75–3008	Jan. 17, 1975
Texas:	
TX75–4026	Jan. 24, 1975
Utah:	
UT75–5026	Feb. 21, 1975
Virginia:	
VA75–3004; VA75–3005; VA 75–3006	Jan. 3, 1975
MD75–3008	Jan. 17, 1975
Washington, D.C.:	
MD75–3008	Do.
West Virginia:	
WV75–3009	Jan. 31, 1975
WV75–3007	Feb. 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 decisions being superseded.

Arkansas:	
AR75-4018 (AR75-4068)	Jan. 17, 1975
Florida:	
AQ-4092 (FL75-1033)	Mar. 22, 1974
AR-4028 (FL75-1036)	Aug. 30, 1974
AR-4001 (FL75-1040)	July 5, 1974
Kansas:	
AQ-62 (MO75-4071)	Nov. 23, 1973
MO75-4060 (MO75-4070)	Mar. 7, 1975
Missouri:	
AQ-62 (MO75-4071)	Nov. 23, 1973
AQ-91 (MO75-4072)	Apr. 19, 1974
MO75-4060 (MO75-4070)	Mar. 7, 1975
Nebraska:	
MO75-4060 (MO75-4070)	Do.
Nevada:	
AR-1057 (NV75-5037)	Dec. 13, 1974
AR-1058 (NV75-5038); AR-1059 (NV75-5039)	Dec. 20, 1974
New Mexico:	
NM75-4014 (NM75-4067)	Jan. 17, 1975
Oklahoma:	
OK75-4057 (OK75-4069)	Mar. 9, 1975
Oregon:	
OR75-5014 (OR75-5041)	Feb. 7, 1975
Pennsylvania:	
AQ-2059 (PA75-3026)	Feb. 15, 1974
AR-2009 (PA75-3027)	July 19, 1974
South Carolina:	
AR-4049 (SC75-1042)	Oct. 25, 1974
Washington:	
WA75-5025 (WA75-5040)	Feb. 21, 1975

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

General Wage Determination Decision No. AR-4051, Clayton, Cobb, De Kalb, Fulton, and Gwinnett Counties, Georgia, is cancelled. Agencies with heavy construction projects pending in these locations should utilize the project determination procedure by submitting form SF-308. See Regulations Part 1 (29 CFR), § 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. AR-4051 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 21st day of March 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

[illegible] DECISION

STATE: South Carolina COUNTY: Darlington
DECISION NUMBER: SC75-1041 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

16-SC-1-j

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanic	$5.00				
Asbestos workers	5.50				
Bricklayers	5.50				
Carpenters	5.00				
Cement masons	4.35				
Electricians	5.50				
Ironworkers:					
Structural and ornamental	5.50				
Laborers	2.80				
Painters	4.00				
Plumbers & steamfitters	5.70				
Roofers	3.65				
Sheet metal workers	4.25				
Tile Setters	3.75				
Truck drivers	2.40				
Welders - Rate for craft.					
Power Equipment Operators:					
Cranes	5.60				
Mechanic	5.60				
Motor grader	5.60				

DECISION #AZ75-5034 - Mod. #1
(40 FR 12021 - March 14, 1975)
Statewide, Arizona

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Line Construction:					
Zone I (Phoenix and Tucson 30 mile radius from center of town):					
Groundmen	$8.13	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	9.39	.42	7%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	10.28	.42	7%		1/2%
Cable Splicers	10.61	.42	7%		1/2%
Zone I-A (Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 mile radius from center of town):					
Groundmen	8.63	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	10.04	.42	7%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	10.95	.42	7%		1/2%
Cable Splicers	11.35	.42	7%		1/2%
Zone II (Other Areas):					
Groundmen	9.49	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	10.70	.42	7%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	11.61	.42	7%		1/2%
Cable Splicers	11.96	.42	7%		1/2%

DECISION NO. DE75-3001 - Mod. #1
(40 FR 930 - January 3, 1975)
Statewide, Delaware

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Carpenters (Building & Heavy):					
Sussex Co.	$8.49		.35		
Electricians	9.85	8-1/2%	5%		
Line Construction:					
Linemen, Cable Splicers	10.65	.30	1%		3/8%
Winch Truck Operator	7.46	.30	1%		3/8%
Groundmen	6.39	.30	1%		3/8%
PLUMBERS:					
New Castle Co., Kent Co., north of the southern boundary of Dover City	9.14	.78	.70	9%+j	.05

DECISION #NY75-3010 - Mod. #1
(40 FR 3881 - January 24, 1975)
Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island

Change:					
Hydraulic Dredges:					
Mate	$7.24	.25	.25	5%+a	
Add:					
Dipper and Clamshell Dredge:					
Operator	8.38	.25	.25	5%+a	

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:
a. Holidays: A through F plus Washington's Birthday and Veteran's Day.

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION # FL75-1018 - Mod. #1 (40 FR 6018 - February 7, 1975) Dade County, Florida					
Change:					
Asbestos workers	9.90	.35	.40		.04
Boilermakers	8.20	.60	.90		.02
Laborers:					
Air tool operator, pipelayers	6.60	.60	.30		
Laborers, common	6.50	.60	.30		
Mason tenders, mortar mixers	6.60	.60	.30		
Plasterers tenders	6.78	.60	.30		
Steamfitters	9.93	.69	1.00		.08
POWER EQUIPMENT OPERATORS:					
Group I	9.50	.35	.35		
Group II	8.71	.35	.35		
Group III	7.86	.35	.35		
Group IV	7.31	.35	.35		
Group V	6.31	.35	.35		
DECISION # FL75-1030 - Mod. #1 (40 FR-10891 - March 7, 1975) Bay, Escambia, Gulf, Okaloosa, Santa Rosa and Walton Counties, Florida.					
Change:					
Bricklayers	2.25				
Ironworkers, reinforcing	2.25				
Asphalt Plant drier	2.25				

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3055 - Mod. #3 (39 FR 28014 - August 2, 1974) Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will Counties, Illinois					
CHANGE:					
Cement Masons:					
DeKalb County	$10.10	.30			
Laborers:					
DeKalb County:					
Common, Landscaping and Carpenter Tenders	7.15	.30	.20		.035
Mortar Mixers, Mason and Plasterer Tenders; Vibrator Operator	7.35	.30	.20		.035
Bottom Sewer Workers, Jack-Hammer Operator, Cofferdam, Caisson Workers & Concrete Nozzleman	7.45	.30	.20		.035
Power Equipment Operators:					
Class I	9.90	.50	.70	.20	.05
Class II	9.35	.50	.70	.20	.05
Class III	8.70	.50	.70	.20	.05
Class IV	7.70	.50	.70	.20	.05
Class V	6.70	.50	.70	.20	.05
Well Drillers:					
Driller, Pump Installer, Welder & Mechanic	8.75	.50	.50	b	
Tool Dresser, Helper	8.10	.50	.50	b	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3056 - Mod. #2 (39 FR 28018 - August 2, 1974) Bureau, Carroll, Henry, Lee, JoDaviess, Ogle, Rock Island, Stephenson, Whiteside and Winnebago Counties, Illinois					
CHANGE:					
Cement Masons:					
Henry County & in Whiteside Co.,(Erie & S.W. thereof)	$8.27	.40	.35		
Carroll, JoDaviess, Lee, Ogle & Stephenson Counties, Whiteside Co., (excluding Erie & S.W. thereof)	8.00	.30	.50		
The Eastern ½ of Henry County	8.55		.20		
Linemen:					
Bureau Co., Portion S. of Alba, Cambridge & Cornwall Twps., in Henry County	9.66	.35	1%		.25%
Painters:					
Lee, Carroll, Ogle & Whiteside Counties:					
Brush	6.95				
Structural Steel	7.30				
Power Equipment Operators: (Western ½ of Henry County)					
Class I	9.10	.40	.50		.08
Class II	9.00	.40	.50		.08
Class III	8.90	.40	.50		.08
Class IV	7.75	.40	.50		.08
Class V	7.50	.40	.50		.08
Class VI	6.65	.40	.50		.08
(Remainder of District #2)					
Class I	9.90	.50	.70	.20	.05
Class II	9.35	.50	.70	.20	.05
Class III	8.70	.50	.70	.20	.05
Class IV	7.70	.50	.70	.20	.05
Class V	6.70	.50	.70	.20	.05
Truck Drivers (Remainder of District #2):					
Group I	8.10	.45	a13.00		
Group II	8.50	.45	a13.00		
Group III	8.70	.45	a13.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3057 - Mod. #2 (39 FR 28022 - August 2, 1974) Peoria, Tazewell, Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Stark & Warren Counties, Illinois					
CHANGE:					
Cement Masons:					
Stark County	$8.55		.20		
Ironworkers:					
Hancock, Henderson, McDonough, Mercer & Warren Counties	8.54	.40	.30		
Linemen:					
Mercer County(North Henderson & Suez Twps.), Fulton, Hancock, Henderson, Knox, McDonough, Peoria, Stark & Tazewell Counties	9.66	.35	1%		.25%
Carpenters & Piledrivermen:					
Henderson County, Warren Co., & the Western 2/3 of Hancock County:					
Carpenters	7.44	.45	.40		.01
Piledrivermen	7.97	.45	.40		.01
Power Equipment Operators:					
Mercer County:					
Class I	9.10	.40	.50		.08
Class II	9.00	.40	.50		.08
Class III	8.90	.40	.50		.08
Class IV	7.75	.40	.50		.08
Class V	7.50	.40	.50		.08
Class VI	6.65	.40	.50		.08
Truck Drivers:					
Group I	8.10	.45	a13.00		
Group II	8.50	.45	a13.00		
Group III	8.70	.45	a13.00		

DECISION #AR-3058 - Mod. #3
(39 FR 28027 - August 2, 1974)
Champaign, Clark,,Coles, Cumberland, DeWitt, Douglas, Edgar, Macon, Moultrie, Piatt, Shelby & Vermilion Counties, Illinois

CHANGE

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apprentice Training
Linemen:					
Champaign, DeWitt, Douglas, Macon, Piatt, Edgar & Shelby Counties, (E. Oakland, Humboldt, Morgan, North Okaw & Seven Hickory Twps.), in Coles Co., & the Remainder of Moultrie County	$9.66	.35	1%		.25%
Cumberland, Clark Cos., Whitley Township in Moultrie County & Remainder of Coles County	9.77	.35	1%		.25%
Vermilion County	8.77	.30	1%+.30		½ of 1%
Painters:					
Macon, Shelby, Moultrie & Piatt Counties:					
Brush	8.00	.50	.20		
Spray	8.75	.50	.20		
Structures over 50'	9.00	.50	.20		
Truck Drivers:					
Group I	8.10	.45	a13.00		
Group II	8.50	.45	a13.00		
Group III	8.70	.45	a13.00		

DECISION #AR-3059 - Mod. #2
(39 FR 28030 - August 2, 1974)
Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott Counties, Illinois

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apprentice Training
Cement Masons:					
Sangamon, Christian & Morgan Counties	$8.75	.35	.20		.01
Adams & Logan Counties	9.30				.01
Linemen:					
Remainder of District #6	9.66	.35	1%		.25%
Truck Drivers:					
Mason County & the Remainder of District #6					
Group 1	8.10	.45	a13.00		
Group II	8.50	.45	a13.00		
Group III	8.70	.45	a13.00		

TRUCK DRIVERS - Mason County & Remainder of District #6

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons: A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
DECISION #AR-3060 - Mod. #1					
(39 FR 28033 - August 2, 1974)					
Marion, Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawerence, Richland, Wabash, Wayne & White Counties, Illinois					
CHANGE:					
Cement Masons:					
Southern portion of Jefferson Co., Northern ½ of Hamilton Co., & the Southeastern portion of Wayne County; Marion County(Salem & Centralia)	$8.45	.30			
Crawford, Clay, Edwards, Effingham, Fayette, Jasper, Lawerence, Richland, Wabash & White Cos., & Remainder of Hamilton, Jefferson, Wayne and Marion Counties	8.75				
Ironworkers:					
Marion Co., Brown & S. Thereof in Fayette Co., & Mt. Vernon & West thereof in Lawerence County	9.55	.55	.75		
Linemen:					
Portion N. of Avena, Bear Grove, Sefton, & Sharon Twps. in Fayette County	9.66	.35	1%		.25%
Remainder of Fayette County & District #7	9.77	.35	1%		.25%
Painters:					
Richland & Lawerence Counties	6.65				
Power Equipment Operators: (Hamilton & White Counties)					
Class 1	9.00	.40	.60		.035
Class 2	8.25	.40	.60		.035
Class 3	8.00	.40	.60		.035
Class 4	7.70	.40	.60		.035
Class 5	7.30	.40	.60		.035

DECISION #AR-3060 - Mod. #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr
Power Equipment Operators (Cont'd) (Hamilton & White Counties)					
Class 6	$8.25	.40	.60		.035
Class 7	8.00	.40	.60		.035
Class 8	7.50	.40	.60		.035
Class 9	7.45	.40	.60		.035
Class 10	7.20	.40	.60		.035
Class 11	8.90	.40	.60		.035
Class 12	7.70	.40	.60		.035
Truck Drivers:					
Group I	8.10	.45	a13.00		
Group II	8.50	.45	a13.00		
Group III	8.70	.45	a13.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3062 - Mod. #2 (39 FR 28041 - August 2, 1974) Alexander, Franklin, Perry, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Randolph, Saline, Union and Williamson Counties, Illinois					
CHANGE:					
Carpenters & Piledrivermen:					
Randolph County	$9.535	.40	.75		
Ironworkers:					
Perry & Randolph Counties	9.55	.55	.75		
Laborers (Randolph County):					
Highway	8.90		.20		.035
Heavy	8.80		.20		.035
Remainder of Dist. #9	6.75		.30		.035
Linemen:					
Red Bud Township(Randolph Co.)	9.72	4%	1%		.25%
Remainder of Randolph County & District #9	9.77	.35	1%		.25%
Painters:					
Union County:					
Commercial	7.25				
Structural	7.75				
Massac County:					
Brush & Roller	6.00	.20			
Bridges	8.00	.20			
Spray	6.90	.20			
Power Equipment Operators: (Remainder of District #9)					
Class 1	9.00	.40	.60		.035
Class 2	8.25	.40	.60		.035
Class 3	8.00	.40	.60		.035
Class 4	7.70	.40	.60		.035
Class 5	7.30	.40	.60		.035
Class 6	8.25	.40	.60		.035
Class 7	8.00	.40	.60		.035
Class 8	7.50	.40	.60		.035
Class 9	7.45	.40	.60		.035
Class 10	7.20	.40	.60		.035
Class 11	8.90	.40	.60		.035
Class 12	7.70	.40	.60		.035
Truck Drivers(Randolph County & Remainder of District #9)					
Group I	8.10	.45	a13.00		
Group II	8.50	.45	a13.00		
Group III	8.70	.45	a13.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #IL75-2001 - Mod. #1 (40 FR 934 - January 3, 1975) Ford, Grundy, Iroquois, Kankakee, LaSalle, Livingston, McLean, Marshall, Putnam and Woodford Counties, Illinois					
CHANGE:					
Linemen:					
Kankakee County	$10.25	5%	4%	8½%	½%
Ford, LaSalle, Livingston, McLean, Marshall, Putnam & Woodford Counties	9.66	.35	1%		.25%
Painters:					
LaSalle & Putnam Counties:					
Brush	7.65	.40	.30		
Spray	8.65	.40	.30		
Kankakee & Iroquois Counties:					
Brush	8.45	.40	.25		
Power Equipment Operators:					
LaSalle, Grundy, Kankakee & Livingston Counties:					
Class I	9.90	.50	.70	.20	.05
Class II	9.35	.50	.70	.20	.05
Class III	8.70	.50	.70	.20	.05
Class IV	7.70	.50	.70	.20	.05
Class V	6.70	.50	.70	.20	.05
Ford & Iroquois Counties:					
Class I	9.25	.40	.50		.10
Class II	8.50	.40	.50		.10
Class III	6.50	.40	.50		.10
Truck Drivers (Marshall Co., LaSalle Co., McLean & Ford Counties, Livingston (Twps. of Amity, Long Point, Newton, Reading & Sunbury) County & N.W. Corner of Woodford County					

DECISION NO. IL75-2001 - Mod. #1 (Cont'd)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	8.10	.45	a13.00		
GROUP II	8.50	.45	a13.00		
GROUP III	8.70	.45	a13.00		

TRUCK DRIVERS - Marshall Co., LaSalle Co., McLean & Ford Counties, Livingston (Twps. of Amity, Long Point, Newton, Reading & Sunbury) County & N.W. Corner of Woodford County

GROUP I:
Drivers on 2 axle trucks hauling less than 9 tons, air compressor and welding machine including those pulled by separate units, truck driver helpers, warehouseman, mechanic helpers, greasers & tiremen, pick-up trucks when hauling materials, tools, or men to and from and on the jobs site; Fork lifts up to 6,000 lbs., capacity.

GROUP II:
2 or 3 axle trucks hauling more than 9 ton, but hauling less than 16 tons: A-frame winch trucks, hydrolifts trucks, or similar equipment when used for transportation purposes: Fork lifts over 6,000 lb. capacity; winch trucks; 4-axle combination units; ticket writers

GROUP III:
2-3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics & working foreman; 5-axle or more combination units; dispatchers.

FOOTNOTES:
a.-Per Week Per Employee.

DECISION #IA75-4034--MOD. #3 (40-FR-4823--January 31, 1975) Black Hawk County (City of Waterloo & abutting municipalities), Iowa	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGE: Building Construction:					
Boilermakers	$8.90	.70	1.00		.02

DECISION #IA75-4035--MOD. #2 (40-FR-4816--January 31, 1975) Cerro Gordo County (City of Mason City), Iowa					
CHANGE: Building Construction:					
Boilermakers	$8.90	.70	1.00		.02
Soft Floor Layers	7.29		.20		.01

DECISION #IA75-4036--MOD. #3 (40-FR-4818--January 31, 1975) Clinton (City of Clinton & abutting municipalities), Iowa					
CHANGE: Building Construction:					
Boilermakers	$8.90	.70	1.00 *		.02
Electricians:					
Electricians	9.25	.32	5.5%		.03
Cable Splicers	9.50	.32	5.5%		.03
Plumbers-Steamfitters	9.00	.40	.35		.10
Roofers	9.75		.20		

MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #IA75-4037--MOD. #3 (40-FR-4831--January 31, 1975) Des Moines County (City of Burlington &abutting municipalities & Burlington Ordnance Plant),Iowa					
CHANGE: Building Construction:					
Boilermakers	$8.90	.70	1.00		.02
Plasterers	8.05				
DECISION #IA75-4038--MOD. #1 (40-FR-4834--January 31, 1975) Dubuque County (City of Dubuque & abutting municipalities),Iowa					
CHANGE: Building Construction:					
Boilermakers	$8.90	.70	1.00		.02
DECISION #IA75-4039--MOD. #2 (40-FR-4836--January 31, 1975) Johnson County (City of Iowa City & abutting municipalities),Iowa					
CHANGE: Building Construction:					
Boilermakers	$8.90	.70	1.00		.02
Ironworkers	9.10				.02
DECISION #IA75-4040--MOD. #2 (40-FR-4839--January 31, 1975) Linn County, Iowa					
CHANGE: Building Construction:					
Boilermakers	$8.90	.70	1.00		.02

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #IA75-4041--MOD. #2 (40-FR-4841--January 31, 1975) Polk County, Iowa					
CHANGE: Building Construction:					
Boilermakers	$8.90	.70	1.00		.02
DECISION #IA75-4042--MOD. #3 (40-Fr-4843--January 31, 1975) Pottawattamie County (City of Council Bluffs & the area within 3 miles from the city limits), Iowa					
CHANGE: Building Construction:					
Boilermakers	$8.90	.70	1.00		.02
Carpenters:					
Carpenters	7.88	.35	.30	.40	.05
Piledrivermen	8.005	.35	.30	.40	.05
Millwrights	8.13	.35	.30	.40	.05
Cement Masons	8.34	.35	.30		
Glaziers	8.45	.40	.35		.01
Ironworkers:					
Ornamental;Reinforcing; Structural	7.95	.35	.30	.50	
Terrazzo Workers;Tile Setters;Marble Setters	7.70	.b	.25		

Footnote:
b. Employer agrees to provide one-half(½) cost of a Health & Welfare Plan (one-half cost to be paid by employee) which will provide benefits at least equal to the Omaha Construction Industry Health & Welfare Plan shall pay $0.20 per hour in cash.

ADD: Building Construction:					
Asbestos Workers	10.00	.40	.51		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #IA75-4044--MOD. #2 (40-FR-4848--January 31, 1975) Story County (City of Ames & abutting municipalities), Iowa					
CHANGE:					
Building Construction:					
Boilermakers	$8.90	.70	1.00		.02
Painters:					
Brush;Roller;Drywall Finisher	8.39				.03
Paperhangers	8.64				.03
Spray;Structural Steel; Sandblasting	8.89				.03
Sheet Metal Workers	8.98	.35	.20		.05
DECISION #IA75-4046--MOD. #2 (40-FR-4852--January 31, 1975) Woodbury County (City of Sioux City & abutting municipalities), Iowa					
CHANGE:					
Building Construction:					
Boilermakers	$8.90	.70	1.00		.02
Electricians	8.98	.27	1%		1%
Marble Setters	8.56		.20		.01
Sprinkler Fitters	9.40	.50	.70		.08
Terrazzo Workers	8.56		.20		.01
DECISION #IA75-4045--MOD. #2 (40-FR-4850--January 31, 1975) Webster County (City of Ft. Dodge), Iowa					
CHANGE:					
Building Construction:					
Boilermakers	$8.90	.70	1.00		.02
Painters:					
Brush;Drywall finishers; Rollers	5.45				
Paperhangers	5.70				
Spray	5.95				
ONIT:					
Building Construction:					
Sandblasting;Structural Steel; Swing Stage	8.89				.03
Stack;Tower over 100'	9.49				.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #IA75-4043--MOD. #2 (40-FR-4845--January 31, 1975) Scott County, Iowa					
CHANGE:					
Building Construction:					
Boilermakers	$8.90	.70	1.00		.02
Soft Floor Layers	8.31	.35	.50		.02

MODIFICATIONS P. 19

DECISION NO. AR-2086 - Mod. #2
(39 FR 41127 - November 22, 1974)
Anne Arundel County, Maryland.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Boilermakers	$9.40	.60	.90		.02
Electricians	9.10	.50	1¾+.20		¼%
Line Construction:					
Linemen, Cable Splicers	9.45	.35	1%		¼%
Groundmen (experienced)	5.98	.35	1%		¼%
Terrazzo Workers:					
The D. C. Training School	9.33	.40	.30		
Terrazzo Workers' Helpers:					
The D. C. Training School	8.05	.40	.40		
Remainder of County	6.20	.30	.20		
Tile Setters:					
The D. C. Training School	9.33	.40	.30		
Tile Setters' Helpers:					
The D. C. Training School	8.05	.40	.40		
Remainder of County	6.20	.30	.20		

DECISION NO. AR-2093 - Mod. #2
(39 FR 44612 - December 20, 1974)
Baltimore, Harford and Howard Counties and the city of Baltimore, Maryland.

CHANGE:					
Boilermakers	$9.40	.60	.90		.02
Electricians:					
Zone 1 - From Baltimore City Hall to 25 miles	9.10	.50	1¾+.20		1/2%
Zone 2 - Over 25 miles to 45 miles from Baltimore City Hall	9.35	.50	1¾+.20		1/2%
Zone 3 - Over 45 miles from Baltimore City Hall	9.60	.50	1¾+.20		1/2%
Marble, Tile & Terrazzo Workers' Helpers	6.20	.30	.20		
Linemen & Cable Splicers:					
Zone 1 - From Baltimore City Hall to 25 miles	9.45	.35	1%		1/4%
Zone 2 - Over 25 miles to 45 miles from Baltimore City Hall	9.70	.35	1%		1/4%
Zone 3 - Over 45 miles from Baltimore City Hall	9.95	.35	1%		1/4%

MODIFICATIONS P. 20

DECISION #MD75-3008 - Mod. #1
(40 FR 3094-January 17, 1975)
Maryland, Georgia, North Carolina, South Carolina, Virginia and Washington, D. C.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Hydraulic Dredges Under 20"					
Welder	$5.57	.25	.25	a	

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. A through F, plus 5% of straight time pay

DECISION #AR-2148 - Mod. #1
(39 FR 36754 October 11, 1974)
Saginaw and Tuscola Counties, Michigan

Change:					
Bricklayers	$ 9.02	.50	.50		
Cement Masons	8.27	.50	.50		
Lathers	7.85	.54	.10	.50	.01
Piledrivermen	8.74	.50	.40		.01
Plumbers & Steamfitters					
Saginaw and South ½ of Tuscola County	10.10	.49	.60		.01
Sheet Metal Workers	9.69	.40	.75		
Stonemasons	9.02	.50	.50		

DECISION #MT75-5012 - Mod. #3
(40 FR 6059 - February 7, 1975)
Statewide, Montana

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.65	.44	.80		.02
Boilermakers	8.90	.70	1.00		.02
Electricians:					
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	8.58	.32	1%		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	9.38	.32	.25		1/2%
Cable Splicers	9.63	.32	.25		1/2%
Power Equipment Operators:					
Flathead, Lake, Lincoln, Mineral, Missoula, North ½ of Powell, Ravalli and Sanders Counties					
(See attached)					

DECISION NO. MT75-5012 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 7.78	.45	.45	.10	.03
Air Compressor, single	7.47	.45	.45	.10	.03
Air Compressor, two or more	7.64	.45	.45	.10	.03
Air Doctor	7.94	.45	.45	.10	.03
Asphalt Paving Machine	7.94	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.94	.45	.45	.10	.03
Automatic Finegrade, Gurries and other similar types	8.07	.45	.45	.10	.03
Belt Finish Machine	7.64	.45	.45	.10	.03
Bit Grinder	7.94	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.94	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.53	.45	.45	.10	.03
Boring Machine (large)	7.94	.45	.45	.10	.03
Broom, self-propelled	7.61	.45	.45	.10	.03
Cableway Highline	8.45	.45	.45	.10	.03
Cement Silo	7.73	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.19	.45	.45	.10	.03
Chain Bucket Loader	7.66	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.66	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.94	.45	.45	.10	.03
Concrete Batch Plants, three and four mixers	8.14	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.34	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and including two mixers	7.46	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.77	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.94	.45	.45	.10	.03
Concrete Curing Machine	7.94	.45	.45	.10	.03
Concrete Finish Machine Paving	7.94	.45	.45	.10	.03
Concrete Float-Spreader	7.94	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.53	.45	.45	.10	.03

DECISION NO. MT75-5012 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Mixer, four bags and over	$ 7.70	.45	.45	.10	.03
Concrete Power Saw, self-propelled	7.94	.45	.45	.10	.03
Concrete Travel Batcher	7.94	.45	.45	.10	.03
Conveyor Loader Operator up to and including 42" belt	7.52	.45	.45	.10	.03
Conveyor Loader Operator over 42" belt	7.64	.45	.45	.10	.03
Concrete Conveyor under 40 feet	7.52	.45	.45	.10	.03
Concrete Conveyor over 40 feet	8.27	.45	.45	.10	.03
Concrete Pump	8.27	.45	.45	.10	.03
Crane, to and including 80' boom	8.10	.45	.45	.10	.03
Crane, 81' to 130' boom	8.25	.45	.45	.10	.03
Crane, 131' to 150' boom	8.30	.45	.45	.10	.03
Crane, 151' boom and over	8.35	.45	.45	.10	.03
Crane Oiler	7.51	.45	.45	.10	.03
Crusher	7.94	.45	.45	.10	.03
Crusher Oiler and Helper	7.43	.45	.45	.10	.03
Crusher Conveyor, when required	7.40	.45	.45	.10	.03
Distributor	7.94	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.66	.45	.45	.10	.03
Electric Overhead Cranes	8.12	.45	.45	.10	.03
Elevating Grader	7.94	.45	.45	.10	.03
Farm Type Tractor, up to and including 50 HP Engine	7.40	.45	.45	.10	.03
Farm Type Tractor, over 50 HP Engine	7.48	.45	.45	.10	.03
Field Equipment Serviceman	7.86	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.43	.45	.45	.10	.03
Fireman	7.53	.45	.45	.10	.03
Forklift, on construction job site	7.75	.45	.45	.10	.03
Form Grader	7.71	.45	.45	.10	.03
Gradall	7.94	.45	.45	.10	.03
Grade Setter	7.40	.45	.45	.10	.03
Heavy Duty Drill, all types	7.94	.45	.45	.10	.03
Heavy Duty Driller Helper	7.53	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.48	.45	.45	.10	.03

DECISION NO. MT75-5012 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Hoist, single drum	$ 7.71	.45	.45	.10	.03
Hoist, two or more drums	7.94	.45	.45	.10	.03
Helicopter Hoist	8.44	.45	.45	.10	.03
Hot Plant	7.94	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.94	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.43	.45	.45	.10	.03
Hydra lift and similar types	7.84	.45	.45	.10	.03
Industrial Locomotive all classes	7.94	.45	.45	.10	.03
Mechanic and/or Welder on job	8.04	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.43	.45	.45	.10	.03
Mixermobile	8.02	.45	.45	.10	.03
Motor Patrol	8.07	.45	.45	.10	.03
Mountain Logger or similar type	7.94	.45	.45	.10	.03
Mucking Machine	7.94	.45	.45	.10	.03
Oiler-Driver, Rubber-tired Cranes	7.51	.45	.45	.10	.03
Oilers, other than Shovels and Cranes	7.43	.45	.45	.10	.03
Oiler, Hoist House, dams	7.84	.45	.45	.10	.03
Pavement Breaker, Emsco and similar	7.94	.45	.45	.10	.03
Paving and Mixing Machine	8.07	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.94	.45	.45	.10	.03
Power Mixer, single or double drum	7.94	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.94	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.94	.45	.45	.10	.03
Pumpman	7.47	.45	.45	.10	.03
Push Tractor	7.94	.45	.45	.10	.03
Quad Cat	8.24	.45	.45	.10	.03
Quad Loader and similar type	8.52	.45	.45	.10	.03
Rayco Giant	8.52	.45	.45	.10	.03
Refrigerator Plant	7.94	.45	.45	.10	.03
Retort	7.53	.45	.45	.10	.03
Roller, on blade or hot mix oil paving	7.94	.45	.45	.10	.03

DECISION NO. MT75-5012 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Roller, on other blade or hot mix paving	$ 7.64	.45	.45	.10	.03
Roller, 25 ton or over	7.94	.45	.45	.10	.03
Ross and similar type Carriers, on construction site	7.94	.45	.45	.10	.03
Rubber-tired Dozer	7.94	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yard and under	7.65	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yard to and including 3 yards	7.94	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	8.06	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	8.16	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	8.26	.45	.45	.10	.03
Rubber-tired Front End Loader, over 15 yards	8.36	.45	.45	.10	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	7.94	.45	.45	.10	.03
Scraper, single or twin engine pulling belly dump trailer	8.32	.45	.45	.10	.03
Scraper, single engine	8.07	.45	.45	.10	.03
Scraper, twin engine	8.17	.45	.45	.10	.03
Scraper, Tandem engine	8.43	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.94	.45	.45	.10	.03
Shovels, including all attachments, under 1 cu. yd.	7.94	.45	.45	.10	.03
Shovels, including all attachments, 1 cu. yds. to and including 3 cu. yds.	8.12	.45	.45	.10	.03
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	8.39	.45	.45	.10	.03
Shovels, including all attachments, over 5 cu. yds.	8.52	.45	.45	.10	.03

DECISION NO. MT75-5012 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovel Oiler, 3 yards and under	$ 7.43	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yards	7.84	.45	.45	.10	.03
Slip Form Paver	8.07	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.39	.45	.45	.10	.03
Track-type Front End Loaders; up to and including 5 cu. yds.	7.94	.45	.45	.10	.03
Track-type Front End Loaders; over 5 cu. yds. to and including 10 cu. yds.	8.17	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	8.27	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.37	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.94	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.12	.45	.45	.10	.03
Trenching Machine	7.94	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.94	.45	.45	.10	.03
Wagner Roller and similar type	7.94	.45	.45	.10	.03
Whirley Crane	8.47	.45	.45	.10	.03
Whirley Crane Oiler	7.84	.45	.45	.10	.03
Water Pull when used for compaction	7.94	.45	.45	.10	.03
Washing and Screening Plant	7.94	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.43	.45	.45	.10	.03
Yo-Yo Cat, Both ends	8.14	.45	.45	.10	.03

MODIFICATIONS P. 27

DECISION #MT75-5017 - Mod. #4
(40 FR 6081 - February 7, 1975)
Statewide, Montana

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Electricians:					
Broadwater, Lewis and Clark, and Meagher Counties					
Electricians	$8.58	.32	1%		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton, and Toole Counties					
Electricians	9.38	.32	.25		1/2%
Cable Splicers	9.63	.32	.25		1/2%

DECISION #MT75-5019 - Mod. #3
(40 FR 6103 - February 7, 1975)
Deer Lodge, Gallatin and Silver Bow Counties, Montana

Change:

Asbestos Workers	$ 9.65	.44	.80		
Boilermakers	8.90	.70	1.00		.02
Laborers:					
Group 7: Cassion Workers (free air); Chocker Setter; Spike Driver, single or dual or hand					
Group 8: Drills, Air-tract, self-propelled car or truck mounted air operated drills; Jackhammer, Pavement Breaker, Wagon Driller, Mechanical Tamper, Vibrating Roller hand steered and other power tools; Pipe Wrapper; Power Saw (bucking)					
Power Equipment Operators: Gallatin County					

MODIFICATIONS P. 28

DECISION NO. MT75-5019 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 7.78	.45	.45	.10	.03
Air Compressor, single	7.47	.45	.45	.10	.03
Air Compressor, two or more	7.64	.45	.45	.10	.03
Air Doctor	7.94	.45	.45	.10	.03
Asphalt Paving Machine	7.94	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.94	.45	.45	.10	.03
Automatic Finegrade, Gurries and other similar types	8.07	.45	.45	.10	.03
Belt Finish Machine	7.64	.45	.45	.10	.03
Bit Grinder	7.94	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.94	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.53	.45	.45	.10	.03
Boring Machine (large)	7.94	.45	.45	.10	.03
Broom, self-propelled	7.61	.45	.45	.10	.03
Cableway Highline	8.45	.45	.45	.10	.03
Cement Silo	7.73	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.19	.45	.45	.10	.03
Chain Bucket Loader	7.66	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.66	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.94	.45	.45	.10	.03
Concrete Batch Plants, three and four mixers	8.14	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.34	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and including two mixers	7.46	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.77	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.94	.45	.45	.10	.03
Concrete Curing Machine	7.94	.45	.45	.10	.03
Concrete Finish Machine Paving	7.94	.45	.45	.10	.03
Concrete Float-Spreader	7.94	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.53	.45	.45	.10	.03

MODIFICATIONS P. 29

DECISION NO. MT75-5019 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Mixer, four bags and over	$ 7.70	.45	.45	.10	.03
Concrete Power Saw, self-propelled	7.94	.45	.45	.10	.03
Concrete Travel Batcher	7.94	.45	.45	.10	.03
Conveyor Loader Operator up to and including 42" belt	7.52	.45	.45	.10	.03
Conveyor Loader Operator over 42" belt	7.64	.45	.45	.10	.03
Concrete Conveyor under 40 feet	7.52	.45	.45	.10	.03
Concrete Conveyor over 40 feet	8.27	.45	.45	.10	.03
Concrete Pump	8.27	.45	.45	.10	.03
Crane, to and including 80' boom	8.10	.45	.45	.10	.03
Crane, 81' to 130' boom	8.25	.45	.45	.10	.03
Crane, 131' to 150' boom	8.30	.45	.45	.10	.03
Crane, 151' boom and over	8.35	.45	.45	.10	.03
Crane Oiler	7.51	.45	.45	.10	.03
Crusher	7.94	.45	.45	.10	.03
Crusher Oiler and Helper	7.43	.45	.45	.10	.03
Crusher Conveyor, when required	7.40	.45	.45	.10	.03
Distributor	7.94	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.66	.45	.45	.10	.03
Electric Overhead Cranes	8.12	.45	.45	.10	.03
Elevating Grader	7.94	.45	.45	.10	.03
Farm Type Tractor, up to and including 50 HP Engine	7.40	.45	.45	.10	.03
Farm Type Tractor, over 50 HP Engine	7.48	.45	.45	.10	.03
Field Equipment Serviceman	7.86	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.43	.45	.45	.10	.03
Fireman	7.53	.45	.45	.10	.03
Forklift, on construction job site	7.75	.45	.45	.10	.03
Form Grader	7.71	.45	.45	.10	.03
Gradall	7.94	.45	.45	.10	.03
Grade Setter	7.40	.45	.45	.10	.03
Heavy Duty Drill, all types	7.94	.45	.45	.10	.03
Heavy Duty Driller Helper	7.53	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.48	.45	.45	.10	.03

MODIFICATIONS P. 30

DECISION NO. MT75-5019 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Hoist, single drum	$ 7.71	.45	.45	.10	.03
Hoist, two or more drums	7.94	.45	.45	.10	.03
Helicopter Hoist	8.44	.45	.45	.10	.03
Hot Plant	7.94	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.94	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.43	.45	.45	.10	.03
Hydra lift and similar types	7.84	.45	.45	.10	.03
Industrial Locomotive all classes	7.94	.45	.45	.10	.03
Mechanic and/or Welder on job	8.04	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.43	.45	.45	.10	.03
Mixermobile	8.02	.45	.45	.10	.03
Motor Patrol	8.07	.45	.45	.10	.03
Mountain Logger or similar type	7.94	.45	.45	.10	.03
Mucking Machine	7.94	.45	.45	.10	.03
Oiler-Driver, Rubber-tired Cranes	7.51	.45	.45	.10	.03
Oilers, other than Shovels and Cranes	7.43	.45	.45	.10	.03
Oiler, Hoist House, dams	7.84	.45	.45	.10	.03
Pavement Breaker, Emsco and similar	7.94	.45	.45	.10	.03
Paving and Mixing Machine	8.07	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.94	.45	.45	.10	.03
Power Mixer, single or double drum	7.94	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.94	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.94	.45	.45	.10	.03
Pumpman	7.47	.45	.45	.10	.03
Push Tractor	7.94	.45	.45	.10	.03
Quad Cat	8.24	.45	.45	.10	.03
Quad Loader and similar type	8.52	.45	.45	.10	.03
Raygo Giant	8.52	.45	.45	.10	.03
Refrigerator Plant	7.94	.45	.45	.10	.03
Retort	7.53	.45	.45	.10	.03
Roller, on blade or hot mix oil paving	7.94	.45	.45	.10	.03

MODIFICATIONS P. 31

DECISION NO. MT75-5019 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Roller, on other blade or hot mix paving	$ 7.64	.45	.45	.10	.03
Roller, 25 ton or over	7.94	.45	.45	.10	.03
Ross and similar type Carriers, on construction site	7.94	.45	.45	.10	.03
Rubber-tired Dozer	7.94	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yard and under	7.65	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yard to and including 3 yards	7.94	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	8.06	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	8.16	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	8.26	.45	.45	.10	.03
Rubber-tired Front End Loader, over 15 yards	8.36	.45	.45	.10	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	7.94	.45	.45	.10	.03
Scraper, single or twin engine pulling belly dump trailer	8.32	.45	.45	.10	.03
Scraper, single engine	8.07	.45	.45	.10	.03
Scraper, twin engine	8.17	.45	.45	.10	.03
Scraper, Tandem engine	8.43	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.94	.45	.45	.10	.03
Shovels, including all attachments, under 1 cu. yd.	7.94	.45	.45	.10	.03
Shovels, including all attachments, 1 cu. yds. to and including 3 cu. yds.	8.12	.45	.45	.10	.03
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	8.39	.45	.45	.10	.03
Shovels, including all attachments, over 5 cu. yds.	8.52	.45	.45	.10	.03

MODIFICATIONS P. 32

DECISION NO. MT75-5019 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovel Oiler, 3 yards and under	$ 7.43	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yards	7.84	.45	.45	.10	.03
Slip Form Paver	8.07	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.39	.45	.45	.10	.03
Track-type Front End Loaders; up to and including 5 cu. yds.	7.94	.45	.45	.10	.03
Track-type Front End Loaders; over 5 cu. yds. to and including 10 cu. yds.	8.17	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	8.27	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.37	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.94	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.12	.45	.45	.10	.03
Trenching Machine	7.94	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.94	.45	.45	.10	.03
Wagner Roller and similar type	7.94	.45	.45	.10	.03
Whirley Crane	8.47	.45	.45	.10	.03
Whirley Crane Oiler	7.84	.45	.45	.10	.03
Water Pull when used for compaction	7.94	.45	.45	.10	.03
Washing and Screening Plant	7.94	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.43	.45	.45	.10	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #MT75-5029 - Mod #2 (40 FR 7841 - February 21, 1975) Cascade, Flathead, Glacier, Hill, Missoula, Sanders and Valley Counties, Montana					
Change:					
Asbestos Workers	$ 9.65	.44	.80		
Bricklayers:					
Cascade and Glacier Counties	8.25	.30	.30		
Carpenters:					
Valley County					
Carpenter	6.65	.40	.55		.02
Piledrivermen	6.90	.40	.55		.02
Millwright	7.15	.40	.55		.02
Electricians:					
Valley County	8.25	.20	1%		1/2%
Marble Masons:					
Cascade and Glacier Counties	8.25	.30	.30		
DECISION #NV75-5005 - Mod. #2 (40 FR 3918 - January 24, 1975) Nevada Test Site Including Tonopah Test Range in Clark and Nye Counties, Nevada					
Change:					
Asbestos Workers	$11.31	.78	.87		
Carpenters (Nevada Test Site):					
Carpenters	8.64	.45	.60	.80	.03
Floorlayers	8.665	.45	.60	.80	.03
Millwrights	8.94	.45	.60	.80	.03
Carpenters (Tonopah Test Range):					
Carpenters; Power Actuated Tools	6.96	.45		2.10	
Floorlayers; Shinglers	6.985	.45		2.10	
Power Saw Operator (overhead)	7.105	.45		2.10	
Cement Masons:					
Cement Masons	7.55	.50		1.60	.08
Floor Finishing Machine	7.80	.50		1.60	.08
Plumbers; Steamfitters	9.90	.65	1.50	1.60	.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1053 - Mod. #1 (39 FR 42823-December 6, 1974) Statewide, North Dakota					
Change:					
Power Equipment Operators:					
Group 1					
Cableway Operator; Crane Op. with over 135' boom; Derrick (Guy and Stiff Leg),(Power), (skids and stationary); Front end loader over 10 cu. yds.; Gantry crane operator; Mole operator, incl. power supply or tunnel mucking machine; Power shovel and/or other equipment with shovel type controls 3½ cu. yds.	$7.20	.35	.25		
Group 2					
Concrete Mixer Stationary Plant Operator over 34E; Dredge operator or engineer, Dredge operator (power) and engineer; Elevator grader operator; Locomotive crane operator; Master mechanic; Mixer (paving) concrete paving operator, road; Power shovel and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yds.; Scraper tandem; Tandem pusher quad 9 or similar; Tractor operator (pipeline); Side boom; Truck crane operator; Hydrocrane operator, 15 ton and over	7.05	.35	.25		

MODIFICATIONS P. 35

DECISION NO. AR-1053 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 3					
Dope Machine Operator (Pipeline); Drill rigs, heavy duty rotary or churn or cable drill; Front end loader operator, 6 cu. yds. and over Locomotive, all types, Pipeline wrapping, cleaning and bending machine operator; Power actuated horizontal boring machine over 6" op. (pipeline); Pumpcrete operator; Refrigeration plant engineer; Slip form operator (power driven)(paving); Tandem scraper-twin engine, 50 cu. yds. struck and over	$6.90	.35	.25		
Group 4					
Asphalt Paving Machine Operator; Asphalt Plant operator and Console board operator; CMI grading operator; Crushing plant operator (gravel and stone or gravel washing crushing and screening plant operator); Front end loader operator, 1 cu. yd. up to 6 cu. yds.; Grader or motor patrol, finishing earth work and bituminous; Mechanic or welder (heavy duty); Rubber tired industrial tractor with backhoe attachment (water main sanitary sewer and storm sewer, truck line construction); Scraper operator; Tractor type dozer D-6 and over; Trenching machine op., sewer and water, (except ditch witch or similar use oiler rates); Turnapull op., (or similar type)	6.85	.35	.25		

MODIFICATIONS P. 36

DECISION NO. AR-1053 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 5					
Bituminous Spreader and Bituminous Finishing Op. (power); Concrete distributor and spreader operator, finishing machine longitudinal float operator, Pt. machine operator and spray operator; Concrete mixer Op. on job site 165 or over; Paving breaker or tamping machine operator, including machine with power shovel attachments (power driven); Power actuated augers and boring machine operator; Power actuated jacks operator; Power plant engineer, 100 K.W.H. and over; Push tractor; Self-propelled traveling soil stabilizer; Soil cement stabilizer; Truck mechanic	$6.60	.35	.25		
Group 6					
Concrete Saw Operator multiple blade)(power operated); Fine grade Op.; Roller, steel and self-propelled rubber, on hot mix asphalt paving; Tractor type dozer under D-6 H.P.; Distributor operator	6.37	.35	.25		
Group 7					
Brakeman or Switchman; Concrete batch plant operator (cement, rock and sand) electronic; Concrete mixer operator on job site under 165; Crane truck oiler; Grade operator (motor patrol) (haul road); Gravel screening plant operator (portable not crushing or washing);					

DECISION NO. AR-1053 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Greaser (truck or tractor); Gunnite operator gunall; Hoist engineer (power); Launchman (tankerman or pilot license); Pick-up sweeper, 1 yd. and over hopper capacity; Shouldering machine operator (power) (Apsco or similar type) including self-propelled sand chip spreader flaherty or similar; Sheepsfoot roller or compactor (self-propelled)	$5.44	.35	.25		
Group 8					
Crawler Type Tractor Pulling Compaction or Areating Equipment; Farm type rubber tired tractor with backhoe attachment; Self-propelled vibrating patker operator pad type (35 hp and over); Off road self-propelled watering equipment; Boom truck operator; Roller, steel and self-propelled rubber, on other than hot mix	5.29	.35	.25		
Group 9					
Bituminous Spreader and Bituminous Finishing Machine Operator (helper)(power); Concrete batch operator (cement, rock and sand) (manual); Form Trench digger (power); Front end loader operator up to 1 cu. yd.; Hyster carrier or forklift; Leverman; Mechanics' helper or greaser helper; Oiler (power shovel, crane dragline); Pugmill operator; Pump operator (well points); Self-propelled broom	5.19	.35	.25		

DECISION NO. AR-1053 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 10					
Conveyor Operator; Curb Machine Operator (manual); Dredge deck hand; Farm tractors, rubber tired for compacting and areating; Front end loader operator (farm type rubber tired tractor); Stump chipper op.; Tie tamper and ballast machine operator	$4.85	.35	.25		

DECISION #ND75-5031 - Mod. #1
(40 FR 8747 - February 28, 1975)
Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh, and Ward Counties, North Dakota

Change:

Sheet Metal Workers:					
Burleigh, Grand Forks, Morton, Steele and Ward Counties	$8.55				
Cass and Richland Counties	8.04	.40	.10		.01
Elevator Constructors (excluding Walsh County)	8.63	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.39	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3169 - Mod. #1 (39 FR 40401 - November 15, 1974) Ashtabula County, Ohio					
Change:					
Asbestos Workers					
Remainder of County	$10.24	.35	.50		.02
Elevator Constructors	9.31	.445	.29	3%+a+b	.02
Elevator Constructors Helpers	6.45	.445	.29	3%+a+b	.02
Elevator Constructors Helpers (Prob.)	4.605				
Add:					
Ironworkers (N.E. Corner of County)	9.15	.78	.69		.13
Ironworkers (Remainder of County)	9.17	.50	.80	1.00	.03

DECISION NO. AR-90 - Mod. #3 (39 FR 41107 - November 22, 1974) Comanche County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
PAINTERS:					
Brush and roller	$6.75				.05
Brush & roller(structural steel)	7.00				.05
Spray	7.50				.05
Swing stage, bosun chair work	7.00				.05
Taping & bedding (hand tools)	7.15				.05
Sandblasting	7.50				.05
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	7.45	.40			
DECISION NO. AR-85 - Mod. #2 (39 FR 42301 - December 6, 1974) Garfield County, Oklahoma					
Change:					
ELECTRICIANS:					
Zone I	$8.20	.30	1%+.50		1/2%
Zone II	8.45	.30	1%+.50		1/2%
Zone III	8.70	.30	1%+.50		1/2%
CABLE SPLICERS:					
Zone I	8.45	.30	1%+.50		1/2%
Zone II	8.70	.30	1%+.50		1/2%
Zone III	8.95	.30	1%+.50		1/2%
Plumbers-Pipefitters	8.76		.75		

MODIFICATIONS P. 41

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-39 - Mod. #2 (39 FR 43456 - December 13, 1974) McIntosh County, Oklahoma					
Change:					
Bricklayers-Stonemasons	$7.00	.30	.40		.05
CARPENTERS:					
Carpenters	7.60		.25		.01
Millwrights-Piledrivermen	8.10		.25		.01
Lathers	7.65				.01
DECISION NO. OK75-4049 - Mod. #2 (40 FR 6112 - February 7, 1975) Oklahoma, Cleveland, Canadian, Lincoln, McClain, Pottawatomie and Seminole Counties, Oklahoma					
Change:					
ELECTRICIANS:					
Zone I	$8.20	.30	1%+.50		1/2%
Zone II	8.45	.30	1%+.50		1/2%
Zone III	8.70	.30	1%+.50		1/2%
CABLE SPLICERS:					
Zone I	8.45	.30	1%+.50		1/2%
Zone II	8.70	.30	1%+.50		1/2%
Zone III	8.95	.30	1%+.50		1/2%

MODIFICATIONS P. 42

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Decision @AR-2030 - Mod. # 5 (39 FR 31851 - August 30, 1974) Lancaster County, Pennsylvania					
Change:					
Elevator Constructors	$9.08	.445	.29	3%+a+b	.02
Elevator Constructors Helpers	6.36	.445	.29	3%+a+b	.02
Elevators Constructors Helpers (Prob.)	4.54				
Line Construction:					
Linemen & cable splicers	9.60	.25	1%		3/4 of 1%
Groundman	5.76	.25	1%		3/4 of 1%
Winch truck operator	6.72	.25	1%		3/4 of 1%
Sheet metal workers	9.18	.83	.50		.01
Roofers	9.15	.45	.25		
Decision # AQ-2082 - Mod. # 6 (39 FR 12578 - April 5, 1974) Blair County, Pennsylvania					
Change:					
Cement masons	8.15	1.00			
Electricians	10.10	.35	1%+.20	.60	.05
Painters:					
Commercial					
Brush	7.59	.60	.40		.12
Spray	8.09	.60	.40		.12
Painters; Industrial					
Brush	8.44	.60	.40		.12
Spray	9.65	.60	.40		.12
Plasterers	8.45				.01
Sheet metal workers	9.18	.83	.50		.01
Sprinkler Fitters	9.60	.50	.70		.08

MODIFICATIONS P. 43

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Decision #AR-2001 - Mod. # 5 (39 FR 24803 - July 5, 1974) Franklin County, Pennsylvania					
Change:					
Asbestos Workers	$8.61	.42	.30		.01
Bricklayers & Stonemasons	8.50	.50	.38		
Line Construction:					
Linemen & Cable Splicer	9.49	.30	1%		3/8 of 1%
Winch truck operator	6.64	.30	1%		3/8 of 1%
Groundman	5.69	.30	1%		3/8 of 1%
Plumbers & Steamfitters	9.30	.30	.50		.12
Sheet metal workers	9.18	.83	.50		.01
Decision #AR-2027 - Mod. #3 (39 FR 31850 - August 30, 1974) Berks County, Pennsylvania					
Change:					
Electricians:					
Herford, Longswamp and Washington Twps., portion of Maxatawney, Twp., east of Saccony Creek	9.70	.30	1%		.01
Elevator Constructors	9.47	.445	.29	3%+b+c	.02
Elevator Constructors Helpers	6.63	.445	.29	3%+b+c	.02
Elevator Constructors Helpers (Prob.)	4.735				
Line Construction:					
Linemen & Cable Splicer	9.60	.25	1%		3/4 of 1%
Groundman	5.76	.25	1%		3/4 of 1%
Winch Truck Operator	6.72	.25	1%		3/4 of 1%
Roofers:					
Remainder of County	9.15	.45	.25	d	
Sheet metal workers	9.18	.83	.50		.01
Decision # 75-PA-3019 - Mod. # 1 (40 FR 8753 - February 28, 1975) Lehigh County, Pennsylvania					
Change:					
Roofers:					
Albany, Maxatany and Windsor: Composition, damp, waterproofing, slate & tile	$9.15	.45	.25	d	
Sheet metal workers	9.18	.83	.50		.01

MODIFICATIONS P. 44

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. R175-2033- Mod #2 (40 FR 6124- February 7, 1975) Washington County, Rhode Island					
Change:					
Carpenters, soft floor layers, and piledrivermen	$8.81	.60	.40		.05
DECISION #TX75-4026 - Mod. #1 (40 FR 3935 - January 24, 1975) Gregg County, Texas					
Change:					
Ironworkers	$7.95	.30	.35		.04
DECISION #UT75-5026 - Mod. #1 (40 FR 7880 - February 21, 1975) Statewide, Utah					
Change:					
Glaziers					
Weber and Davis (North of the 41st Parallel) Counties	$ 7.20	.245		.515	
Boilermakers	8.90	.65	1.00	.50	.02
Lathers	7.94	.45	.50		.01

DECISION NO. 75VA-3004 - Mod. #1
(40 FR 941 - January 3, 1975)
York County and the cities of Hampton and Newport News including Langley AFB, Fort Eustis and Fort Monroe, Virginia.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Electricians:					
Zone 1 - within 15 miles radius of 1600 - 25th St., Newport News:					
Electricians & Linemen	$7.80	.35	1%		1%
Cable Splicers	8.05	.35	1%		1%
Zone 2 - within 15 to 30 miles radius of 1600 - 25th St., Newport News:					
Electricians & Linemen	8.10	.35	1%		1%
Cable Splicers	8.35	.35	1%		1%
Zone 3 - beyond 30 miles radius of 1600 - 25th St., Newport News:					
Electricians & Linemen	8.50	.35	1%		1%
Cable Splicers	8.75	.35	1%		1%
Ironworkers:					
Structural, ornamental, riggers, reinforcing, fence erectors, machinery movers	7.40	.45	.40		.04
Plasterers	8.02				
Terrazzo Workers & Tile Setters	6.30			.30	

DECISION NO. 75VA-3005 - Mod. #1
(40 FR 944 - January 3, 1975)
The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia.

CHANGE:					
Electricians	$7.50	5%	1%+5%		1%
Ironworkers:					
Structural, ornamental, machinery movers, riggers, fence erectors and reinforcing	7.40	.45	.40		.04
Linemen:					
Linemen & Cable Splicers.	7.50	5%	1%+5%		1%
Marble Setters	6.00	.35	.20		
Terrazzo Workers & Tile Setters	6.00	.35	.20		

DECISION NO. VA75-3006 - Mod. #1
(40 FR 946 - January 3, 1975)
Henrico County and the City of Richmond, Virginia.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Bricklayers and Stonemasons	$7.75	.45	.20		.01
Plumbers and Steamfitters	8.40	.40	.30		.05

DECISION #WV75-3007 - Mod. #3
(40 FR 6136 - February 7, 1975)
Barbour, Boone, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Ritchie, Tyler, Upshur, Wayne, Wetzel, Wirt & Wood Counties, West Virginia

Change:					
Boilermakers:					
Zone 1	$8.55	.60	.80	1.00	.02
Lathers:					
Zone 1	8.30		.10		.01

DECISION #WV75-3009 - Mod. #2
(40 FR 4883 - January 31, 1975)
Statewide, West Virginia

Change:
Plumbers & Pipefitters:
Zone 7
Delete McDowell & Wyoming Counties
Zone 8
Add McDowell & Wyoming Counties

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Pulaski
DECISION NO: AR75-4068 DATE: Date of Publication
Supersedes Decision No. AR75-4018 dated January 17, 1975 in 40 FR 3049
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$7.15	.30	.25		.02
Carpenters	5.57				
Cement masons	6.19				
Electricians	5.77				
Ironworkers	6.88				
Laborers	2.91				
Lathers	7.40				
Painters, brush	5.865				
Plasterers	7.40				.02
Plumbers and pipefitters	7.75				
Roofers	6.05		.05		
Sheet metal workers	5.02				
Soft floor layers	5.00				
Tile setters	6.05				
Tile setters' helpers	3.50				
Truck drivers	3.06				
Power Equipment Operators:					
Asphalt raker	3.50				
Backhoe	4.00				
Blade grader	4.00				
Bulldozer	4.50				
Fork lift	4.40				
Pumps	4.10				
Roller	4.50				
Tractor	4.00				

SUPERSEDEAS DECISION

STATE: Florida COUNTIES: Martin & Palm Beach
DECISION NUMBER: FL75-1033 DATE: Date of Publication
Supersedes Decision No.: AQ-4092 dated March 22, 1974 in 39 FR 10993
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.
Air conditioning & refrigeration mechanic	9.52	.39	.55		.16
Asbestos workers	9.90	.35	.40		.04
Boilermakers	8.20	.60	.90		.02
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, tile setters	8.42	.40	.50		
Carpenters & soft floor layers	8.65	.55	.45		.03
Electricians	9.50	3.5%	1%	6%	1.5%
Cable splicers	10.45	3.5%	1%	6%	1.5%
Elevator Constructors	9.34	.395	.26	2%+a&b	.02
Elevator Constructors' helpers	70%JR	.395	.26	2%+a&b	.02
Elevator Constructors helpers (Pro.h.)	50%JR				
Glaziers	8.40	.25	.20		
Ironworkers	8.35	.45	.38	.50	.10
Laborers:					
General	6.50	.60	.30		.01
Mason tenders, mortar mixers, air tool operators & pipelayers	6.60	.60	.30		.01
Plasterers tenders	6.78	.60	.30		.01
Lathers	7.47		.10		.025
Line Construction:					
Linemen	9.15	3.5%	1%		3/8 of 1%
Cable splicers	9.45	3.5%	1%		3/8 of 1%
Winch truck operators	7.28	3.5%	1%		3/8 of 1%
Groundmen	4.98	3.5%	1%		3/8 of 1%
Truck drivers	5.99	3.5%	1%		3/8 of 1%
Heavy equipment operators	9.15	3.5%	1%		3/8 of 1%
Millwrights	8.95	.55	.45		.01
Painters, brush	7.27	.25	.30		.03
Piledrivermen	8.70	.55	.45		.03
Plumbers & steamfitters	9.52	.39	.55		.16
Roofers	9.65				
Sheet metal workers	9.10	.38	.25		.02
Sprinkler fitters	9.31	.50	.70		.10
Riveters & Welders - Rate for craft					

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS (WHERE APPLICABLE)
A-New Year s Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day

FL75-1033 P. 3 1-FLA-PCO-1-A (1-1)

Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payment: H & W	Pensions	Vacation	App. Tr.	Other
Air Compressors	$4.25					
Backhoe	5.20					
Batching plants	4.75					
Boring & Drilling machines (all types)	4.75					
Bulldozer & Pans	4.25					
Clam shell	5.20					
Compressor, small (under 105 cu. ft.)	3.90					
Cranes:						a.
Cranes or Derricks	5.20					
Austin Western Crane	5.20					
Hydro Crane	5.20					
Two (2) Operators on Tower Cranes	5.35					
Distributor - Bituminous	4.00					
Dragline	5.20					
Drilling of Piling (all types)	5.20					
Earth freezing equip. (all types)	5.20					
Finishing machine - paving	4.00					
Fireman	4.25					
Front end loader	4.25					
Generator (electric power supply)	4.50					
Gradall	5.20					
Hoist	5.20					
Jet pump	4.25					
Mechanics	4.75					
Mixers - Charger Pan	4.00					
Motor grader - finish grade	4.75					
Motor grader - pans & pulls & other dirt moving equipment	4.25					
Piledriver	5.20					
Pumps under 6"	3.90					
Pumps 6" and over	4.25					
Pumps concrete machines (all types)	4.75					
Pumps motor mixer (all types)	4.60					
Rollers	4.25					
Scraper	4.00					
Shovel	5.20					
Tractor boom	4.75					
Trenching machine	4.25					
Welding machines limit (4)	3.75					
Well points 1 system limit 3 pumps not over 600' distance	3.90					
Winch trucks & A frames	4.40					

FOOTNOTES: (Where Applicable)

a. Cranes with 150' boom or more additional 25¢ per hour

STATE: Florida COUNTY: Leon
DECISION NUMBER: FL75-1036 DATE: Date of Publication
Supersedes Decision No.: AR-4028 dated August 30, 1974 in 39 FR 31735
DESCRIPTION OF WORK: Building Construction, (exluding single family homes and garden type apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	8.81	.30	.30		.04
Boilermakers	8.20	.60	.90		.02
Bricklayers:					
Bricklayers	6.75	.30	.10		.08
Stone masons	6.75	.30	.10		.08
Marble masons	6.10	.30	.10		.08
Terrazzo workers	6.10	.30	.10		.08
Tile setters	6.10	.30	.10		.08
Cement masons	6.10	.30	.10		.08
Carpenters:					
Carpenters	6.30	.15			.03
Soft Floor layers	6.30	15			.03
Electricians	8.20		1%		½ of 1%
Cable splicers	8.45		1%		½ of 1%
Elevator constructors	7.52	.395	.26	2%+a&b	.02
Elevator constructors helpers	70%ER	.395	.26	2%+a&b	.02
Elevator constructors helpers (prob.)	50%ER				
Glaziers	8.00		.20		.01
Ironworkers:					
Structural & Ornamental	7.75	.47	.60		
Reinforcing	7.75	.47	.60		
Laborers	3.85	.20			
Mason tenders, plaster tender, mortar mixers, grouter and concrete cutters	4.00	.20			
Mechanical tool, power buggy ops pipelayers and gunite workers	4.00				
Millwrights	5.23	.19	.15		.02
Painters:					
Brush	4.75				
Structural steel	5.25				
Spray	5.52				
Plasterers	6.35	.30	.10		.08
Piledrivermen	5.70				.01
Plumbers	6.80	.25	.25		.05
Roofers	7.25	.25	.20		.02
Roofers helpers	4.20	.25	.20		.02
Roofers kettlemen	5.10	.25	.20		.02
Sprinkler fitters	9.31	.50	.70		.10
Steamfitters	6.30	.25	.25		.05
Welders - Rate for Craft					

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.03	.40	.35		.05
GROUP II	6.96	.40	.35		.05
GROUP III	6.12	.40	.35		.05
GROUP IV	5.04	.40	.35		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60-2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift or forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrapers

GROUP III: Concrete pumps, front end loader (2 cy or less not used as hoist) mobile winch trucks, self-propelled sub-grader, asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines

GROUP IV: Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year s Day: B-Memorial Day: C-Independence Day: D-Labor Day:
E-Thanksgiving Day: F-Christmas Day

SUPERSEDEAS DECISION

STATE: Florida COUNTY: *See below
DECISION NUMBER: FL75-1040 DATE: Date of Publication
Supersedes Decision No.: AR-4001 dated July 5, 1974 in 39 FR 24776
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

64-FLA-1. (2-2)

*Volusia County-(except Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only and including Melahar Radar Site), Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	7.88	.30	.30		.02
Boilermakers	7.50	.40	.90		.02
Bricklayers	8.05				
*Carpenters	6.67	.30	.10		.02
Cement masons	7.35				.01
Electricians	7.95	.30	1%		.5%
Cable splicers	8.20	.30	1%		.5%
Elevator constructors	7.52	.395	.26	2%+a&b	.02
Elevator constructors helpers	70%JR	.395	.26	2%+a&b	.02
Elevator constructors helpers (prob.)	50%JR				
Glaziers	7.35		.10		.01
Ironworkers	7.18	.40	.29	.50	.01
Laborers:					
Laborers					
Air tool operators	4.75	.15			
Mason tenders	4.75	.15			
Mortar mixers	4.75	.15			
Pipelayers (concrete & clay)	4.75	.15			
Plasterers tenders	4.75	.15			
Lathers	7.05	.30	.20		.05
Marble setters	7.60				
Millwrights		.45	45		.04
Painters:					
Brush	6.10		.20		
Spray	6.35		.20		
Paperhangers	6.35		.20		
Stage (to & including 6 floors)	6.35		.20		
Sandblasters	7.10		.20		
Piledrivermen	6.32	.30	.10		.02
Plasterers	7.70				
Plumbers & Steamfitters	8.55	.40	.45		
Roofers	6.75	.30	.20		
Kettlemen	5.30	.30	.20		
Roofers helpers	4.65	.30	.20		
Sheet metal workers	7.33	.20	.20	.20	.01
Soft floor layers	6.22	.30	.10		.02
Sprinkler fitters	9.31	.50	.70		10
Stonemasons	7.60				
Tile & Terrazzo workers	7.60				
Welders - Rate for craft.					

FOOTNOTES:
a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS: (WHERE APPLICABLE)
A. New Year's Day B. Memorial Day C. Independence Day
D. Labor Day E. Thanksgiving Day F. Christmas Day

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	8.03	.40	.35		.05
GROUP II	6.96	.40	.35		.05
GROUP III	6.12	.40	.35		.05
GROUP IV	5.04	.40	.35		.05

GROUP I: Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machines for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator (similar to R.G. LeTourneau Model L-60 2 or 3 twenty cu. yd. scrapers), front end loaders, (over 4 cy cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.) tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 tons cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)

GROUP II: Bulldozers, bridge cranes (20 tons & under), highlift of forklift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., 4 cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrpaers

GROUP III: Concrete pumps, front end loader (2cy or less not used as hoist) mobile winch trucks, self-propelled sub-grader asphalt paving machine concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers street sweeping machines

GROUP IV: Tractors operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck drivers, motor boat operator, oiler, mechanics' helpers, pumpman (other than well point up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine, conveyor (motor operated), welding machine op (3 or more combustion type, pulver mixer, compressor (1 to and including 3 compressors within 3 cu. ft. raduis).

SUPERSEDEAS DECISION

STATE: Kansas, Missouri and Nebraska

COUNTIES: Atchison, Doniphan, Leavenworth, and Wyandotte Counties, Kansas; Andrew, Atchison, Boone, Buchanan, Callaway, Carroll, Chariton, Clay, Cole, Cooper, Franklin, Gasconade, Holt, Howard, Jackson, Lafayette, Moniteau, Montgomery, Osage, Platte, Ray, Saline, St. Charles, St. Louis and Warren Counties, Missouri; Nemaha and Richardson Counties, Nebraska

DECISION NO.: MO75-4070

DATE: Date of Publication

Supersedes Decision No. MO75-4060, dated March 7, 1975, in 40 FR 10898.

DESCRIPTION OF WORK: Maintenance Dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Atchison, Doniphan, Leavenworth and Wyandotte Counties, Kansas; Andrew, Atchison, Buchanan, Carroll, Chariton, Clay, Cooper, Holt, Howard, Jackson, Lafayette, Platte, Ray and Saline Counties, Missouri; Nemaha and Richardson Counties, Nebraska:					
Maintenance Dredging					
Leverman, Engineer, Mechanic and Boatman	$9.57	.50	.75		.10
Oiler	8.15	.50	.75		.10
Boone, Callaway, Cole, Franklin, Gasconade, Moniteau, Montgomery, Osage, St. Charles, St. Louis and Warren Counties, Missouri:					
Maintenance Dredging					
Leveman, Engineer, Mechanic and Boatman	10.05	.35	.50		.02
Oiler	8.63	.35	.50		.02
Atchison, Doniphan, Leavenworth and Wyandotte Counties, Kansas; Andrew, Atchison, Buchanan, Carroll, Clay, Holt, Jackson, Lafayette, Platte, Ray and Saline Counties, Missouri; Nemaha and Richardson Counties, Nebraska:					
Maintenance Dredging					
Deckhand	7.36	.50	.50		.10
Boone, Callaway, Cole, Cooper, Franklin, Gasconade, Howard, Moniteau, Montgomery, Osage, St. Charles, St. Louis and Warren Counties, Missouri:					
Maintenance Dredging					
Deckhand	7.46	.40	.50		.10

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte, & Ray Missouri; Johnson & Wyandotte, Kansas

DECISION NO.: MO75-4071

DATE: Date of Publication

Supersedes Decision No. AQ-62, dated November 23, 1973, in 38 FR 32388.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.02	.40	.70		.02
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS and Stonemasons	9.075	.35	.35	.50	
CARPENTERS, MILLWRIGHTS, PILEDRIVERMEN	8.62	.33	.30	.25	.05
CEMENT MASONS:					
Cement masons	8.725	.40	.50	.25	
Composition	8.975	.40	.50	.25	
ELECTRICIANS: (Up to and including 3 stories)					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri, not including Pleasant Hill	7.21	.23	1%+.27	.80	.03
Zone 2 - Remainder of Cass, Clay, Jackson, and Platte Counties, Missouri	6.54	.23	1%+.27	.80	.03
Zone 3 - Ray Counties, Missouri	6.54	.23	1%+.27	.80	.03
ELECTRICIANS (4 Stories):					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County; Northwestern portion of Cass County, Missouri, not including Pleasant Hill	9.22	.23	1%+.27	.80	.03
Zone 2 - Remainder of Cass, Clay, Jackson and Platte Counties, Missouri:					
Electricians (contracts $5,000 and over)	9.22	.23	1%+.27	.80	.03
Electricians (contracts under $5,000)	8.67	.23	1%+.27	.80	.03

DECISION NO. MO75-4071

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (4 Stories)(Cont'd)					
Zone 3 - Ray County, Missouri:					
Electricians (contracts $5,000 and over)	$ 9.22	.23	1%+.27	.80	.03
Electricians (contracts under $5,000)	8.06	.23	1%+.28	.80	.03
ELECTRICIANS:					
Zone 1 - Johnson County, Kansas (that portion of Johnson County west of Aubry, Oxford and Shawnee Townships)	5.15	.35	1%+.20		2/10%
Zone 2 - Remainder of Johnson County, Kansas	7.21	.35	1%+.20		2/10%
Zone 3 - Wyandotte County, Kansas	7.21	.35	1%+.20		2/10%
ELEVATOR CONSTRUCTORS	9.45	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

FOOTNOTE: a. Employer contributes 4% basic hourly rate for over 5 yrs.' service, and 2% of basic hourly rate for 6 mos. to 5 yrs. as Vacation Pay Credit.
b. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

GLAZIERS	8.675	.35	.27	.99	.01
IRONWORKERS	8.90	.60	.80	1.00	.05

DECISION NO. HD75-4071

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building Construction					
Zone 1 - Cass, Clay, Jackson, and Platte Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Group 1	$ 7.10	.45	.40		.10
Group 2	7.195	.45	.40		.10
Group 3	7.295	.45	.40		.10
Group 4	7.39	.45	.40		.10
Group 5	7.49	.45	.40		.10

LABORERS
Building Construction

Zone 1

CLASSIFICATION DEFINITIONS

Group 1: General labor; Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)

Group 2: Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and back filling), power tool operators; Pier hole diggers (over 10 ft.); Virbator, jackhammer, and chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on pulverizers; Reinforcing steel handlers; Air tamp operators; Ditch witch operators; Swinging scaffolds

Group 3: Cutting torch or burner men; Georgia buggies (self-propelled); Fork lift; Hoseman; Insulation man

Group 4: Fork lift (masonry); Brick tender; Plasterer tender; Stonemasons tender (includes all hod carriers calssifications previously shown as mortar men and scaffolding)

Group 5: Barco, jackson or similar tamp operators; Asphalt rakers; Powder men; Mastic hot kettle men; Sandblasting and gunnite nozzlemen; Wagon and churn drill operators

DECISION NO. HD75-4071

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building Construction					
Zone 2 - Ray County, Missouri					
Group 1	$6.80	.45	.40		.10
Group 2	6.90	.45	.40		.10
Group 3	6.975	.45	.40		.10
Group 4	7.05	.45	.40		.10
Group 5	7.15	.45	.40		.10

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1: General labor; Wire mesh handlers or setters; Carpenter tender; Track men; Flagmen; Signalmen; Salamander tenders; Window cleaners; Floor cleaners; Landscape men; Sod layers; Wrecker (for alterations or entire projects)

Group 2: Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and brck filling), power tool operators; Pier hole diggers (over 10 ft.); Vibrator, jackhammer, and chipping hammer operators; Chain saw operators; Concrete saw operators; Brush feeders on pulverizers; Reinforcing steel handlers; Air tamp operators; Ditch witch operators; Swinging scaffolds

Group 3: Cutting torch or burner men; Georgia buggies (self-propelled); Fork lift; Hoseman; Insulation man

Group 4: Fork lift (masonry); Brick tender; Plasterer tender; Stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding)

Group 5: Barco, jackson or similar tamp operators; Asphalt rakers; Powder men; Mastic hot kettle men; Sandblasting and gunnite nozzlemen; Wagon and churn drill operators

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Cont'd)					
Site preparation and grading					
Zone 3 - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidential Paving and Utilities Clay, Jackson, Platte and Ray Cos., Missouri					
Group 1	$ 7.30	.50	.50	.65	.10
Group 2	7.45	.50	.50	.65	.10
Group 3	7.60	.50	.50	.65	.10
Group 4	7.80	.50	.50	.65	.10
Group 5	8.10	.50	.50	.65	.10

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1: Carpenter tenders; Slamanader tenders; Dump man and ticket takers on stock piles; Flagmen; Loading trucks under bins, hoppers and conveyors; Track men and all other general laborers

Group 2: Air tool operators; Cement handler (bulk or sack); Chain or concrete saw; Deck hands; Dump man on earth fill; Grade checkers on cuts and fills; Georgia buggies man; Material batch hopper man; Scale man; Material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); Riprap pavers rock, block or brick; Signalman; Scaffolds over 10 ft. not self-supported from ground up; Skipman on concrete paving; Vibrator man; Wire mesh setters on concrete paving; All work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; Power tool operator; All work in connection with hydraulic or general dredging operations; Form setter helpers; Puddlers (paving only)

Group 3: Crusher feeder; Men handling creosote ties or creosote materials; Men working with and handling epoxy material or materials (where special protection is required); Head pipe layer on sewer work; Topper of standing trees; Batter board man on pipe and ditch work; Feeder man on wood pulverizers; Board and willow mat weavers and cable tiers on river work; All laborers working on underground tunnels where compressed air is not used

Group 4: Spreader or screed man on asphalt machine; Asphalt raker; Laser beam man; Barco tamper; Jackson or any other similar tamp; Wagon driller; Churn drills; Air track drills and all other similar drills; Form setters; Cutting torch man; Liners and stringline men on concrete paving, curbs, gutters and etc.; Hot mastic kettleman; Hot tar applicator; Hand blade operators; Manhole builders helpers and mortar men on brick or block manholes; Sandblasting and gunnite nozzle men; Rubbing concrete; Air tool operator in tunnels

Group 5: Manhole builder (brick or block); Dynamite and powder men

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$9.10	.20			
MARBLE and TILE SETTERS	9.70	3.65%	3.25%		
MARBLE and TILE SETTERS' HELPERS	7.98				
PAINTERS:					
Brush and Tapers	8.74	.30	.35		.06
Spray	9.74	.30	.35		.06
PLASTERERS	9.65	.30			
PIPEFITTERS	9.37	.47	.90		.06
PLUMBERS	9.64	.50	.60		.06
POWER EQUIPMENT OPERATORS:					
Building Construction (Zone 1)					
Group 1	9.25	.50	.75	.75	.10
Group 2	9.00	.50	.75	.75	.10
Group 3	8.00	.50	.75	.75	.10
Group 4	8.75	.50	.75	.75	.10
Group 5	8.50	.50	.75	.75	.10
Group 6	8.50	.50	.75	.75	.10
Group 7	9.50	.50	.75	.75	.10
Group 8	9.75	.50	.75	.75	.10
Group 9	9.25	.50	.75	.75	.10
Group 10	10.25	.50	.75	.75	.10
Group 11	9.75	.50	.75	.75	.10
Group 12:					
(a)	9.00	.50	.75	.75	.10
(b)	8.75	.50	.75	.75	.10
(c)	8.75	.50	.75	.75	.10
(d)	8.25	.50	.75	.75	.10

POWER EQUIPMENT OPERATORS (Cont'd)

CLASSIFICATION DEFINITIONS

Zone 1

Group 1: Asphalt paver and spreader; Asphalt plant mixer operator; Asphalt plant operator; Back fillers; Backhoe, all types; Barber-greene loader (similar type); Blade-power, all types; Boats-power; Boilers (2); Boring machines (all types); Cablewnys; Cherry pickers (all types); Chip spreader; Clamshells; Combination concrete hoist and mixer such as mixermobile (with tower, 50c per hour additional); Compressors (2) 105 ft. or over not more than 20' apart; Compressors tandem (any sizes); Compressors single, truck mounted; Concrete ready-mixed plant, portable (job site); Concrete mixer paver; Crane-overhead; Crusher, rock; Derricks and derrick cars (power operated); Ditching machines; Dozers; Draglines; Dredges-any type power; Grade-all similar type; Hoist, endless chain - power operated with power travel; Loaders - all types; Locomotives all types; Mechanic and welder; Mucking machine; Orange peels; Pile drivers - all types; Pumps - material all types; Push cats; Scoops all types; Self-propelled rotary drill; Shovel, power; Side boom; Skimmer scoop; Testhole machine; Throttle man

Group 2: A-frame trucks; Boilers (1); Brooms-power operated (all types); Chip spreader (front man); Clef plane operator; Compressors (1) 105' or over; Concrete saws, self-propelled); Conveyor operator; Crab-power operated; Curb finishing machine; Firemen on rigs; Flex plane; Floating machine; Form grader; Fork lift-all types and sizes (except masonry); Greaser; Hoist; Hoist, endless chain - power operated; Hopper - power operated; Hydra hammer (all types); Lad-a-vator - similar type; Mixers with side loaders); Pumps (with well points); Pump; Rollers - all types; Siphons, jets and jennies; Sub-grader; Tractors over 50 h.p.

Group 3: Oiler

Group 4: Forl lift-masonry

Group 5: Oiler driver all types

Group 6: Tractors (except when hauling material less than 50 h.p.

Group 7: Clamshells, 80 ft. of boom or over (including jib); Crane or rigs, 80 ft. or boom or over (including jib); Draglines, 80 ft. of boom or over (including jib); Piledrivers, 80 ft. of boom or over (including jib)

Group 8: Crane or rigs, over 200 ft. of boom

Group 9: Hoists each additional drum over 1 drum

Group 10: Master Mechanic

Group 11: Crane - tower or climbing

Group 12: Ready Mixer Concrete Plants: (a) Crane operator; (b) Loader operator; (c) Plant man; (d) Conveyor operator

DECISION NO. M075-4071

POWER EQUIPMENT OPERATORS (Cont'd) Site Preparation and Grading - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidential Paving and Utilities-Clay, Jackson, Platte, and Ray Counties, Missouri	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Zone 2					
Group 1	$9.35	.50	.75	.75	.10
Group 2	9.10	.50	.75	.75	.10
Group 3	8.85	.50	.75	.75	.10
Group 4	8.10	.50	.75	.75	.10
Group 5	8.60	.50	.75	.75	.10
Group 6	9.60	.50	.75	.75	.10
Group 7	9.85	.50	.75	.75	.10
Group 8	9.35	.50	.75	.75	.10

POWER EQUIPMENT OPERATORS (Cont'd)

CLASSIFICATION DEFINITIONS

Zone 2

Group 1: Asphalt paver and spreader; Asphalt plant console operator; Auto grader; Backhoe; Blade operator, all types; Boilers-2; Booster pump on dredge; Boring machine (truck or crane mounted); Bulldozer operator; Clamshell operator; Compressor maintenance operator-2; Concrete plant operator, central mix; Concrete mixer paver; Crane operator; Derrick or derrick trucks; Ditching machine; Dragline operator; Dredge engineman; Dredge operator; Drill cat with compressor mounted on cat; Drilling or boring machine, rotary, self-propelled; High loader-fork lift; Hoisting engine-2 active drums; Locomotive operator, standard gauge; Mechanics and welders, field or shop; Maintenance operator; Mucking machine pile driver operator; Pitman crane operator; Pump-2; Quad-trac; Scoop operator-all types; Scoops in tandem; Self-propelled rotary drill (Leroy or equal - not air trac); Shovel operator; Side discharge spreader; Sideboom cats; Skimmer scoop operator; Slip-form paver (CMI, REX, or equal); Throttle man; Truck crane; Welding machine maintenance operator-2

Group 2: A-frame truck; Asphalt hot mix silo; Asphalt plant fireman, drum or boiler; Asphalt plant mixer operator; Asphalt plant man; Asphalt roller operator; Backfiller operator; Chip spreader; Concrete batch plant, dry-power operated; Concrete mixer operator, skip loader; Concrete pump operator; Crusher operator; Elevating grader operator; Greaser; Hoisting engine-1 drum; Latourneau rooter; Multiple compactor; Pavement breaker, self-propelled, of the hydra-hammer or similar type; Power shield; Pug mill operator; Stump cutting machine; Towboat operator; Tractor operator over 50 h.p.

Group 3: Boilers - 1 ; Chip spreader (front man); Churn drill operator; Compressor maintenance operator-1; Concrete saws, self-propelled; Conveyor operator; Distributor operator; Finishing machine operator; Fireman, rig; Float operator; Form grader operator; Pump; Pump maintenance operator, other than dredge; Roller operator, other than high type asphalt; Screening and washing plant operator; Self propelled street broom or sweeper; Siphons and jets; Sub-grading machine operator; Tank car heater operator-combination boiler and booster; Tractor, 50 h.p. or less with attachments; Vibrating machine operator, not hand; Welding machine Maintenance operator - 1

Group 4: Mechanic's Helpers; Oilers

Group 5: Oiler driver, all types

Group 6: Clamshells, 3 yds. capacity or over; Crane or rigs, 80 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Pile-drivers, 80 ft. of boom or over (including jib); Shovels, 3 yds. capacity or over

POWER EQUIPMENT OPERATORS (Cont'd)

CLASSIFICATION DEFINITIONS

Zone 2 (Cont'd)

Group 7: Crane or rigs, over 200 ft. or boom (including jib)

Group 8: Hoists (each additional drum over 1 drum)
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty cents (50c) per hour above the regular classification.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$8.80	.30	.60		.04
SHEET METAL WORKERS	9.905	.35	.50	.75	.02
SOFT FLOOR LAYERS	7.55	.35	.45	.755	.05
SPRINKLER FITTERS	9.54	.50	.70		.06
TERRAZZO WORKERS	9.37	3.65%	3.25%		
TERRAZZO WORKERS' HELPERS	4.55				
TERRAZZO BASE MACHINE GRINDERS	4.90				
TRUCK DRIVERS:					
Building Construction					
Zone 1					
Group 1	7.625	.25	.50		
Group 2	7.675	.25	.50		
Group 3	7.75	.25	.50		
Group 4	7.875	.25	.50		
Group 5	7.775	.25	.50		
Group 6	7.975	.25	.50		
Group 7	7.825	.25	.50		
Group 8	7.725	.25	.50		

CLASSIFICATION DEFINITIONS

Zone 1

Group 1: Warehousemen and stock man

Group 2: Flat beds; Pick-ups; Dump trucks, under 10 yds.

Group 3: Dump trucks, 10 yds. and over; Steel trucks; Semi truck drivers

Group 4: Straddle trucks; Wheel tractors (when used for towing); Hydro lift trucks; Hydraulically operated aerial lifts; Heavy hauling, a-Frame winch and fork lifts; Heavy excavating (dumpter, Euclid, etc.); Double bottom units (20 tons capacity and over)

Group 5: Distributor truck drivers and operators; Oilers, greasers and mechanics' helpers

Group 6: Mechanics

Group 7: Transit mix, 5 yds. and over

Group 8: Transit mix, under 5 yds.

DECISION NO. MD75-4071

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd) Site Preparation and Grading - Johnson and Wyandotte Counties, Kansas; Site Preparation, Incidential Paving and Utilities- Clay, Jackson, Platte and Ray Counties, Missouri					
Zone 2					
Group 1	$8.09	.50	.50	.75	
Group 2	8.29	.50	.50	.75	
Group 3	8.60	.50	.50	.75	
Group 4	8.75	.50	.50	.75	
Group 5	7.865	.50	.50	.75	

CLASSIFICATION DEFINITIONS

Zone 2

Group 1: One team; Station wagons; Pickup trucks; Material trucks, single axle; Tank wagon drivers, single axle

Group 2: Material trucks, tandem; Two teams; Semi-trailers; Winch trucks - fork trucks; Distributor drivers and operators; Agitator and transit mix; Tank wagon drivers, single axle; Tank wagon drivers tandem or semi-trailer; Insley wagons; Dump trucks, excavating, 5 cu. yds. and over; Dumpsters; Half-tracks; Speedace; Euclids and other similar excavating equipment

Group 3: A-frame, lowboy, and boom truck driver

Group 4: Mechanics and welders

Group 5: Mechanics' helpers, oilers and greasers

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidential.

SUPERSEDEAS DECISION

STATE: Missouri

COUNTIES: Franklin, Jefferson, Lincoln, St. Charles, Warren & City & County of St. Louis

DECISION NO.: M075-4072

DATE: Date of Publication

Supersedes Decision No. AQ-91, dated April 19, 1974, in 39 FR 14157.

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:					
Asbestos workers	$10.48	.45	.62		
Swing stage of bosun's chair	10.73	.45	.62		
Asbestos workers requiring spray in application	10.73	.45	.62		
BOILERMAKERS	9.05	.70	1.00		.02
BRICKLAYERS: STONEMASONS	8.25	.52	.70	.65	.02
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN:					
ZONE 1 - Lincoln County; St. Louis City and County	8.66	.30	.30		
CARPENTERS:					
ZONE 2 - Franklin County;					
Contracts $50,000.00 and under	7.35	.30	.30		
Contracts over $50,000.00	8.66	.30	.30		
ZONE 3 - Jefferson County:					
Contracts $25,000.00 and under	7.855	.30	.30		
Contracts over $25,000.00	8.66	.30	.30		
ZONE 4 - St. Charles County:					
Contracts under $100,000.00	7.90	.30	.30		
Contracts $100,000.00 or more	8.66	.30	.30		
ZONE 5 - Warren County:					
Contracts $100,000.00 and under	7.35	.30	.30		
Contracts over $100,000.00	8.66	.30	.30		
CEMENT MASONS	9.10	.75	.60		
ELECTRICIANS	8.93	5%	1%+5½%	15½%	1%
ELEVATOR CONSTRUCTORS	9.24	.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' service and 2% of basic hourly rate for 6 months to 5 years as vacation Pay Credit.					
b.-Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day.					
GLAZIERS	8.41	.42	.78	6%+c	.01
FOOTNOTE: c-Paid Holidays; New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving Day; Friday After Thanksgiving Day; Christmas Day.					
IRONWORKERS	8.975	.55	.70		.05
LABORERS:					
ZONE 1 - City & County of St. Louis:					
General laborer	8.075	.40	.75		.03
Wrecking	7.95	.40	.75		.03
Plumber laborer	8.45	.40	.75		.03
Dynamiter or powderman	8.575	.40	.75		.03

DECISION NO. M075-4072

LABORERS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 2 - Franklin County:					
Contracts $100,000.00 or less:					
General laborer	5.25	.40	.25		
Mason tenders; plumber laborer; plaster tenders	5.45	.40	.25		
Contracts over $100,000.00:					
General laborer	6.75	.40	.25		
Mason tenders; plumber laborer; plaster tenders	6.95	.40	.25		
ZONE 3 - Jefferson County:					
Laborers	6.65	.30	.30		
Powderman	7.00	.30	.30		
Mason tenders, plaster tender	6.95	.30	.30		
ZONE 4 - St. Charles County:					
General laborer	8.125	.50	.45		
Dynamiter or powderman	8.625	.50	.45		
Plumber laborers	8.60	.50	.45		
ZONE 5 - Lincoln and Warren Counties:					
General laborer	7.625	.50	.45		
Dynamiter or powderman	8.125	.50	.45		
Plumber laborers	8.10	.50	.45		
LATHERS	9.475				.01
MARBLE SETTERS	8.79	.325	.50		
MARBLE SETTERS HELPER	8.48				
PAINTERS (Excluding Lincoln County):					
Brush	8.83	.30	.30	.21	
Spray	10.33	.30	.30	.21	
PIPEFITTERS:					
ZONE 1 - Jobs within the boundaries of the City of St. Louis and St. Louis County	8.80	2.775	.90		
ZONE 2 - Jobs within twenty miles beyond the boundary line of St. Louis County	9.18	2.775	.90		
ZONE 3 - Jobs more than twenty miles beyond the boundary line of St. Louis County	9.36	2.775	.90		
PLASTERERS	9.25	.325	.50		.03
PLUMBERS	9.455	.50	.50	.80	
PLUMBERS & PIPEFITTERS (Lincoln County)	9.36	2.775	.90		

DECISION NO. MO75-4072

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1 - St. Louis County:					
Group 1	8.52	.35	.40		
Group 2	7.97	.35	.40		
Group 3	7.52	.35	.40		
Group 4:					
(a)	9.32	.35	.40		
(b)	10.07	.35	.40		
(c)	10.52	.35	.40		
(d)	11.27	.35	.40		
(e)	9.02	.35	.40		
(f)	8.02	.35	.40		
(g)	8.52	.35	.40		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (ZONE 1)

Group 1 - Backhoe, cableway, crane, crawler or truck, crane, hydraulic-truck or cruiser mounted-16 tons & over, crane, locomotive, derrick, steam, derrick car & derrick boat, dragline, dredge, gradall, crawler or tire mounted, locomotive, gas, steam & other powers, piledriver, land or floating, scoop, skimmer, shovel, power (steam, gas, electric or other powers), switch boat, whirley, air tugger w/air compressor, anchor placing barge, asphalt spreader, athey force feed loader (self-propelled), backfilling machine, boat operator-push boat or tow boat (job site), boiler, high pressure breaking in period, boom truck placing or erecting, boring machine footing foundation, bullfloat, cherry picker, combination concrete hoist & mixer such as mixermobile, compressors, two, not more than 20 ft. apart, compressors, not more than five ft. apart, compressor-welder combination, concrete breaker (truck or tractor mounted), concrete pump, such as a pumpcrete machine, concrete spreader, conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both, crane, hydraulic-rough terrain, self-propelled, crane hydraulic-truck or cruiser mounted-under 16 tons, drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and barco equipment-no engineer required), elevating grader, engine man, dredge, excavator or powerbelt machine, finishing machine, self-propelled oscillating screed, fotklift, grader, road with power blade, highlift, hoist, concrete and brick (brick cages on concrete skips operating in or on tower, tower-mobile, or similar equipment), hoist stack, hydro-hammer, lad-a-vator, hoisting brick or concrete, loading machine (such as barber-greene), machanic, on job site, mixer, paving, mixermobile, mucking machine, pipe cleaning machine, pipe wrapping machine, plant asphalt, plant, concrete producing or ready-mix job site, plant, heating-job site, plant mixing-job site, plant, power, generating-job site, pump, self-powered, over 2" (one operator will operate two), pumps, electric submersible, one through three, over 4", quad-track, roller, asphalt, top or subgrade, scoop tractor drawn, spreader box, sub-grader, tie tamper, tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size, trenching machine, tunnel boring machine, vibrating machine, automatic propelled, welding machines (gasoline or diesel) more than one but not over four (regardless of size), well drilling machine.

POWER EQUIPMENT OPERATORS CONTD:

Group 2 - Air tugger w/plant air, boiler, for power or heating on construction projects, boiler, temporary, compressor, air-one, compressor, air (mounted on truck), concrete saw, self-propelled, conveyor, large (not self-propelled) moving brick and concrete (distributing) on floor level, curb finishing machine, ditch paving machine, elevator (building construction or alteration) endless chain hoist, fireman, form grader, generator, one over 30 KW or any number developing over 30 KW; greaser, hoist, one drum regardless of size (except brick or concrete), lad-a-vator, other hoisting, manlift, mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required, mixer, with outside loader, 2 bag capacity or more, mixer, with side loader, regardless of size, mot paver, oiler on dredge, oiler on truck crane, pug mill operator, pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work, sweeper, street, welding machine, one over 400 amp.; winch operating from truck.

Group 3 - Boat operator-outboard motor (job site), cooveyor (such as con-vay-it) regardless of how used, oiler, sweeper, floor

Group 4 - (a)Air pressure, oiler engineer, operating under ten pounds. (b)Air pressure, oiler engineer operating over ten pounds. (c)Air pressure engineer operating under ten pounds. (d)Air pressure engineer operating over ten pounds. (e)Crane-pile driving with leads, crane using rock socket tool, dragline-7 cu. yds. & over, shovel, power-7 cu. yds. and over, crane, climbing (such as linden), derrick, diesel, gas, electric hoisting material and erecting steel-150' or more above ground, hoist, three or more drums, scoop, tandem, tractor, tandem crawler. (f)Heater. (g)Mud jack(where mud jack is used in conjunction with an air compressor, operator).

Crane, with boom (including jib) over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane.

Work in tunnel or tunnel shaft, .25c above base rate.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 2 - Franklin, Jefferson, Lincoln, St. Charles and Warren Counties:					
Group 1	8.30	.35	.40		.02
Group 2	8.30	.35	.40		.02
Group 3	8.10	.35	.40		.02
Group 4:					
(a)	7.50	.35	.40		.02
(b)	8.75	.35	.40		.02
(c)	9.25	.35	.40		.02
(d)	9.00	.35	.40		.02

POWER EQUIPMENT OPERATORS (ZONE 2):

Group 1 - Asphalt finishing machine & trench widening spreader, asphalt plant console operator, autograder, automatic slipform paver, backhoe, blade operator-all types, boat operator-tow, boiler-2, central mix concrete plant operator, clamshell operator, concrete mixer paver, crane operator, derrick, or derrick trucks, ditching machine, dozer operator, dragline operator, dredge booster pump, dredge engineman, dredge operator, drill cat with compressor mounted on cat, drilling or boring machine rotary self-propelled, highloader, hoisting engine-2 active drums, lauchhammer wheel, locomotive operator-standard gauge, mechanics and welders, mucking machine, piledriver operator, pitman crane operator, push cat operator, quad trac, scoop operator-all types; shovel operator, sideboom cats, skimmer scoop operator, trenching machine operator, truck crane

Group 2 - A-frame, asphalt hot-mix silo, asphalt plant fireman (drum or boiler), asphalt plant man, asphalt plant mixer operator, asphalt roller operator, backfiller operator, barber greene loader, boat operator (bridges & dams), chip spreader, compressor maintenance operator-2, concrete mixer operator-skip loader, concrete plant operator, concrete pump operator, crusher operator, dredge oiler, elevating grader operator, fork lift, greaser-fleet, hoisting engine-1; locomotive operator-narrow gauge, multiple compactor, pavement breaker, powerbroom-self-propelled, power shield, rooter, side discharge concrete spreader, slip form finishing machine, stumpcutter machine, throttle man, tractor operator (over 50 H.P.), welding machine maintenance operator-2; winch truck.

Group 3 - Boilers-1; chip spreader (front man), churn drill operator, clef plane operator, compressor maintenance operator-1; concrete saw operator (self-propelled), conveyor operator, curb finishing machine, distributor operator, finishing machine operator, fireman-rig, flex plane operator, float operator, form grader operator, generator-maintenance operator, light plant maintenance operator, maintenance operator, oiler driver, pugmill operator, pump maintenance operator (other than dredge), roller operator, other than high type asphalt, screening & washing plant operator, siphons & jets, subgrading machine operator, spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster), tractor operator (50 H.P. or less), Ulmac, Ulric or similar spreaders, vibrating machine operator, mot hand, welding machine maintenance operator-1.

Group 4 - (a)Oiler. (b)Clamshells, 3 yds. capacity or over; crane, rigs or piledrivers 100 ft. of boom or over (including jib), draglines, 3 yds. capacity or over, hoisting engine over 2 drums, shovels, 3 yds. capacity or over, (c)Crane, rigs or piledrivers 200 ft. or over. (d)Tandem scoop operator.

Work in tunnel or tunnel shafts (not air shafts or coffer dams) of 25 ft. or more in length or depth 50c per hour above basic rate.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Composition; slate and tile	7.80	.27	.30		.03
Kettlemen	5.60	.27	.30		.03
SHEET METAL WORKERS	8.36	5%	7%	8%	.02
SOFT FLOOR LAYERS	8.38	.50	.35	.50	.13
SPRINKLER FITTERS	10.51	.50	.70		.07
STONE DERRICKMAN (Jefferson, St. Charles & St. Louis Counties)	7.35	.50	.65		
TERRAZZO WORKERS	9.55				
TILE SETTERS	8.71	.325	.50		
TILE SETTERS HELPERS	6.98	.325	.40		

DECISION NO. M075-4072

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Truck or trailers of a water level capacity of 11.99 cu. yds. or less; fork lift trucks, job site ambulances, pick-up trucks, flat bed trucks	6.99	d	e	f&g	
Truck or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity	7.19	d	e	f&g	
Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity	7.29	d	e	f&g	

FOOTNOTES: d-Employer contribution of $12.50 per week, e-Employer contribution of $12.00 per week; f-Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Friday After Thanksgiving Day, Christmas Day; g-Paid vacation of 3 days for 600 hours of service in any one contract year, 4 days paid vacation for 800 hours of service in any one contract year, 5 days paid vacation for 1,000 hours of service in any one contract year.

WELDERS-receive rate prescribed for craft performing operation to which welding is incidental.

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Statewide (Excluding the Nevada Test Site and Tonopah Test Range)

DECISION NUMBER: NV75-5037

DATE: Date of Publication

Supersedes Decision Number AR-1057 dated December 13, 1974, in 39 FR 43473.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Elko, Eureka, Lincoln and White Pine Counties	$ 8.71	.50	.82		
Clark, Esmeralda and Nye Counties	11.31	.78	.87		
Remaining Counties	10.20	.97	.75	1.07	.06
BOILERMAKERS	9.95	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clark, Esmeralda, Lincoln; and Nye County, South of Hwy. #6	9.37	.35	.30	1.00	.01
Remaining Counties and Nye County North of Hwy. #6:					
Zone A (0-15 miles from Court House in Reno)	9.60	.45	.45		.01
Zone B (15-35 miles from Court House in Reno)	10.10	.45	.45		.01
Zone C (35-75 miles from Court House in Reno)	10.50	.45	.45		.01
BRICK TENDERS:					
Zone A (0-15 miles from Court House in Reno)	7.85	.50	.45		.05
Zone B (15-35 miles from Court House in Reno)	8.35	.50	.45		.05
Zone C (35-75 miles from Court House in Reno)	8.75	.50	.45		.05
CARPENTERS:					
Clark, Esmeralda and Lincoln Counties; and Nye County South of Hwy. #6 including the City of Tonopah:					
Carpenters	8.56	.45	.60	.80	.10
Floorlayers; Patent Scaffold Erectors; Power Saw Operator	8.71	.45	.60	.80	.10
Piledrivermen	8.76	.45	.60	.80	.10
Millwrights	9.06	.45	.60	.80	.10
Nye County North of Hwy. #6 excluding the City of Tonopah and all remaining Counties:					
Carpenters	8.35	.50	.96	1.00	.04
Floorlayers; Patent Scaffold Erectors; Power Saw Operator	8.50	.50	.96	1.00	.04
Piledrivermen	8.55	.50	.96	1.00	.04
Millwrights	8.95	.50	.96	1.00	.04

DECISION NO. NV75-5037

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Clark, Esmeralda, Lincoln and Nye Counties					
Cement Masons	$ 8.30	.50		1.60	.08
Cement Floor Finishing Machine and Color Work	8.55	.50		1.60	.08
Lake Tahoe Area:					
Cement Masons	9.50	.50	.60	1.00	.01
Mastic, Magnesite and all Composition Masons	9.75	.50	.60	1.00	.01
Troweling Machine; Grinder Operator and Kelly Float	10.00	.50	.60	1.00	.01
Remaining Counties:					
Cement Masons	8.05	.50	.60	1.00	.01
Mastic, Magnesite & all Composition Masons	8.30	.50	.60	1.00	.01
Troweling Machine; Grinder Operator and Kelly Float	8.55	.50	.60	1.00	.01
DRYWALL INSTALLERS:					
Statewide except the Counties of Clark, Esmeralda, Lincoln; and Nye South of Hwy. #6	8.60	.50	.96	1.00	.04
ELECTRICIANS:					
Clark and Lincoln Counties; and Nye County South of Mount Diablo Base Line					
Electricians; Technicians	11.26	.43	1%		.05
Cable Splicers	11.59	.43	1%		.05
Remaining portions of Nye County and all the Remaining Counties except Lake Tahoe Area:					
Electricians; Technicians	9.59	.53	1% + .55		.03
Cable Splicers	10.55	.53	1% + .55		.03
Lake Tahoe Area:					
Electricians; Technicians	10.34	.53	1% + .55		.03
Cable Splicers	11.37	.53	1% + .55		.03
ELEVATOR CONSTRUCTORS	10.76	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Clark, Esmeralda, Lincoln and the Southern Half of Nye	10.85				.05
Northern Half of Nye County and all Remaining Counties	7.845	.25	.55	.855	

DECISION NO. NV75-5037

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS:					
Elko Area (Including Montello, Wells, Elko, Carlin, Battle Mountain, Eureka, Pioche, Panaca, Caliente, McGill, Ruth and Ely)					
Fence Erectors; Machinery Movers; Ornamental; Reinforcing; Riggers; Structural	$ 8.50	.50	.75		.05
Remainder of State:					
Fence Erector	8.89	.88	1.375	1.03	.03
Ornamental; Reinforcing; Structural	9.78	.88	1.375	1.03	.03
LATHERS:					
All Northern Nevada, Tonopah North including Lake Tahoe	8.21	.40	.35		.01
Southern Nevada	8.55	.35	.50	1.00	.06
PAINTERS:					
Clark, Esmeralda, Lincoln Cos.; and S 1/2 of Nye County					
Brush; Roller	9.95	.47	.25		.05
Paperhangers; Spray; Steel; Swing Stage; Sandblasters; Sign; Tapers	10.30	.47	.25		.05
Buffing Steel; Sandblasters; Structural Steel	10.55	.47	.25		.05
Steeplejack	11.10	.47	.25		.05
N 1/2 of Nye County and Remaining Cos., except Lake Tahoe Area					
Brush	8.30	.50	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblaster; Tapers	8.55	.50	.20		
Lake Tahoe Area:					
Brush	8.30	.50	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	8.55	.50	.20		
PLASTERERS:					
Clark, Esmeralda, Lincoln and Nye Counties	9.38	.50		.90	.08
Remaining Counties	8.85	.50	.75		
PLASTERER TENDERS:					
Statewide except Clark, Esmeralda, Lincoln; and S 1/2 of Nye County	7.75	.50	.45		

DECISION NO. NV75-5037

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters:					
Clark, Esmeralda, Lincoln; and S 1/2 of Nye County	$ 9.90	.65	1.50	1.60	.08
Remaining Counties and N 1/2 of Nye County	9.89	.58	.60	1.95	.10
PLUMBERS (Utility):					
Statewide, except Clark, Lincoln; and S 1/2 of Nye County	7.85	.53	.60	1.95	.07
PLUMBER HELPER (Utility)	4.64	.53	.10	.50	.07
ROOFERS:					
Clark, Esmeralda, Lincoln; and So. 1/2 of Nye County	10.93	.45			
Remaining Counties and N 1/2 of Nye County	9.10	.45	.05		.02
SHEET METAL WORKERS:					
Clark, Esmeralda, Lincoln; and S 1/2 of Nye County	8.93	.63	1.30	1.00	.05
Remaining Counties and N 1/2 of Nye County	8.85	.74	1.50	.89	.03
SOFT FLOOR LAYERS:					
Clark, Esmeralda, Lincoln; and S 1/2 of Nye County	10.22	.40			.01
Remaining Counties and N 1/2 of Nye County	9.25	.50	.20		
TERRAZZO WORKERS; Tile Setters:					
Clark, Esmeralda, Lincoln; and S 1/2 of Nye County	9.37	.35	.30	1.00	.01
Remaining Counties and N 1/2 of Nye County:					
Zone A (0-15 miles from Court House in Reno)	9.60	.45	.45		.01
Zone B (15-35 miles from Court House in Reno)	10.10	.45	.45		.01
Zone C (35-75 miles from Court House in Reno)	10.50	.45	.45		.01

FOOTNOTE:

Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. NV75-5037

(Clark, Esmeralda, Lincoln and Nye Counties)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
GROUP 1:	$ 6.23	.26	.75	1.00	
GROUP 2:	6.28	.26	.75	1.00	
GROUP 3:	6.31	.26	.75	1.00	
GROUP 4:	6.33	.26	.75	1.00	
GROUP 5:	6.35	.26	.75	1.00	
GROUP 6:	6.36	.26	.75	1.00	
GROUP 7:	6.38	.26	.75	1.00	
GROUP 8:	6.41	.26	.75	1.00	
GROUP 9:	6.42	.26	.75	1.00	
GROUP 10:	6.44	.26	.75	1.00	
GROUP 11:	6.49	.26	.75	1.00	
GROUP 12:	6.52	.26	.75	1.00	
GROUP 13:	6.54	.26	.75	1.00	
GROUP 14:	6.57	.26	.75	1.00	
GROUP 15:	6.59	.26	.75	1.00	
GROUP 16:	6.655	.26	.75	1.00	
GROUP 17:	6.68	.26	.75	1.00	
GROUP 18:	6.75	.26	.75	1.00	
POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)					
GROUP 1:	8.13	.95	1.50	.30	.04
GROUP 2:	8.39	.95	1.50	.30	.04
GROUP 3:	8.64	.95	1.50	.30	.04
GROUP 4:	8.76	.95	1.50	.30	.04
GROUP 5:	8.96	.95	1.50	.30	.04
GROUP 6:	9.06	.95	1.50	.30	.04
GROUP 7:	9.17	.95	1.50	.30	.04
GROUP 8:	9.32	.95	1.50	.30	.04
GROUP 9:	9.43	.95	1.50	.30	.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS					
(Clark, Esmeralda, Lincoln; and Nye County South of Hwy. #6)					
GROUP 1:	$8.00	.35	.50		
GROUP 2:	8.11	.35	.50		
GROUP 3:	8.16	.35	.50		
GROUP 4:	8.32	.35	.50		
GROUP 5:	8.50	.35	.50		
GROUP 6:	9.00	.35	.50		

LABORERS
(Clark, Esmeralda, Lincoln and Nye Counties)

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt Holes; Dumpman; Gas and Oil Pipeline Laborers. Demolition Laborers; General or Construction Laborers; Spotter; Window Cleaner

Group 2: Cutting Torch Op. (Demolition); Tarman and Motorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-Man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including caisson bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (lead man); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious membrane and Oiler of all materials; Making and caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader; Buggymobile Man; Cement Dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement Grinding Machine Op.; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper Pot Tender and Form Man; Tree Climber, faller, chain saw operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric, and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all Non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

LABORERS (Cont'd)
(Clark, Esmeralda, Lincoln and Nye Counties)

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon) Joy Driller Model TW-M-2A, Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln and Nye Counties

Group 1: Brakeman; Compressor Operator; Engineer Oiler; Generator; Heavy Duty Repairman Helper; Pump; Signalman; Switchman

Group 2: Concrete Mixer Operator, Skip Type; Conveyor Operator; Fireman; Generator, Pump or Compressor, (2-5 inclusive); Generator, Pump or Compressor Portable Units (over 5 units, 10¢ per hour for each additional unit up to nine units); Hydrostatic Pump; Oiler Crusher, (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Skiploader - Wheel type up to 3/4 yd. w/o attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant; Trenching Machine Oiler; Truck Crane Oiler; Rotary Drill Helper (oilfield)

Group 3: A-Frame or Winch Truck; Elevator Operator (inside); Equipment Greaser (rack); Ford, Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Curing Machine; Power Concrete Saw; Powerdriven Jumbo Form Setter; Ross Carrier; Stationary Pipe Wrapping and Cleaning Machine

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine; Concrete Pump (small portable); Bridge Type Unloader and Turntable; Dinkey Locomotive or Motorman (up to and including 10 tons); Equipment Greaser (grease truck); Helicopter Hoist; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper; Roller (compacting); Screed (Asphalt or Concrete); Trenching Machine (up to 6 feet)

Group 5: Asphalt Plant Engineer; Concrete Batch Plant; Backhoe (up to and including 3/4 yds); Bit Sharpener; Concrete Joint Machine (Canal and similar type); Concrete Planer; Deck Engine; Forklift (under 5 ton capacity); Machine Tool; Maginnis Internal Full Slab Vibrator; Mechanical Berm (curb or gutter concrete or asphalt); Mechanical Finisher (concrete-Clary-Johnson-Bidwell or similar); Pavement Breaker; Road Oil Mixing Machine; Roller (asphalt or finish); Rubber-tired Earth Moving Equipment, (single engine, up to and including 25 yards struck); Self-propelled Tar Pipelining Machine; Slip Form Pump (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Crawler and Wheel type over 3/4 yds. and up to and including 1-1/2 yards); Tractor-Bulldozer, Tamper, Scraper (single engine, up to 100 HP, Flywheel and similar types, up to and including D-5 and similar types)

Group 6: Asphalt or Concrete Spreading (Tamping or Finishing); Asphalt Paving Machine (Barber Greene or similar type); BHL Lima Road Pactor or similar; Bridge Crane; Pipe Laying Machine (Cast in place); Combination Mixer and Compressor (Gunite Work); Concrete Pump (truck mounted);

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln and Nye Counties

Concrete Mixer; Crane (up to and including 25 tons); Crushing Plant; Elevating Grader; Forklift (over 5 tons); Grade Checker; Gradeall; Grouting Machine; Heading Shield; Heavy Duty Repairman; Hoist (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine (Vagtborg and similar types); Lift Mobile; Loader-Athey, Euclid, Sierra and similar type); Material Hoist; Mucking Machine 1/4 yd. - rubber-tired, rail or track type); Pneumatic Concrete Placing Machine (Hackley-Presswell or similar type); Pneumatic Heading Shield (Tunnel); Pumpcrete Gun; Rotary Drill (excluding Caisson type); Rubber-tired Earth Moving Equipment Operator (single engine - Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cubic yards struck); Rubber-tired Scraper (self-loading - Paddle Wheel Type - John Deere, 1040 and similar single unit); Skiploader (Crawler and Wheel type - over 1-1/2 yards, up to and including 6-1/2 yards); Surface Heaters and Planers; Rubber-tired Earth Moving Equipment, multiple engine (up to and including 25 yards, struck); Trenching Machine (over 6 feet depth capacity, manufacturers rating); Tower Crane; Tractor Compressor Drill Combination; Tractor (any type larger D-5 - 100 Flywheel HP and over or similar) (Bulldozer, Tamper, Scraper and Push Tractor single engine); Tractor (Boom attachments); Traveling Pipe Wrapping, Cleaning and Bending; Tunnel Locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yard and up to 5 cubic yards, M.R.C.)

Group 7: Crane (Over 25 tons up to and including 100 tons M.R.C., Derrick Barge, Dual Drum Mixer; Hoist, Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive (Diesel, gas or electric); Motor Patrol - Blade Operator (single engine); Multiple Engine Tractor Operator (Euclid and similar type except Quad 9 Cat); Rubber-tired Earth Moving Equipment (single engine over 50 yards struck); Rubber-tired Earth Moving Equipment (Multiple, engine, Euclid, Caterpillar and similar) (Over 25 yards and up to 50 cubic yards struck); Tractor Loader Operator (Crawler and Wheel type over 6-1/2 yards); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Operator (over 5 cubic yards, MRC; Woods Mixer and similar Pugmill Equipment; Heavy Duty Repairman - Welder Combination

Group 8: Auto Grader; Automatic Slip Form; Crane (over 100 tons); Hoist, Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator (less than 750 cubic yards); Mechanical Finishing Machine; Mobile Form Traveler; Motor Patrol (Multi engine); Pipe Mobile Machine; Rubber-tired Earth Moving Equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cubic yards struck); Rubber-tired Self Loading Scraper (Paddle Wheel - Auger type self-loading (2 or more units); Tandem Equipment (2 units only); Tandem Tractor (Quad 9 or similar type); Tunnel Hole Boring Machine; Rubber-tired Scraper (pushing without Push Cat, Push-Pull (50¢ per hour additional)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving & Steel Erection)

Clark, Esmeralda, Lincoln and Nye Counties

Group 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Wheel Excavator (over 750 cubic yards); Remote Controlled Earth Moving Equipment ($1.00 per hour additional to base rate)

TRUCK DRIVERS

Clark, Esmeralda, Lincoln and Nye (South of Hwy. #6) Counties

Group 1: Dump Trucks (less than 12 yards); Trucks (legal payload capacity less than 15 tons); Water and Fuel (under 2500 gallons); Pickups; Service; Repairman Helper; Drivers of Busses (on jobsite used for transportation of up to 25 passengers)

Group 2: Dump Trucks (12 yards but less than 16 yards); Trucks (legal payload capacity between 15 and 20 tons); Gas and Oil Pipeline Working Truck Driver (including winch truck and all sizes of trucks); Water and Fuel (2500 gallons to 4000 gallons); Truck Greaser and Tireman; Drivers of Busses (on jobsite used for transportation of more than 25 passengers); Road Oil Spreading Truck; Time spent Spreading Oil

Group 3: Transit-mix (less than 3 yards); Dumpcrete (less than 6½ yards)

Group 4: Dump Trucks (16 yards up to and including 22 yards); Trucks (legal payload capacity 20 tons but less than 30 tons); Euclid-type Spreader Trucks; Dumpster; Transit-mix Trucks (3 yards but less than 6 yards); Dumpcrete (6½ yards and over); Fork Lift; Ross Carrier; Highway Water and Fuel Truck (4000 but less than 6000 gallons)

Group 5: Transit-mix (6 yards or more); Truck Repairman; Dump Trucks (Over 22 yards); Trucks (legal payload capacity 20 tons and over); Fuel and Water Trucks (6000 gallons and over)

Group 6: D. W. and similar type equipment, D. W. 10 and D. W. 20; Euclid-type equipment, LeTourneau Pulls, Terra Cobras and similar types of Equipment; also P8 and similar type trucks when performing work within Teamster jurisdiction, regardless of types of attachment including power units pulling off Highway Belly Dumps in tandem

(Statewide except Clark, Esmeralda and Lincoln Counties & the S½ of Nye County)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TUNNEL LABORERS:					
SWAMPER; Bull Gang, Muckers, Trackmen; Dumpman; Concrete Crew - includes rodding and spreading; Grout Crew incl. Headerman and Potman; Reboundmen	$7.20	.45	.40		.05
NIPPER; Chuck Tenders and Cable Tenders; Powderman - Primer House; Steel Form Raisers and Setters; Vibratormen, Pavement Breakers	7.30	.45	.40		.05
GROUT GUNMEN; Jetgunmen; Gunmen	7.45	.45	.40		.05
MINERS-TUNNEL, incl. Top and Bottom Man on Shaft and Raise Work; Timbermen, Retimberman - Wood or Steel or substitute materials therefor; Blasters, Drillers, Powdermen - in heading; Cherry Pickerman - where care is lifted; Nozzleman on slick line; Sand Blaster - Potman (work assignment interchangeable)	7.50	.45	.40		.05
SHAFT WORK & RAISE (below actual or excavated ground level); Diamond Driller; Gunnite Nozzlemen; Rodmen, Groundmen	7.80	.45	.40		.05
SHIFTERS	8.10	.45	.40		.05
SHAFT WORK & Raise-Shifters	8.40	.45	.40		.05

TRUCK DRIVERS (Remaining Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP (Single or Multiple units incl. Semi's and Double and Transfer Units); Dumpcretes and Bulk Cement Spreader:					
Under 4 yds.	$ 6.45	.51	.65		.05
4 yds. & under 8	6.65	.51	.65		.05
8 yds. & under 18	6.85	.51	.65		.05
18 yds. & under 35	7.00	.51	.65		.05
35 yds. & under 60	7.25	.51	.65		.05
60 yds. & under 75	7.40	.51	.65		.05
75 yds. & under 100	7.55	.51	.65		.05
100 yds. & over	7.70	.51	.65		.05
TRANSIT MIX:					
Under 8 yds.	6.85	.51	.65		.05
8 yds. & including 12	6.95	.51	.65		.05
Over 12 yds.	7.15	.51	.65		.05
TRANSIT MIX (Using Boom):					
Under 8 yds.	6.975	.51	.65		.05
8 yds. & incl. 12	7.075	.51	.65		.05
Over 12 yds.	7.275	.51	.65		.05
WATER & JETTING:					
Up to 2500 gals.	6.65	.51	.65		.05
2500 gals. and over	6.85	.51	.65		.05
DW 20's and 21's and other similar Cat type; Terra Cobra; LeTourneau Pulls; Tournerocker; Euclid and similar type equipment when pulling Aqua/Pak; Water Tank Trailers and Fuel and/or Grease Tank Trailer, or other Misc. Trailers (except as defined under dump trucks)	7.10	.51	.65		.05
FLAT RACK; INDUSTRIAL LIFT WITH WITH MECHANICAL TAILGATE:					
Single Unit 2 axle	6.65	.51	.65		.05
Single Unit 3 axle	6.75	.51	.65		.05
BUS AND MANHAUL:					
Up to 18,000 lbs (single unit)	6.50	.51	.65		.05
18,000 lbs and over (single unit)	6.60	.51	.65		.05
WINCH & A-FRAME:					
Under 18,000 lbs	6.60	.51	.65		.05
18,000 lbs & over	6.70	.51	.65		.05

TRUCK DRIVERS (Cont'd) (Remaining Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Heavy duty transport (high bed); Heavy duty transport (gooseneck lowbed); Tiltbed or flatbed pull trailers	$ 7.00	.51	.65		.05
Bootman, combination bootman and road oiler	6.90	.51	.65		.05
Road Oiler or bootman; Truck Oiler and greaser; Fuel driver, Fuel man and Fuel island man	6.60	.51	.65		.05
Helicopter pilot (when transporting men or materials)	7.40	.51	.65		.05
Lift jitney and fork lift	6.70	.51	.65		.05
Warehouseman; Spotters; Teamsters	6.55	.51	.65		.05
Tire repairman	6.85	.51	.65		.05
Truck repairman	7.15	.51	.65		.05
Pick-up truck and pilot cars (Jobsite)	6.50	.51	.65		.05

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(Remaining Counties)

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$ 7.10	.50	.45		.10
GROUP 2:	7.20	.50	.45		.10
GROUP 3:	7.35	.50	.45		.10
GROUP 4:	7.60	.50	.45		.10
GROUP 5:	7.90	.50	.45		.10
GROUP 6-A:	7.90	.50	.45		.10
GROUP 6-B:	7.60	.50	.45		.10
GROUP 6-C:	7.25	.50	.45		.10

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LABORERS
(Remaining Counties)

GROUP 1: All cleanup work of debris, grounds, and buildings including windows and tile; Dumpman or spotter (other than asphalt); General laborer; Gardeners and landscape laborers; Limber, brushloader and piler

GROUP 2: Choker setter or rigger (clearing work only); Pittsburgh chipper and similar type brush shredders; Concrete worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzly tender; Guinea chaser (stakeman); Panel forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, carrying and handling of all rods and material for use in reinforcing concrete; Railroad trackmen (maintenance, repair or builders); Sloper; Semi-skilled wreckers (salvaging of building materials other than those listed in Group 3): Greasing Dowels

GROUP 3: Asphalt workers (ironers, shoveler, cutting machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete mixer under 1/2 yds.; Concrete pan work (breadpan type), (handling, cleaning, stripping); Concrete saw, chipping, grinding, sanding, vibrator; Cribbing, shoring, lagging, trench jacking, hand-guided lagging hammer; Curbing or divider machine; Curb setter (precast or cut); Ditching machine (hand-guided); Drillers' helper, chuck tender; Form faiser, slip forms; Grouting of concrete walls; Windows and door jams; Headerboardman; Jackhammer, pavement breaker, air spade; Mastic workers (wet or dry); Pipe wrapper, kettleman, potman, and men applying asphalt, creosote and similar type materials; All power tools (air, gas or electric) not listed in Group 5; Pipejacking; Posthole digger (air, gas or electric) Post driver; Riprap-stonepaver and rock slinger, incl. placing of sack concrete wet or dry; Rototiller; Rigging and signaling in connection with laborers' work; Sandblaster, potman, gunman or nozzleman; Vibra-screed; Skilled wrecker (removing and salvaging of sash, windows, doors, plumbing and electrical fixtures)

GROUP 4: Burning and welding in connection with laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DW 143 and similar type drills; Track drillers, Diamond core drillers, Wagon drillers, Mechanical drillers on multiple units; High scalers; Concrete pump; Heavy duty vibrator with stinger 5" diameter or over; Pipelayer, caulker and bander; Pipelayer - waterline, sewerline, gasline or conduit; Asphalt rakers

GROUP 5: Blasters and powdermen, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing.

GROUP 6-A: Nozzleman, Rodman

GROUP 6-B: Gunman, Materialman

GROUP 6-C: Reboundman

POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. T
	AREA 1	AREA 2				
Remaining Counties						
GROUP 1:	$ 7.80	8.95	85-a	$ 1.37	.70	.20
GROUP 2:	8.14	9.29	85-a	1.37	.70	.20
GROUP 3:	8.32	9.47	85-a	1.37	.70	.20
GROUP 4:	8.79	9.94	85-a	1.37	.70	.20
GROUP 5:	8.98	10.13	85-a	1.37	.70	.20
GROUP 6:	9.09	10.24	85-a	1.37	.70	.20
GROUP 7:	9.25	10.40	85-a	1.37	.70	.20
GROUP 8:	9.59	10.74	85-a	1.37	.70	.20
GROUP 9:	9.79	10.94	85-a	1.37	.70	.20
GROUP 10:	10.00	11.15	85-a	1.37	.70	.20
GROUP 10-A:	10.11	11.26	85-a	1.37	.70	.20
GROUP 11:	10.26	11.41	85-a	1.37	.70	.20
GROUP 11-A	11.24	12.39	85-a	1.37	.70	.20

a. Includes $.13 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS
(Except Piledriving & Steel Erection)
(Remaining Counties)

GROUP 1: Assistant to Engineer, including brakeman, deckhand, fireman, heavy duty repairman helper, oiler, partsman (heavy duty repair shops parts room when needed), switchman, tar pot fireman

GROUP 2: Compressor; Material loader and/or conveyor (handling building materials); Pump; Tar pot fireman (power agitated)

GROUP 3: Box Operator (Bunker); Concrete curing machines (streets, highways, airports, canals); Conveyor belt (tunnel); Engineer generating plant (500 K.W.); Fireman hot plant; Hydraulic monitor; Lubrication and service engineer (mobile and grease rack); Mixer box operator (concrete plant); Motorman; Rodman or chainman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

GROUP 4: Ballast Jack Tamper; Ballast regulator; Ballast tamper multi-purpose; Boxman (asphalt plant); Concrete mixer, skip type; Dinky; Fork lift (construction job site); Koss carrier; Skip loader (under 1 cu. yd.); Tie spacer; Line Master

GROUP 5: Concrete Mixer (over 1 cu. yd.); Concrete pumps or pumpcrete guns; Elevator and material hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle car; Signalman

GROUP 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima road pactor or similar; Chip box spreader (Flaherty type or similar); Concrete batch plant (wet or dry); Concrete saws (highways, streets, airports, canals); Highline cableway signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical burn, curb and/or curb gutter machine (concrete or asphalt); Power jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled compactor (single engine); Slip form pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary pipe wrapping, cleaning and bending machine; Pavement breaker or tamper (with or without compressor combination); Pavement breaker, truck mounted, with compressor combination; Small rubber-tired tractors, Self-propelled tape machine

GROUP 7: Compressor (over 2); Concrete conveyor; Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); Crusher plant engineer; Deck engineer; Drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade setters; Grade checker; Instrument man; Kolman loader; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); Mine or shaft hoist; Pipe bending machines (pipelines only); Pipe cleaning machines (tractor propelled and supported); Pipe wrapping machines (tractor propelled and supported); Portable crushing and screening plants; Pumps (over 2); Refrigeration plant; Self-propelled boom type lifting device (Center Mount) (10 ton cap. or less); Slusher; Soil tester (certified); Surface beater and planer; Trenching machine (maximum digging capacity

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
(Remaining Counties

3 ft. depth) Truck type loader; Welding machines (gasoline or diesel); Roller (Asphalt)

GROUP 8: Asphalt Plant Engineer; Car Passer; Cast-in-place pipe laying machine; Combination slusher and motor; Dozer; Concrete batch plant (multiple units); Elevating grader; Grooving and Grinding machine (Highways); Heavy-duty repairman and/or welder; Ken-seal; Loader (up to and including 2 1/2 cu. yds.); Mechanical trench shield; Mixermobile; Push cats; Road oil mixing machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired earthmoving equipment (up to and including 35 cu. yds. "struck." M.R.C., Euclids, T-Pulls, DW's 10, 20, 21 and similar); Self-propelled compactor with dozer; Sheepfoot; Small tractor (with boom); Soil stabilizer (P & H or equal); Timber skidder (rubber tire) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted compressor drill combination; Trenching machine (over 3 ft. depth); Tri-batch paver; Tunnel badger or tunnel boring machine; Tunnel mole boring machine

GROUP 9: Canal Finger Drain Digger; Chicago boom; Combination backhoe and loader (up to and including 3/8 yds.); Combination mixer and compressor (gunnite); Lull Hi-Lift (20 ft. or over); Mucking machine; Tractor with boom (D6 or larger); Track laying type earth moving machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

GROUP 10: Boom type backfilling machine; Bridge crane; Cary-lift or similar; Chemical grouting machine; Chief of party; Derricks; Derrick barges (except excavation work); Euclid loader & similar types; Heavy duty rotary drill rigs; Lift-slab (Vagtborg and similar types); Loader (over 2 1/2 cu. yds. up to and incl. 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth moving machines (Euclid, dozers, etc.); Pre-stress wire wrapping machine; Rubber tired scraper, self-loading; Self-propelled reservoir-debris equipment floating (200 H.P. and over); Shuttle car (Reclain station); Single engine scraper (over 35 cu. yds.); Train loading station; Vacuum cooling plant; Whirley Crane (up to and incl. 25 tons); Trenching machine; Multi-engine with sloping attachments (JEFFCO or similar)

GROUP 10-A: Backhoe (up to and incl. 1 cu. yd. hydraulic); Backhoe (up to and incl. 1 cu. yd. (cable); Cranes (not over 25 tons) (hammerhead and Gantry); Grade-alls (up to and incl. 1 cu. yd.); Motor patrol; Power shovels, Clamshells, Draglines, Cranes (up to and incl. 1 cu. yd.); Rubber-tired scraper, self-loading (Twin engine); Self-propelled boom-type lifting device (Center Mount) (Over 10 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)
(Remaining Counties)

GROUP 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Cranes (over 25 tons); Highline cableway operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine earthmoving equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled compactor (with multiple propulsion power units); Single engine rubber tired earth-moving machine (with tandem scraper); Slip form paver (concrete or asphalt); Tandem cats and scrapers; Tower crane mobile; Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to and including 750 cu. yds. per hour); Whirley cranes (over 25 tons)

GROUP 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine earth moving equipment (over 75 cu. yds. "struck" M.R.C.); Operator of helicopter (when used in construction work); Power shovels and Draglines (over 7 cu. yds. M.R.C.); Remote controlled earth moving equipment; Wheel excavator (over 750 cu. yds. per hour)

NEVADA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS
(Remaining Counties)

** AREA 2: All areas not included within Area 1 as defined below.
* AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence Easterly to the N.E. corner of township 22N, range 22E;
Thence Southerly to the N.E. corner of township 20N, range 22E;
Thence Easterly to the N.W. corner of township 20N, range 26E;
Thence Northerly to the N.W. corner of township 22N, range 26E;
Thence Easterly to the N.W. corner of townhsip 22N, range 29E;
Thence Northerly to the N.W. corner of township 30N, range 29E;
Thence Easterly to the N.E. corner of township 30N, range 33E;
Thence Southerly to the S.E. corner of township 24N, range 33E;
Thence Westerly to the S.E. corner of township 24N, range 31E;
Thence Southerly to the S.E. corner of township 16N, range 31E;
Thence Westerly to the S.E.corner of township 16N, range 30E;
Thence Southerly to the S.E. corner of township 15N, range 30E;
Thence Westerly to the S.E. corner of township 15N, range 27E;
Thence Southerly to the S.E. corner of township 14N, range 27E;
Thence Westerly to the S.E. corner of township 14N, range 23E;
Thence Southerly to the S.E. corner of township 13N, range 23E;
Thence Westerly to the S.E. corner of township 13N, range 22E;
Thence Southerly to the N.E. corner of township 10N, range 22E;
Thence Easterly to the N.E. corner of township 10N, range 23E;
Thence Southerly along the Easterly line of range 23E to the intersection of the California-Nevada border;
Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of township 37N, range 52E;
Thence Easterly to the S.E. corner of township 37N, range 52E;
Thence Northerly to the N.E. corner of township 37N, range 52E;
Thence Easterly to the N.W. corner of township 37N, range 58E;
Thence Southerly to the S.W. corner of township 37N, range 58E;
Thence Easterly to the S.E. corner of township 37N, range 58E;
Thence Southerly to the N.E. corner of township 31N, range 58E;
Thence Westerly to the N.W. corner of township 31N, range 58E;
Thence Southerly to the S.W. corner of township 31N, range 58E;
Thence Westerly to the S.E. corner of township 31N, range 52E;
Thence Northerly to the N.E. corner of township 31N, range 52E;
Thence Westerly to the S.E. corner of township 32N, range 51E;
Thence Northerly to the point of beginning.

SUPERSEDEAS DECISION

STATE: Nevada

COUNTY: Clark (excluding the Nevada Test Site)

DECISION NUMBER: NV75-5038

DATE: Date of Publication

Supersedes Decision Number AR-1058 dated December 20, 1974, in 39 FR 44168.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 11.31	.78	.87		
BOILERMAKERS	9.95	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	9.37	.35	.30	1.00	.01
CARPENTERS:					
Carpenters	8.56	.45	.60	.80	.10
Hardwood Floorlayers; Patent Scaffolds Erectors; Power Saw Operators	8.71	.45	.60	.80	.10
Piledrivermen	8.76	.45	.60	.80	.10
Millwrights	9.06	.45	.60	.80	.10
CEMENT MASONS:					
Cement Masons	8.30	.50		1.60	.08
Cement Floor Finishing Machine; Color Work	8.55	.50		1.60	.08
ELECTRICIANS:					
Electricians; Technicians	11.26	.43	1%		.05
Cable Splicers	11.59	.43	1%		.05
ELEVATOR CONSTRUCTORS	10.76	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	10.85				.05
IRONWORKERS:					
Fence Erectors	8.89	.88	1.375	1.03	.03
Reinforcing	9.78	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03
LATHERS	9.55	.35	.50		.06
MARBLE MASONS; Terrazzo Workers; Tile Setters	9.37	.35	.30	1.00	.01

DECISION NO. NV75-5038

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush; Roller	$ 9.95	.47	.25		.05
Paperhangers; Sandblasters; Spray; Steel; Swing Stage; Tapers	10.30	.47	.25		.05
PLASTERERS	9.38	.50		.90	.08
PLUMBERS; Steamfitters	9.90	.65	1.50	1.60	.08
ROOFERS	10.53	.45			
SHEET METAL WORKERS	8.93	.63	1.30	1.00	.05
SOFT FLOOR LAYERS	10.22	.40			.01
SPRINKLER FITTERS	11.85	.50	.70		.08
TERRAZZO, TILE & MARBLE HELPERS	8.02	.35		.50	

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

DECISION NO. NV75-5038

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 6.23	.26	.75	1.00	
Group 2	6.28	.26	.75	1.00	
Group 3	6.31	.26	.75	1.00	
Group 4	6.33	.26	.75	1.00	
Group 5	6.35	.26	.75	1.00	
Group 6	6.36	.26	.75	1.00	
Group 7	6.38	.26	.75	1.00	
Group 8	6.41	.26	.75	1.00	
Group 9	6.42	.26	.75	1.00	
Group 10	6.44	.26	.75	1.00	
Group 11	6.49	.26	.75	1.00	
Group 12	6.52	.26	.75	1.00	
Group 13	6.54	.26	.75	1.00	
Group 14	6.57	.26	.75	1.00	
Group 15	6.59	.26	.75	1.00	
Group 16	6.655	.26	.75	1.00	
Group 17	6.68	.26	.75	1.00	
Group 18	6.75	.26	.75	1.00	
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1	8.13	.95	1.50	.30	.04
Group 2	8.39	.95	1.50	.30	.04
Group 3	8.64	.95	1.50	.30	.04
Group 4	8.76	.95	1.50	.30	.04
Group 5	8.96	.95	1.50	.30	.04
Group 6	9.06	.95	1.50	.30	.04
Group 7	9.17	.95	1.50	.30	.04
Group 8	9.32	.95	1.50	.30	.04
Group 9	9.43	.95	1.50	.30	.04
TRUCK DRIVERS					
Group 1	8.00	.35	.50		
Group 2	8.11	.35	.50		
Group 3	8.16	.35	.50		
Group 4	8.32	.35	.50		
Group 5	8.50	.35	.50		
Group 6	9.00	.35	.50		

LABORERS

Group 1: Debris Handler; Dry Packing of Concrete and Filling of Form-bolt Holes; Dumpman; Gas and Oil Pipeline Laborers; Demolition Laborers; General or Construction Laborers; Spotter; Window Cleaner

Group 2: Cutting Torch Operator (Demolition); Tarman and Motorman

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborers including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Septic Tank Digger and Installer (leadman); Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all Materials; Making and Caulking of all non-metallic pipe joints; Riprap Stonepaver; Sandblaster (pot tender)

Group 10: Asphalt Ironer, Raker, Spreader, Buggymobile; Cement Dumper (on 1 yd. or larger mixers and handling bulk concrete); Cement Grinding Machine Operator; Concrete Core Cutter; Concrete Saw Man, excluding tractor type; Gas and Oil Pipeline Wrapper Pot Tender and Form Man; Tree Climber, faller, Chain Saw Operator; Pittsburgh Chipper and similar type; Vibrators and all pneumatic gas, electric, and similar mechanical tools not separately classified herein; Roto Scraper

Group 11: Rock Slinger; Scaler, using bosun chair, safety belt or power tools

Group 12: Driller and/or Pavement Breaker

Group 13: Laying of all Non-metallic Pipe (including sewer pipe, drain pipe and underground tile)

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer; Powderman

Group 16: Steel Headerboard Man

Group 17: Driller (Core, Diamond or Wagon) Joy Driller Model T.W.-M-2A Gardner-Denver Model DH-163 and similar drills; Sandblaster - Nozzleman

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

GROUP 1: Brakeman; Compressor Op.; Engineer Oiler; Generator Op.; Heavy Duty Repairman Helper; Pump Op.; Signalman; Switchman

GROUP 2: Concrete Mixer Op., Skip Type; Conveyor Op.; Fireman; Generator, Pump or Compressor (2-5 inclusive) Portable units, over 5 units, 10¢ per hour for each additional unit up to nine units; Hydrostatic Pump Op.; Oiler Crusher (Asphalt or Concrete Plant); Plant Operator, Generator, Pump or Compressor; Rotary Drill Helper (oilfield); Skiploader - Wheel type up to 3/4 yd. without attachment; Soils Field Technician; Tar Pot Fireman; Temporary Heating Plant Operator; Trenching Machine Oiler; Truck Crane Oiler

GROUP 3: A-Frame or Winch Truck Operator; Chainman; Elevator Op. (Inside); Equipment Greaser (rack), Ford Ferguson (with dragtype attachments); Helicopter Radioman (ground); Power Concrete Saw Op.; Power-driven Jumbo Form Setter Op.; Power Concrete Curing Machine Op.; Ross Carrier Op. (jobsite); Stationary Pipe Wrapping and Cleaning Machine Op.

GROUP 4: Asphalt Plant Fireman; Boring Machine Op.; Boxman or Mixerman (Asphalt or Concrete); Chip Spreading Machine Op.; Concrete Pump Op. (small portable); Bridge Type Unloader and Turntable Op.; Dinkey Locomotive or Motorman (up to and including 10 ton); Equipment Greaser (Grease Truck); Helicopter Hoist Op.; Highline Cableway Signalman; Hydra-Hammer - Aero Stomper; Power Sweeper Op.; Roller Op. (compacting); Screed Op. (Asphalt or Concrete); Rodman; Trenching Machine Op. (up to 6 ft.);

GROUP 5: Asphalt Plant Engineer; Concrete Batch Plant Op.; Backhoe Op. (up to and including 3/4 yd.); Bit Sharpener; Concrete Joint Machine Op. (Canal and similar type); Concrete Planer Op.; Derrickman (oilfield type); Deck Engine Op.; Drilling Machine Op. (including water wells); Forklift Op. (under 5 ton capacity); Hydrographic Seeder Machine Op.; (straw, pulp, or seed); Instrumentman; Machine Tool Op.; Maginnis Internal Full Slab Vibrator; Mechanical Berm, curb or gutter (concrete or asphalt); Mechanical Finisher Op. (concrete - Clary-Johnson-Bidwell or similar); Pavement Breaker Op.; Road Oil Mixing Machine Op.; Roller Op. (asphalt or finish); Rubber-tired Earth Moving Equipment (single engine, up to and including 25 yd. struck); Self-propeller Tar Pipelining Machine Op.; Slip Form Pump Op. (power-driven hydraulic lifting device for concrete forms); Tugger Hoist (1 drum); Tunnel Locomotive Op. (over 10 and up to and including 30 tons); Stinger Crane (Austin-Western or similar type); Skiploader Operator (Crawler and Wheel type over 3/4 yds. and up to and including 1 1/2 yds.); Tractor Op. - Bulldozer, Tamper, Scraper (single engine, up to 100 h.p., flywheel and similar types, up to and including D-5 and similar types); Welder - General

GROUP 6: Asphalt or Concrete Spreading Operator (tamping or finishing); Asphalt Paving Machine Op. (Barber-Greene or similar type); BHL Lima Road Factor, Wagner Factor or similar, Op., Bridge Crane Op.; Cast in Place Pipe Laying Machine Op.; Combination Mixer and Compressor Op. (Gunite work); Concrete Pump Op. (truck mounted); Concrete Mixer Op. - Paving;

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Crane Op. (up to and including 25 ton capacity); Crushing Plant Op.; Drill Doctor; Elevating Grader Op.; Forklift Op. (over 5 tons); Grade Checker; Grade-All Op.; Grouting Machine Op.; Heading Shield Op.; Heavy Duty Repairman; Hoist Op. (Chicago Boom and similar type); Kolman Belt Loader and similar type; LeTourneau Blob Compactor or similar type; Lift Slab Machine Op. (Vagtborg and similar type); Lift Mobile Op.; Loader Op. (Athey, Euclid, Sierra and similar type); Material Hoist Op.; Mucking Machine Op. (1/4 yd. rubber-tired, rail or track type); Pneumatic Concrete Placing Machine Op. (Hackley-Presswell or similar type); Pneumatic Heading Shield (tunnel); Pumpcrete Gun Op.; Rotary Drill Op. (excluding Caisson Type); Rubber-tired Earth Moving Equipment Op. (single engine Caterpillar, Euclid, Athey Wagon and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired Scraper Op. (self-loading - Paddel wheel type, John Deere, 1040 and similar single unit); Rubber-tired Earth Moving Equipment Op., multiple engine (up to and including 25 yds. struck); Skiploader Op. (Crawler and Wheel type - over 1 1/2 yds. up to and including 6 1/2 yds.); Surface Heaters and Planer Op.; Trenching Machine Op. (over 6 ft. depth capacity, manufacturers rating); Tower Crane Op.; Tractor Compressor Drill Combination Op.; Tractor Op. (any type larger than D-5 - 100 Flywheel h.p. and over, or similar); (Bull Dozer, Tamper, Scraper and Push Tractor; single engine); Tractor Op. (Boom Attachments), Traveling Pipe Wrapping, Cleaning and Bending Machine Op.; Tunnel Locomotive Op. (over 30 tons); Shovel, Backhoe, Dragline, Clamshell Op. (over 3/4 yds. and up to 5 cu. yd. M. R. C.)

GROUP 7: Crane Op. - over 25 ton up to and including 100 tons M. R. C.); Derrick Barge Op.; Dual Drum Mixer; Hoist Op., Stiff Legs, Guy Derrick, or similar type, up to and including 100 tons; Monorail Locomotive Op. (Diesel, gas or electric); Motor Patrol - Blade Op. (single engine); Multiple Engine Tractor Operator (Euclid and similar type, except Quad 9 Cat); Party Chief; Rubber-tired Earth Moving Equipment Op. (single engine over fifty (50) yds. struck); Rubber-tired Earth Moving Equipment Operator (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor Loader Op. (Crawler and wheel type over 6 1/2 yds.); Tower Crane Repairman; Shovel, Backhoe, Dragline, Clamshell Op. (over 5 cu. yds., M. R. C.); Welder - Certified; Woods Mixer Op. and similar Pugmill equipment; Heavy Duty Repairman - Welder combination

GROUP 8: Auto Grader Op.; Automatic Slip Form Op.; Crane Op. - over 100 tons; Hoist Op., Stiff Legs, Guy Derricks or similar types (capable of hoisting 100 tons or more); Mass Excavator Op.; Mechanical Finishing Machine Op.; Mobile Form Traveler Op.; Motor Patrol Op. (multi-engine); Pipe Mobile Machine Op.; Rubber-tired Earth Moving Equipment Op. (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired Self-Loading Scraper Op. (Paddle Wheel - Auger type self-loading - 2 or more units); Rubber-tired Scraper Op. - pushing one another without Push Cat, Push-Pull (.50¢ per hour additional to base rate); Tandem Equipment Op. (2 units only), Tandem Tractor Op. (Quad 9 or similar type); Tunnel Mole Boring Machine

POWER EQUIPMENT OPERATORS (Cont d)
(Except Piledriving and Steel Erection)

GROUP 9: Canal Liner; Canal Trimmer; Helicopter Pilot; Highline Cableway; Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds.)

TRUCK DRIVERS

GROUP 1: Busses, Job Site, Up to 25 Passengers; Dump (less than 12 yds.); Pickups; Service Truck Driver, Teamster Equipment (Highest Rate For Dual Craft Operation); Truck Repairman Helper; Trucks (less than 15 tons); Warehouseman; Water and Fuel (under 2,500 gals.)

GROUP 2: Bootman; Busses, Job Site More Than 25 Passengers; Dump (12 yds. but less than 16 yds.); Road Oil Spreader; Trucks (15 and 20 tons); Trucks Working On Gas and Oil Pipeline, Including Winch Truck and All Size Trucks; Truck Greaser; Water and Fuel (2,500 gals. to 4,000 gals.)

GROUP 3: Dumpcrete (less than 6½ yds.); Tireman; Transit-mix (under 3 yds.)

GROUP 4: Dump (16 yds. up to and including 22 yds.); Dumpcrete (6½ yds. and over); Dumpster; Euclid Type Spreader; Fork Lift; Ross Carrier-Highway ; Transit-mix (3 yds. but less than 6 yds.); Trucks (20 tons but less than 30 tons); Water and Fuel (4,000 gals. but less than 6,000 gals.)

GROUP 5: Dump (over 22 yds.); Transit-mix (6 yds. or more); Truck Repairman; Truck (30 tons and over); Water and Fuel (6,000 gals and over)

GROUP 6: DW 10 and DW 20 Euclid Type Equipment; LeTorneau Pulls; Terra Cobra and Similar; PB and Similar, When performing Work Within Teamster jurisdiction, Regardless Of Attachments Including Power Units Pulling Off Highway Belly Dumps In Tandem

SUPERSEDEAS DECISION

STATE: Nevada
DECISION NUMBER: NV75-5039
COUNTY: Washoe
DATE: Date of Publication
Supersedes Decision Number AR-1059 dated December 20, 1974, in 39 FR 44172.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

DECISION NO. NV75-5039

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 10.20	.97	.75	1.07	.06
BOILERMAKERS	9.95	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons[1]					
Zone A (0-15 miles from Court House in Reno)	9.60	.45	.45		.01
Zone B (15-35 miles from Court House in Reno)	10.10	.45	.45		.01
Zone C (35-75 miles from Court House in Reno)	10.50	.45	.45		.01
BRICK TENDERS:					
Zone A (0-15 miles from Court House in Reno)	7.85	.50	.45		.05
Zone B (15-35 miles from Court House in Reno)	8.35	.50	.45		.05
Zone C (35-75 miles from Court House in Reno)	8.75	.50	.45		.05
CARPENTERS:					
Carpenters	8.35	.50	.96	1.00	.04
Hardwood Floorlayers; Power Saw Operator; Shinglers; Patent Scaffold Erectors	8.50	.50	.96	1.00	.04
Piledrivermen	8.55	.50	.96	1.00	.04
Millwrights	8.95	.50	.96	1.00	.04
CEMENT MASONS:					
Cement Masons	8.05	.50	.60	1.00	.01
Mastic, Magnesite and all Composition Masons	8.30	.50	.60	1.00	.01
Troweling Machine; Grinder Operator and Kelly Float	8.55	.50	.60	1.00	.01
DRYWALL INSTALLERS	8.60	.50	.96	1.00	.04
ELECTRICIANS:					
Electricians	$ 9.59	.53	1% + .55		.03
Cable Splicers	10.55	.53	1% + .55		.03
ELEVATOR CONSTRUCTORS	10.76	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.845	.25	.55	.855	
IRONWORKERS:					
Fence Erectors	8.89	.88	1.375	1.03	.03
Reinforcing	9.78	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03
LATHERS	8.21	.40	.35		.01
PAINTERS:					
Brush	8.30	.50	.20		
Paperhangers; Spray; Structural Steel; Swing Stage; Sandblasters; Tapers	8.55	.50	.20		
PLASTERERS	8.85	.50	.75		
PLASTERERS' TENDERS	7.75	.50	.45		
PLUMBERS; Steamfitters	9.89	.58	.60	1.95	.10
ROOFERS	9.10	.45	.05		.02
SHEET METAL WORKERS	8.85	.74	1.50	.89	.03
SOFT FLOOR LAYERS	9.25	.50	.20		
SPRINKLER FITTERS	11.85	.50	.70		.08
TERRAZZO WORKERS; TILE SETTERS:					
Zone A (0-15 miles from Court House in Reno)	9.60	.45	.45		.01
Zone B (15-35 miles from Court House in Reno)	10.10	.45	.45		.01
Zone C (35-75 miles from Court House in Reno)	10.50	.45	.45		.01

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

DECISION NO. NV75-5039

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP (Single or Multiple units including Semis and Double and Transfer Units; Dumpcrete and Bulk Cement Spreader:					
Under 4 yards	$6.45	.51	.65		.05
4 yards and under 8 yards	6.65	.51	.65		.05
8 yards and under 18 yards	6.85	.51	.65		.05
18 yards and under 35 yards	7.00	.51	.65		.05
35 yards and under 60 yards	7.25	.51	.65		.05
60 yards and under 75 yards	7.40	.51	.65		.05
75 yards and under 100 yards	7.55	.51	.65		.05
100 yards and over	7.70	.51	.65		.05
TRANSIT MIX (Using Boom):					
Under 8 yards	6.975	.51	.65		.05
8 yards and including 12 yards	7.075	.51	.65		.05
Over 12 yards	7.275	.51	.65		.05
WATER AND JETTING:					
Up to 2500 gallons	6.65	.51	.65		.05
2500 gallons and over	6.85	.51	.65		.05
DW 20's and 21's and other similar Cat Type; Terra Cobra; LeTourneau Pulls; Tournerocker; Euclid and similar type equipment when pulling Aqua/Pak; Water Tank Trailers and Fuel and/or Grease Tank Trailer, or other misc. Trailers (except as defined under dump trucks	7.10	.51	.65		.05
FLAT RACK; INDUSTRIAL LIFT WITH MECHANICAL TAILGATE:					
Single Unit 2 axle	6.65	.51	.65		.05
Single Unit 3 axle	6.75	.51	.65		.05
BUS AND MANHAUL:					
Up to 18,000 lbs. (single unit)	6.50	.51	.65		.05
18,000 lbs. and over (single unit)	6.60	.51	.65		.05
WINCH AND A-FRAME:					
Under 18,000 lbs.	6.60	.51	.65		.05
18,000 lbs. and over	6.70	.51	.65		.05

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Heavy duty transport (high bed); Heavy duty transport (gooseneck lowbed); Tiltbed or flatbed pull trailers	$7.00	.51	.65		.05
Bootman, Combination bootman and road oiler	6.90	.51	.65		.05
Road oiler or bootman; Truck oiler and greaser; Fuel driver, fuel man and fuel island man	6.60	.51	.65		.05
Helicopter pilot (when transporting men or materials)	7.40	.51	.65		.05
Lift jitney and fork lift	6.70	.51	.65		.05
Warehouseman; Spotters; Teamsters	6.55	.51	.65		.05
Tireman repairman	6.85	.51	.65		.05
Truck repairman	7.15	.51	.65		.05
Pickup truck and pilot cars (jobsite)	6.50	.51	.65		.05

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Group 1	$7.10	.50	.45		.10
Group 2	7.20	.50	.45		.10
Group 3	7.35	.50	.45		.10
Group 4	7.60	.50	.45		.10
Group 5	7.90	.50	.45		.10
Group 6	7.90	.50	.45		.10
Group 6-A:	7.60	.50	.45		.10
Group 6-B:	7.25	.50	.45		.10

LABORERS

Group 1: All cleanup work of debris, grounds, and buildings including windows and tile; Dumpman or Spotter (other than asphalt); General Laborer; Gardeners and Landscape Laborers; Linber, Brushloader and Piler

Group 2: Choker Setter or Rigger (clearing work only); Pittsburgh Chipper and similar type Brush Shredders; Concrete Worker (wet or dry) all concrete work not listed in Group 3; Crusher or Grizzly Tender; Guniea Chaser (Stakeman); Panel Forms (wood or metal) handling, cleaning, and stripping of; Loading and unloading, carrying and handling of all rods and material for use in reinforcing concrete; Railroad Trackmen (maintenance, repair or builders); Sloper; Semi-skilled Wreckers (salvaging of building materials other than those listed in Group 3); Greasing Dowels

Group 3: Asphalt Workers (Ironers, Shoveler, Cutting Machine); Buggymobile; Chainsaw, faller, logloader and bucker; Compactor (all types); Concrete Mixer under 1/2 yds.; Concrete Pan Work (breadpan type), (handling, cleaning, stripping); Concrete Saw, Chipping, Grinding, Sanding, Vibrator; Cribbing, Shoring, Lagging, Trench Jacking, hand-guided Lagging Hammer; Curbing or Divider Machine; Curb Setter (precast or cut); Ditching Machine (hand-guided); Drillers' Helper, Chuck Tender; Form Raiser, Slip Forms; Grouting of concrete walls; Windows and door jams; Headerboardmen; Jackhammer, Pavement Breaker, Air Spade; Mastic Workers (wet or dry); Pipe Wrapper, Kettleman, Potman, and Men applying asphalt, creosote and similar type materials; All power tools (air, gas, or electric) not listed in Group 5; Pipejacking; Posthole Digger (air, gas, or electric) Post Driver; Riprap-stonepaver and Rock Slinger, incl. placing of sack concrete wet or dry; Rototiller; Rigging and Signaling in connection with Laborers' work; Sandblaster, Potman, Gunman or Nozzleman; Vibra-screed; Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing, and electrical fixtures)

Group 4: Burning and Welding in connection with Laborers' work; Joy Drill Model TWM-2A, Gardner Denver Model DN 143 and similar type drills; Track Drillers, Diamond Core Drillers, Wagon Drillers, Mechanical Drillers on multiple units; High Scalers; Concrete Pump; Heavy Duty Vibrators with stinger 5" diameter or over; Pipelayer, Caulker and Bander; Pipelayer - waterline, sewerline, gasline, or conduit; Asphalt Bakers

Group 5: Blasters and Powdermen, all work of loading, placing and blasting of all powder and explosives of any type, regardless of method used for such loading and placing.

Group 6-A: Nozzleman, Bodman

Group 6-B: Gunman, Materialman

Group 6-C: Reboundman

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA 1	AREA 2				
Group 1	$7.80	$8.95	.85a	1.37	.70	.20
Group 2	8.14	9.29	.85a	1.37	.70	.20
Group 3	8.32	9.47	.85a	1.37	.70	.20
Group 4	8.79	9.94	.85a	1.37	.70	.20
Group 5	8.98	10.13	.85a	1.37	.70	.20
Group 6	9.09	10.24	.85a	1.37	.70	.20
Group 7	9.25	10.40	.85a	1.37	.70	.20
Group 8	9.59	10.74	.85a	1.37	.70	.20
Group 9	9.79	10.94	.85a	1.37	.70	.20
Group 10	10 00	11.15	.85a	1.37	.70	.20
Group 10-A	10.11	11.26	.85a	1.37	.70	.20
Group 11	10.26	11.41	.85a	1.37	.70	.20
Group 11-A	11.24	12.39	.85a	1.37	.70	.20

a. Includes 5.13 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Assistant to Engineer, including Brakeman, Deckhand, Fireman, Heavy Duty Repairman Helper, Oiler, Partsman (heavy duty repair shops parts room when needed), Switchman, Tar Pot Fireman

Group 2: Compressor; Material Loader and/or Conveyor (handling building materials); Pump; Tar Pot Fireman (power agitated)

Group 3: Box Operator (Bunker); Concrete Curing Machines (streets, highways, airports, canals); Conveyor Belt (tunnel); Engineer Generating Plant (500 K. W.); Fireman Hot Plant; Hydraulic Monitor; Lubrication and Service Engineer (mobile and grease rack); Mixer Box Operator (concrete Plant); Motorman; Rodman or Chainsman; Rotomist; Screedman (except asphaltic or concrete paving); Oiler (truck crane)

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Concrete Mixer, Skip type; Dinky; Fork Lift (construction job site); Koss Cartier; Skip Loader (under 1 cu. yd.); Tie Spacer; Line Master

Group 5: Concrete Mixer (over 1 cu. yd.); Concrete Pumps or Pumpcrete Guns; Elevator and Material Hoist (1 drum); Screedman (Barber-Greene and similar) (asphaltic or concrete paving); Shuttle Car; Signalman

Group 6: Boom Truck or Dual Purpose "A" Frame Truck; B.L.H. Lima Road Pactor or similar; Chip Box Spreader (Flaherty type or similar); Concrete Batch Plant (wet or dry); Concrete Saws (highways, streets, airports, canals); Highline Cableway Signalman; Locomotive (over 30 tons); Maginnis International Full Slab Vibrator (airports, highways, canals, warehouses); Mechanical Burn, Curb and/or Curb Gutter Machine (concrete or asphalt); Power Jumbo (setting slip forms, etc., in tunnels); Roller (except asphalt); Self-propelled Compactor (single engine); Slip Form Pump (power driven by hydraulic, electric, air, gas, etc., lifting device for concrete forms); Stationary Pipe Wrapping, Cleaning and Bending Machine; Pavement Breaker or Tamper (with or without compressor combination); Pavement Breaker, truck mounted, with compressor combination; Small Rubber-tired Tractors; Self-propelled Tape Machine

Group 7: Compressor (over 2); Concrete Conveyor; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Crusher Plant Engineer; Deck Engineer; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Generators; Grade Setters; Grade Checker; Instrument Man; Kolman Loader; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Pipe Bending Machines (pipelines only); Pipe Cleaning Machines (tractor propelled and supported); Pipe Wrapping Machines (tractor propelled and supported); Portable Crushing and Screening Plants; Pumps (over 2); Refrigeration Plant; Self-propelled Boom type Lifting Device (center mount) (10 ton capacity or less); Slusher; Soil Tester (certified); Surface Heater and Planer; Trenching Machine (maximum digging capacity 3 ft. depth) Truck type Loader; Welding Machines (gasoline or diesel); Roller (asphalt)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 8: Asphalt Plant Engineer; Car Passer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor; Dozer; Concrete Batch Plant (multiple units); Elevating Grader; Grooving and Grinding Machine (highways); Heavy Duty Repairman and/or Welder; Ken-seal; Loader (up to and including 2½ cu. yds.); Mechanical Trench Shield; Mixermobile; Push Cats; Road Oil Mixing Machine; Wood-mixer (and other similar pugmill equipment); Rubber-tired Earthmoving equipment (up to and including 35 cu. yds. "struck" M.R.C., Euclids, T-Pulls, DW's 10, 20, 21, and similar); Self-propelled Compactor with Dozer; Sheepfoot; Small Tractor (with boom); Soil Stabilizer (P & H or equal); Timber Skidder (rubber tire) or similar equipment; Tractor; Tractor drawn scraper; Tractor mounted Compresser Drill Combination; Trenching Machine (over 3 ft. depth); Tri-batch Paver; Tunnel Badger or Tunnel Boring Machine; Tunnel Mole Boring Machine

Group 9: Canal Finger Drain Digger; Chicago Boom; Combination Backhoe and Loader (up to and including 3/8 yds.); Combination Mixer and Compressor (gunnite); Lull Hi-lift (20 ft. or over); Mucking Machine; Tractor with boom (D-6 or larger); Track Laying type Earth moving Machine (single engine with tandem scrapers); Sub-grader (Gurries or other types)

Group 10: Boom type Backfilling Machine; Bridge Crane; Cary-lift or similar; Chemical Grouting Machine; Chief of Party; Derricks; Derrick Barges (except excavation work); Euclid Loader and Similar types; Heavy Duty Rotary Drill Rigs; Lift-slab (Vaszborg and similar types); Loader (over 2½ cu. yds. up to and including 4 cu. yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earth Moving Machines (Euclid, Dozers, etc.); Pre-stress Wire Wrapping Machine; Rubber Tired Scraper, self-loading; Self-propelled Reservoir-debris equipment floating (200 HP and over); Shuttle Car (Reclaim Station); Single Engine Scraper (over 35 cu. yds.); Train Loading Station; Vacuum Cooling Plant; Whirley Crane (up to and including 25 tons); Trenching Machine; Multi-engine with sloping attachments (JEFFCO or similar)

Group 10-A: Backhoe (up to and including 1 cu. yd. hydraulic); Backhoe (up to and including 1 cu. yd.)(Cable); Cranes (not over 25 tons)(hammerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Motor Patrol; Power Shovels, Clamshells, Draglines, Cranes (up to and including 1 cu. yd.); Rubber-tired Scraper, self-loading (twin engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 11: Automatic Asphalt or Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Cranes (over 25 tons); Highline Cableway Operator; Loader (over 4 yds. up to and including 12 cu. yds.); Multi-engine Earthmoving Equipment (up to and including 75 cu. yds. "struck" M.R.C.); Power Shovels, Clamshells, Draglines, Backhoes, Gradeall (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Self-propelled Compactor (with multiple propulsion power units); Single Engine Rubber Tired Earth-moving Machine (with tandem scraper); Slip Form Paver (concrete or asphalt); Tandem Cats and Scrapers; Tower Crane Mobile; Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and including 750 cu. yds. per hour); Whirley Cranes (over 25 tons)

Group 11-A: Band Wagons (in conjunction with wheel excavators); Loader (over 12 cu. yds.); Multi-engine Earth Moving Equipment (over 75 cu. yds. "struck" M.R.C.); Operator of Helicopter (when used in construction work); Power Shovels and Draglines (over 7 cu. yds. M.R.C.); Remote Controlled Earth Moving Equipment; Wheel Excavator (over 750 cu. yds. per hour)

NEVADA AREA DEFINITIONS for Power Equipment Operators

** AREA 2: All areas not included within Area 1 as defined below.
* AREA 1: All of Northern Nevada within the following lines:

Commencing at the N.W. corner of township 22N, range 18E, Mount Diablo Baseline and Meridian at the California-Nevada border;
Thence Easterly to the N.E. corner of township 22N, range 22E;
Thence Southerly to the N.E. corner of township 20N, range 22E;
Thence Easterly to the N.W. corner of township 20N, range 26E;
Thence Northerly to the N.W. corner of township 22N, range 26E;
Thence Easterly to the N.W. corner of townhsip 22N, range 29E;
Thence Northerly to the N.W. corner of township 30N, range 29E;
Thence Easterly to the N.E. corner of township 30N, range 33E;
Thence Southerly to the S.E. corner of township 24N, range 33E;
Thence Westerly to the S.E. corner of township 24N, range 31E;
Thence Southerly to the S.E. corner of township 16N, range 31E;
Thence Westerly to the S.E.corner of township 16N, range 30E;
Thence Southerly to the S.E. corner of township 15N, range 30E;
Thence Westerly to the S.E. corner of township 15N, range 27E;
Thence Southerly to the S.E. corner of township 14N, range 27E;
Thence Westerly to the S.E. corner of township 14N, range 23E;
Thence Southerly to the S.E. corner of township 13N, range 23E;
Thence Westerly to the S.E. corner of township 13N, range 22E;
Thence Southerly to the N.E. corner of township 10N, range 22E;
Thence Easterly to the N.E. corner of township 10N, range 23E;
Thence Southerly along the Easterly line of range 23E to the intersection of the California-Nevada border;
Thence North-Westerly, then Northerly following the California-Nevada border to the point of beginning.

Area 1 also includes that portion of Northern Nevada included within the following line:

Commencing at the S.W. corner of township 37N, range 52E;
Thence Easterly to the S.E. corner of township 37N, range 52E;
Thence Northerly to the N.E. corner of township 37N, range 52E;
Thence Easterly to the N.W. corner of township 37N, range 58E;
Thence Southerly to the S.W. corner of township 37N, range 58E;
Thence Easterly to the S.E. corner of township 37N, range 58E;
Thence Southerly to the N.E. corner of township 31N, range 58E;
Thence Westerly to the N.W. corner of township 31N, range 58E;
Thence Southerly to the S.W. corner of township 31N, range 58E;
Thence Westerly to the S.E. corner of township 31N, range 52E;
Thence Northerly to the N.E. corner of township 31N, range 52E;
Thence Westerly to the S.E. corner of township 32N, range 51E;
Thence Northerly to the point of beginning.

SUPERSEDEAS DECISION

STATE: New Mexico COUNTY: Dona Ana and Otero
DECISION NO: NM75-4067 DATE: Date of Publication
Supersedes Decision No. NM75-4014 dated January 17, 1975 in 40 FR 3148
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$7.09	.43			
Carpenters	6.44	.47	.45		.12
Cement masons	6.17				
Electricians	7.80	.25	1%		1/2%
Laborers	4.08				
Painters, brush	5.83				
Plasterers	6.50				
Plumbers:					
Zone I	8.00	.42	.75		.09
Zone II	8.25	.42	.75		.09
Zone III	8.50	.42	.75		.09
Zone IV	8.75	.42	.75		.09
Zone V	9.25	.42	.75		.09
Zone VI	9.50	.42	.75		.09

PLUMBERS ZONE DEFINITION

Zone I - Shall extend a distance of five road miles inclusive beyond the city limits of Alamogordo or Las Cruces

Zone II - Shall extend a distance of eight road miles inclusive beyond the outer perimeter of Zone 1

Zone III - Shall extend a distance of ten road miles inclusive beyond the outer perimeter of Zone 2

Zone IV - Shall extend a distance of twelve road miles inclusive beyond the perimeter of zone 3

Zone V - Shall extend a distance of ten road miles inclusive beyond the outer perimeter of zone 4

Zone VI - Shall apply to all areas not within zones 1, 2, 3, 4 or 5

Roofers	5.70				
Sheet metal workers	7.23				
Stonemason	5.00				
Soft floor layers	5.00				
Tile setters	5.00				
Truck drivers	4.68				
POWER EQUIPMENT OPERATORS:					
Grader	5.36				
Mechanic	5.65				
Tractor	5.43				
Trenching machine	6.81				

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Muskogee, Adair, & Cherokee
DECISION NO.: OK75-4069 DATE: Date of Publication
Supersedes Decision No. OK75-4057 dated March 7, 1975 in 40 FR 10897
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and heavy and highway construction within the City of Muskogee.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.90	.35	.50		.015
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS-STONEMASONS	7.93	.30	.40		.04
CARPENTERS:					
Carpenters	7.60		.25		.01
Millwrights-Piledrivermen	8.10		.25		.01
CEMENT MASONS:					
Cement masons	7.05				
Power tool operator	7.30				
ELECTRICIANS:					
ZONE I - A 20 mile radius from Post Office of City of Muskogee					
ZONE II - Area outside zone I					
Zone I					
Electricians	7.93	.30	1%		½%
Cable splicers	8.33	.30	1%		½%
Zone II					
Electricians	8.23	.30	1%		½%
Cable splicers	8.63	.30	1%		½%
ELEVATOR CONSTRUCTORS	7.93	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (Probationary 6 months)	50%JR				
GLAZIERS	7.00	.40	.30		.01
IRONWORKERS	8.49	.30	.35		.08
LABORERS:					
Group 1	5.00	.25	.20		
Group 2	5.30	.25	.20		
Group 3	5.50	.25	.20		

CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending lathers, masons, or plasterers; water boys, when used, carpenter tenders; and common laborers.

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LABORERS CLASSIFICATION DEFINITIONS CONT'D

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping, treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines, and gunite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechainal equipment which replaces wheel barrows or buggies previously used be laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and curring torch operators in connection with laborers' work; concrete grader.

GROUP III - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	7.65				.01
LINE CONSTRUCTION					
Lineman	8.00		1%		½%
Cable splicers	8.48		1%		½%
Hole digger operator	7.26		1%		½%
Heavy Equipment Operator (or Pole Cat Equivalent)	7.26		1%		½%
Line truck driver (winch operator)	6.57		1%		½%
Jack Hammerman	5.99		1%		½%
Powderman	7.26		1%		½%
Groundman	5.34		1%		½%
Truck driver (flat bed, ton and half and under)	5.70		1%		½%
PAINTERS:					
Commerical brush and roller	5.35		.25	.20	
Spray; glove or dipping; sandblasters, spray or sand pot tender (maximum two pots, guns or nozzles), power rollers, power equipment operators, bituminastic and like materials, applicators and kettle tenders	6.60		.25	.20	
Spray or sand pot tender (maximum one pot, one nozzle or gun	5.70		.25	.20	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS (cont'd)					
Hazardous work	8.50		.25	.20	
Cooning steel, stage bosun chair spiders, jack, roof work, skates, rolling scaffolds and like equipment - fifty cents above basic rate					
POWER EQUIPMENT OPERATORS:					
Group 1	8.25	.35	.25		.12
Group 2	8.00	.35	.25		.12
Group 3	7.75	.35	.25		.12
Group 4	7.50	.35	.25		.12
Group 5	7.00	.35	.25		.12
Group 6	7.10	.35	.25		.12
Group 7	6.50	.35	.25		.12
Group 8	6.80	.35	.25		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 100' of boom or over (including jib); all tower cranes and all crane type of 3 cu. yd. or more.
GROUP II - Heavy duty mechanic; welder; crane hook and overhead monorail; whirley; panel board batch plant operators; derrick; piledriver; engineer; draglipe; shovel; clamshell; backhoe; sideboom; gradall; hydro crane; cherry picker; hoists while operating 2 or more drums.
GROUP III - Motor patrol (Blade); dozer (engine H.P. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; tournapull, DW 10, 15, 16, 20, 21, and similar rubber-tired equipment, Euclid, TS-24 and similar; loader operator or hi-lift (engine H.P. 65 or over); Asphalt lay machine; tail boom; conveyor-multiple; panel board control, power driver hole digger; trenching machine; concrete pump - boom type
GROUP IV - Locomotive engineer; boring machine, tug boat; mixer, 18 cu. ft. and over, sand barge; dredging machine; tugger; hoist when operating one drum, welding machine, 3 to 6, Air compressor, 3 to 6, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1), pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineer, diesel elec; winch trucks with A-Frame; rollers all types; outside elevator or building or personnel hoist, concrete buster or tamper; heater under jurisdiction of operator; engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable) conveyor operator-duel, continuous or belt-bulk handling; screened operator; concrete pump; form grader; screening plant, well point pump operator; signal man or large whirleys when and if required; operator for rotary drilling machine when operated from console or machines
GROUP V - Permanant elevator-building type (automatic), concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); foelman; conveyor operator-single continuous belt bulk handling

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POWER EQUIPMENT OPERATORS (CONT'D) CLASSIFICATIONS DEFINITIONS

GROUP VI - Greaser, tilt top trailer operator
GROUP VII - Truck crane oiler driver or truck crane oiler
GROUP VIII - Asphalt lay machine back end man helper
Engineers for machine not listed under the above classification shall receive the scale comparable to these classifications.
Engineers of all classifications when working in caverns or tunnels shall receive $0.25 per hour above listed rates.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS-STEAMFITTERS	8.55	.40	.80		.10
ROOFERS	7.25	.25	.25		.04
SHEET METAL WORKERS	8.09	.45	.45		.06
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS	7.78		.10		
TERRAZZO WORKERS HELPERS	6.28				
TERRAZZO WORKERS HELPERS' FLOOR GR.	6.34				
TERRAZZO WORKERS'HELPERS BASE MACHINE OPERATOR	6.58				
TILE LAYERS	7.78		.10		
TRUCK DRIVERS:					
Group 1	6.15				
Group 2	6.25				
Group 3	6.35				
Group 4	6.30				
Group 5	6.45				

CLASSIFICATION DEFINITIONS

GROUP I - Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready-mix concrete trucks up to but not including 3 yards
GROUP V - Ready-mix concrete trucks 3 yards and over

FOOTNOTES: a. 1st 6 mos. to 3 yrs. - 2% over 3 yrs. - 4% of basic hourly rate.
b. Paid Holidays - A through F
PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Oregon
COUNTIES: Statewide
DECISION NUMBER: OR75-5041
DATE: Date of Publication
Supersedes Decision No. OR75-5014 dated February 7, 1975, in 40 FR 6117
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.96	.50	.80		.10
BOILERMAKERS	8.90	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons: Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, N 1/2 of Yamhill Counties	9.42	.50	.55		.08
Marion, Polk, S 1/2 of Yamhill Counties	8.25	.40	.40		
Baker, Union, Umatilla, Wallowa, N 1/2 of Malheur Counties	9.20	.40	.50		
Benton, Crook, Coos, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (incl. the City of Maupin and South thereof), and S 1/2 of Malheur Counties	9.02	.50	.55		.08
CARPENTERS; Acoustical Applicator; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	7.79	.55	.65	.35	.03
Piledrivermen; Bridge, Dock and Wharf Builders	7.89	.55	.65	.35	.03
Floor Layers and Finishers; Stationary Power Saw Operators	7.94	.55	.65	.35	.03
Boom Men	7.99	.55	.65	.35	.03
Millwrights and Machine Erectors	8.04	.55	.65	.35	.03
Drywall Applicators	7.79	.55	.65	.35	.03
CEMENT MASONS: Cement Masons	7.14	.35	.35	.20	.03
Mastic Worker; Composition Worker; Gunnite Man; Power Machinery Operator	7.29	.35	.35	.20	.03
ELECTRICIANS: Malheur County					
Electricians	$8.48	.40	1%+.25		1%
Cable Splicers	9.328	.40	1%+.25		1%
Baker, Gilliam, Grant, Morrow, Umatilla, Union, Wallowa, Wheeler Counties					
Electricians	8.95	.35	1%+.40		.02
Cable Splicers	9.85	.35	1%+.40		.02
Coos, Curry, Lincoln, Those portions of Douglas and Lane Counties lying west of a line North and south from the NE corner of Coos County to the SE corner of Lincoln County					
Electricians	9.30	.45	1%		.04
Cable Splicers	10.23	.45	1%		.04
Benton, Crook, Deschutes, Jefferson, Lane (except coast portion), Linn, Marion, Polk, S-½ of Yamhill Counties					
Electricians	9.85	.45	1%		.04
Lead Cable Splicers	10.64	.45	1%		.04
Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, N-½ of Yamhill Counties					
Electricians	9.60	.45	1%+.40		.02
Lead Cable Splicers	10.35	.45	1%+.40		.02
Harney, Jackson, Josephine, Klamath, Lake, that portion of Douglas lying east of a line running north and south from the NE corner of Coos to the SE corner of Lincoln Counties					
Electricians	9.50	.45	1%		.04
Cable Splicers	10.15	.45	1%		.04
ELEVATOR CONSTRUCTORS	7.97	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.20	.26	.30	6.5%	.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	$ 8.90	.58	.90		.05
LATHERS:					
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Tillamook, Wasco, Washington, Yamhill Counties	8.73	.30			
MARBLE SETTERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (North of the City of Maupin), Washington, N-½ of Yamhill Counties	9.42	.30	.55		.08
Baker, Union, Umatilla, Wallowa, N-½ of Malheur, Counties	9.20	.40	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, S½ of Malheur, Wasco (incl. the City of Maupin and South thereof), Wheeler Cos.	7.00	.45	.45		.02
MASON TENDERS:					
(Including tenders to plasterers, bricklayers, tile setters, marble setters, and terrazzo work; topping for cement finishers and mortar mixer)	7.30	.50	.65		.07
PAINTERS:					
Malheur County					
Brush; Paperhangers; Drywall Tapers	7.26	.25	.10		.02
Steel, Sign	7.36	.25	.10		.02
Application of toxic materials; Sandblasting; Spray	7.73	.25	.10		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Umatilla (Township of Pendleton only)					
Brush; Glazier; Sign Painter	$ 5.50				
Spray; Sandblasting; Swing Stage; Taping and Paperhanging	5.75				
Remaining Counties					
Brush	7.77	.35	.45	.30	.03
Spray, High Towers, ground to 100'	8.02	.35	.45	.30	.03
High Work over 100'; High Towers	8.27	.35	.45	.30	.03
High Towers, ground to over 300'	8.77	.35	.45	.30	.03
Drywall Finisher	7.81	.40	.40	.50	.06
PLASTERERS					
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur (south half), Wasco (including the City of Maupin and south thereof) and Wheeler Cos.	8.50	.50	.60		.01
Remaining Counties	8.50	.50	.60		.01
PLUMBERS; Steamfitters					
Baker; Harney (except NW portion); Malheur Counties	7.39	.37	.40		.05
Grant (except SW corner); Morrow, Umatilla, Wallowa, Union Counties	10.11	.33	.85	.62	.10
N 1/2 of Benton, Lincoln and Linn Counties; S 1/2 of Tillamook and Yamhill Counties; Marion and Polk Counties	8.20	.51	.63	1.00	.08
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Wasco, Wheeler, Washington, N 1/2 of Yamhill County, N 1/2 of Tillamook County	9.37	.70	1.00		.07
Coos, Curry, West coast portion of Douglas, Lane (City of Florence)	9.14	.66	.77		.0175

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters (Cont'd)					
Lane (except for City of Florence); Douglas (except coast portion), Crook, Deschutes, SW portion of Harney, Northern portions of Klamath and Lake Cos., S 1/2 of Lincoln, Linn, Benton and Jefferson Counties, SW corner of Grant County	$ 7.73	.41	.62		.05
Remainder of Klamath and Lake Cos.	8.96	.50	.75	1.00	.075
Jackson and Josephine Counties	7.05	.44	.84	.85	.02
ROOFERS:					
Clackamas, Clatsop, Columbia, Gillium, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington and Wheeler Counties					
Roofers	9.05	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	9.55	.45	.75		
Handling of irritating material (coal, tar or epoxy) in a confined area	9.80	.45	.75		
Wallowa County	7.45				
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, and Lane Counties					
Roofers	7.85	.30	.10		
Spray and/or application of irritating materials in a confined area	8.60	.30	.10		
Marion, Yamhill, Polk, Lincoln, Benton and Linn Counties	7.40	.22	.15	.25	
Malheur County	7.40	.33	.20	.30	
SHEET METAL WORKERS:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler and Yamhill Counties	8.27	.55	.41	.57	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS: (Cont'd)					
Malheur County	$ 8.36	.32	.30		.04
Baker, Umatilla, Union, Wallowa Counties	9.95	.50	.78		
Coos, Curry, Douglas, Klamath, Lake and Lane Counties	8.67	.37	.34		.005
Jackson and Josephine Counties	8.08	.42	.40	.30	.005
SOFT FLOOR LAYERS:					
All Counties except Malheur	7.735	.45	.45		.05
SPRINKLER FITTERS	9.40	.50	.70		.08
TERRAZZO WORKERS:					
Baker, Umatilla, Union, Wallowa and N 1/2 of Malheur Counties	8.53	.40	.50		
TILE SETTERS:					
Clatsop, Clackamas, Columbia, Gillion, Hood River, Morrow, Multnomah, Sherman, Wasco (north of the City of Maupin), Washington, Tillamook and N 1/2 of Yamhill Co.	8.04	.35	.35	.25	
Baker, Umatilla, Union, Wallowa Counties and N 1/2 of Malheur Cos.	8.53	.40	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (incl. the City of Maupin and south thereof) and S 1/2 of Malheur Counties	7.15	.45	.45		
WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service to Vacation Plan , Six Paid Holidays: A through F.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	½%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.74	.35	1%	.10	½%
Tree Trimmer	7 88	.35	1%	.10	½%
Line Equipment Man	7.52	.35	1%	.10	½%
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	½%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	½%
Hole Digger	5.91	.35	1%	.10	½%
DREDGING:					
Dipper Leverman:					
(a) 5 yards and under	7.89	.45	.60	.25	
(b) Over 5 yards	8.44	.45	.60	.25	
Leverman, Hydraulic	7.50	.45	.60	.25	
Assistant Engineer (Electric Generator Operator for Primary Pump; Power Barge or Dredge)	7.18	.45	.60	.25	
Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen	7.08	.45	.60	.25	
Engineer Welder; Craneman	7.13	.45	.60	.25	
Fireman; Oiler	6.74	.45	.60	.25	
Assistant Mate (Deckhand)	6.64	.45	.60	.25	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Group 1	$6,55	.50	.65	.35	.07
Group 2	6.70	.50	.65	.35	.07
Group 3	6.85	.50	.65	.35	.07
Group 4	7.00	.50	.65	.35	.07
POWER EQUIPMENT OPERATORS:					
Group 1	7.30	.55	.85	.35	.05
Group 2	7.44	.55	.85	.35	.05
Group 3	7.54	.55	.85	.35	.05
Group 4	7.70	.55	.85	.35	.05
Group 5	7.72	.55	.85	.35	.05
Group 6	7.80	.55	.85	.35	.05
Group 7	7.86	.55	.85	.35	.05
Group 8	7.96	.55	.85	.35	.05
Group 9	8.02	.55	.85	.35	.05
Group 10	8.08	.55	.85	.35	.05
Group 11	8.10	.55	.85	.35	.05
Group 12	8.16	.55	.85	.35	.05
Group 13	8.24	.55	.85	.35	.05
Group 14	8.40	.55	.85	.35	.05
Group 15	8.56	.55	.85	.35	.05
Group 16	8.74	.55	.85	.35	.05
Group 17	8.88	.55	.85	.35	.05
Group 18	9.06	.55	.85	.35	.05
Group 19	9.20	.55	.85	.35	.05
TRUCK DRIVERS:					
Group 1	7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

LABORERS

Group 1: Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burner and cutters; Car and truck loaders; Carpenter tender; Change-House man or dry shack man; Choke setter; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, and moving laborers; Driller helpers; Dumpers, Road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); General laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty and similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalman; Slopers; Spraymen; Stake chaser; Stake setter; Grade checker; Stockpiler; Timber faller and bucker (hand labor); Toolroom man (at job site) Tunnel bull gang (above ground); Weigh-man - Crusher (Aggregate when used)

Group 2: Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader and similar types; Clean-up nozzleman; Greencutter (Concrete rock, etc.); Concrete power buggyman; Demolition and wrecking-charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (incl. cement and lime); Manhole builder; Powertool operator, incls. but not limited to: Chipping Guns; Jackhammer, Paving breakers, Post hole digger, Air, Gas, or Electric; Tampers; Vibrating screed; Vibrators (less than 4" in diameter); Post hole digger, air, gas, or electric; Ribbon setter, hand; Rip rap man (hand), Hand placed; Sand blasting (wet); Sewer timbermen; Timber buckers and fallers, Brush cutters (power saw); Tunnel-Muckers, Brakemen, Concrete crew, Bull gang (underground)

Group 3: Asphalt rakers; Bit grinder; Concrete saw operator; Drill doctor; Drill operator, Air tracks, Cat drills, Wagon drills, Rubber-mounted drills, and other similar types; Gunite nozzleman; High scalers, strippers and drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Powdermen; Power saw operators (Bucking and falling mechantable logs); Pumpcrete nozzlemen; Sand blasting (Dry); Sewer pipe layers; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger operator; Tunnel--Chuck tenders, Nipper and Timbermen; Vibrators (4" and larger); Water blaster; Laser beam (pipe laying)

Group 4: Tunnel miners; Tunnel powderman; Laser beam (tunnel)

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including plant, crane, crusher, guardrail equipment, and trenching machine; Assistant Conveyor Operator; Crusher feederman; Deckhand; Self-propelled scaffolding operator; Guardrail punch oiler; Pump operator, under 4"; Brakeman; Switchman; Parts man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-Driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame truck operator, single drum; Tugger or coffin type hoist operator; Drill helper; Auger oiler; Boatman; Fork Lift or Lumber Stacker operator (on job site); Oiler, combination guardrail machines; Temporary heating plant operator; Grade Oiler, required to check grade; Grade checker; Tar pot fireman; Tar pot fireman (power agitated); H.D. Repairman Helper; Welder's helper; Helicopter radioman (ground); Roller operator, grading of base rock (not asphalt);

Group 3: Asphalt plant fireman; Pugmill operator (any type); Truck mounted asphalt spreader, with screed; Compressor operator (any power), under 1,250 cu. ft. total capacity; Conveyor operator; Mixer box operator (C.T.B., dry batch, etc.); Cement hog; Concrete saw; Concrete curing machine (riding type); Wire mat or brooming machine; Ross carrier operator (on job site); Bucket elevator loader, Barber-Greene and similar types; Hydraulic pipe press; Pump operator (any power), 4" and over; Hydrostatic pump; Motorman; Ballast jack tamper; Bell Boy phones, etc., Tamping machine, mechanical self-propelled; Hydrographic seeder machine, straw, pulp or seed; Broom operator, self propelled (on job site); Air Filtration equipment; Welding machine operator

Group 4: Screed operator; Compactor, including vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination mixer and compressor, gunnite work; Concrete mixer operator, single drum, under five bag capacity; Helicopter hoist operator; Floating Equipment fireman; Lull Hi-Lift operator or similar type; Fork Lift, over 5 ton; Service oiler (greaser); Hydra hammer or similar types; Pavement breaker; Pump operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion machine; Wagner Factor or similar type (without blade); Concrete batch plant quality control operator; Power Jumbo, setting slip forms, etc., in tunnels; Slip form pumps, power driven hydraulic lifting device for concrete forms; Hoist, single drum; Elevator operator; Pulva-mixer or similar types; Chip spreading machine operator; Lime spreading (on job site); Sweeper (Wayne type) self propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching machine, maximum digging capacity 3 ft. depth;

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt paver (screed man required); Asphalt burner and reconditioner; Pavement grinder and/or grooving machine (riding type); Cast-in-place pipe laying machine; Maginnis Internal Full Slab Vibrator; Concrete finishing machine, Clary, Johnson, Bidwell, Burgess bridge deck or similar type; Curb machine, mechanical berm, curb and/or curb and gutter; Concrete joint machine; Concrete planer; Concrete paving machine; Concrete spreader; Loaders, rubber-tired type, 2 1/2 cu. yds. and under; Rock spreaders, self-propelled

Group 7: Roller (any asphalt mix); Asphalt plant operator; Beltcrete; Pumpcrete operator (any type); Cement pump, Fuller-Kenyon and similar; Concrete pump; Grouting machine; Concrete mixer, single drum, five bag capacity and over; Tower mobile operator; A-Frame truck, double drum; Boom truck; Churn drill and earth boring machine; Hydraulic backhoe, wheeltype 3/8 cu. yd. and under with or without front end attachments 2 1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot rammer; Ballast regulator; Ballast Tamper Multi-purpose; Track liner; Tie spacer; Shuttle car; Locomotive, 40 tons and over;

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch plant and/or wet mix, one and two drum; Generator operator; Belt Loaders, Kolman and Ko Cal types

Group 9: Bulldozer; Drill Cat Operator; Side-Boom Cat; Compactor, with blade; Concrete cooling machine; Chicago boom and similar types; Lift Slab machine; Boom type lifting device, 5 ton capacity or less; Cherry picker or similar type crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher plant; Drill doctor; Boring machine; Guardrail punch and auger (all types); Surface heater and planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2 1/2 cu. yds. and under 4 cu. yds.; Hammer operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-Threading machine; Drill Doctor (bit grinder); H.D. Mechanic and welder; Machine tool operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench machine, maximum digging capacity over 3 ft. depth

Group 10: Bulldozer, twin engine (TC12 and similar); Cable plow (any type); Compactor, multi-engine; Jack operator, elevating barges; Barge operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

POWER EQUIPMENT OPERATORS (Cont'd)

Group 11: Mixer Mobile; Concrete breaker; Crane operator, 25 tons and under; Combination guardrail machines, i.e., punch, auger, etc.; Shovel, dragline, clamshell, hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking machine (tunnel)

Group 12: Blade operator; Batch plant and/or wet mix, 3 units or more; Reinforced tank bending machine (K-17 or similar); Hoist, two or more drums; Elevating loader, Athey and similar; Piledriver (not crane type); Rubber-tired scraper, single and twin engine, single scraper, with push-pull attachments, Self-loading, paddle wheel, Auger type; Blade mounted spreaders, Ulrich and similar types; Shield operator

Group 13: Blade operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engines; Concrete paving road mixer; Derrick, under 100 tons; Hoist, stiff leg, Guy Derrick or similar, 50 tons and over; Cableway operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver (where deckhand required); Floating clamshell, etc., 1 cu. yd. and under, but less than 3 cu. yds.; Floating crane (derrick barge), less than 30 ton; Elevating grader, operated by tractor operator, Sierra, Euclid, or similar; Back filling machine; Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over

Group 14: Tower crane operator; Rubber-tired scraper, with tandem scrapers, Self-loading, paddle wheel, Auger type, finish and/or 2 or more units

Group 15: Rock hound operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "trimmer"; Tandem bulldozer, Quad-nine and similar; Automatic concrete slip form paver; Concrete canal lone; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating clamshell etc., 3 cu. yds. and over; Floating crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired scraper, with tandem scrapers, multi-engine; Shovel etc., 3 cu. yds. but less than 5 cu. yds.; Wheel excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating crane (derrick barge) 80 ton but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over, Floating crane 150 ton but less than 250 ton; Wheel excavator, over 750 cu. yds. per hour; Band wagons, in conjunction with wheel excavator

Group 19: Helicopter, when used in erecting work; Floating crane 250 ton and over; Remote controlled earth moving equipment; Underwater equipment, remote or otherwise

TRUCK DRIVERS

Group 1: Battery rebuilders; Bus or manhaul driver; Concrete buggies (power operated); Dump trucks, side, end and bottom dumps, incl. semi trucks and trains or combinations thereof: 6 cu. yds. and under; Lift jitneys, fork lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity), up to 1600 gallons

Group 2: "A" Frame or hydra-lift truck w/load bearing surfaces; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combinations; Team drivers

Group 3: Dump trucks, side, end and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry truck driver or leverman; Transit mix and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water wagons (rated capacity), 1600 to 3000 gallons

Group 4: Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver-Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity), 3000 to 5000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof, over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity) 5000 to 7000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks, over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity), over 10,000 gallons to 15,000 gallons

TRUCK DRIVERS (Cont'd)

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

Winch truck - takes classification of truck on which winch is mounted.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Allegheny and Beaver
DECISION NUMBER: 75-PA-3026 DATE: Date of Publication
Supersedes Decision No. AQ-2059 dated February 15, 1974, in 39 FR 6004
DESCRIPTION OF WORK: Heavy and Highway Construction

PA-2-4-2-3-M

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters	$8.85	7½%	7%		
Carpenter - Welder	9.20	7½%	7%		
Cement Masons	7.525	.4515	+ .75½+ .4515		
Piledrivermen	8.79	5%	7%		
Plumbers (Allegheny County on down spout and bridges)	9.405	.60	.20		.12
LABORERS (Heavy and Highway Construction)					
Class 1	6.91	.40	.40		
Class 2	7.10	.40	.40		
Class 3	7.41	.40	.40		
Class 4	7.53	.40	.40		
Class 5	7.60	.40	.40		
Class 6	8.75	.40	.40		
Class 7	6.91	.40	.40		
Class 8	7.15	.40	.40		
Class 9	7.41	.40	.40		
Class 10	7.53	.40	.40		
Class 11	7.60	.40	.40		

LABORERS

Class 1: Construction Laborer (including tenders handling Salamanders, L.P. gas heaters or similar, etc.), Air or electric Impactor Wrench, Air Tamper Operator, Asphalt Tampers, Batchernan (weigh), Blaster's Helper, Blower Man (bulk cement), Brakeman, Coffer Dam, Concrete Pitman, Puddler including Vibrator Operator, Drill Runner's Helper (includes drill mounted on truck, track or similar and Davey drills (spots - clean-up and helps to maintain), Fence Construction, Form Stripper and Mover, Hydro-jet Blaster Nozzlemen, Manually moved Emulsion Sprayer, Radio actuated traffic control operator (non-automatic), Rip Rap work, Scaffolds and runways (as per agreement of record), Sheeters and Shorers, Structural Concrete Top Surfacer, Walk Behind Street Sweeper, Welder's Helper (pipeline), Wood Chipper

Class 2: Asphalt, Batch and Concrete Plant Operator (manually operated), Asphalt Rakers, Burner, Caisson Men (open air), Carryable Pumps, Chain Saw Operator, Chipping Hammer or similar (air or otherwise), Combination Tamper and Vibrator, Concrete Buster (paving breaker), Cribbing (concrete or steel), Curb Machine Operator (asphalt and concrete)(walk behind), Earth Drill, Fork Lift (walk behind), Form Setter (road forms line man), Handyman, Highway Slab Reinforcement Placers (including joint and basket setter), Hydraulic Pipe Pusher, Jack Hammer Operator, Liner Plates (tile or vitrified clay), Manually operated Diamond Head Core Drill, Mechanical Joint Sealer, Dope Pot, and Tar Kettle, Mortar Mixer (hand or machine), Pin Drivers or Puller (power-highway), Pipe Layers, Plant set-up, Maintenance Men, Portable single unit Conveyor, Post Hole Auger (2 or 4 cycle)(hand operated), Power Fence Operator, Power Wheelbarrows and Buggies, Rail Porter, or similar, Screed Operator, Signal Man, Whacker, All Railroad Track Work: Adzing Machine, Ballast Router, Bolting Machine, Power Jacks, Rail Drills, Railroad Brakemen, Rail Saws, Spike Drivers, Spike Pullers, Tamping Machine

Class 3: Cement Mortar Lining Car Pusher, Cement Mortar Mixer (pipe relining), Cement Saw Operator (walk behind), Form Setter (road forms-lead man), Grout Machine Operator, Gunnite (nozzle and machine man), Paving Block Rammers, Wagon Drill (air track or similar) Operators, Walk Behind Power Rollers (1 or 2 barrel), Walk Behind Roller and Tamper, Walk Behind Ditching Machine (trencher or similar)

Class 4: Blacksmith, Blaster, Brick and Block Pavers (wood, belgain and asphalt), Curb Cutters and Setters, Manhole or Catch Basin Builder (brick, block, concrete or any prefabrication)

Class 5: Multi-plate Pipe (aligning and securing) Placing Wire Mesh on Gunite projects, Reinforcing steel placers (bending, aligning and securing), Welder, elevated roadway drainage

Class 6: Welder (pipeline)

Class 7: Tunnel and Shaft Work (Inside); Change House Attendent

Class 8: Muckers, Brakemen and all other labor (includes installation of utility lines), Signal Man, Drill Runner Helper

Class 9: Miners and Drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment and jumbos)

Class 10: Caisson and Tunnel Men under pressure (0-18 pounds)

Class 11: Reinforcing steel placers (bending, aligning and securing)

PA-2-PEO-2-3-J

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I	$8.88	.50	.50		.09	
CLASS II	8.62	.50	.50		.09	
CLASS III	6.26	.50	.50		.09	
CLASS IV	5.81	.50	.50		.09	
CLASS V	5.66	.50	.50		.09	

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Austin Western or Similar (25 ton & over) Austin Western or Similar (under 25 ton) Autograder (C.M.I. & similar) Backfiller, Backhow - 360 Swing, Cableway, Caisson Drill (Similar to Hugh Williams) Central Mix Plant, Cooling Plant, Concrete Paving Mixer, Cranes, Cranes (Tower - Stationary-Climbing Tower Crane) Derrick, Derrick, Boat, Dragline, Dredge, Dredge Hydraulic (1 Leverman - 1 Oiler - Apprentice) Elevating Grader, Franki Pile Machine, Gradall (Remote control or otherwise) Grader (Power-Fine Grade) Guard Rail Post Driver (Truck Mtd.) Guard Rail Post Driver (Skid Type) (Self Propelled - Arrow or similar) Helicopter (over 1500 lb. lift) Helicopter (under 1500 lb. lift) Hilift (4cy. and over) Hoists 2 Drums or more (in one unit) Kocal, Koering Skooper, Lead Mechanic, Locomotive (std. Guage) Mix Mobile, Mix Mobile (with self loading Attachment) Mucking Machine (Tunnel) Pile Driver Machine, Pipe Extrusion Machine, Presplitter Drill (self contained) Quad Nine, Refrigeration Plant (Soil stabilization) Scraper (Multi-bowl) Shovel - Power, Slip Form Paver C.M.I. and similar Trenching Machine (under 30,000 lb.) Tunnel Machine (Mark XXI Jarva or similar Whirley, Scrapers, and Dozer, D-8 or larger

CLASS II: Asphalt Paving Machine (Spreader) Asphalt Plant Operator, Athey Loader, Auger (Tractor Mtd.) Auger (Truck Mtd.) Backhoe (Rear Pivotal Swing) (180 Swing) Boring Machine, Cable Placer or Layer, Compactor with blade, Concrete Batch Plant (Electronically Synchronized) Concrete Belt Placer (S.M.I. and Similar) Concrete Mixer (over 1 cy.) Concrete Pump, Core Drill (Truck or skid Mtd. - similar to Penn Drill) Dozer, Euclid Loader, Grader - Power, Grease Unit Operator (Head) Hilift (under 4 cy.) Job Work Boat (Powered) Jumbo Operator, Locomotive (narrow guage) Mechanic, Minor Equipment Operator (Accumulative four units) Mucking Machine, Over-head Crane, Roller-power-asphalt, Ross Carrier, Scraper, Side Boom or tractor mounted boom, stone Crusher (Screening-Washing Plants) Stone Spreader (Self-propelled Truck Mounted Drill (Davey or similar) Welder and Repairman, Well Point Pump Operator

CLASS III: Compactors/Rollers (Static or Vibratory) (Self-propelled) Minor Equipment Operator (Two to three units) Soil Stabilizer Machine, Tire Repairman Tube Finisher (C.M.I. or similar) Well Driller and Horizontal

CLASS IV: Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader Concrete Mixer (1 cy. and under with Skip Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material Hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) Ladavator, Light Plant, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tile Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)

CLASS V: Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helpers, Oiler, Power Broom, Side Delivery Shoulder Spreader

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HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pick-up, and similar equipment, parts man and warehousemen)	$6.40	7.3%	4.2%			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease)	6.55	7.3%	4.2%			
Tri-axle trucks	6.64	7.3%	4.2%			
Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: athey wagon: pay loader, tournawagons, and similar equipment when not self-loaded rated under forty-five tons)	6.64	7.3%	4.2%			
Heavy off-the-road equipment (rated at forty-five tons or over)	6.73	7.3%	4.2%			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-Frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), fork lift trucks (in storage areas and warehouses)	6.71	7.3%	4.2%			
Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.46	7.3%	4.2%			
Tandem-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.55	7.3%	4.2%			
Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)	6.64	7.3%	4.2%			
Ready-mixed Concrete Trucks with towed or built-in attachments (10¢ per hour additional to respecitve size truck						
Tar and Asphalt Distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	6.55	7.3%	4.2%			
Tar and Asphalt Trailer Trucks	6.64	7.3%	4.2%			
Trucks with Dolly or Trailer	6.50	7.3%	4.2%			
Bottom or Belly-Dump Trucks	6.73	7.3%	4.2%			

SUPERSEDEAS DECISION

STATE: Pennsylvania
Decision No: 75-PA-3027
Supersedes Decision Nos: AR-2009 dated July 19, 1974, in 39 FR 26619.
COUNTIES: Cumberland, Dauphin, Perry, Junita, New Cumberland Depot in York County
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.61	.42	.30		.01
Boilermakers	10.20	.65	1.00		.01
Bricklayers & block layers	8.50	.50	.38		
Carpenters	8.13	.25	.35		.02
Cement masons	8.315	.25	.25		
Electricians	9.26	.40	1% + .21		½ of 1%
Elevator constructors	9.08	.445	.29	3%+b+c	.02
Elevator constructors' helpers	6.36	.445	.29	3%+b+c	.02
Elevator constructors' helpers (prob.)	4.54				
Glaziers	8.09	.25	.30		.01
Ironworkers, structural	9.36	.64	1.06		.05
Ironworkers, ornamental	9.36	.64	1.06		.05
Ironworkers, reinforcing	9.36	.64	1.06		.05
Laborers:					
Air, fuel and electric tool operators and all other pneumatic and mechanical tools including blow-pipe and vacuum cleaners					
Pipelayers, power-buggy, precast slab placers and signal men	6.45	.20	.30		
Unskilled laborer	6.30	.20	.30		
Plaster and cement mason tenders, machine mixers, plaster pump and scaffold builders (excluding masonry scaffolding) for caesion workers, blasters, wagon air track and diamond point drill operators, burning torches, green cutting machine and steam jenny.	6.77	.20	.30		
Mason tenders, machine mixers, motorized stockers, scaffold builders (masonry), mortar pump, conveyors, mechanical cleaners and sandblasting for masonry and masonry equipment	6.87	.20	.30		

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers: (CON'T)					
Nursery workers, window washers, floor scrubbers and watchmen	5.95	.20	.30		
Lathers	7.71	.25	.25		.01
Lead burners	9.25	.35		a	.01
Marble setters	8.855	.50	.375		
Millwrights	9.18	.25	.35		.02
Line Construction:					
Linemen	9.48	.30	1%		3/8%
Groundmen	5.69	.30	1%		3/8%
Cable splicers	9.48	.30	1%		3/8%
Winch truck operator	6.64	.30	1%		3/8%
Painters:					
Brush	7.43	.20	.15		
Structural steel	7.88	.20	.15		
Spray	8.18	.20	.15		
Tanks, bridges, stacks	8.68	.20	.15		
Piledrivermen	9.92	1.28	.90	f	.07
Plasterers	8.15	.25	.25		.01
Plumbers	9.30	.30	.50		.12
Roofers:					
Composition	8.56	.25	.30		
Sheet metal workers	9.18	.83	.50		.01
Soft floor layers	7.79	.25	.35		.02
Sprinkler fitters	9.60	.50	.70		.08
Steam fitters	9.30	.30	.50		.12
Stone masons	8.50	.50	.38		
Terrazzo Workers & Tile Setters	7.875	.50			
Truck Drivers:					
Truck drivers, building Pick-ups, dump, service trucks, flat trucks, to and including 2 highway lesense plates	6.71	d	e		
Transit Mix, winch trucks, tractor all types euclid, ross lumber and over 2 plates	6.96	d	e		
Welders - Receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS: (Where applicable):
New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Eight paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days prior to the holiday, and is available for work the days preceding and the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F

d. $45.03 per month for employees who has worked sixty hours or more during the month.

e. $29.33 per month for employees who has worked sixty hours or more during the month.

f. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day and Thanksgiving Day.

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POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. T.
GROUP 1	$10.19	4.6%	9.5%	a	1.2%
GROUP 2	9.90	4.6%	9.5%	a	1.2%
GROUP 3	9.02	4.6%	9.5%	a	1.2%
GROUP 4	8.25	4.6%	9.5%	a	1.2%
GROUP 5	7.77	4.6%	9.5%	a	1.2%
GROUP 6	6.85	4.6%	9.5%	a	1.2%
GROUP 7	10.44	4.6%	9.5%	a	1.2%
GROUP 7-A	10.69	4.6%	9.5%	a	1.2%
GROUP 7-B	10.94	4.6%	9.5%	a	1.2%

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GROUP 1: Machines doing book work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-A: 150 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: South Carolina
COUNTY: See below
DECISION NUMBER: SC75-1042
DATE: Date of Publication
Supersedes Decision No. AR-4049 dated October 25, 1974 in 39 FR 39079.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Lexington & Richland Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanic	$3.83				
Bricklayers	5.21				
Carpenters	4.44				
Cement masons	4.14				
Drywall finisher	4.25				
Drywall hanger	4.35				
Electricians	4.21				
Laborers:					
Asphalt raker	2.67				
Laborers, unskilled	2.62				
Mortar mixers	3.25				
Pipelayers	3.50				
Lathers	4.50				
Painters, brush	3.89				
Plasterers	4.00				
Plumbers & pipefitters	4.70				
Roofers	4.00				
Sheet metal workers	4.00				
Soft floor layers	4.00				
Tile setters	4.49				
Truck drivers	3.00				
Welders - Rate for craft.					
Power Equipment Operators:					
Asphalt distributor	3.60				
Asphalt paver	4.00				
Asphalt sweeper	3.02				
Backhoe	3.72				
Bulldozer	3.84				
Crane	4.38				
Finishing machine	3.25				
Front end loader	4.50				
Mechanic	4.50				
Motor grader	3.96				
Pan	3.59				
Roller	4.00				

SUPERSEDEAS DECISION

STATE: Washington
DECISION NUMBER: WA75-5040
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. WA75-5025 dated February 21, 1975, in 40 FR 7868
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$10.11	.51	.75		
Clark, Cowlitz, Klickitat, Pacific, (Southern portion), Skamania and Wahkiakum Counties	9.96	.50	.80		.10
Remaining Counties	9.65	.44	.80		
BOILERMAKERS	8.90	.65	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties and Grand Coulee Dam area in Okanogan County	9.16	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	9.02	.55	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	9.42	.50	.55		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Counties	7.25	.50	.50		.02
Lewis, Mason, Thurston, and Northern portion of Pacific Co.	7.65	.40	.30		.02
Pierce County	8.94	.55	.45		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	9.10	.45	.45		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima)					
Carpenters	$ 8.34	.50	.55		.045
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	8.49	.50	.55		.045
Shingler (wood or composition)	8.54	.50	.55		.045
Boom Men; Carpenters (creosoted material)	8.59	.50	.55		.045
Piledriver (creosoted material)	8.74	.50	.55		.045
Millwright and Machine Erector	8.84	.50	.55		.045
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters	8.15	.50	.60	.20	.02
Carpenters on creosoted material	8.25	.50	.60	.20	.02
Sawfilers; Stationary power saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other stationary power woodworking tools	8.28	.50	.60	.20	.02
Millwrights and Machine Erectors; Piledrivers; Bridge, dock and wharf builders	8.65	.50	.60	.20	.02
Acoustical Workers	8.31	.50	.60	.20	.02
Boommen	8.35	.50	.60	.20	.02
Drywall Applicators	8.15	.50	.60	.20	.02
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form Stripper; Manhole builders; Acoustical applicators	7.79	.55	.65	.35	.03
Piledrivermen, bridge, dock and wharf builders	7.89	.55	.65	.35	.03
Floor layers; Floor finishers; Stationary power saw operator	7.94	.55	.65	.35	.03
Boomman	7.99	.55	.65	.35	.03
Millwrights; Machine Erectors	8.04	.55	.65	.35	.03
Drywall Applicator	7.79	.55	.65	.35	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	$ 8.23	.45	.60		.04
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion) San Juan, Skagit, Snohomish, and Whatcom Counties	8.32	.55	.60		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.14	.35	.35	.20	.03
Lewis, Pierce, Thurston and the City of Auburn in King County	8.25	.50	.65		.02
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.45	.35	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	8.95	.35	1%+.40		.02
Cable Splicers	9.85	.35	1%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	8.95	.35	1%+.40		.02
Cable Splicers	9.85	.35	1%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	9.45	.25	1%+.40		.03
Cable Splicers	10.395	.25	1%+.40		.03
Clark, Klickitat and Skamania Cos.					
Electricians	9.60	.45	1%+.40		.02
Cable Splicers	10.35	.45	1%+.40		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Cowlitz and Wahkiakum Counties					
Electricians	$8.86	.25	1%	5%	.02
Cable Splicers	9.75	.25	1%	5%	.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Cos.					
Electricians	8.92	.45	1%+.45	.36	.04
Cable Splicers	9.81	.45	1%+.45	.36	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	8.93	.45	1%+.40		.01
Cable Splicers	9.82	.45	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Farfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties					
Elevator Constructors	8.975	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Wakina Cos.					
Elevator Constructors	9.275	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific, (southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	7.97	.495	.32	3%+a	.02
Elevator Constructors' Helpers	70%JR	.495	.32	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS:					
Adams (Northern Eastern half), Lincoln (Eastern half), Pend Oerille, Spokane, and Stevens Counties	6.345	.25		.28	
Adams (Southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	7.47	.31	.35	.53	
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (Western half) and Okanogan Cos.	7.08	.31	.55	.50	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Cos.	7.20	.22	.40	b	
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	7.20	.26	.30	6.5%	.01
Kittitas and Yakima Counties	6.41	.25	.25		
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	9.15	.48	.80		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	8.90	.48	.80		.05
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	7.93	.40			
Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40			
Pierce County	7.25	.40	.50		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	9.16	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	9.02	.55	.35		.02
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	9.42	.50	.55		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River) Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	8.94	.55	.45		.02
San Juan, Sakgit (incl. the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.10	.45	.45		
MARBLE, TILE & TERRAZZO WORKERS HELPERS:					
All Counties east of the Cascade Mountain Range in Washington	6.55				
Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (southern portion) Skamania, and Wahkiakum Counties)	7.17	.55			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters, and terrazzo workers; topping for cement finishers and mortar mixers)	$7.05	.60	.80		.07
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties					
Brush	8.46	.31	.60		.02
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	8.71	.31	.60		.02
Swing Stage work or high rate (over 30')	8.81	.31	.60		.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	8.86	.31	.60		.02
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Brush	7.77	.35	.45	.30	.03
Spray; High towers, ground to 100'	8.02	.35	.45	.30	.03
High work over 100'; High towers, ground to 300'	8.27	.35	.45	.30	.03
High towers, ground to over 300'	8.77	.35	.45	.30	.03
Drywall Tapers	7.81	.40	.40	.50	.06
Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers	7.75	.40	.45		.02
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	8.00	.40	.45		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Kittitas and Yakima Counties					
Brush	$7.95	.31	.45		.02
Spray; Steel; Roller 9" or 10' handles; Drywall Taper; Steam Cleaning	8.20	.31	.45		.02
Swing Stage over 30' high	8.30	.31	.45		.02
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting	8.35	.31	.45		.02
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	8.48	.40			
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties	6.80	.40			
Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	8.41	.45	.70		.04
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	8.50	.50	.60		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	7.25	.40	.50		.02
PLASTERERS' TENDERS:					
All Counties and portions of Counties East of the 120th Meridian	7.35	.45	.65		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS:					
Chelan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of 119°30' W. Long.), Jefferson and Okanogan (except the area lying between 119°30' W. Long. and south of 48°30' N. Lat.) Counties	$9.61	.58	.95	.75	.06
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County Northward to the Canadian Border), Kittitas (south of 47° 15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan (east of 119°30' N. Lat.) Counties	10.11	.33	.85	.62	.10
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line)Cos.	9.60	.33	.85	.60	.10
Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line.	9.37	.70	1.00		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	47.64	.50	.30		.01
Asotin, and Garfield Counties	8.25				
Benton, Franklin, Kittitas, Klickitat, and Yakima Counties Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	8.25	.30	.30		
Clallam, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom Counties :					
Roofers; Waterproofers	8.45	.30	.20		
Slate and Tile Roofers	8.70	.30	.20		
Clark, and Skamania Counties Roofers	7.80	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	8.30	.45	.75		
Handling of irritating material (coal, tar or epoxy) in confined area	8.55	.45	.75		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	9.95	.32	.50		
Clallam, Jefferson, Kitsap and Mason Counties	8.16	.37	.785	.47	.02
Clark and Skamania Counties	8.27	.55	.41	.57	.04
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	9.45	.37	.77	.47	.02
King County	9.78	.47	.50		.02
Island and Snohomish Counties	9.68	.47	.60		.01
Whatcom, Skagit and San Juan Cos.	9.56	.52	.60		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS:					
Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	$ 7.89	.25	.40	.31	
Benton, Franklin and Walla Walla Counties	7.00	.25	.40	.46	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit, Whatcom, King, Kitsap and Snohomish Counties	8.49	.41	.65		.05
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.735	.45	.45	c	.05
Grays Harbor, Mason, Pacific (northern portion), Pierce and Thurston Counties	8.39	.41	.65		.05
Yakima and Kittitas Counties	7.43	.25	.25	.23	
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Cos.	10.88	.50	.70		.07
Remaining Counties	9.40	.50	.70		.08
TERRAZZO WORKERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	8.80	.50	.40		
Benton, Franklin and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40		.25
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	8.75	.55	.35		
Grant County and that portion of Adams County including the City of Othello	8.25	.45			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS: (Cont'd)					
Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties	$7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	8.68	.55	.45		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.10	.45	.45		
TILE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	8.80	.50	.40		
Benton, Franklin, and Walla Walla Counties	8.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	8.75	.55	.35		.04
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	7.84	.35	.35	.25	
Grant County and that portion of Adams County incl. the City of Othello	8.25	.45			
Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Cos.	7.25	.50	.50		
Lewis, Mason and Thurston Cos.	7.65	.40	.30		.02
Pierce County	8.68	.55	.45		.02
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

*STATEWIDE -
Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern Boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.74	.35	1%	.10	1/2%
Tree Trimmer	7.88	.35	1%	.10	1/2%
Line Equipment Man	7.52	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	1/2%
Hole Digger	5.91	.35	1%	.10	1/2%

LABORERS (Area 1) (All Counties and portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$ 6.85	.45	.65		.02
Group 2	7.00	.45	.65		.02
Group 3	7.10	.45	.65		.02
Group 4	7.15	.45	.65		.02
Group 5	7.20	.45	.65		.02
Group 6	7.25	.45	.65		.02
Group 7	7.30	.45	.65		.02
Group 8	7.50	.45	.65		.02
Group 9:					
Class A	6.90	.45	.65		.02
Class B	6.95	.45	.65		.02
Class C	7.35	.45	.65		.02
Class D	7.40	.45	.65		.02
LABORERS (Area 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County)					
Group 1	6.90	.60	.80		.06
Group 2	7.00	.60	.80		.06
Group 3	7.05	.60	.80		.06
Group 4	7.10	.60	.80		.06
Group 5	7.15	.60	.80		.06
Group 6	7.20	.60	.80		.06
Group 7	7.25	.60	.80		.06
Group 8	6.95	.60	.80		.06
Group 9	7.00	.60	.80		.06
Group 10	7.10	.60	.80		.06
Group 11	7.20	.60	.80		.06
Group 12	7.25	.60	.80		.06
Group 13	7.35	.60	.80		.06
LABORERS (Area 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Cos.)					
Group 1	6.40	.60	.80	.25	.07
Group 2	6.55	.60	.80	.25	.07
Group 3	6.70	.60	.80	.25	.07
Group 4	6.85	.60	.80	.25	.07

LABORERS (Area 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties West of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$ 6.65	.60	.80		.06
Group 2	6.75	.60	.80		.06
Group 3	6.80	.60	.80		.06
Group 4	6.85	.60	.80		.06
Group 5	6.90	.60	.80		.06
Group 6	6.95	.60	.80		.06
Group 7	7.00	.60	.80		.06
Group 8:					
Class A	6.70	.60	.80		.06
Class B	6.75	.60	.80		.06
Class C	6.85	.60	.80		.06
Class D	6.95	.60	.80		.06
Class E	7.00	.60	.80		.06
Class F	7.10	.60	.80		.06

POWER EQUIPMENT OPERATORS (AREA 1) (All counties & portions of Counties East of the 120th Meridian)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
	ZONE 1	ZONE 2	ZONE 3	H & W	Pensions	Vacation	App. Tr.
Group 1	$7.50	$8.00	$8.45	.65	.75		.03
Group 2	7.80	8.30	8.75	.65	.75		.03
Group 3	8.35	8.85	9.30	.65	.75		.03
Group 4	8.50	9.00	9.45	.65	.75		.03
Group 5	8.65	9.15	9.60	.65	.75		.03
Group 6	8.90	9.40	9.85	.65	.75		.03
Group 7	9.15	9.65	10.00	.65	.75		.03

*ZONE 1: Within a 15 mile radius from the City center of the following cities: Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d' Alene and Lewiston in Idaho.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named cities.
*ZONE 3: Over a 45 mile radius from the center of the above named cities.

POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$8.32	.60	.90		.11
Group 2	8.42	.60	.90		.11
Group 3	8.53	.60	.90		.11
Group 4	8.58	.60	.90		.11
Group 5	8.60	.60	.90		.11
Group 6	8.65	.60	.90		.11
Group 7	8.66	.60	.90		.11
Group 8	8.70	.60	.90		.11
Group 9	8.72	.60	.90		.11
Group 10	8.85	.60	.90		.11
Group 11	8.88	.60	.90		.11
Group 12	8.91	.60	.90		.11
Group 13	8.95	.60	.90		.11
Group 14	8.96	.60	.90		.11
Group 15	9.00	.60	.90		.11
Group 16	9.03	.60	.90		.11
Group 17	9.06	.60	.90		.11
Group 18	9.10	.60	.90		.11
Group 19	9.17	.60	.90		.11
Group 20	9.18	.60	.90		.11
Group 21	9.23	.60	.90		.11
Group 22	9.28	.60	.90		.11
Group 23	9.50	.60	.90		.11
Group 24	9.54	.60	.90		.11
Group 25	9.59	.60	.90		.11
Group 26	9.67	.60	.90		.11
Group 27	9.89	.60	.90		.11
Group 28	10.09	.60	.90		.11
Group 29	10.20	.60	.90		.11
Group 30	10.22	.60	.90		.11
Group 31	10.50	.60	.90		.11

POWER EQUIPMENT OPERATORS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$7.30	.55	.85	.35	.05
Group 2	7.44	.55	.85	.35	.05
Group 3	7.54	.55	.85	.35	.05
Group 4	7.70	.55	.85	.35	.05
Group 5	7.72	.55	.85	.35	.05
Group 6	7.80	.55	.85	.35	.05
Group 7	7.86	.55	.85	.35	.05
Group 8	7.96	.55	.85	.35	.05
Group 9	8.02	.55	.85	.35	.05
Group 10	8.08	.55	.85	.35	.05
Group 11	8.10	.55	.85	.35	.05
Group 12	8.16	.55	.85	.35	.05
Group 13	8.24	.55	.85	.35	.05
Group 14	8.40	.55	.85	.35	.05
Group 15	8.56	.55	.85	.35	.05
Group 16	8.74	.55	.85	.35	.05
Group 17	8.88	.55	.85	.35	.05
Group 18	9.06	.55	.85	.35	.05
Group 19	9.20	.55	.85	.35	.05
POWER EQUIPMENT OPERATORS (AREA 1) (DREDGING) (All Counties and portions of Counties East of the 120th Meridian - except that portion of Klickitat County)					
Group 1	8.24	.60	.90		.07
Group 2	8.34	.60	.90		.07
Group 3	8.68	.60	.90		.07
Group 4	7.73	.60	.90		.07
Group 5	8.78	.60	.90		.07
Group 6	9.10	.60	.90		.07
Group 7:					
(a)	9.49	.60	.90		.07
(b)	10.04	.60	.90		.07
DREDGING (AREA 2) (All Counties and portions of Cos. West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	8.24	.60	.90		.07
Group 2	8.34	.60	.90		.07
Group 3	8.68	.60	.90		.07

DREDGING (AREA 2) (Cont'd) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern Portion of Pacific County) and all of Kittitas and Yakima Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 4	$8.73	.60	.90		.07
Group 5	8.78	.60	.90		.07
Group 6	9.10	.60	.90		.07
Group 7:					
(a)	9.49	.60	.90		.07
(b)	10.04	.60	.90		.07
DREDGING (AREA 3) (Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	8.40	.55	.85	.35	.05
Group 1A	9.06	.55	.85	.35	.05
Group 2	8.04	.55	.85	.35	.05
Group 3	7.80	.55	.85	.35	.05
Group 4	7.54	.55	.85	.35	.05
TRUCK DRIVERS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	7.60	.82	.65		
Group 2	7.65	.82	.65		
Group 3	7.70	.82	.65		
Group 4	7.80	.82	.65		
Group 5	8.00	.82	.65		
Group 6	8.05	.82	.65		
Group 7	8.10	.82	.65		
Group 8	8.15	.82	.65		
Group 9	8.25	.82	.65		
Group 10	8.30	.82	.65		
Group 11	8.60	.82	.65		
Group 12	8.75	.82	.65		
Group 13	8.90	.82	.65		
Group 14	9.05	.82	.65		

TRUCK DRIVERS (AREA 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$7.00	.54	.50		.01
Group 2	7.05	.54	.50		.01
Group 3	7.10	.54	.50		.01
Group 4	7.21	.54	.50		.01
Group 5	7.27	.54	.50		.01
Group 6	7.31	.54	.50		.01
Group 7	7.32	.54	.50		.01
Group 8	7.38	.54	.50		.01
Group 9	7.43	.54	.50		.01
Group 10	7.45	.54	.50		.01
Group 11	7.48	.54	.50		.01
Group 12	7.58	.54	.50		.01
Group 13	7.60	.54	.50		.01
Group 14	7.64	.54	.50		.01
Group 15	7.76	.54	.50		.01
Group 16	7.80	.54	.50		.01
Group 17	7.92	.54	.50		.01
Group 18	7.97	.54	.50		.01
Group 19	8.13	.54	.50		.01
Group 20	8.29	.54	.50		.01
Group 21	8.45	.54	.50		.01
TRUCK DRIVERS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

LABORERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right of way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Snake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher; Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

LABORERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 7: Brush Machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3" inch piston or larger and out-of-the-hole drills with 4! inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, air track or similar mounting; Nozzleman (to include jet blasting nozzlepan over 1200 pounds, jet blast machine power propelled, sand blast nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

Group 9: Tunnel and Shaft, Free Air
Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Bucker; hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer, Pavement Breaker, Vib-

Vibrators, Tampers (multiple and self-propelled); Railroad spike puller; Rakers-asphalt

LABORERS (AREA 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shot-crete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Rod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brusher Burners and Cutter; Car and Truck Loaders; Carpenter Tender; Change-house man or Dry Shack Men; Choker Setters; Clean Up Laborers; Concrete Laborers; Crusher Feeders; Culvert, hand labor; Curing, concrete; Demolition, Wrecking, and Moving Laborers; Driller Helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); General Laborers; Landscaping or Planting Laborers; Leverman on aggregate spreader (Flaherty and similar types); Loading Spotters; Material yard man (including electrical); Pittsburgh Chipper Operator or similar types; Powderman Helper; Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Skipmen; Signalmen; Slopers, Spraymen; Stake Chaser-Stake Setter-Grade Checker; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman-Crusher (aggregate when used)

LABORERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same); applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete rock, etc.): Concrete Power Buggy-man; Demolition and wrecking charred materials; Gunite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers or mixers of all materials of an irritating nature (including cement and lime); Manhole Builders; Power Tool Operator, includes but not limited to: Chipping Guns, Dry Pack Machine, Jackhammer, Paving Breakers, Post Hole Digger, (air, gas, or electric); Tampers, Vibrating Screed, Vibrators (less than 4" in diameter); Ribbon Setter, head; Rip Rap Man (head), hand placed; Sand Blasting (wet); Sewer Timbermen; Timber Buckers and Fallers, Brush Cutters (power saw); Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (under - ground)

Group 3: Asphalt Rakers; Bit Grinder ; Concrete Saw Operator; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Gunite Nozzleman; High Scalers, Strippers and Drills (covers work in swinging stages, chairs, or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Powdermen; Power Saw Operators (bucking and falling merchantable logs); Pumpcrete Nozzlemen; Sandblasting (dry); Sewer Pipe Layers; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator, Tunnel-Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster, Welder; Laser Beam (pipe Laying)

Group 4: Tunnel Miners; Tunnel Powderman; Laser Beam (Tunnel)

LABORERS (AREA 4)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, Faller and Bucker, hand

Group 3: Drill Chipper; Grinder, Tampers and similar light power tools; Faller and Bucker (hand); Grout Man (power); Top Man, Swinging Scaffold or Boatswain Chair over water or over 25' in height

Group 4: Asphalt Raker and Spreader; Cement Handler, sack or bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar heavy power tools; Power Buggy Tampers (multiple and self-propelled)

LABORERS (AREA 4) (Cont'd)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 5: Form Setter, Steel Forms; Grademan, Stake Hopper; Spreader, Rodder, Nozzleman: Concrete Pumps, Gunnite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Track and Wagon Drill Operator; High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Hod Carrier; Faller and Bucker; Chain Saw

Group 7: Cement Dumpers - Paving

Group 8: Tunnel Work:
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader, Laser Beam Operator
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more-gas, deisel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator (self-porpelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator; Ditch Witch or similar

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Linning Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calyx or Diamond); Elevating Belt-type Loader (Euclid, Barber Green, or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist, (2 or more drums or tower hoist); Loader (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing Pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine Power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's reverse circulation and similar); Loader Operator (front end and overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar), Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)
All Counties and portions of Counties East of the 120th Meridian

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)
All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (Heavy Duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Trucks Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw, and similar types); Bulldozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drot Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene, and similar types, end overhead and front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon, and Concrete and pump crete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed man; Spreaders (Blaw Knox, Cedarpids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers, and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (Farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case, and similar type 60 h.p. and under)

Group 18: Dull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Yo Operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" frame trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (core, cable rotary and exploration); Loaders (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (mole, tunnel drill, and/or shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scarpers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Cranes (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 30: Cranes (Crawler, Truck type, Floating, Locomotive, Whirley, either 5 yards and over, 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Assistant Conveyor Operator; Crusher Feederman; Oilers (including asphalt and concrete plant, crane, crusher, guardrail equipment - including punch, shovel, dragline, clamshell backhoe, skooper, railroad equipment, and trenching machine); Parts Man (tool room); Pump (under 4 inches); Railroad Equipment (Brakeman and Switch Man); Self-propelled Scaffolding Operator (on job site)

Group 2: Auger Oiler; Blade Operator (pulled type); Combination Guardrail Machines Oiler; Crane (Truck crane oiler - driver 25 ton capacity or over; and Fireman, all equipment; and A-Frame Truck, single drum; and Tugger or Coffin type Hoist); Drill Helper; Floating Equipment Boatman; Fork Lift or Lumber Stacker Operator (on construction job site); Grade Checker; Grade Oiler (required to check grade); Helicopter Radioman (ground); Repairman Helper (H.D.); Roller Operator (grading of base rock - not asphalt); Shovel Fireman; Tar Pot Fireman (including power agitated); Temporary Heating Plant Operator

Group 3: Asphalt (including plant fireman, pugmill operator - any type, and truck mounted asphalt spreader, with screed); Broom Operator (self-propelled - on construction job site); Compressor Operator (any power - under 1,250 cu. ft. total capacity); Concrete (including Conveyor Operator, Mixer Box - CTB, Dry Batch, etc., Cement Hog, Concrete Saw, Concrete curing machine - riding type, and Wire mat or Brooming machine operator); Fork Lift (Ross Carrier, on construction job site); Hydraulic Pipe Press Operator; Loader (Bucket elevator, Barber-Greene and similar type); Pump, (any power - 4 inches and over, and Hydrostatic pump); Railroad Equipment (Motorman and Ballast Jack Tamper); Seeder Machine - Hydrographic (straw, pulp, or seed); Signalman (Bell Boy, phone, etc.); Tamping Machine (Mechanical, self-propelled); Tunnel (Conveyor operator - any type, and air filtration equipment)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 4: Asphalt Screed Operator; Compactor (self-propelled - including Vibratory); Compressor (any power - over 1,250 cu. ft. total capacity); Concrete (Combination mixer and Compressor operator, Gunite work); Concrete Screed Operator; Concrete Mixer (single drum under five bag capacity); Floating Equipment Fireman; Fork Lift (over 5 tons); Helicopter Hoist Operator; Hydra Hammer or similar; Locomotive (under 40 tons); Lull Hi-lift Operator; Oiler (service, greaser); Pavement Breaker; Pump (more than 4 - any size); Roller (oiling, CTB)

Group 5: Asphalt Extrusion Machine; Chip Spreading Machine; Compactor (Wagner Pactor or similar type - without blade); Concrete Batch Plant quality control; Concrete (Power Jumbo Operator - Setting Slip Forms etc., in tunnels); Concrete (Slip Form Pumps - power driven Hydraulic Lifting Device for concrete forms); Crane (Hoist - single drum and Elevator Operator); Lime Spreading Machine; Pulva Mixer (or similar type); Sweeper (Wayne type - self-propelled, on construction job site); Tractor Operator (Rubber-tired 50 h.p. flywheel and under); Trenching Machine (maximum digging capacity 3 feet depth)

Group 6: Asphalt Paver; Asphalt Burner and Reconditioner (any type); Concrete Pavement Grinder and/or Grooving Machine Operator (riding type); Concrete (Cast-in-place Pipe Laying Machine and Keglunis Internal Full Slab Vibrator Operator); Concrete Finishing Machine (Clary, Johnson, Bidwell, Borgess Bridge Deck or similar type); Concrete Curb Machine (mechanical berm, curb and/or gutter); Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Finishing Machine; Concrete Spreader; Loaders (rubber-tired, 2½ cu. yards and under); Rock Spreaders, self-propelled

Group 7: Asphalt Plant Operator (any type); Asphalt Roller Operator (any mix); Beltcrete Operator; Concrete, Cement Pump (Fuller-Kenyon and similar); Concrete Grouting Machine; Concrete Mixer (single drum, five bag capacity and over); Crane (A-frame Truck double drum, and Boom Truck); Drill (Churn drill and Earth boring machine); Hydraulic Backhoe (wheel type 3/8 cu. yds. and under, with or without front end attachments 2½ cu. yds. and under - Ford, John Deere, Case type); Loader (Elevating Grader, tractor towed requiring operators on grader); Pot Rammer; Pumpcrete (any type); Railroad Equipment (Ballast regulator, Ballast Tamper multi-purpose, Track Liner, Tie Spacer, Shuttle Car, Locomotive - 40 ton and over)

Group 8: Concrete Batch Plant and/or Wet Mix Operator (one and two drum); Diesel - electric engineer (including asphalt plant, crusher, floating equipment generator, shovel, dragline, clamshell, backhoe, skooper, etc.); Generator Operator; Loader (belt loaders, Kolman and Ko Cal types)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 9: Boring Machine; Bulldozer; Clearing Equipment (including Log Skidders, Chippers, Incinerators, and Stump Splitters); Compactor, with blade; Concrete Cooling Machine; Cranes (Chicago Boom and similar types, Lift Slab Machine, Boom type Lifting Device - 5 ton capacity or less, and Cherry Picker or similar type crane - Hoist - 5 ton capacity or less); Crusher Plant Operator; Drill Cat; Drill Doctor (including Bit Grinder); Grizzley Operator; Guardrail Punch Operator; Guardrail Auger Operator; Hammer Operator; Heater and Planer Operator (surface); Hydraulic Backhoe (track type 3/8 cu. yd.); Loader (front end and overhead - 2½ cu. yds. and under 4 cu. yds.); Machine Tool; Mechanic (H.D.); Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Side-boom Cats; Stationary Drag Scraper; Tractor (rubber-tired over 50 h.p. flywheel); Tractor (with boom attachment); Trenching Machine (maximum digging capacity over 3 feet depth)

Group 10: Barge Operator (self-unloading); Bulldozer (twin engine-TC 12 and similar); Cable-plow (any type); Compactor (multi-engine); Dozers and Pushers (rubber-tired-Michigan, Cat, Hough type); Driller (percussion, diamond, core, cable, rotary, and similar); Jack Operator (elevating barges)

Group 11: Concrete Mixer Mobile Operator; Concrete Breaker; Crane (25 ton and under); Grade-all (under 1 cu. yd.); Guardrail Machine Combination (i.e., Puncher, Auger, etc.); Mucking Machine (tunnel); Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.

Group 12: Blede Operator; Concrete Batch Plant and/or Wet Mix (3 or more units); Hoist Operator (two or more drums); Loader (elevating - Athey and similar type); Piledriver Operator (not crane type); Reinforced Tank Banding Machine (K-17 or similar); Scrapers (rubber-tired - single engine, single scraper: and Self-loading, Paddle wheel, Auger type: and Twin engine: and Scraper with push-pull attachments); Shield Operator (tunnel)

Group 13: Backfilling Machine; Blade Operator, finish; Blade Operator (externally controlled by electronic, mechanical hydraulic means); Blade Operator (multi-engine); Cableway (up to 25 tons); Concrete Paving Road Mixer; Crane (over 25 ton to and including 40 ton); Derrick (under 100 tons); Floating Equipment Piledriver; Floating Clamshell (under 3 cu. yds.); Floating Crane (derrick barge - less than 30 tons); Grade-all (1 cu. yd. and over); Hoist (Stiffleg, Guy Derrick or similar, 50 tons and over); Loader (Elevating grader - operated by tractor operator, Sierra, Euclid, or similar types); Shovel, Dragline, Clamshell, Hoe, etc., 1 cu. yd. and less than 3 cu. yds.)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 14: Crane - tower; Scraper (rubber-tired self loading paddle wheel, Auger type, finish and/or 2 or more units); Scraper (rubber-tired with tandem scraper)

Group 15: Loader (4 cu. yds. but less than 6 cu. yds.); Rock Hound Operator

Group 16: Auto Grader or "Trimmer" Operator; Bulldozer (Tandem, Quad-mine and similar type); Cableway (25 tons and over); Concrete Slip Form Paver (automatic); Concrete Canal Line Operator; Crane (over 40 tons and including 100 tons); Floating Clamshell (3 cu. yds. and over); Floating Crane (Derrick barge - 30 tons but less than 80 tons); Loader (6 cu. yds. but less than 12 cu. yds.); Scraper (rubber-tired, with Tandem Scrapers, multi-engine); Shovel, Dragline, Clamshell, Hoe, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator (under 750 cu. yds. per hour); Whirley (80 tons and under)

Group 17: Canal Trimmer; Crane (over 100 tons to and including, 200 tons); Floating Crane (Derrick barge, 80 tons but less than 150 tons); Loader (12 cu. yds. and over); Shovel, Dragline, Clamshell, Hoe, etc., 5 cu. yds. and over; Whirley (over 80 tons to and including, 150 tons)

Group 18: Bend Wagons (in conjunction with wheel excavator); Crane (over 200 tons); Floating Crane (150 tons but less than 250 tons); Wheel Excavator (over 705 cu. yds. per hour); Whirley (150 tons and over)

Group 19: Floating Crane (250 tons and over); Helicopter, when used in erecting work; Remote controlled earth-moving equipment; Underwater equipment (remote or otherwise)

POWER EQUIPMENT OPERATORS (AREAS 1 and 2)
(DREDGING)

Group Descriptions for Areas 1 and 2 covering Statewide Washington

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Engineer Welder; Crameman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

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POWER EQUIPMENT OPERATORS(AREA 3)
(DREDGING)

Group Descriptions for Area 3 Covering Statewide Washington

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate.

Group 3: Tenderman (Boatman, attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

TRUCK DRIVERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading trucks at bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat bed truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, low bed, truck and trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yds.); Water tank truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat bed truck (using power take off); Fork lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor truck; Slurry Truck Driver; Transit Mixers and trucks hauling concrete (over 3 yds. to 6 yds.); Water tank truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water tank truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

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TRUCK DRIVERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit mixers and trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water tank truck (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water tank truck (12,001 - 14,000 gallons)

Group 12: Transit mixers and trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Trucks, side, end and bottom dumps, (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump trucks - side, end and bottom dump, including semi-trucks and trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel truck; Grease truck; Greaser, Battery Service Man and/or Tire Service Men; Scissor truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum truck; Water Wagon and tank truck (up to 1,600 gallons); Winch truck, single rear axle; Wrecker, tow truck and similar equipment

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portion of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive truck (field mix) and similar equipment; Lowbed and heavy duty trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Soo-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster, and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tankers; Dumpsters, and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters, and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and heavy duty trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters, and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and heavy duty trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters, and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix over 20 yards

TRUCK DRIVERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahklakum, and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: 6 cu. yds. and under Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehousemen (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Low bed equipment, flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle carrier (used in loading, unloading and transporting or materials on job site); Oil Distributor Driver or Leverman; Water wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

TRUCK DRIVERS (AREA 3) (Cont'd)

Clark, Cowlizt, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: Over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks - over 9 cu. yds. and including 11 cu. yds.; Water wagons (rated capacity) - over 7,000 gallons to 10,000 gallons

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks - over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity) - over 10,000 gallons to 15,000 gallons

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks - over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

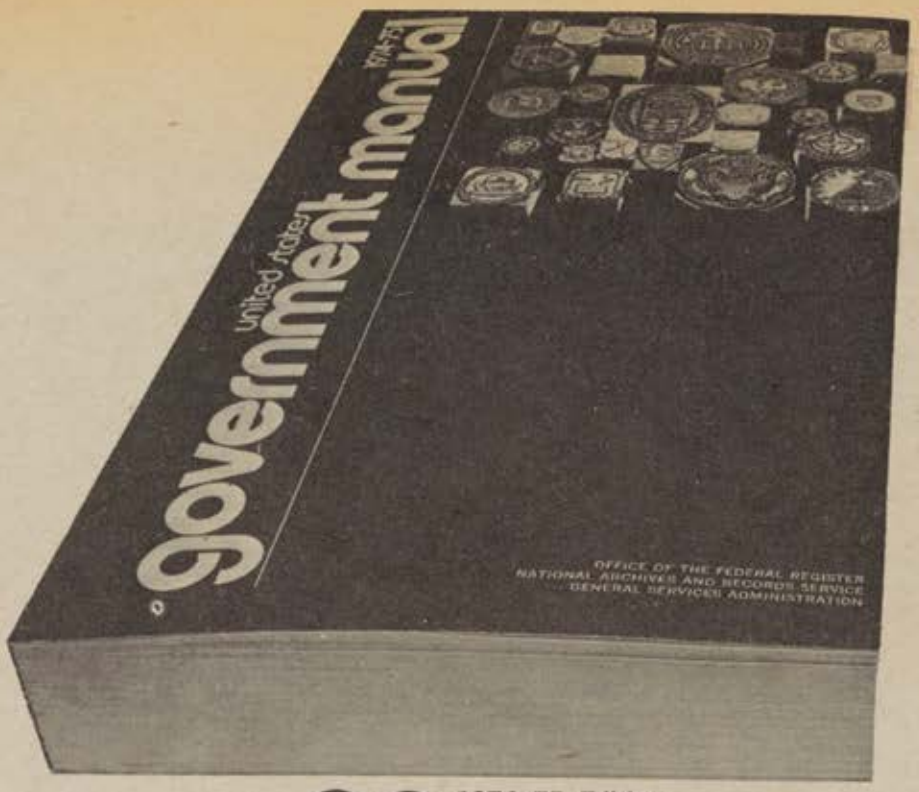
Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

[FR Doc.75-7858 Filed 3-27-75;8:45 am]



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