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Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

[Amdt. 27]

PART 250—DONATIONS OF FOODS FOR USE IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

Donated Foods for Nutrition Programs for the Elderly and for Institutions

Notice of proposed rulemaking was published in the FEDERAL REGISTER on October 1, 1974 (39 FR 35380) setting forth a proposal to amend the regulations governing the food distribution program to (1) update the quoted provisions of section 707 of the Older Americans Act of 1965, as amended, (2) exclude, for commodity allocation purposes, the number of persons who use food coupons to purchase meals served by institutions, (3) specify the minimum level of commodity assistance to be provided to States in which nutrition programs for the elderly are operated, and (4) provide that distributing agencies may allocate commodities to individual programs for the elderly within the State in accordance with their needs. Interested persons were given 15 days in which to submit comments, suggestions, or objections to the proposed amendment. No objections to the proposed amendments were received. However, after further consultation with the Commissioner on Aging, the following changes are being adopted.

1. The State agency that has been designated by the Governor and approved by the Department of Health, Education, and Welfare to administer nutrition programs for the elderly under title VII of the Older Americans Act of 1965, as amended, is defined as the "State Agency on Aging."

2. The State Agency on Aging is given the responsibility, in accordance with current regulations and guidelines authorized by the Commissioner on Aging, to estimate the number of meals to be served to nutrition programs for the elderly within the State during the year. The proposed amendment ascribed this responsibility to the Commissioner on Aging.

3. Distributing agencies will be required, rather than permitted, to allocate commodities to individual programs for the elderly in accordance with their needs.

4. The needs of individual programs for commodities will be determined by the State Agency on Aging, in accordance

with regulations and guidelines authorized by the Commissioner on Aging.

5. The date for the annual adjustment of the 10 cents per meal level of commodity assistance will be changed from July 1 to the first day of each fiscal year after June 30, 1975.

Therefore, the regulations for the operation of the Food Distribution Program (31 FR 14297) as amended, are further amended as set forth below.

1. In § 250.1(b) (15), a new subparagraph (d) is added to the quoted statute:

§ 250.1 General purpose and scope.

(b) Legislation. * * *

(15) Section 707 of the Older Americans Act of 1965, as amended, which reads in pertinent part as follows:

(d) In donating commodities pursuant to this section, the Secretary of Agriculture shall maintain an annually programmed level of assistance of not less than 10 cents per meal: *Provided*, That this amount shall be adjusted on an annual basis each fiscal year after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent. Among the commodities delivered under this section, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates. The Secretary of Agriculture, in consultation with the Commissioner [on Aging], is authorized to prescribe the terms and conditions respecting the donating of commodities pursuant to this section. * * * (Sec. 5, Pub. Law 93-351, 88 Stat. 358 (42 U.S.C. 3045 f))

2. In § 250.3, paragraph (m) is revised to read as follows and a new paragraph (v) is added as follows:

§ 250.3 Definitions.

(m) "Needy persons"¹ means (1) persons served by institutions who, because of their economic status, are in need of food assistance and who do not use coupons issued under the Food Stamp Program (7 CFR Part 271) to purchase meals provided by an institution, and (2) all the members of a household which is certified as in need of food assistance.

(v) "State Agency on Aging" means the State agency that has been desig-

¹ The category "needy persons" referred to in section 416 and encompasses both of the terms "needy persons" and "disaster victims" as defined in the regulations of this part.

nated by the Governor and approved by the Department of Health, Education, and Welfare to administer nutrition programs for the elderly under title VII of the Older Americans Act of 1965, as amended.

3. In § 250.4, the following language is added after the first sentence of paragraph (b):

§ 250.4 Availability of donated foods.

(b) *Quantities.* * * * Beginning October 10, 1974, the quantity of commodities to be made available for any Federal fiscal year, or portion thereof, for distribution in any State to nutrition programs for the elderly shall be valued at not less than 10 cents for each meal which the State Agency on Aging, in accordance with current regulations and guidelines authorized by the Commissioner on Aging, estimates will be served within the State during the year. The amount shall be adjusted, on an annual basis the first day of each fiscal year after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. The adjustment shall be computed to the nearest one-fourth cent. * * *

4. In § 250.8, paragraph (h) is revised to read as follows:

§ 250.8 Eligible recipient agencies.

(h) *Nutrition programs for the elderly.* Nutrition programs for the elderly are eligible to receive foods under section 416, section 32, and section 709. The distributing agency shall allocate such foods to nutrition programs for the elderly within a State in accordance with the needs as prescribed by the State Agency on Aging in accordance with current regulations and guidelines authorized by the Commissioner on Aging. If a nutrition program for the elderly employs a food service company to conduct its feeding operation, the provisions of paragraph (b) (3) of this section shall be applicable.

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Service)

Effective date: This amendment shall become effective on November 8, 1974.

Dated: November 5, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-26253 Filed 11-7-74;8:45 am]

[Amdt. 36]

PART 272—PARTICIPATION OF RETAIL FOOD STORES, WHOLESAL FOOD CONCERNS, MEAL SERVICES AND BANKS**PART 273—ADMINISTRATIVE AND JUDICIAL REVIEW—FOOD RETAILERS, FOOD WHOLESALERS AND MEAL SERVICES****Food Stamp Program**

On October 1, 1974, there was published in the FEDERAL REGISTER a notice of proposed rulemaking to revise § 272.1 (c) (1) of the regulations governing the Food Stamp Program. The notice set forth a proposal to amend the regulations to permit meal services funded under Title VII of the Older Americans Act to receive federally donated foods from the Department for use in the preparation of meals to be exchanged for food coupons.

Interested persons were given 15 days in which to submit written comments, suggestions, or objections regarding the proposed amendment. Since there were no comments received in opposition to this amendment, the Department has decided to adopt the amendment as proposed.

In addition, the following clarifying changes are being made: 1. To correct an error occurring with the July 15, 1974 revisions, § 272.2(j) is amended by substituting "nonprofit meal delivery service" for the words "meal service" and by adding the word "delivered" before the word "meal(s)" wherever they appear in this paragraph.

2. Technical changes also are being made in § 272.6 to designate the Chief, Retailer-Wholesaler Branch, Food Stamp Division, as responsible for making determinations to disqualify firms authorized to participate in the Food Stamp Program. This authority presently is assigned to the Director, Food Stamp Division.

3. Technical changes also are being made in §§ 273.7 and 273.8 for consistency with the designation of authority described in (2) above.

Accordingly, Parts 272 and 273 of Chapter II, Title 7 CFR are amended as follows:

1. In § 272.1, paragraph (c) (1) is revised to read as follows:

§ 272.1 Approval of retail food stores, wholesale food concerns and meal services.

(c) * * *

(1) It is not receiving federally donated foods from the Department for use in the preparation of meals to be exchanged for food coupons, unless it is funded under the provisions of Title VII of the Older Americans Act of 1965.

2. In § 272.2, paragraph (j) is revised to read as follows:

§ 272.2 Participation of retail food stores, and meal services.

(j) A nonprofit meal delivery service shall request the recipient of a delivered meal to show the marked identification

card establishing the recipient's right to use coupons for such a service the first time that such recipient offers coupons in payment for such a service, or states his intention of doing so, and shall request such marked identification card at any time such nonprofit meal delivery service has caused to question the continued eligibility of such recipient to use coupons for delivered meals.

* * * * *

§ 272.6 [Amended]

3. In § 272.6, paragraphs (c) and (d) are amended by deleting the word "Director" and inserting in its place the words "Chief, Retailer-Wholesaler Branch."

§ 273.7 [Amended]

4. In § 273.7, paragraph (a) is amended by deleting the words "Director of the" and "Director" and inserting in their place the words "Chief of the Retailer-Wholesaler Branch" and "Chief, Retailer-Wholesaler Branch." Paragraphs (b) and (d) are amended by deleting the word "Director" and inserting in its place the words "Chief, Retailer-Wholesaler Branch."

§ 273.8 [Amended]

5. In § 273.8, paragraphs (a) and (f) are amended by deleting the word "Director" and inserting in its place the words "Chief, Retailer-Wholesaler Branch."

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

Effective Date. This amendment shall become effective November 8, 1974.

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

RICHARD L. FELTNER,
Assistant Secretary.

NOVEMBER 5, 1974.

[FR Doc.74-26252 Filed 11-7-74;8:45 am]

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

[Navel Orange Reg. 325]

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

Limitation of Handling

This regulation fixes the quantity of of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period November 8-14, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.625 Navel Orange Regulation 325.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is not yet established. Prices f.o.b. averaged \$5.72 a carton on a reported sales volume of 56 carlots last week, with no prices reported for the prior week. Track and rolling supplies amounted to 10 carlots on November 1, 1974.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, in-

cluding its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 5, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 8, 1974, through November 14, 1974, are hereby fixed as follows:

- (i) District 1: 923,131 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 57,004 cartons.

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

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

Dated: November 6, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-26443 Filed 11-7-74;12:01 pm]

[Lemon Reg. 665]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Nov. 10-16, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

910.965 Lemon Regulation 665.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted

by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons at auctions continues weaker and order business lags behind that of last week. Auction markets are well supplied with lemons. Average f.o.b. price was \$5.47 per carton the week ended November 2, 1974, compared to \$6.05 per carton the previous week. Track and rolling supplies at 164 cars were up 14 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 5, 1974.

tee meeting was held on November 5, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period November 10, 1974, through November 16, 1974, is hereby fixed at 200,000 cartons.

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

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

Dated: November 6, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-26444 Filed 11-7-74;12:02 pm]

Title 8—Aliens and Nationality
CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 223—REENTRY PERMITS

Application Procedures; Correction

FR Doc. 74-23882 published in the FEDERAL REGISTER of October 15, 1974 (39 FR 36853), amended § 223.1 of Title 8 of the Code of Federal Regulations by adding a new sentence between the existing second and third sentences thereof. That sentence was inadvertently omitted when FR Doc. 74-24985 published in the FEDERAL REGISTER of October 25, 1974 (39 FR 37967-8), further amended § 223.1 by adding a new sentence between the then existing fifth and sixth sentences thereof. Accordingly, the amendment to § 223.1 by FR Doc. 74-24985 published October 25, 1974 (39 FR 37967-8) is corrected by incorporating the inadvertently omitted third sentence and by adding the new sentence between the existing sixth and seventh sentences thereof, rather than between the fifth and sixth sentences. The amended § 223.1, as corrected, reads as follows:

§ 223.1 Application.

An application for a reentry permit under the provisions of section 223 of the Act shall be submitted on Form I-131, by an applicant in the United States at least 30 days prior to the proposed date of departure. It shall be accompanied by the applicant's alien registration receipt card Form I-151, AR-3, or AR-103, or an application for a lost or destroyed card on Form I-90. If the applicant's name has been changed by marriage or by order of any court of competent jurisdiction, and a reentry permit or Form I-151 has never been issued in the changed name, the application shall also be accompanied by appropriate documentary evidence of such change. A reentry permit shall not be issued unless the alien is in possession of or is being furnished Form I-151. Additional pages for the affixation of foreign visas may be attached to a valid reentry permit without formal application or fee. A reentry permit applicant who is a lawful permanent resident alien, but who has an occupational status which would if he were seeking admission to the United States

entitle him to a nonimmigrant status under section 101(a)(15) (A), (E), or (G), of the Act, may be issued a reentry permit only if he executes and submits with his application, or has previously executed and submitted, the written waiver on Form I-508 required by section 247(b) of the Act and Part 247 of this chapter, and, if applicable, Form I-508F (election as to tax exemption under the Convention between the United States and the French Republic) required by Part 247 of this chapter. A reentry permit applicant who is a lawful permanent resident alien and who is in possession of a refugee travel document issued pursuant to Part 223a of this chapter may be issued a reentry permit only if he surrenders the refugee travel document to the Service. The applicant shall be notified of the decision made on his application for a reentry permit and if the application is denied of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

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

Dated: November 5, 1974.

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

[FR Doc. 74-26208 Filed 11-7-74; 8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA; PROHIBITED AND RESTRICTED IMPORTATIONS

Restrictions on Importation of Eggs Other Than Hatching Eggs, Carcasses of Poultry, Game Birds and Other Birds, and Parts or Products of Such Carcasses

Statement of considerations. Regulations in 9 CFR Part 94 under which poultry carcasses, parts, and products thereof, and eggs, other than hatching eggs, are imported into the United States apply only to certain species of poultry, as defined in that part to include various game birds and other birds. Because of the existence of viscerotropic velogenic Newcastle disease in many countries of the world, carcasses, parts, and other products thereof, and eggs of certain species of birds which are brought into the United States and are not now subject to the regulations in this part constitute a threat to the poultry of the United States. Therefore, provisions of the regulations are being extended to include all species of game birds and other birds in order to provide additional safeguards to protect the poultry of the United States from the introduction and spread of this form of Newcastle disease.

This amendment restricts the importation of carcasses, and parts or products

of such carcasses, and eggs, other than hatching eggs, of poultry, game birds and other birds, from any country considered to be infected with viscerotropic velogenic Newcastle disease. Such articles may be imported only if they comply with the requirements imposed by this amendment. This document relieves restrictions on importations of poultry from the non-infected countries—Australia, Canada, Denmark, Finland, Iceland, New Zealand, Norway, the Republic of Ireland and Sweden.

Therefore, Part 94, Title 9, Code of Federal Regulations is hereby amended by revising § 94.6 of the regulations to read:

§ 94.6 Carcasses of poultry, game birds, and other birds, parts or products thereof, and eggs other than hatching eggs; restrictions, exceptions.

(a) (1) Viscerotropic velogenic Newcastle disease is considered to exist in all countries of the world except those listed in paragraph (a) (2) of this section.

(2) The following countries are considered to be free of viscerotropic velogenic Newcastle disease: Australia, Canada, Denmark, Finland, Iceland, New Zealand, Norway, Republic of Ireland, and Sweden.

(b) For the purposes of this section, the following terms shall mean:

(1) *Infected country.* Any country not listed in paragraph (a) (2) of this section as free of viscerotropic velogenic Newcastle disease.

(2) *Poultry.* Chickens, turkeys, swans, pheasants, grouse, partridges, quail, guinea fowl, pea fowl, and the non-migratory types of ducks, geese, pigeons and doves.

(3) *Birds.* All members of the class Aves (other than poultry or game birds).

(4) *Game Birds.* Migratory types of ducks, geese, pigeons, and doves. ("Migratory" refers to flight to and from the United States in accordance with a seasonal pattern.)

(c) Any carcasses of poultry, game birds, and other birds, or parts or products thereof, which originated in and were shipped directly from a country listed in paragraph (a) (2) of this Section are exempt from the requirements of this section.

(d) Any carcasses of poultry, game birds, and other birds, or parts or products thereof, which originated in any infected country or which transited any such country may be imported only in accordance with the following requirements:

(1) Carcasses of game birds may be imported if they have been eviscerated and the heads and feet removed.

(2) Carcasses, or parts or products of carcasses, of poultry, game birds, and other birds may be imported for consignment to any museum, educational institution or other establishment which has provided the Deputy Administrator, Veterinary Services, with evidence that it has the equipment, facilities, and capabilities to store, handle, process, or disinfect such articles so as to prevent the introduction or dissemination of viscerotropic velogenic Newcastle disease

into the United States, and which is approved by him.¹

(3) Carcasses, or parts or products of carcasses, of poultry, game birds, and other birds, may be imported if packed in hermetically sealed containers and if cooked by a commercial method after such packing to produce articles which are shelf stable without refrigeration.

(e) Carcasses or parts or products of carcasses, of poultry, game birds, and other birds which do not qualify for importation under paragraph (c) or (d) of this section may be imported only if the importer applies to, and is granted a permit by, the Deputy Administrator, Veterinary Services authorizing such importation. Permission will be given only when the Deputy Administrator determines that such importation will not constitute a risk of introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States.

(f) Eggs, other than hatching eggs,² of poultry, game birds, and other birds, originating in and shipped directly from a country listed in paragraph (a) (2) of this section are exempt from the requirements of this section.

(g) Except as provided in paragraph (h) of this section, eggs, other than hatching eggs² of poultry, game birds, and other birds, originating in or transiting an infected country may be imported only if:

(1) The eggs are accompanied by a certificate signed by a salaried veterinary officer of the national government of the country of origin stating:

(i) That the flock or flocks of origin were found upon inspection to be free from evidence of communicable disease of poultry;

(ii) That no Newcastle disease has occurred on the premises of origin or on adjoining premises during the 90 days immediately preceding the date of movement of the eggs from such country.

(iii) That insofar as it has been possible to determine, the flock or flocks of origin were not exposed to Newcastle disease during the 90 days immediately preceding the date of movement of the eggs from such country;

(iv) That the eggs have been washed and sanitized in a hypochlorite solution of from 100 p.p.m. to 200 p.p.m. of available chlorine and are packed in new, unused packing materials.

¹Information as to the identity of approved establishments may be obtained from, and request for approval of any establishment may be made to, the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. Establishments will be approved only if the Deputy Administrator, Veterinary Services, determines that the imported articles will be so handled at the establishments as to prevent the introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States. Approval of any establishment may be refused or withdrawn only after the operator thereof has been given notice of the proposed action and has had an opportunity to present his views thereon.

²The requirements for the importation of hatching eggs are stated in Part 92 of this chapter.

(v) That the eggs are from flocks determined to be free of Newcastle disease and other communicable diseases of poultry as demonstrated through a surveillance program in effect for not less than 60 days before such eggs are certified for exports to the United States, with such surveillance maintained during the period in which the eggs being certified were laid.

(2) The surveillance program required under subdivision (g) (1) (E) shall be one of the following.

(i) Placement of Newcastle disease susceptible sentinel birds³ in the flock or flocks of origin at a rate of not less than one sentinel bird per thousand, with a minimum of 30 sentinel birds per house, with the sentinels remaining free of clinical and immunological evidence of Newcastle disease as demonstrated by negative hemagglutination inhibition tests conducted on samples drawn at 10-day intervals throughout the surveillance period; or

(ii) Once weekly collection of carcasses of all birds in the flock or flocks of origin, dying during the surveillance period, with laboratory examination of such carcasses including use of the embryonated egg inoculation technique,⁴ to detect Newcastle disease virus; and once monthly collection of tracheal and cloacal swabs from not less than 10 percent of the birds in the flock or flocks of origin, for laboratory testing.⁵ All examinations and tests shall be negative for evidence of Newcastle disease.

The laboratory conducting the examinations and testing required in this paragraph shall be a facility located in the country of origin of the eggs being certified, and shall be approved by the national government of said country for this purpose in accordance with criteria acceptable to the Deputy Administrator, Veterinary Services.⁶

(h) Eggs, other than hatching eggs, of poultry, game birds, and other birds, which do not qualify for importation under paragraph (f) or (g) of this section may be permitted entry in specific cases by the Deputy Administrator, Veterinary Services, upon application to him, if:

³A sentinel bird is a specific pathogen-free chicken which has not been infected with, exposed to, or immunized with any strain of Newcastle disease virus and is therefore susceptible to Newcastle disease. Information regarding sources of sentinel birds may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

⁴Technical information on laboratory methods and procedures may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

⁵Information regarding the identity of such approved laboratory facilities and other criteria for such approval may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(1) Such eggs are transported under U.S. Government seal to a processing establishment approved by the Deputy Administrator for breaking and pasteurization, and the Deputy Administrator determines that such handling and use of the eggs does not involve a risk of the introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States. Shells of such eggs, cases, and other packing materials used in the importation shall be disposed of under the supervision of a Department inspector in a manner approved by the Deputy Administrator as adequate to effectuate the purposes of this section; or

(2) Such eggs are imported for scientific, educational or research purposes and the importer has provided to the Deputy Administrator, Veterinary Services, evidence, satisfactory to the Deputy Administrator, that he has the equipment, facilities, and capability to store, handle, process, or disinfect the eggs in a manner adequate to prevent the introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States; or

(3) Such eggs do not qualify for importation under paragraph (h) (1) or (2) of this section and the Deputy Administrator, Veterinary Services, authorizes such importation. Permission will be given only when the Deputy Administrator determines that such importation will not constitute a risk of introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States.

(Sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111; 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective November 8, 1974, except with respect to shipments of eggs other than hatching eggs, or poultry, game birds or other bird carcasses, or parts or products thereof, consigned to the United States on or before that date. Such shipments so consigned shall upon arrival in the United States be allowed entry only under such specific requirements or be disposed of in such manner as the Deputy Administrator, Veterinary Services, may determine in each specific case to be necessary and adequate to safeguard against the introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States.

The restrictions and prohibitions imposed by the foregoing amendment are necessary in order to protect the poultry of the United States from the further introduction or dissemination of the contagion of viscerotropic velogenic Newcastle disease from foreign countries into the United States, and in order to protect the gains made in the Newcastle disease eradication program, and must be made effective as soon as possible in order to accomplish these objectives. Insofar as the document relieves restrictions it should be made effective as soon as possible in order to be of maximum benefit to affected importers. It does not appear that public participation in this rulemaking proceeding would make ad-

ditional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that publication of notice of proposed rulemaking and opportunity for public comment in connection with the amendment would be impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of November 1974.

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

[FR Doc.74-26185 Filed 11-7-74;8:45 am]

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal and Air Ports

Correction

In FR Doc. 74-24226 appearing at page 36959 in the issue of Wednesday, October 16, 1974 in the fourth line of the amendatory paragraph preceding § 97.1, the reference to "§ 297.1" should read "§ 97.1".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-WE-14]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

Correction

In FR Doc. 74-23427 appearing at page 36323 of the issue for Wednesday, October 9, 1974, in the third line of the first paragraph "(39 FR 24328)" should read "(39 FR 24238)".

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-882, Amdt. 15]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting Fuel Consumption and Inventories for Domestic and International Operations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 15, 1974.

By circulation of proposed rule-making EDR-277, dated June 21, 1974 (Docket 26819), and published at 39 FR 24238, dated July 1, 1974, the Board gave notice that it has under consideration an amendment to Part 241 of its Economic Regulations which would require certificated route and supplemental carriers

to report fuel inventories on a system basis and fuel consumption by type of service and specific operational markets.

Comments in response to the notice were received from Braniff International (Braniff), Delta Air Lines, Inc. (Delta), The Flying Tiger Line Inc. (Flying Tiger), Frontier Airlines, Inc. (Frontier), Northwest Airlines, Inc. (Northwest), Pan American World Airways, Inc. (Pan American), Texas International Airlines, Inc. (Texas International), Trans World Airlines, Inc. (TWA), United Air Lines, Inc. (United), and World Airways, Inc. (World). Upon consideration of all the comments received, the Board has determined that, except as modified herein, it shall adopt the proposed rule and make final the tentative findings and conclusions on which it was based.

The Board pointed out in EDR-277 the need to regularize its compilation of fuel data into a single uniform reporting regulation since such data are currently reported separately for domestic operations, international operations, and operations performed for the Military Airlift Command (MAC). It was also observed that the Board's regulatory need for information would best be served if fuel inventories and consumption were reported on a system basis rather than on an individual station basis, and if fuel consumption were reported by type of service and specific operational market. The reporting would be done on two new formats, Schedule P-12, "Fuel Inventories and Consumption," and Schedule P-12(a), "Fuel Consumption by Type of Service and Specific Operational Markets."

All of the respondents supported the need for a single regulation for the reporting of fuel data to the Board. Flying Tiger and TWA, however, urged the Board not to change the fuel reporting requirement from a station-by-station basis to a system or geographical summary basis. These carriers believe that fuel cost and supply problems are individual station problems which cannot be identified and dealt with by the Board when fuel data is reported on a system basis. We currently do not have a regulatory need for fuel cost data by individual stations. Moreover, the Board's powers to deal with supply problems at individual locations are limited at best. However, to the extent that these problems may require governmental action, the information relating to these locations will be available. In this connection, we wish to emphasize that carriers shall continue to compute their fuel inventories and consumption on an individual station basis, but only the totals from these individual station computations shall be reported on schedule P-12. Therefore the suggestion to continue reporting individual station fuel cost data to the Board will not be adopted.¹

¹ For this same reason, we will not adopt Flying Tiger's suggestion that station-by-station reporting be expanded to include individual identification of suppliers by location.

Braniff and United suggested that the Board permit each carrier to utilize its own inventory costing method for pricing fuel on schedule P-12 in lieu of the average cost method proposed in EDR-277. They pointed out that differences will arise between amounts recorded for book purposes and amounts reported to the Board because their books are not maintained on the average cost method. United also pointed out that the Board's proposal is burdensome since it would require United to maintain a separate accounting system exclusively for the purpose of reporting fuel data.

Northwest also suggested a departure from the average cost method of pricing inventories. The carrier recommended that the proposed inventory report schedule P-12 be modified to reflect ending inventory values at the latest purchase price. Northwest further suggested that the report should represent the total of inventories separately priced at each inventory location. The carrier states that these methods would more accurately represent inventory values.

The Board is not persuaded by the arguments to change from the average cost method proposed in EDR-277. First, the average method is the simplest to apply and the easiest to understand. In this connection, we note that a majority of carriers currently use the average cost method. Second, carriers' fuel inventories have historically been immaterial in relation to fuel consumed, and have demonstrated a high turnover ratio. For example, Northwest points out that the fuel inventory turns over almost on a daily basis at some of its tank farms. Thus, due to the relatively small size of inventories, the differences referred to by Braniff and United would be negligible in comparison to total consumption. Furthermore, contrary to the suggestions of Braniff and United, there should be no differences between the inventory costs recorded for book purposes and those reflected in reports to the Board. The average cost method of valuing inventories may not have been used by all carriers for both accounting and reporting purposes prior to the Board's issuance of the instant rule. However, pursuant to sections 22(e) and 32(e) of the Uniform System of Accounts and Reports, all financial data reported to the Board must reflect the status of the air carrier's books of account. Accordingly, with the finalization of this regulation all carriers will be required to use the average cost method for recordkeeping purposes as well as for reporting fuel data to the Board.

Nevertheless, in view of the nature of the responding carriers' comments concerning the average cost method, we believe that further clarification of this method is necessary. As we noted earlier, carriers shall continue to compute their fuel inventories and consumption on an individual station basis. For each station, a carrier shall compute fuel inventories and consumption using the average

cost method.² The carrier will then report only the sum from these individual station computations on schedule P-12. On schedule P-12(a), the fuel cost data reported by specific market should be the average cost of fuel (as determined at the station level) consumed in a particular market.

World would prefer to continue the present reporting on schedule P-5(b) until a new computer system is completed in early 1975 which will apparently satisfy the proposed requirements of EDR-277 as well as further enhance its own internal costing system for flights. The carrier states that compliance at this time with the proposed requirements set forth in EDR-277 would be burdensome. World suggests, therefore, that the reporting of schedules P-12 and P-12(a) should be on a voluntary basis. The Board finds, however, that reporting on a voluntary basis would not satisfy its needs for uniform fuel reports. Therefore, this suggestion will not be adopted.

Northwest contends that schedules P-12 and P-12(a) should be adopted on a temporary basis and eliminated at the end of the energy crisis. The carrier further contends that in the absence of the energy crisis, present Form 41 reporting includes sufficient fuel cost information to meet the Board's needs. This suggestion will not be adopted because there is no need to consider at this time when it might be appropriate to discontinue the within reporting requirement. Obviously, the absence of an expiration date would not preclude us from repealing this rule at such time as we will no longer have a regulatory need for this data. Moreover, the carriers are free to petition the Board for deletion of these reporting requirements when they feel that the reports no longer serve a useful purpose.

Several carriers requested that accruals of fuel costs be permitted in determining fuel consumption and inventory values on schedule P-12 since actual costs may not always be available in time to meet the 15-day filing deadline. Moreover, Pan American, Northwest, and TWA cite this and other reasons in suggesting that the due date for filing be extended past the 15-day deadline proposed in EDR-277.

We have decided to permit an additional five days for filing reports, and the final rule thus provides a 20-day filing deadline. With this additional time the carriers should be able to use actual fuel costs in filing the reports. Therefore, no provision has been made for the use of estimated accruals of fuel costs in the reports.

As a result of suggestions and comments by Northwest, Texas International and TWA, we have deleted the provision proposed in EDR-277 that would have required the separate reporting and

² We wish to clarify for Braniff that direct purchases of fuel are accounted for in the inventory calculation as "purchases" and are charged to expense (under the average cost method) by virtue of not being included in the ending inventory balances.

identification of "Net Adjustments" (for retroactive price adjustments, other pricing discrepancies, and temperature-related adjustments) on schedule P-12. Instead, carriers will record these adjustments on their books and reflect them in the amounts reported on the current schedules P-12 and P-12(a). Where such adjustments result in a material distortion of the current month's data, however, carriers shall file revised schedules P-12 and P-12(a) so indicated for the month(s) affected by the adjustments.

Braniff and Northwest suggested that the expanded reporting on Schedule B-1, "Balance Sheet," to include three sub-accounts to record the ending inventories of bonded, non-bonded and foreign fuel is unnecessary. We agree, and accordingly have adopted Braniff's suggestion that a single overall control account be established for reporting to the Board.

Braniff, Northwest, TWA, and World requested clarification and/or modification of the definitions of bonded, non-bonded, and foreign fuel. These carriers pointed out that since all three fuel types may be used in all markets, under the proposed definitions in EDR-277, questions would arise on how to report bonded fuel used in United States markets, nonbonded fuel used in foreign operations, and foreign fuel used in domestic operations. We have accordingly revised these definitions so that they relate to the locations from which fuel is issued without regard to the locations in which it is consumed.

Clarification has also been requested as to how fuel consumption by specific operational market should be reported on schedule P-12(a). For purposes of this report, the fuel consumption reported for a market is determined by the market in which or into which the aircraft is flying rather than the market from which the fuel is issued. For example, on a flight operated from Los Angeles to London with a technical or fuel stop in Bangor, Maine, a carrier would report on schedule P-12(a) all fuel consumed on this flight in the "Atlantic (excluding Bermuda)" market at the average price of fuel determined for that market. Assume another flight is operated from St. Louis to Dallas to Mexico City with all fuel loaded at St. Louis. The consumption in the St. Louis to Dallas segment would be reported in the "48 States" market while the consumption for the Dallas to Mexico City segment would be reported in the "Mexico" market.

Several suggestions were submitted by carriers which we consider to be minor. Northwest suggested modifying schedule P-12(a) to report fuel consumption by total service; Pan American suggested that fuel costs for nonrevenue flight operations be reported separately on schedule P-12(a) for each type of service; TWA suggested the title of schedules P-12 and P-12(a) be changed to refer to fuel issued rather than fuel consumed; and World suggested that MAC fuel be reported in a separate column on

schedules P-12 and P-12(a).² We have considered these suggestions and because they would not further improve or clarify the reporting requirements herein, the Board shall adopt them.⁴

Finally, it was proposed that the final rule would become effective August 1, 1974. However, due to the time already expended in finalizing this amendment, we have decided that an effective date of November 1, 1974, would be preferable. Thus, the first filing of the new schedules would be on or before December 20, 1974. Although this amendment establishes both reporting and recordkeeping requirements, we believe that carriers have been using the recordkeeping and reporting procedures prescribed herein to compile and report fuel data to the Board since the inception of the Board's fuel

² We wish to clarify for World that the reference in EDR-277 to "other than Jet A fuel" means that any fuel other than what is commonly referred to as Jet A should be footnoted.

⁴ We are also taking this occasion to restore schedule A-2 to the list of reports due on March 30, as set forth in section 22 and 32; the schedule was inadvertently omitted by ER-840.

reporting requirements, i.e., CAB Form T-90, and schedule P-5(b). Looked at in this context, therefore, and given the length of time between publication date and the prescribed reporting due date, we believe the effective date will provide adequate time for achieving compliance with this rule. Thus, we find good cause to make this rule effective on less than thirty (30) days' notice.

As noted in EDR-277, this reporting requirement supersedes any existing requirement for filing fuel data, i.e., Chairman Timm's letter of March 7, 1974, and the Director, Bureau of Economics, letters dated January 4 and February 21, 1974, except that carriers will continue to report to the Government Rates Division, Bureau of Economics, the first of the month commercial price quotations from each supplier by station.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of its Economic Regulations (14 CFR Part 241) effective November 1, 1974, as follows:

1. Amend Section 3—Chart of Balance Sheet Accounts—to add new Account 1320—Fuel Inventories, the revised chart in pertinent part to read:

Name of account	General classification
.....
Obsolescence and deterioration reserves—expendable parts	1311
Fuel inventories.....	1320
Miscellaneous materials and supplies.....	1330
.....

Section 6—[Amended]

2. Amend Section 6—Objective Classification of Balance Sheet Elements—as follows:

A. Add a new Account 1320—Fuel Inventories, immediately following Account 1311—Obsolescence and Deterioration Reserves—Expendable Parts, to read as follows:

1320 Fuel Inventories.

(a) Record here the total cost of unissued fuel inventories for use in the overall or system operations of the carrier. Adjustments of inventories or aircraft fuel shall not be entered in this account but in profit and loss account 45, Aircraft Fuels and Oils.

B. Amend paragraph (a) of Account 1330—Miscellaneous Materials and Supplies, to read:

1330 Miscellaneous Materials and Supplies.

(a) Record here the cost of unissued and unapplied materials and supplies held in stock such as unissued shop materials, expendable tools, stationery and office supplies, passenger service supplies, and restaurant and food service supplies.

Section 22—[Amended]

3. Amend Section 22—General Reporting Instructions—as follows:

A. By adding to the "List of Schedules in CAB Form 41 Report" in paragraph (a) new Schedules P-12, "Fuel Inventories and Consumption," and P-12(a), "Fuel Consumption by Type of Service and Specific Operational Markets"; and by deleting Schedule P-5(b), "Fuel Consumption and Inventories," the revised list in pertinent part to read:

LIST OF SCHEDULES IN CAB FORM 41 REPORT

Schedule No.	Schedule title	Filing frequency
.....
P-5(a).....	Components of Flight Equipment Depreciation.....	Do.
P-6.....	Maintenance; Passenger Service and General and Administrative Expense Functions—All Air Carrier Groups.....	Do.
.....
P-11(b).....	Charges by Foreign Governments for Airport Facilities and Services.....	Do.
P-12.....	Fuel Inventories and Consumption.....	Monthly.
P-12(a).....	Fuel Consumption by Type of Service and Specific Operational Markets.....	Do.
P-41.....	Taxes.....	Annually.
.....

B. By adding to the list of "Due Dates of Schedules in CAB Form 41 Report" in paragraph (a) new schedules P-12 and P-12(a) due on the 20th of each month and deleting schedule P-5(b) listed for the 15th of each month, as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due Date ¹	Schedule No.
Jan. 20	P-12, P-12(a)
Jan. 30	***
Feb. 10	***
Feb. 20	P-12, P-12(a)
Mar. 1	***
Mar. 20	P-12, P-12(a)
Mar. 30	A-2, B-1, * * *
Apr. 20	P-12, P-12(a)
Apr. 30	***
May 10	***
May 20	P-12, P-12(a)
May 30	***
June 20	P-12, P-12(a)
June 30	***
July 20	P-12, P-12(a)
July 30	***
Aug. 10	***
Aug. 20	P-12, P-12(a)
Aug. 30	***
Sept. 20	P-12, P-12(a)
Sept. 30	***
Oct. 20	P-12, P-12(a)
Oct. 30	***
Nov. 10	***
Nov. 20	P-12, P-12(a)
Nov. 30	***
Dec. 20	P-12, P-12(a)
Dec. 30	***

¹ Due dates falling * * *

² B and P * * *

Section 24 [Amended]

4. Amend Section 24—Profit and Loss Elements—as follows:

A. By deleting the caption "Schedule P-5(b)—Fuel Consumption and Inventories" which follows paragraph (h) of schedule P-5(a), as well as the entire text of paragraphs (a) through (h) inclusive set forth under said caption.

B. By inserting, following the reporting instructions for schedule P-11(b), and preceding the reporting instructions for schedule P-41, reporting instructions for new schedules P-12 and P-12(a), to read as follows:

Schedule P-12—Fuel Inventories and Consumption

(a) This schedule shall be filed monthly by all route air carriers.

(b) A single copy (original only) of this schedule shall be filed to report the inventory and consumption of bonded, non-bonded, and foreign fuel for the overall or system operations of the carrier.

(c) For the purposes of schedules P-12 and P-12(a), "bonded fuel" is that fuel produced outside the customs limits of the United States and held in bond under continuous United States customs custody in accordance with Treasury Department regulations. "Non-bonded fuel" is that fuel which is not bonded and is loaded at points inside the 50 States of the United States and the District of Columbia. "Foreign fuel" is that fuel which is not bonded and is loaded at points outside the 50 States of the

United States and the District of Columbia.

(d) The cost of fuel shall include shrinkage but shall exclude (1) "through-put" and "in to plane" fees, i.e., service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a segregated and identifiable form and (2) nonrefundable Federal and State excise taxes. However, "through-put" and "in to plane" service fees that cannot be identified or segregated from the cost of fuel shall remain part of the cost of fuel as reported on this schedule, but the total cost and gallons so reported are to be properly annotated.

(e) Each air carrier shall maintain records for each station showing the computation of fuel inventories and consumption for each fuel type in the manner prescribed in paragraph (f).

(f) The amounts reported on the line designated "Purchases" shall include all purchases and all adjustments at actual gallons and costs. "Ending Inventory" and "Consumption" costs shall be computed on the periodic average-cost method. Under this method, an average unit cost for each fuel type shall be computed by the carrier by dividing the total cost of fuel available ("Beginning Inventory" plus "Purchases") by the total gallons available. The resulting unit cost shall then be used to extend the gallons in "Ending Inventory" and "Total Consumption for the Month." This method shall be used to compute fuel inventories and consumption at each station; however, only the sum of the totals from individual station computations shall be reported on this schedule.

(g) Where any adjustment(s) recorded on the books of the carrier results in a material distortion of the current month's schedule P-12, carriers shall file revised schedules P-12 and P-12(a), so indicated, for the month(s) affected.

(h) The total gallons reported in column (7) on the line designated "Total Consumption for the Month" shall equal the sum of the gallons reported by each entity on schedule T-2(b) under the caption "All Types," Code 2921. The total costs reported in column (8) on the line "Total Consumption for the Month" shall equal the sum of the costs reported by each entity on schedule P-5.2, under the caption "Total—All Aircraft Types," Account 45.1—Aircraft Fuels.

(i) Where the amounts reported for a fuel type include other than Jet A fuel, a footnote should be added indicating

the number of gallons and applicable costs included in the amounts reported for such other fuel type.

(j) The beginning inventory of this schedule shall be the ending inventory of the prior period. Differences shall be properly annotated and reconciled. In addition, the total cost of "Ending Inventory" reported in column (8) shall correspond to the amount reported in Account 1320, Fuel Inventories, on schedule B-1.

Schedule P-12(a) Fuel Consumption by Type of Service and Specific Operational Markets

(a) This schedule shall be filed monthly by all route air carriers.

(b) A single copy (original only) of this schedule shall be filed to report the bonded, non-bonded, and foreign fuel consumption data (as those terms are defined in schedule P-12), by type of service and specific operational markets.

(c) For the purposes of this schedule, type of service shall be either scheduled service or nonscheduled service as those terms are defined in section 03 of Part 241.

(d) Operations performed pursuant to Military Airlift Command (MAC) operations shall be shown separately on the lines indicated as "MAC Operations."

(e) For each type of fuel, the cost data reported by specific operational market should represent the average cost of fuel as determined at the station level consumed in a specific market.

(f) Where the amounts reported for a specific market include other than Jet A fuel, a footnote shall be added indicating the number of gallons and applicable costs of such other fuel included in the amounts reported for that market.

(g) The amounts reported in columns (1) through (8) on the "Grand Total" line shall agree with the amounts reported in columns (1) through (8) on the "Total Consumption for the Month" line of schedule P-12.

Section 32—[Amended]

5. Amend Section 32—General Reporting Instructions—as follows:

A. By adding to the "List of Schedules in CAB Form 41 Reports" in paragraph (a), new Schedules P-12, "Fuel Inventories and Consumption" and P-12(a), "Fuel Consumption by Type of Service and Specific Operational Markets"; and by deleting schedule P-5(b), "Fuel Consumption and Inventories," the revised list in pertinent part to read:

LIST OF SCHEDULES IN CAB FORM 41 REPORT

Schedule No.	Schedule title	Filing frequency
***	***	***
P-5(a)	Components of Flight Equipment Depreciation	Do.
P-6	Maintenance, Passenger Service and General and Administrative Expense Functions—All Air Carrier Groups.	Do.
***	***	***
P-11(b)	Charges by Foreign Governments for Airport Facilities and Services	Do.
P-12	Fuel Inventories and Consumption	Monthly.
P-12(a)	Fuel Consumption by Type of Service and Specific Operational Markets	Do.
T-3.1	Statement of Traffic and Capacity Statistics	Do.
***	***	***

B. By adding to the list of "Due Dates of Schedules in CAB Form 41 Report" in paragraph (a) new schedules P-12 and P-12(a) due on the 20th of each month and deleting schedule P-5(b) listed for the 15th of each month, as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due Date ¹	Schedule No.
Jan. 20-----	P-12, P-12(a)
Jan. 30-----	* * *
Feb. 10 ² -----	* * *
Feb. 20-----	P-12, P-12(a)
Mar. 1-----	* * *
Mar. 20-----	P-12, P-12(a)
Mar. 30-----	A-2, B-11, * * *
Apr. 20-----	P-12, P-12(a)
Apr. 30-----	* * *
May 10-----	* * *
May 20-----	P-12, P-12(a)
May 30-----	* * *
June 20-----	P-12, P-12(a)
June 30-----	* * *
July 20-----	P-12, P-12(a)
July 30-----	* * *
Aug. 10-----	* * *
Aug. 20-----	P-12, P-12(a)
Aug. 30-----	* * *
Sept. 20-----	P-12, P-12(a)
Sept. 30-----	* * *
Oct. 20-----	P-12, P-12(a)
Oct. 30-----	* * *
Nov. 10-----	* * *
Nov. 20-----	P-12, P-12(a)
Nov. 30-----	* * *
Dec. 20-----	P-12, P-12(a)
Dec. 30-----	* * *

¹ Due dates falling * * *
² B and P * * *

Section 34 [Amended]

6. Amend Section 34—Profit and Loss Elements—as follows:

A. By deleting the caption "Schedule P-5(b)—Fuel Consumption and Inventories" which follows paragraph (h) of schedule P-5(a), as well as the entire text of paragraphs (a) through (h) inclusive set forth under said caption.

B. By inserting, following the reporting instructions for schedule P-11(b), reporting instructions for new schedules P-12 and P-12(a), to read as follows:

Schedule P-12—Fuel Inventories and Consumption

(a) This schedule shall be filed monthly by each supplemental air carrier.

(b) A single copy (original only) of this schedule shall be filed to report the inventory and consumption of bonded, non-bonded, and foreign fuel for the overall or system operations of the carrier.

(c) For the purposes of schedules P-12 and P-12(a), "bonded fuel" is that fuel produced outside the customs limits of the United States and held in bond under continuous United States customs custody in accordance with Treasury Department regulations. "Non-bonded fuel" is that fuel which is not bonded and is loaded at points inside the 50 States of the United States and the District of Columbia. "Foreign fuel" is that fuel which is not bonded and is loaded at points outside the 50 States of the United States and the District of Columbia.

(d) The cost of fuel shall include shrinkage but shall exclude (1)

"through-put" and "in to plane" fees, i.e., service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a segregated and identifiable form and (2) nonrefundable Federal and State excise taxes. However, "through-put" and "in to plane" service fees that cannot be identified or segregated from the cost of fuel shall remain part of the cost of fuel as reported on this schedule, but the total cost and gallons so reported are to be properly annotated.

(e) Each air carrier shall maintain records for each station showing the computation of fuel inventories and consumption for each fuel type in the manner prescribed in paragraph (f).

(f) The amounts reported on the line designated "Purchases" shall include all purchases and all adjustments at actual gallons and costs. "Ending Inventory" and "Consumption" costs shall be computed on the periodic average-cost method. Under this method, an average unit cost for each fuel type shall be computed by the carrier by dividing the total cost of fuel available ("Beginning Inventory" plus "Purchases") by the total gallons available. The resulting unit cost shall then be used to extend the gallons in "Ending Inventory" and "Total Consumption for the Month." This method shall be used to compute fuel inventories and consumption of each station; however, only the sum of the totals from individual station computations shall be reported on this schedule.

(g) Where any adjustment(s) recorded on the books of the carrier results in a material distortion of the current month's schedule P-12, carriers shall file revised schedules P-12 and P-12(a), so indicated, for the month(s) affected.

(h) The total costs reported in column (8) on the line "Total Consumption for the Month" shall equal the sum of the costs reported on schedule P-5.2, under the caption "Total—All Aircraft Types," Account 45.1—Aircraft Fuels.

(i) Where the amounts reported for a fuel type include other than Jet A fuel, a footnote should be added indicating the number of gallons and applicable costs included in the amounts reported for such other fuel type.

(j) The beginning inventory of this schedule shall be the ending inventory of the prior period. Differences shall be properly annotated and reconciled. In addition, the total cost of "Ending Inventory" reported in column (8) shall correspond to the amount reported in Account 1320, Fuel Inventories, on schedule B-1.

Schedule P-12(a) Fuel Consumption by Type of Service and Specific Operational Markets

(a) This schedule shall be filed monthly by each supplemental air carrier.

(b) A single copy (original only) of this schedule shall be filed to report for nonscheduled service the bonded, non-bonded, and foreign fuel (as those terms are defined in schedule P-12) consumed in specific operational markets.

(c) For the purposes of this schedule, the definition of nonscheduled service as set forth in section 03 of Part 241 shall apply.

(d) Operations performed pursuant to Military Airlift Command (MAC) operations shall be shown separately on the lines indicated as "MAC Operations."

(e) For each type of fuel, the cost data reported by specific operational market should represent the average cost of fuel as determined at the station level consumed in a specific market.

(f) Where the amounts reported for a specific operational market include other than Jet A fuel, a footnote shall be added indicating the number of gallons and applicable costs of such other fuel included in the amounts reported for that market.

(g) The amounts reported in columns (1) through (8) on the "Grand Total" line shall agree with the amounts reported in columns (1) through (8) on the "Total Consumption for the Month" line of schedule P-12.

7. Amend CAB Form 41 by amending schedule B-1 and adding new schedules P-12 and P-12(a), as shown in Exhibits A, B, and C, respectively, attached hereto and made a part hereof,⁵ and by deleting CAB schedule P-5(b).

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 766; 49 U.S.C. 1342, 1377)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
 Secretary.

[FR Doc.74-26230 Filed 11-7-74:8:45 am]

**Title 15—Commerce and Foreign Trade
 CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION,
 DEPARTMENT OF COMMERCE**

PART 377—SHORT SUPPLY CONTROLS

Miscellaneous Amendments

RELATIONSHIP OF PARTIES APPLYING FOR NONHISTORICAL QUOTAS

The regulations on ferrous scrap exports are revised to clarify that exporters seeking portions of the nonhistorical country quotas may not evade the maximum of 2,000 short tons for Canada or Mexico, or 10,000 short tons for any other country, through submission of applications by subsidiary or affiliate companies.

1. Accordingly, the Export Administration Regulations (15 CFR 377.4) are amended by adding to the end of § 377.4 (b-1) the following:

* * * To assure equitable opportunity for participation by each exporter in these nonhistorical country quotas, the term "exporter," for purposes of this paragraph, includes the subject person or firm and all subsidiaries, affiliates, or associated persons or firms. The total quantity applied for by all such related persons or firms for any country may not exceed the limits set forth above for each such exporter.

⁵ Exhibits A, B, and C are filed as part of the original document.

CHANGE OF SUBMISSION TIMES TO EASTERN STANDARD TIME

With the return to standard time on October 27, the deadlines for submitting applications to export ferrous scrap, as announced in the *Federal Register* for September 30, 1974, are changed from 5 p.m. e.d.t. to 5 p.m. Eastern Standard Time.

2. Accordingly, the Export Administration Regulations (15 CFR Part 377) are amended by revising the submission time under "SUBMISSION DATES" in Supplement No. 1 to Part 377 from "5 p.m. e.d.t." to "5 p.m. e.s.t."

ADDITIONAL FOREIGN POLICY ALLOCATIONS FOR SHIPMENTS OF FERROUS SCRAP TO CERTAIN DESTINATIONS IN THE FOURTH QUARTER 1974

The *Federal Register* for September 30, 1974, announced the quotas for export of ferrous scrap during the fourth quarter 1974. In that issuance, it was stated that 100,000 short tons would be set aside for foreign policy allocation.

This issuance announces that these 100,000 short tons have been assigned, following consultations with the Department of State and the National Security Council, to certain countries to fill special needs that are in consonance with U.S. foreign policy objectives. The countries eligible for these additional fourth quarter allocations and the quantities available to each are as follows:

Quantities in short tons

Country	Allocation	Exporter limit	Type A ¹
Argentina	6,000	6,000	5,400
Bangladesh	5,500	5,500	5,500
Chile	2,000	2,000	0
Dominican Republic	2,000	2,000	200
Egypt	15,000	10,000	5,000
Israel	15,000	10,000	5,000
Pakistan	5,500	5,500	3,500
People's Republic of China	35,000	10,000	28,000
Philippines	10,000	10,000	6,000
Venezuela	4,000	4,000	400

¹ The column designated type A indicates the maximum tonnage of ferrous scrap, out of the total foreign policy allocation for a particular country, that may be licensed from the type A scrap grades, which include No. 1 and No. 2 heavy melting steel scrap, No. 1 bundles, and iron scrap.

Any exporter who obtains an order dated after November 3, 1974, and before December 7, 1974, for export of ferrous scrap to a country that has received an additional allocation, may submit an application for an export license whether or not he has a past history of exporting scrap to the country involved. The application must be clearly marked "Foreign Policy Allocation." No exporter may apply for licenses for any one country for more than the amount shown in the column designated "Exporter Limit". If applications are received from an exporter for export to a country of a quantity that exceeds that country's "Exporter Limit" or Type "A" maximum

tonnage, the applicant will be contacted to determine which of his applications should be reduced in quantity or returned without action. Applications received by the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 after 5 p.m. EST Friday December 6, 1974, will not be considered.

Licenses will not be issued under these rules before December 9, 1974. In the event that applications for licenses are received for quantities in excess of the total quantity allocated to a particular country or its Type "A" maximum, the Department of Commerce will request advice and guidance from such country as to the consignee(s) that should receive preference. Such advice will be considered along with other factors, such as the type and location of the scrap involved, etc., in deciding which applications to license.

In addition to the requirements set forth above, the applications must conform to the requirements for submission set forth in § 377.4 of the Export Administration Regulations. Applications must be submitted on Forms DIB-622P or FC-419 and DIB-623P or FC-420.² Such applications must be accompanied by: (1) A photocopy or certified copy of the order (if the order is not from the ultimate consignee, a copy of the contract between the purchaser or other parties involved and the ultimate consignee must also be submitted in support of the application), and (2) where import permits are required by the country of destination, a statement from the ultimate consignee (or other foreign party to the transaction), or other documentation, which indicates to the satisfaction of the Office of Export Administration that the permit has been obtained.

Applications for which the required accompanying documentation is not received by the Office of Export Administration by 5 p.m. e.s.t. December 6, 1974, will not be considered. In order for an application to be acceptable, the ferrous scrap must be described in sufficient detail so that the "Type" it belongs in may be ascertained and verified.

Licenses will expire 90 days from the date of issuance. The shipping tolerance for exports shall be 5 percent of the unshipped quantity. Any cancellation of an order automatically revokes the license that was issued against it.

Effective date: November 4, 1974.

RAUER H. MEYER,
Director,

Office of Export Administration.

[FR Doc. 74-26168 Filed 11-5-74; 11:18 am]

² Forms are available from any of the Commerce Department's Domestic and International Business Administration District Offices or from the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Title 16—Commercial Practices CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2531]

PART 13—PROHIBITED TRADE PRACTICES

Buy-Rite Sales Corp.

Subpart—Advertising falsely or misleadingly: § 13.135 *Nature of product or service*; § 13.155 *Prices*; 13.155-70 *Percentage savings* 13.155-95 *Terms and conditions*; § 13.160 *Promotional sales plans*. Subpart—Contracting for sale any evidence of indebtedness prior to specified time: § 13.527 *Contracting for sale any evidence of indebtedness prior to specified time*. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed*. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records*; 13.1051-20 *Adequate*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements*; 13.1623-95 *Truth in Lending Act*.—Prices: § 13.1778 *Additional costs unmentioned*; § 13.1800 *Demonstration reductions*; § 13.1823 *Terms and conditions*; 13.1823-20 *Truth in Lending Act*.—Promotional sales plans: § 13.1830 *Promotional sales plans*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-75 *Truth in Lending Act*; § 13.1855 *Identity*; § 13.1882 *Prices*; § 13.1892 *Sales contract right-to-cancel provision*; § 13.1905 *Terms and conditions*; 13.1905-50 *Sales contract*; 13.1905-60 *Truth in Lending Act*. (Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Buy-Rite Sales Corporation, et al., Union City, N.J., Docket C-2531, Aug. 26, 1974]

In the matter of Buy-Rite Sales Corporation, a corporation, and Thomas Payne and Robert D. Blackburn, Jr., individually and as officers of said corporation.

Consent order requiring a Union City, N.J., seller and distributor of swimming pools and swimming pool accessories, among other things to cease using deceptive sales plans; disparaging merchandise offered for sale; misrepresenting prices and/or savings available to customers; failing to maintain adequate records to substantiate savings claims; failing to disclose to consumers, in connection with the extension of consumer credit, such information as is required

¹ Revised.
² Addition.

by Regulation Z of the Truth in Lending Act; failing to include on the face of instruments of indebtedness a notice that all rights and defenses of purchasers are preserved upon sale to third parties.

The order to cease and desist including further order requiring report of compliance therewith, is as follows: *

PART I

It is ordered, That respondents Buy-Rite Sales Corporation, a corporation, its successors and assigns, and Thomas Payne and Robert D. Blackburn, Jr., individually and as officers of said corporation, and respondents' officers, agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of swimming pools or swimming pool accessories in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the purchase of swimming pools or any other merchandise or service from respondents.

2. Advertising or offering merchandise for sale for the purpose of obtaining leads or prospects for the purchase of other or different merchandise when the advertised merchandise is inadequate to perform the functions for which it is offered and respondents do not maintain a reasonably adequate and readily available stock of said advertised merchandise.

3. Disparaging any product, merchandise or service which is offered for sale.

4. Representing, directly or by implication, that any product, merchandise or service is offered for sale when such offer is not a bona fide offer to sell such product, merchandise or service.

5. Representing, directly or by implication, that any price for products, merchandise or services sold by respondents is a special, pre-season or sale price, when such price does not constitute a significant reduction from an established selling price at which such products, merchandise or services have been sold in substantial quantities by respondents in the recent, regular course of their business.

6. (a) Representing, in any manner, that by purchasing any of said swimming pools or other products or merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such swimming pools or other products or merchandise have been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of business.

(b) Representing, in any manner, that by purchasing any of said swimming pools

or other products or merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said swimming pools or other products or merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said swimming pools or other products or merchandise at the compared price or some higher price.

(c) Representing, in any manner, that by purchasing any of said swimming pools or other products or merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable swimming pools or other products or merchandise, unless substantial sales of swimming pools or other products or merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade areas which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with products or merchandise of like grade and quality.

7. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' swimming pool or other products or merchandise.

8. Failing to maintain adequate records (a) which disclose the facts upon which any savings claim, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 5, 6(a)-(c) and 7 of this order are based, and (b) from which the validity of any savings claim, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 5, 6(a)-(c) and 7 of this order may be determined.

9. Failing to disclose the fact that the quoted price for a swimming pool does not include the cost of ground preparation.

10. Misrepresenting, in any manner, that the pool of any of respondents' purchasers or prospective purchasers will be used for any type of advertising or demonstration purpose or as a model pool or that as a result of such use, respondents' purchasers or prospective purchasers or prospective purchasers will or will receive discounts, referral fees or allowances of any type.

11. Misrepresenting, in any manner, that any swimming pool installation will be completed by a specified date.

12. Failing to incorporate the following statement on the face of all contracts executed by respondents' customers with such conspicuousness and clarity as is likely to be observed, read and understood by the purchaser:

NOTICE

Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced

hereby, any contractual provision or other agreement to the contrary notwithstanding.

13. Negotiating to a third party, a conditional sales contract, promissory note or other instrument of indebtedness executed in connection with the purchase of a swimming pool, or any other products or merchandise unless said conditional sales contract, promissory note or other instrument of indebtedness bears a legend to the effect that the third party assignee receives such conditional sales contract, promissory note or other instrument of indebtedness subject to all defenses which the debtor may have against the assignor, where such defenses arise from conduct of the assignor which violates the Federal Trade Commission Act or any other law administered by the Federal Trade Commission.

14. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise, which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

15. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

16. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "Notice of Cancellation", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION
(enter date of transaction)
(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return

* Copies of the complaint, decision and order filed with the original document.

shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to _____, at

Name of seller)

(address of seller's place of business) not later than midnight of _____

(Date)

I hereby cancel this transaction.

(Date)

(Buyer's signature)

17. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

18. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

19. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, or his right to cancel.

20. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

21. Failing or refusing to honor any valid notice of cancellation by a buyer within 10 business days after receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

22. Negotiating, transferring, selling or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

23. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or abandon any shipped or delivered goods.

Provided, however, That nothing contained in this order shall relieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the

contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon showing, shall make such modifications as may be warranted in the premises.

PART II

It is further ordered, That respondents Buy-Rite Sales Corporation, a corporation, its successors and assigns, and Thomas Payne and Robert D. Blackburn, Jr., individually and as officers of the corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, or under any other name, in connection with any consumer credit sale of swimming pools or any other products or merchandise as "consumer credit" and "credit sale" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the annual rate of the finance charge expressed as an "annual percentage rate", as required by § 226.8(b) (2) of Regulation Z.

2. Failing, in any transaction in which a security interest is or will be retained or acquired in any real property which is used or expected to be used as the principal residence of the customer, to provide each customer with notice of the right to rescind as required by § 226.9(a), in the manner and form specified in § 226.9(b) of Regulation Z.

3. Failing, in any consumer credit transaction, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

PART III

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any change in the corporation which may affect compliance obligations arising out of this Order.

It is further ordered, That respondents distribute a copy of this Order to all operating divisions of said corporation and also distribute a copy of this Order to all personnel, agents or representatives concerned with the promotion, sale and distribution of swimming pools or other products or merchandise and secure from each such person a signed statement acknowledging receipt of said Order.

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to

the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Decision and order issued by the Commission Aug. 26, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-26167 Filed 11-7-74;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 25—DRESSINGS FOR FOOD

French Dressing Standard of Identity; Optional Use of Colorants and Declaration of Optional Ingredients

The Commissioner of Food and Drugs proposed in a notice published in the FEDERAL REGISTER of August 21, 1973 (38 FR 22490) that the standard of identity for french dressing be amended to allow optional use of any safe and suitable color additive(s) that will impart the color traditionally expected. The proposal was based on a petition filed jointly by Mr. Albert J. Finberg, 19A Garden Place, Brooklyn, NY 11201, and copetitioners: Thomas J. Lipton, Inc., 800 Sylvan Ave., Englewood Cliffs, NJ 07632; Hostess Products Corp., 137 Garden Ave., Brooklyn, NY 11237; Supreme Oil Co., 87-11 130th St., Richmond Hill, NY 11418; Purity Condiments, Inc., 3590 NW 60th St., Miami, FL 33142; Venice Importing Co., 66 N. 6th St., Brooklyn, NY 11211; Continental Coffee Co., 2550 N. Clybourn Ave., Chicago, IL 60614; and McCormick & Co., Inc., Baltimore, MD 21202. Further, the Commissioner proposed on his own initiative that the standard be amended to require declaration of all optional ingredients by common or usual name as required by the applicable sections of 21 CFR Part 1.

Thirteen comments were received in response to the proposal, 1 from industry and 12 from consumers.

1. The comment from industry, a firm which manufactures french dressing, favored the proposal and joined the petitioners in requesting the use of β -apo-8'-carotenal in french dressing within the use level cited.

2. Two comments expressed concern that color additives could produce allergic reactions, and their presence in french dressing would not be in the interest of those who have food sensitivity and cannot tolerate certain components. One consumer comment dealt specifically with ingredient labeling, stating that not only persons with allergies but everyone should be informed of the ingredients in as many foods as possible. There were

six other comments in favor of the Commissioner's proposal to require the declaration of all ingredients used in french dressing. One comment opposed listing all ingredients on the label until such time that the public is educated as to which are dangerous additions to their food. Nine comments opposed the use of artificial color(s) or other artificial additives and questioned the safety of such ingredients.

The Commissioner points out that the color additives and food additives which may be permitted in food standards are certified or regulated for safe usage under regulations established pursuant to the Federal Food, Drug, and Cosmetic Act and are considered safe based upon present knowledge.

The Commissioner concludes that the fact that the label must show when colors are used gives warning to individuals that such substances are present and that care should be exercised when a known allergy exists.

A review of the legislative intent of the Food Additives Amendment indicates that the use of additives for the purpose of safely keeping food longer and making it more tasteful and appetizing is specifically expressed as a principal purpose of the law. The Senate Committee Report No. 2422, 85th Congress, second session (H.R. 13254), expressed those purposes in these words:

The second flaw in existing law which has proved detrimental to consumers, to processors, and to our national economy and which this bill seeks to remove is a provision which has inadvertently served to unnecessarily proscribe the use of additives that could enable the housewife to safely keep food longer, the processor to make it more tasteful and appetizing, and the nation to make use of advances in technology calculated to increase and improve our food supplies. Your committee agrees with the Food and Drug Administration that existing law should be changed to permit the use of such additives as our technological scientists may produce and which may benefit our people and our economy when the proposed usages of such additives are in amounts accepted by the Food and Drug Administration as safe.

The optional use of safe and suitable color additives in french dressing is an illustration of the Congressional intent.

3. One comment requested the rationale for limiting the provisions of the proposal to french dressing.

It is not clear from this comment whether the writer intended to suggest that safe and suitable color additives should also be permitted in mayonnaise and salad dressing, the other foods standardized in 21 CFR Part 25, or whether the reference was to why label declaration of all ingredients was not also being required by the standards for mayonnaise and salad dressing.

The Commissioner points out that the standards for mayonnaise and salad dressing provide that no spice, spice oil, spice extract, harmless food flavoring, or seasoning may be used which impart a color simulating the color imparted by egg yolk. In the case of french dressing, the optional ingredient paprika and/or

oleoresin of paprika, which is permitted in the standard as a seasoning or flavoring ingredient, is used by manufacturers of french dressing to produce the characteristic color, rather than as a seasoning or flavoring ingredient. In the grounds given in support of the petition, it was stated that laboratory results indicate that β -apo-8'-carotenol, for example, possesses superior color, shelf life, and stability in french dressing as compared to paprika and/or oleoresin of paprika.

Regarding the declaration of all ingredients on the label, the Commissioner advises that in the near future the standards for mayonnaise and salad dressing, as well as other foods, will also be amended to require label declaration of all optional ingredients.

4. Three comments stated that the use of artificial color to replace paprika is deceptive and fraudulent.

The Commissioner, having reviewed the good manufacturing practices of french dressing technology, and the findings of fact for the french dressing standard of identity published in the FEDERAL REGISTER of August 12, 1950 (15 FR 5227), concludes that color imparted by β -apo-8'-carotenol provides the same color characteristics as paprika and/or paprika oleoresin, color additives under §§ 8.307 and 8.308 (21 CFR 8.307 and 8.308), respectively, and has been demonstrated to persist without fading or changes as the product moves through the channels of commerce. In commercial practice, paprika and/or paprika oleoresin has been used principally for its color value and not to provide a particular or characteristic taste. The Commissioner is not aware that the taste of french dressing is significantly affected by the presence of paprika and/or its oleoresin employed for the primary purpose of imparting the characteristic color. A pepper spice flavor may be obtained by employing other spice or spices traditionally used in this food. The addition of color (paprika, paprika oleoresin, or β -apo-8'-carotenol) is not deceptive because the color produced does not simulate the color of other ingredients, such as eggs or tomato products.

5. In the proposal, the Commissioner noted that providing for "safe and suitable" optional ingredients in place of the present specifically permitted emulsifying and acidifying ingredients in the interests of broadening the present standard would, in the case of french dressing, reduce the conspicuous differences with nonstandardized pourable dressings. Comments were invited on the proposal for justification to depart from this position. No comment in this regard was received.

The Commissioner concludes that agreement with his position was attested to by absence of comment in this case, and thus intends to maintain the specific emulsifying and acidifying ingredient provisions contained in the present standard for french dressing, and not provide for a "safe and suitable" con-

cept in regards to emulsifiers and acidifiers. The Commissioner also concludes that all ingredients of french dressing are optional ingredients and are required to be declared on the label as required by the applicable sections of 21 CFR Part 1.

Having considered the information submitted by the petitioners, the comments received, and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for french dressing (21 CFR 25.2) as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That § 25.2 be amended by revising paragraphs (d) and (e) to read as follows:

§ 25.2 French dressing; identity; label statement of optional ingredients.

(d) (1) French dressing may contain calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) or disodium EDTA (disodium ethylenediaminetetraacetate), singly or in combination. The quantity of such added ingredient or combination does not exceed 75 parts per million by weight of the finished food.

(2) French dressing may contain any safe and suitable color additives that will impart the color traditionally expected.

(e) All ingredients used in the food shall be declared on the label in accordance with the applicable sections of Part 1 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time on or before December 9, 1974 file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective January 7, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 4, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 74-26183 Filed 11-7-74; 8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE
PART 330—OVER-THE-COUNTER (OTC)
HUMAN DRUGS WHICH ARE GENER-
ALLY RECOGNIZED AS SAFE AND EF-
FECTIVE AND NOT MISBRANDED

Contents and Time of Closing of
Administrative Record

The Commissioner of Food and Drugs issued a proposal, published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19878), to amend § 330.10 (21 CFR 330.10) by adding a new paragraph (a) (10) designating (1) the contents of the administrative record on the basis of which the decision is made with respect to the status of an OTC drug product pursuant to the procedures governing the review and classification of OTC drug products, and (2) the point beyond which new factual information may no longer be submitted for consideration in the administrative process.

No comments were received in response to the proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 702, 703, 704) and under authority delegated to the Commissioner (21 CFR 2.120), Part 330 is amended in § 330.10 by redesignating paragraph (a) (10) and (11) as (a) (11) and (12), and by adding a new paragraph (a) (10) to read as follows:

§ 330.10 Procedures for classifying OTC
drugs as generally recognized as safe
and effective and not misbranded,
and for establishing monographs.

(a) * * *

(10) *Administrative record.* (i) All data and information to be considered in any proceeding pursuant to this section shall be submitted in response to the request for data and views pursuant to paragraph (a) (2) of this section or accepted by the panel during its deliberations pursuant to paragraph (a) (3) of this section or submitted to the Hearing Clerk as part of the comments during the 60-day period permitted pursuant to paragraph (a) (6) of this section. Thereafter, no new data or information may be submitted for inclusion in the administrative record of such proceeding except as provided in paragraph (a) (10) (ii) of this section.

(ii) New data or information not previously submitted for inclusion in the administrative record may be submitted for such inclusion only with a petition to the Commissioner requesting that the administrative record be reopened to in-

clude such material. The Commissioner may grant or deny such petition in his discretion. Any such petition shall demonstrate good cause why such material could not be obtained and submitted within the time specified in paragraph (a) (10) (i) of this section. If such a petition is denied, such material is properly submitted with a petition to amend the monograph pursuant to paragraph (a) (12) of this section.

(iii) The Commissioner shall make all decisions and issue all orders pursuant to this section solely on the basis of the administrative record, and shall not consider data or information not included as part of the administrative record.

(iv) The administrative record shall consist solely of the following material: All notices and orders published in the FEDERAL REGISTER, all data and views submitted in response to the request published pursuant to paragraph (a) (2) of this section or accepted by the panel during its deliberations pursuant to paragraph (a) (3) of this section, all minutes of panel meetings, the panel report(s), all comments and rebuttal comments submitted on the proposed monograph pursuant to paragraph (a) (6) of this section, all objections submitted on the tentative final monograph pursuant to paragraph (a) (7) of this section, the complete record of any oral public hearing conducted pursuant to paragraph (a) (8) of this section, all other comments requested at any time by the Commissioner, all data and information for which the Commissioner has reopened the administrative record, and all other material which the Commissioner includes in the administrative record as part of the basis for his decision.

Effective date. This order shall become effective on December 9, 1974.

(Secs. 201, 502, 505, 701, 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371 and secs. 4, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 702, 703, 704.)

Dated: October 31, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 74-26044 Filed 11-7-74; 8:45 am]

Title 47—Telecommunication
CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION
PART 0—COMMISSION
ORGANIZATION

Application for Verification of Operator
License

1. This Order is issued to delete obsolete reference to FCC Form 759—Application for Verification of Operator License—in § 0.483(b) of the Commission's rules.

2. Because this is an editorial change, the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply. Authority for this amendment appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in

§ 0.231(d) of the Commission's Rules and Regulations.

3. In view of the above, *it is ordered*, Effective November 15, 1974, that § 0.483 is amended as set forth in the attached Appendix.

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

Adopted: November 1, 1974.

Released: November 1, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] STANLEY MCKINLEY,
Acting Executive Director.

APPENDIX

1. In § 0.483, paragraph (b) is amended to read as follows:

§ 0.483 Applications for amateur station
and operator license and/or commer-
cial operator license.

(b) Application for commercial operator license of a class for which examination is required, or for a verification card (FCC Form 758-F), shall be filed with a field office listed in § 0.121 (a) or (b) at which the applicant desires his application to be considered and acted upon, except that application for replacement or duplicate license of such class shall be filed with the office which issued the original license.

[FR Doc. 74-26217 Filed 11-7-74; 8:45 am]

Title 43—Public Lands: Interior
CHAPTER II—BUREAU OF LAND MAN-
AGEMENT, DEPARTMENT OF THE IN-
TERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5440]

[Wyoming 14982]

WYOMING

Withdrawal for Addition to Seedskaadee
National Wildlife Refuge

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:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved as an addition to, and for use in conjunction with those lands withdrawn by Public Land Order No. 4834 of May 20, 1970, for the Seedskaadee National Wildlife Refuge:

SIXTH PRINCIPAL MERIDIAN

T. 23 N., R. 110 W.,
Sec. 32, lots 6, 7, 8, and 12.

The area described contains 90.50 acres in Sweetwater County.

JACK O. HORTON,
Assistant Secretary
of the Interior.

NOVEMBER 1, 1974.

[FR Doc. 74-26241 Filed 11-7-74; 8:45 am]

Title 24—Housing and Urban Development
 CHAPTER X—FEDERAL INSURANCE ADMINISTRATION,
 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
 SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 394]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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 a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating 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	Bibb	Brent, city of	Nov. 1, 1974. Emergency			
Arkansas	Clay	Corning, city of	do	Oct. 12, 1973		
California	Siskiyou	Fort Jones, town of	do	Apr. 5, 1974		
Idaho	Latah	Juliaetta, city of	do	Oct. 18, 1974		
Louisiana	Beauregard	Merryville, town of	do	May 24, 1974		
Minnesota	Faribault	Unincorporated areas	do			
New Jersey	Mounmouth	West Long Branch, borough of	do	Aug. 24, 1973		
New York	Albany	Albany, city of	do	May 3, 1974		
Oklahoma	Tulsa	Jenks, city of	do	Jan. 9, 1974		
Oregon	Lincoln	Waldport, city of	do	Mar. 22, 1974		
Pennsylvania	Allegheny	Blawnox, borough of	do			
Tennessee	Claiborne	New Tazewell, city of	do	June 28, 1974		
Do	Shelby	Millington, city of	do	May 31, 1974		
Texas	Guadalupe	Cibolo, city of	do	Feb. 1, 1974		
Do	Gregg	Gladewater, city of	do	Mar. 1, 1974		
Do	Swisher	Tulia, city of	do	May 17, 1974		
Utah	Box Elder	Brigham, city of	do	June 7, 1974		
Vermont	Windsor	Bethel, town of	Nov. 1, 1974. Emergency			
West Virginia	Wyoming	Mullens, city of	do	June 28, 1974		
Do	Lewis	Weston, city of	do	Apr. 5, 1974		
Wisconsin	Milwaukee	West Milwaukee, village of	do			
Oklahoma	Caddo	Fort Gobb, town of	do	Dec. 7, 1973		

(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, Public Law 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: October 25, 1974.

GEORGE K. BERNSTEIN,
 Federal Insurance Administrator.

[FR Doc.74-25986 Filed 11-7-74;8:45 am]

[Docket No. FI 395]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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 a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating 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	Sebastian	Greenwood, city of	Oct. 29, 1974. Emergency	June 14, 1947		
Illinois	Kankakee	Bradley, village of	do	Mar. 1, 1974		
Do	Cook	Countryside, city of	do	Apr. 5, 1974		
Iowa	Woodbury	Unincorporated areas	do			
Kansas	Seward	Liberal, city of	do	Mar. 1, 1974		
Do	Labette	Parsons, city of	do	Feb. 1, 1974		
Kentucky	Kenton	Ludlow, city of	do	do		
Massachusetts	Norfolk	Plainville, town of	do	Aug. 16, 1974		
New Mexico	Roosevelt	Portales, city of	do	Mar. 29, 1974		
New York	Albany	Bethlehem, town of	do	May 31, 1974		
Do	Sullivan	Fallsburg, town of	do	June 21, 1974		
South Carolina	Dillon	Latta, town of	do	June 14, 1974		
Texas	Brazoria	Brookside Village, city of	do	June 28, 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, Public Law 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: October 25, 1974.

GEORGE K. BERNSTEIN,
 Federal Insurance Administrator.

[FR Doc.74-25990 Filed 11-7-74;8:45 am]

[Docket No. FI 396]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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 a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating 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	Faulkner	Conway, city of	Oct. 29, 1974. Emergency	May 17, 1974		
New York	Oswego	Hannibal, village of	do	May 31, 1974		
Oklahoma	Pushmataha	Antlers, town of	do	Jan. 9, 1974		
Pennsylvania	Washington	Carroll, township of	do			
Do	Montgomery	Collegeville, borough of	do			
Do	Erie	North East, township of	do	Sept. 20, 1974		
Do	Montgomery	Perkiomen, township of	do	Oct. 25, 1974		
Texas	Hidalgo	Elsa, city of	do	May 17, 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, Public Law 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: October 25, 1974.

[FR Doc.74-25991 Filed 11-7-74;8:45 am]

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

PART 9-56—SELECTION OF CONTRACTORS BY BOARD PROCESS

Miscellaneous Amendments

This revision of AECPR 9-56, Selection of Contractor by Board Process, is being made to clarify the fact that the contract amounts for architect-engineer contracts will be based on the estimated costs of such services and not on the estimated construction cost. The revision also establishes the dollar value at which selection of A-E contractors will be made by board process.

1. In Part 9-56, Selection of Contractors by Board Process, §§ 9-56.001, *Applicability*, and 9-56.002, *Policy, cost-type contractor procurement*, are revised as follows:

§ 9-56.001 Applicability.

(a) Contract Proposal Evaluation Boards are to be used:

(1) In selecting operating contractors and participants under the power demonstration program;

(2) If the contract is estimated to exceed \$500,000, in selecting contractors for research and development, cost-type construction, and any contract effort where, in order to select the best qualified firm, it is necessary to judge the relative technical and managerial capabilities of a group of firms; and

(3) If the cost is estimated to exceed \$50,000, in selecting architect-engineer contractors, including those for advance engineering.

(b) Contract Proposal Evaluation Boards shall be used for the selection of contractors referred to in paragraph (a) (2) and (3) of this section estimated

to cost less than \$500,000 (or less than \$50,000 for A-E contracts), whenever it is likely that later phases of the same project will cause the contract to exceed those dollar thresholds.

(c) The policies and principles of this part also are applicable to the selection of contractors for procurements estimated to cost less than \$500,000, or, for A-E services, less than \$50,000. However, less formal procedures and practices may be followed, depending on the circumstances in each particular selection, at the discretion of the designating official.

(d) The policies and requirements of this part do not apply to the following:

(1) Extensions of contracts where it has been determined that formal selection procedures need not be followed;

(2) Formally advertised contracts or fixed-price negotiated contracts in which price is the primary consideration;

(3) Research and development contracts entered into under the criteria in Subpart 9-4.51 or 9-4.52;

(4) Determination as to whether a given scope of work should be performed in AEC-owned or in commercial facilities; and

(5) Determination as to which existing AEC operating contractor should perform a given scope of work.

§ 9-56.002 Policy, cost-type contractor procurement.

For the selection of subcontractors under AEC cost-type contracts of the type identified in AECPR 9-56.001(a) (2) and (3), evaluations normally should be made on the basis of group judgment by representatives experienced in technical and business areas appropriate to the requirement, using weighted evaluation factors established prior to receipt of proposals. Numerical ratings should be supplemented with supporting narrative

explanations of the important judgments involved in arriving at such ratings.

Subpart 9-56.1—Contract Proposal Evaluation Boards

2. In Subpart 9-56.1, Contract Proposal Evaluation Boards, § 9-56.101, *Use of Contract Proposal Evaluation Boards*, is revised as follows:

§ 9-56.101 Use of Contract Proposal Evaluation Boards.

It is the policy of AEC to use Contract Proposal Evaluation Boards in the selection of contractors for contracts of the type referred to in § 9-56.001(a) and (b).

Subpart 9-56.4—Policy Governing Particular Types of Contracts

3. In Subpart 9-56.4, Policy Governing Particular Types of Contracts, § 9-56.405, *Selection of contractors for engineering and construction work*, paragraph (b), is revised as follows:

§ 9-56.405 Selection of contractors for engineering and construction work.

(b) A firm currently under contract to AEC or to a cost-type AEC contractor shall not be invited to submit a proposal for work in the same field if the proposed project would be performed concurrently with the existing contract and if the estimated cost of the new construction work exceeds \$10 million or the estimated cost of the architect-engineer services exceeds \$1 million. If, for cogent reasons, the designating official believes that such a firm should be invited, approval shall be obtained from the Division of Contracts. This requirement shall not apply to:

(1) Firms currently engaged only on AEC fixed-priced construction contracts awarded as a result of formal advertising or invited bids;

(2) Any firm currently engaged on AEC construction contracts, the total of which involves costs of less than \$10 million.

(3) Any firm currently engaged on AEC A-E contracts, the total of which involves costs of less than \$1 million.

(4) Any architect-engineer firm after it has completed title II work, exclusive of checking shop drawings, even though it still has title III inspection services to perform.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date: This amendment is effective November 8, 1974.

Dated at Germantown, Maryland this 4th day of November 1974.

For the U.S. Atomic Energy Commission.

ROMAN C. BRAUN,
*Acting Director,
Division of Contracts.*

[FR Doc.74-26161 Filed 11-7-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 70—SPECIAL NUCLEAR MATERIAL

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Reporting of Theft or Attempted Theft of Special Nuclear Material

On February 8, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 4930) proposed amendments to its regulations in 10 CFR Part 70, "Special Nuclear Material," and 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," which would require reporting of theft or attempted theft of special nuclear material in the interest of the common defense and security.

Interested parties were invited to submit comments and suggestions for consideration pertaining to the proposed amendments by March 25, 1974. Upon consideration of the comments received,

and other factors involved, the Commission has adopted the proposed amendments with minor editorial and clarifying changes.

These reporting requirements are being promulgated as part of an overall AEC effort to strengthen the protection of strategically important special nuclear material.

In the interest of the common defense and security, the Commission has found that good cause exists for making the amendments effective upon publication in the FEDERAL REGISTER without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments of 10 CFR Parts 70 and 150 are published as a document subject to codification.

1. Section 70.52 of 10 CFR Part 70 is revised to read as follows:

§ 70.52 Reports of accidental criticality or loss or theft or attempted theft of special nuclear material.

(a) Each licensee shall report immediately to the Director of the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix A of Part 73 of this chapter, by telephone, telegram, or teletype any case of accidental criticality and any loss, other than normal operating loss, of special nuclear material.

(b) Each licensee who possesses 1 gram or more of contained uranium-235, uranium-233, or plutonium shall report immediately any theft or other unlawful diversion of special nuclear material which he is licensed to possess, or any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of such material in accordance with the procedures in § 73.71 of this chapter.

2. Section 150.16 of 10 CFR Part 150 is revised to read as follows:

§ 150.16 Submission to Commission of nuclear material transfer reports.

(a) Each person who transfers and each person who receives special nuclear material pursuant to an Agreement State license shall complete and distribute Nuclear Material Transaction Reports on Form AEC-741, in accordance with printed instructions for completing the form, whenever he transfers or receives a quan-

tity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. Each person who transfers such material shall submit a copy of Form AEC-741 to the Commission and a copy to the receiver of the material promptly after the transfer takes place. Each person who receives special nuclear material shall submit a copy of Form AEC-741 to the Commission and to the shipper of the material within ten (10) days after the special nuclear material is received.

(b) Each person who, pursuant to an Agreement State License, possesses 1 gram or more of contained uranium-235, uranium-233, or plutonium shall report promptly to the Director of the appropriate Regulatory Operations Regional Office, listed in Appendix A of Part 73 of this chapter, by telephone, telegram, or teletype any theft or other unlawful diversion of special nuclear material which he is licensed to possess or any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of such material. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director of the appropriate Regulatory Operations Regional Office with a copy submitted to the Director of Regulatory Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545, which sets forth the details of the incident. Subsequent to the submission of the written report required by this paragraph, each licensee shall promptly inform the Director of the appropriate Regulatory Operations Regional Office by means of a written report of any substantive additional information, which becomes available to such person, concerning an attempted or apparent theft or unlawful diversion of special nuclear material.

Effective date. These amendments become effective on Friday, November 8, 1974.

(Sec. 161, 274; Pub. L. 83-703, 86-373; 68 Stat. 948, 73 Stat. 688 (42 U.S.C. 2201, 2021))

Dated at Washington, D.C. this 4th day of November 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
*Assistant Secretary
of the Commission.*

[FR Doc.74-26144 Filed 11-7-74;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Limitations on Carryovers of Unused Credits and Capital Losses

Correction

In the correction appearing in the first column at page 38906 in the issue of Monday, November 4, 1974, in line three the reference to "October 18, 1974," should read "October 16, 1974."

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[41 CFR Parts 14H-1, 14H-3, 14H-30]

CONTRACTING WITH INDIAN TRIBES

Notice of Proposed Rulemaking

NOVEMBER 4, 1974.

Chapter 14H of 41 CFR was published beginning on page 13659 of the August 26, 1969, FEDERAL REGISTER (38 FR 13659) and subsequently amended. Chapter 14H contains the Bureau of Indian Affairs Procurement Regulations (BIAPR).

Notice is hereby given that it is proposed to amend Chapter 14H of Title 41 of the Code of Federal Regulations by adding a new § 14H-1.270 to Subpart 14H-1.2 of Part 14H-1; by adding a new Part 14H-3 with new Subparts 14H-3.2, 14H-3.3, and 14H-3.8; and by adding a new Part 14H-30 with new Subparts 14H-30.2 and 14H-30.4. This amendment is proposed pursuant to the authority contained in the Act of November 2, 1921, Ch.115, 42 Stat. 208 (25 U.S.C. 13); 41 CFR 14-1.008; and section 23 of the Act of June 25, 1910 (36 Stat. 861, as amended; 25 U.S.C. 47). The purpose of the amendment is to provide greater ease in contracting with Indian tribes and to define reservation programs, Indian reservation, Indian tribes, and Indian tribal contractor.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Director of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245, on or before December 9, 1974.

It is proposed to amend Chapter 14H of Title 41 of the Code of Federal Regulations as follows:

PART 14H-1—GENERAL

1. By adding a new § 14H-1.270 to Subpart 14H-1.2 of Part 14H-1, to read as follows:

§ 14H-1.270 Definitions and terms pertaining to contracts with Indian tribes.

§ 14H-1.270-1 Reservation program.

"Reservation program" means all or any part of a program for operating reservation activities that could be performed by an Indian tribe as determined by the Commissioner and/or authorized by law.

§ 14H-1.270-2 Indian reservation.

"Indian reservation" means all Indian reservations, former Indian reservations in Oklahoma, and lands occupied by other Indian groups and by Alaska Native communities, including all or any part of any of the twelve regions in Alaska established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), that are recognized by the Secretary, or his designee.

§ 14H-1.270-3 Indian tribe.

"Indian tribe" means any Indian tribe, band, nation, or other organization or community, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, and includes village corporations, regional corporations, and Native associations provided for or recognized by the Alaska Native Claims Settlement Act (85 Stat. 688).

§ 14H-1.270-4 Indian tribal contractor.

"Indian tribal contractor" means the tribal governing body of an Indian tribe as defined in § 14H-1.270-3 of this chapter, any public non-profit type corporation approved by an Indian tribal governing body which serves as a governmental instrumentality of an Indian tribe, or any organization legally established by one or more Indian tribal governing bodies for the benefit of their respective members which is controlled and operated by these Indian tribal governing bodies.

PART 14H-3—PROCUREMENT BY NEGOTIATION

2. By adding a new Part 14H-3 consisting of Subparts 14H-3.2, 14H-3.3, and 14H-3.8, to read as follows:

Subpart 14H-3.2—Circumstances Permitting Negotiation

Sec. 14H-3.210 Impractical to secure competition by formal advertising.

14H-3.215 Otherwise authorized by law.

14H-3.215-70 Buy Indian Act.

Subpart 14H-3.3—Determinations, Findings, and Authorities

14H-3.301 General.

Subpart 14H-3.8—Price Negotiation Policies and Techniques

14H-3.807 Pricing techniques.

14H-3.807-2 Requirement for price or cost analysis.

14H-3.807-3 Cost or pricing data.

AUTHORITY: Act of November 2, 1921, Ch. 115, 42 Stat. 208 (25 U.S.C. 13); 41 CFR 14-1.008; sec. 23, Act of June 25, 1910 (36 Stat. 861, as amended; 25 U.S.C. 47).

Subpart 14H-3.2—Circumstances Permitting Negotiation

§ 14H-3.210 Impractical to secure competition by formal advertising.

Indian reservation programs can be performed successfully only by an Indian tribal governing body or by an entity approved by such a body. Therefore, a contract for an Indian reservation program will be made only with an Indian tribal contractor as defined in § 14H-1.270-4 of this chapter.

§ 14H-3.215 Otherwise authorized by law.

§ 14H-3.215-70 Buy Indian Act.

Section 23 of the Act of June 25, 1910 (36 Stat. 861; 25 U.S.C. 47) referred to as the Buy Indian Act permits negotiation of contracts with Indians to the exclusion of non-Indians, and, when used, should be cited in the contract document.

Subpart 14H-3.3—Determinations, Findings, and Authorities

§ 14H-3.301 General.

The following class determination and findings apply to all contracts and contract modifications entered into with an Indian tribal contractor as defined in § 14H-1.270-4 for the performance of reservation programs and authorize negotiation without competition. This section shall be cited on all contracts entered into with an Indian tribal contractor as defined in § 14H-1.270-4 of this chapter.

BUREAU OF INDIAN AFFAIRS

DETERMINATIONS AND FINDINGS

AUTHORITY TO NEGOTIATE A CLASS OF CONTRACTS

Based upon the following findings and determinations, the class of contracts for

reservation programs may be negotiated without competition pursuant to authority of 41 U.S.C. 252(c)(10) and as implemented by § 1-3.210 of the Federal Procurement Regulations, by any contracting officer.

Findings

(a) The Bureau of Indian Affairs, through its various contracting officers, proposed to enter into contracts by negotiation without competition for the performance of programs and the furnishing of services from Indian tribal contractors, residing on Indian reservations.

(b) National policy proclaims that Indian tribes be given an opportunity for self-determination in resolving the many facets that pertain to their well being. Contracting with tribal governments for the performance of various programs and for the furnishing of various kinds of services is one method toward the accomplishment of that goal. Accordingly it is the policy of the Department of the Interior that the Bureau of Indian Affairs through its various field establishments allow and encourage tribal governments to enter into contracts with the Bureau of Indian Affairs for the performance of Indian reservation programs.

(c) It is not conducive to Indian self-determination or feasible to formally advertise or to attain competition for the performance of programs or the furnishing of services by contract on an Indian reservation when the program or services fall in the category of those that could be performed by an Indian tribal contractor for its members with the governing body of the Indian tribe or such other organization established by the governing bodies of one or several Indian tribes.

(d) Contracts with Indian tribal contractors for the performance of various programs or for the furnishing of various kinds of services on Indian reservations are contracts for which it is hereby determined to be impracticable to obtain competition and therefore such contracts with Indian tribal contractors for the performance of Indian reservation programs shall of necessity be negotiated without regard to competition as authorized by § 1-3.210 of the Federal Procurement Regulations.

Subpart 14H-3.8—Price Negotiation Policies and Techniques

§ 14H-3.807 Pricing techniques.

§ 14H-3.807-2 Requirement for price or cost analysis.

Except for initial contracts or other agreements for the performance of reservation programs, the requirements of § 1-3.807-2 are optional with contracting officers when contracting with an Indian tribal contractor pursuant to Subpart 14H-3.2 when a plan of operation has been presented and accepted.

§ 14H-3.807-3 Cost or pricing data.

Except for initial contracts or other agreements for the performance of reservation programs, the requirements of § 1-3.807-3(a) are optional with the contracting officer when an Indian tribal contractor is involved pursuant to Subpart 14H-3.2 if the initial plan of operation contains itemized estimates of costs.

PART 14H-30—CONTRACT FINANCING

3. By adding a new Part 14H-30 consisting of Subparts 14H-30.2 and 14H-30.4, to read as follows:

Subpart 14H-30.2—Basic Policies

- Sec. 14H-30.213 Financial information and analysis.
- 14H-30.214 Appropriate information—purposes.
- 14H-30.214-1 Cash flow forecast, and estimated financial statements.
- 14H-30.214-2 Realistic assumptions.
- 14H-30.214-3 Estimated profit and loss statements and balance sheets.

Subpart 14H-30.4—Advance Payments

- 14H-30.403 Interest.
- 14H-30.404 Standards—amounts—need.
- 14H-30.406 Responsibility—delegation of authority.
- 14H-30.410 Findings, determinations, and authorizations.
- 14H-30.411 Application for advance payment.
- 14H-30.412 Action by contracting officer.
- 14H-30.414 Agreement for special bank account and contract provisions.
- 14H-30.414-1 Form of agreement for special bank account.
- 14H-30.414-2 Contract provisions for advance payments.

AUTHORITY. Act of November 2, 1921, Ch. 115, 42 Stat. 208 (25 U.S.C. 13); 41 CFR 14-1.008; sec. 23, Act of June 25, 1910 (36 Stat. 861, as amended; 25 U.S.C. 47).

Subpart 14H-30.2—Basic Policies

§ 14H-30.213 Financial information and analysis.

The requirements of § 1-30.213 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H-3.2 when a plan of operation has been presented and accepted.

§ 14H-30.214 Appropriate information—purposes.

The requirements of § 1-30.214 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H-3.2.

§ 14H-30.214-1 Cash flow forecast and estimated financial statements.

The requirements of § 1-30.214-1 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H-3.2.

§ 14H-30.214-2 Realistic assumptions.

The requirements of § 1-30.214-2 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H-3.2.

§ 14H-30.214-3 Estimated profit and loss statements and balance sheets.

The requirements of § 1-30.214-3 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H-3.2.

Subpart 14H-30.4—Advance Payments

§ 14H-30.403 Interest.

Advance payments made under non-profit contracts to Indian tribal contractors, individual Indians and other Indian organizations will not require the payment of interest.

§ 14H-30.404 Standards—amounts—need.

An advance payment to an Indian tribal contractor, as defined in § 14H-1.270-4, is an exception under § 1-30-404(b).

§ 14H-30.406 Responsibility—delegation of authority.

Authority to make advance payments not to exceed \$250,000 to Indian tribal contractors and other Indians who operate a totally Indian owned and controlled non-profit business and who qualify for contracts with the Bureau of Indian Affairs shall be exercised by the Area Directors. Advance payments shall be made based upon written findings, determinations and authority as provided for in § 1-30.405 that the making of the advance payments is in the public interest and that adequate financing cannot be obtained elsewhere. The advance payment clause in § 14H-30.414-2 shall be referred to in the determinations, findings, and authority and shall be incorporated into the contract.

§ 14H-30.410 Findings, determinations, and authorizations.

The following is format of the Findings, Determinations, and Authorization for advance payment for use with contracts with Indian tribal contractors and other Indians who operate a totally owned and controlled non-profit business and who have contracts with the Bureau of Indian Affairs. A copy of the Findings, Determinations, and Authorization shall be inserted in the contract file.

BUREAU OF INDIAN AFFAIRS

FINDINGS AND DETERMINATIONS AND AUTHORIZATION FOR ADVANCE PAYMENT

FINDINGS

1. I hereby find that:
 - a. The Bureau of Indian Affairs has entered (intends to enter) into a contract as indicated below. (Use appropriate language).
Type of Contract: (Indicate type).
Amount of Contract: (State amount).
Contractor: (Indicate name of contractor).
Purpose: (Give description of contract).
Contracting Office: (Give name of contracting office).
 - b. (Note to Contracting Officer: Summarize the specific facts and significant circumstances concerning the contract and the contractor, which, together with the other findings, will clearly support the determination below).
 - c. An advance payment has been requested by the contractor and is required for prompt and efficient performance of the services under this contract which will be of benefit to the Bureau. No means of adequate financing other than by an advance payment are available to the Contractor.
 - d. The attached advance payment clause that will be included in the contract contains appropriate provisions for the protection of the Government as security for the advance payment. These include provisions that the advance payment(s), and all progress and final contract payments made, will be deposited in a special bank account, and that the Government will have a paramount lien upon (1) the credit balance in the special bank account, (2) any supplies contracted for, and (3) any material or property acquired for the performance of the contract.

e. The security provisions of the advance payment clause that will be used are deemed adequate.

f. Because of the lack of financial resources, the Contractor is not in a position to pay interest and it should not be charged on the advance payment(s).

g. The Bureau is committed to help develop Indian organizations to attain financial and managerial viability.

DETERMINATIONS

2. Upon the foregoing findings, I hereby determine that the making of an advance payment(s) without payment of interest, except as provided in the attached advance payment clause that will be included in the contract, is in the public interest.

AUTHORIZATION

Upon the findings and determination stated above, an advance payment not to exceed the amount stated below is hereby authorized pursuant to 41 U.S.C. 255 upon terms and conditions as contained in the advance payment clause to be included in the contract, a copy of which is attached thereto. The amount of the advance payment(s), at any time outstanding, shall not exceed the unpaid contract price nor the contractor's estimated interim needs arising during the reimbursement cycle. Amount of advance payment shall not exceed thirty (30) percent of the contract amount including any modification.

Signature: _____
Title: _____
Date: _____

§ 14H-30.411 Application for advance payment.

Paragraphs (a), (d), and (e) of § 1-30.411 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H-3.2.

§ 14H-30.412 Action by contracting officer.

Paragraphs (c) and (d) of § 1-30.412 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H-3.2.

§ 14H-30.414 Agreement for special bank account and contract provisions.

§ 14H-30.414-1 Form of agreement for special bank account.

For all advance payments made to Indian tribal contractors and other Indians who operate a totally owned and controlled non-profit business, the form of agreement and modification given in paragraphs (a)-(d) of this section should be used.

(a) The following is the form of agreement for a special bank account for advance payments:

AGREEMENT FOR SPECIAL BANK ACCOUNT FOR ADVANCE PAYMENT(S)

(1) This agreement entered into between the United States of America, hereinafter called the "Government," Contractor, and Bank, each represented by the officials executing this agreement.

(2) The Government and the Contractor entered into the Contract(s) or Supplemental Agreement(s) thereto, providing for the making of advance payment(s) to the Contractor. Copy of the advance payment clause included in the contract is attached to and made a part of this agreement.

(1) The advance payment clause requires that amounts advanced to the Contractor be deposited in a Special Bank Account at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U.S.C. 264), separate from the Contractor's general or other funds; and, the Bank being such a bank, the parties are agreeable to so depositing said amounts with the Bank.

(11) This Special Bank Account shall be designated as indicated in paragraph (7) of this agreement.

(3) In consideration of the foregoing, and for other good and valuable considerations, it is agreed that:

(1) The Government shall have a lien upon the credit balance in said account to secure the repayment of all advance payments made to the Contractor, which lien shall be superior to any lien or claim of the bank with respect to such account.

(1) The Bank will be bound by the provisions of the advance payment clause relating to the deposit in and withdrawal of funds from the Special Bank Account, but shall not be responsible for the use of funds withdrawn from said account. Upon receipt by the Bank of written directions of any kind from the Contracting Officer, or from the duly authorized representative of the Contracting Office, pertaining to the use of the funds in the Special Bank Account upon Department of the Interior, Bureau of Indian Affairs stationery and purporting to be signed by the Contracting Officer or the Contracting Officer's authorized representative, the Bank shall act thereon and insofar as the rights, duties, and liabilities of the Bank are concerned, the written directions shall be conclusively deemed to have been properly issued and filed with the Bank by the Department of the Interior, Bureau of Indian Affairs.

(11) The Government, or its authorized representatives, shall have access to the books and records maintained by the Bank with respect to the Special Bank Account at all reasonable times and for all reasonable purposes, including (but without limiting the generality thereof) the inspection or copying of such books and records and any and all memoranda, checks, correspondence or documents appertaining thereto. Such books and records shall be preserved by the Bank for a period of six (6) years after the closing of the Special Bank Account.

(4) In the event of the service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account, the Bank will promptly notify the Contracting Officer.

(5) The Bank, Contractor, and Government, by executing this agreement, are bound by all of the provisions contained in the advance payment clause attached, which is made a part of the contract.

(6) The contract number and purpose of the contract(s) or supplemental agreement(s) referred to above are as follows:

(7) The Special Bank Account shall be designated as "SPECIAL BANK ACCOUNT NUMBER _____ Bureau of Indian Affairs.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed as of the date and year written below:

Date _____, 19__

CONTRACTOR
Name: _____

Name & Title of Representative: _____

Complete Mailing Address: _____

BANK

Name: _____

Name & Title of Representative: _____

Complete Mailing Address: _____

UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs: _____

Complete Mailing Address: _____

Name and Title of Contracting Officer: _____

(b) The following instructions apply to the form of agreement shown in paragraph (a) of this section:

(1) Under paragraph (6) of the agreement, state the contract number and describe the purpose of the contract in brief but sufficient detail to convey a general understanding of its nature. If the contract uses a descriptive title to designate its purpose, that description should be used.

(2) Insert, in the blank space in paragraph (7) of the agreement, the number assigned by the Bank as the Account Number for the "Special Bank Account."

(3) The agreement should be dated on the date it is signed by the Contracting Officer.

(4) The complete mailing address of the bank is necessary as the advance payment check and all progress payment checks will be mailed to the bank. The zip code is required.

(5) The Contracting Officer should not sign the agreement until authority to make the advance payment has been obtained.

(c) The following is the form of modification of an agreement for a special bank account for advance payments:

AGREEMENT FOR SPECIAL BANK ACCOUNT

Modification Number _____

(1) The Agreement for Special Bank Account dated _____, 19__, is modified as follows:

(2) The contract number and the purpose of the contract is as follows:

(3) The Special Bank Account number is indicated as follows:

IN WITNESS WHEREOF, the parties hereto have caused this modification to be executed as of the date and year written below. Date _____ 19__

Name of Contractor _____ Name of Bank _____

Signature _____ By _____

Name and Title of Contractor's Representative _____ Name and Title of Bank's Representative _____

UNITED STATES OF AMERICA
Acting Through
The Bureau of Indian Affairs

Signature

By _____
Name and Title of Contracting Officer

(d) The following instructions apply to the form of modification of an agreement shown in paragraph (c) of this section:

(1) The date of the original Agreement for Special Bank Account should be indicated in the first line of paragraph (1) of the modification.

(2) Under paragraph 2 of the modification, state the contract number and describe the purpose of the contract. If the purpose given in paragraph (6) of the original agreement is changed, describe it. Otherwise repeat the original description.

(3) Under paragraph (3) of the modification, indicate the Special Bank Account Number if a new one is being issued. If the original number is being used, repeat it.

(4) If a change is not made under either paragraphs (2) or (3) of the modification, then no modification of the original agreement is necessary.

(5) If a modification is required, it should be dated when signed by the Contracting Officer.

§ 14H-30.414-2 Contract provisions for advance payments.

The contract clause for use when an advance payment is made or to be made on a contract with an Indian tribal contractor and other Indians who operate a totally Indian owned and controlled business follows:

ADVANCE PAYMENT

(a) *Amount of advance.* At the request of the Contractor, and subject to the conditions hereinafter set forth, the Government shall make an advance payment(s) to the Contractor. No advance payment(s) shall be made (1) without the Contracting Officer's approval as to the financial necessity therefor; and (2) in an amount in excess of that stated in paragraph (n) (1) hereof.

(b) *Special bank account.* Until the advance payment(s) made hereunder is liquidated and the Contracting Officer approves in writing the release of any funds due and payable to the Contractor, the advance payment(s) and all other payments (progress, partial, and final) made under the contract shall be made by check payable to the Contractor but mailed to the bank, where the special bank account is maintained as stated in the Agreement for Special Bank Account. The check must be marked for "Deposit in Special Bank Account Number _____, Bureau of Indian Affairs." The Agreement for Special Bank Account shall designate the account number. No part of the funds deposited in the Special Bank Account shall be mingled with other funds of the Contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided, each withdrawal shall be only by check of the Contractor, unless countersigning on behalf of the Government by the Contracting Officer or such other person as he may designate in writing is determined to be in the best interest of the Government and the Contracting Officer notifies the Contractor and bank in writing that countersigning will be required.

(c) *Use of funds.* The funds in the Special Bank Account may be withdrawn by the Contractor solely for the purposes of making pay-

ments for materials, labor, administrative and overhead expenses, and other purposes required for this contract (including, without limitation, payments incident to termination for the convenience of the Government) and properly allocable thereto in accordance with generally accepted accounting principles (subject to any applicable provision of contract cost principles and procedures in 41 CFR Part 1-15 or other agency cost principles and procedures, if any, which are made part of this contract), or for the purposes of reimbursing the Contractor for such payments, and for such other purposes as the Contracting Officer may approve in writing. If this is a cost reimbursement contract, the funds in the Special Bank Account may be withdrawn by the Contractor solely for the purpose of making payments for items of allowable costs as defined in clause titled "ALLOWABLE COST, FIXED-FEE AND PAYMENT" of this contract. Any interpretation required as to the proper use of funds shall be made in writing by the Contracting Officer.

(d) *Return of funds.* The Contractor may at any time repay all or any part of the funds advanced hereunder. Whenever so requested in writing by the Contracting Officer, the Contractor shall repay to the Government such part of the unliquidated balance of the advance payment as shall in the opinion of the Contracting Officer be in excess of the Contractor's current requirements or when added to total advances previously made and liquidated are in excess of the amount specified in paragraph (n) (1) hereof or are no longer to be made available to the Contractor because of default, or abuse in their use, or for such other reasons as the Contracting Officer may specify. In the event the Contractor fails to repay such part of the unliquidated balance of the advance payment when so requested by the Contracting Officer, all or any part thereof may be withdrawn from the Special Bank Account by check(s) made payable to the Bureau of Indian Affairs signed by the Contracting Officer or by an official of the Bureau of Indian Affairs authorized in writing by the Contracting Officer to take such action. Such withdrawals shall be applied in reduction of the advance payment(s) then outstanding hereunder. The Contracting Officer shall notify the contractor and the bank of the action taken.

(e) *Liquidation.* If not otherwise liquidated, the advance payment(s) made hereunder shall be liquidated as herein provided. When the sum of all the estimated payments remaining due on the contract approximate the unliquidated amount of the advance payment(s), the Contracting Officer shall thereafter withhold further payments due on the Contract represented by proper invoiced amount(s) submitted by the Contractor, and apply the amount(s) withheld against the liquidation of the advance payment until the advance payment has been fully liquidated. If, upon completion or termination of the contract or for other reasons, the entire advance payment(s) is not fully liquidated by the process indicated above and the Contractor does not repay the balance due upon request, then the balance thereof shall be offset against any sums otherwise due or which may become due to the Contractor from the Government on any other contracts or from any source.

(f) *Interest charge.* No interest will be charged on the amount of the advance payment(s), but any interest earned on the advance payment(s) including sub-advances or contract earnings deposited in the Special Bank Account shall be used in the performance of the contract and to liquidate the advance payment(s) made.

(g) *Bank agreement.* Before an advance payment(s) is made hereunder, the Contractor shall submit to the Contracting Officer, in the form prescribed, an Agreement for Special Bank Account, in triplicate, signed by the contractor and an official of the bank in which the Special Bank Account is established as the depository for the advance payment(s) and other payments. The agreement shall clearly set forth the character of the Special Bank Account and the responsibilities of the Contractor, the bank and the Contracting Officer thereunder. Wherever possible, such bank shall be a member of the Federal Reserve System, or an "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935, 49 Stat. 684, as amended; 12 U.S.C. 264).

(h) *Lien on Special Bank Account.* The Government shall have a lien upon any balance in the Special Bank Account paramount to all other liens, which lien shall secure the repayment of any advance payment(s) made hereunder.

(i) *Lien on property under contract.* Any advance payment(s) made under this contract shall be secured, when made, by a lien in favor of the Government, paramount to all other liens, upon the supplies or other things covered by this contract. The Government's lien shall apply to all material and other property acquired for or allocated to the performances of this contract, except to the extent that the Government by virtue of any other provisions of this contract, or otherwise, shall have valid title to such supplies, materials, or other property as against other creditors of the Contractor. The Contractor shall identify, by marking or segregation, all property which is subject to a lien in favor of the Government by virtue of this contract in such a way as to indicate that it is subject to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The Contractor shall maintain adequate accounting control over such property on his books and records. If at any time during the progress of the work on the contract it becomes necessary to deliver any item or items and materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer. If this contract is terminated in whole or in part and the Contractor is authorized to sell or retain termination inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the Contracting Officer, which approval shall constitute a release of the Government's lien hereunder to the extent that such termination inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention on the Contractor's termination claim, is applied in reduction of advance payment(s) then outstanding hereunder.

(j) *Insurance.* The Contractor represents and warrants that he is now maintaining with responsible insurance carriers, (1) insurance upon his own plant and equipment against fire and other hazards to the extent that like properties are usually insured by

others operating plants and properties of similar character in the same general locality; (2) adequate insurance against liability on account of damage to persons or property; and (3) adequate insurance under all applicable workmen compensation laws. The Contractor agrees that, until work under this contract has been completed and the advance payment(s) made hereunder has been liquidated, he will (i) maintain such insurance; (ii) maintain adequate insurance upon any materials, parts, assemblies, sub-assemblies, supplies, equipment, and other property acquired for or allocable to this contract and subject to the Government lien hereunder; and (iii) furnish such certificate with respect to his insurance as the Contracting Officer may from time to time require.

(k) *Default provisions.* Upon the happening of any of the following events of default, (1) termination of this contract by reason of fault of the Contractor; (2) a finding by the Contracting Officer that the Contractor (i) has failed to observe any of the covenants, conditions, or warranties of these provisions or has failed to comply with any material provision of this contract, or (ii) has so failed to make progress or is in such unsatisfactory financial condition as to endanger performance of this contract; or (iii) has allocated inventory to this contract substantially exceeding reasonable requirements, or (iv) is delinquent in payment of taxes, or of the costs of performance of this contract in the ordinary course of business; (3) appointment of a trustee, receiver or liquidator for all or a substantial part of the Contractor's property or institution of bankruptcy, reorganization, arrangement, or liquidation proceedings by or against the Contractor; (4) service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account; or (5) the commission of an act of bankruptcy; the Government, without limiting any rights which it may otherwise have, may in its discretion and upon written notice to the Contractor and Bank, withhold further withdrawals from the Special Bank Account and withhold further payments on this contract. Upon the continuance of any such events of default for a period of thirty (30) days after such written notice to the Contractor and Bank, the Government may, in its discretion, and without limiting any other rights which the Government may have, take the following additional actions as it may deem appropriate in the circumstances:

(A) Withdraw all or any part of the balance in the Special Bank Account by checks made payable to the Bureau of Indian Affairs signed solely by an official of the Bureau of Indian Affairs, authorized in writing by the Contracting Officer to take such action, and apply such amounts in reduction of the advance payment(s) then outstanding hereunder and in reduction of any other claims of the Government against the Contractor;

(B) Demand immediate repayment of the unliquidated balance of the advance payment(s) hereunder; or

(C) Take possession of and, with or without advertisement, sell at public sale at which the Government may be the purchaser, or at a private sale, all or any part of the property on which the Government has a lien under this contract and, after deducting any expenses incident to such sale, apply the net proceeds of such sale in reduction of the unliquidated balance of the advance payment(s) hereunder and in reduction of any other claims of the Government against the Contractor.

(1) *Prohibition against assignment.* Notwithstanding any other provision of this con-

tract, the Contractor shall not, while any part of the advance payment(s) is unliquidated, pledge, or otherwise assign any monies due under this contract, or any claim arising thereunder, to any party or parties, bank, trust company, or other financing institution. (See clause titled ASSIGNMENT OF CLAIMS).

(m) *Information—access to records.* The Contractor shall furnish to the Contracting Officer signed or certified balance sheets and profit and loss statements monthly, if required by the Contracting Officer, together with a monthly bank statement for the Special Bank Account and such other information concerning the operation of the Contractor's business as may be requested. The Contractor shall afford to authorized representatives of the Government proper facilities for inspection of the Contractor's books, records, and accounts.

(n) *Designations and determinations.* (1) Amount. The amount of the advance payment(s) at any time outstanding hereunder shall not exceed the amount authorized in the Findings, Determinations, and Authorization for the advance payment(s) prepared pursuant to 41 CFR 14H-30.410.

(2) Depository. The advance payment(s) shall be deposited in the bank with which the Agreement for Special Account is established pursuant to 41 CFR 14H-30.414-1.

(o) *Other security.* The terms of this contract shall be considered adequate security for advance payment(s) hereunder.

(p) *Representations and warranties.* To induce the making of the advance payment(s), the Contractor represents and warrants that:

(1) No litigation or proceedings are presently pending or threatened against the Contractor.

(2) None of the provisions herein contravenes or is in conflict with the authority under which the Contractor is doing business or with the provision of any existing agreement of the Contractor.

(3) The Contractor has the power to enter into this contract and accept an advance payment(s) hereunder, and has taken all necessary action to authorize such acceptance under the terms and conditions of this contract.

(4) None of the assets of the Contractor is subject to any lien or encumbrance of any character except for current taxes not delinquent. There has been no assignment of claims under any contract affected by these advance payment provisions, or if there has been any assignment, such assignments have been terminated.

(5) All information furnished by the Contractor to the Contracting Officer in connection with the request for an advance payment is true and correct.

(6) These representations and warranties shall be continuing and shall be deemed to have been repeated by the submission of any subsequent request for additional advance payment(s) under this contract.

(q) *Subadvances.* Subject to the prior written approval of the Contracting Officer, funds from the Special Bank Account may be used by the Contractor to make advance payment(s) or down payments to subcontractors and suppliers of material in advance of performance by the subcontractor or suppliers of material. Such subadvances shall not exceed the subcontract price or estimated cost as the case may be, and the subcontractors or suppliers of material to whom such advance payment(s) is made shall furnish adequate security therefor. Unless other security is required by the Contracting Officer, covenants in subcontracts, expressly made for the benefit of the Government providing for a Special Bank Account for the subadvance with Government lien thereon, and providing for a Government lien, paramount to all other

liens, on all property under such subcontract, and imposing upon the subcontractor and the depository bank substantially the same duties and giving the Government substantially the same rights as are provided herein (and in the Agreement for Special Bank Account supplemental hereto) between the Government, the Contractor, and the Bank may be considered as adequate for such subadvance(s). Subadvances shall not be made without payment of interest of six percent per annum unless adequate justification is first furnished to and approval obtained by the Contracting Officer, as provided in 41 CFR 1-30.403(b).

(r) *Covenants.* During the period of time that an advance payment(s) made hereunder remains unliquidated, the Contractor shall not, without prior written consent of the Contracting Officer:

(1) Mortgage, pledge, or otherwise encumber, or suffer to be encumbered, any of the assets of the Contractor now owned or hereinafter acquired by it, or permit any pre-existing mortgages, liens, or other encumbrances to remain on or attach to any assets of the Contractor which are allocated to the performance of this contract and with respect to which the Government has a lien hereunder;

(2) Sell, assign, transfer, or otherwise dispose of accounts receivable, notes, or claims for money due or to become due;

(3) Declare or pay any dividends, except dividends payable in stock of the corporation, or make any other distribution on account of any shares of its capital stock, or purchase, redeem, or otherwise acquire for value any such stock, except as required by sinking fund or redemption arrangements reported to the Contracting Officer incident to the establishment of these advance payment(s) provisions;

(4) Sell, convey, or lease all or a substantial part of its assets;

(5) Acquire for value the stock or other securities of any corporation, municipality, or governmental authority, except direct obligations, of the United States;

(6) Make any advance or loan to or incur any liability as guarantor, surety, or accommodation endorser for any other firm, person or corporation;

(7) Permit a writ of attachment or any similar process to be issued against its property without procuring release thereof or bonding the same within 30 days after the entry of the writ of attachment or any similar process;

(8) Pay any salaries, commissions, bonuses, or other remuneration in any form or manner to its directors, officers, or key employees in excess of existing rates of payments, or of rates provided by this contract, or in existing agreements, in connection with which notice has been given to the Contracting Officer, or accrue such excess remuneration without first obtaining an agreement subordinating the same to all claims of the Government hereunder.

(9) Make any substantial change in management, ownership, or control of the organization with which this contract is made.

(10) Merge or consolidate with any other firm or corporation, change the type of its business, or engage in any transaction outside the ordinary course of its business as presently conducted;

(11) Deposit any of its funds except in a bank or trust company insured by the Federal Deposit Insurance Corporation; or

(12) Create or incur indebtedness, borrow money or advances other than advances to be made hereunder, except as specified herein.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc. 74-26209 Filed 11-7-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES AND TANGLOS GROWN IN FLORIDA

Notice of Proposed Rulemaking with Respect to Approval of Expenses and Rate of Assessment for 1974-75 Fiscal Period

This notice invites written comment relative to the proposed expenses of \$152,500 and rate of assessment of \$0.005 per standard packed box of fruit to support the activities of the Growers Administrative Committee for the 1974-75 fiscal period under Marketing Order No. 905.

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1974, through July 31, 1975, will amount to \$152,500.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at \$0.005 per standard packed box of fruit.

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

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 29, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 5, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-26186 Filed 11-7-74;8:45 am]

[7 CFR Part 1030]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Notice of Proposed Temporary Revision of Shipping Percentage

Notice is hereby given that, pursuant to the provisions of the Agricultural

Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.7(b)(6) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the month of November 1974.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same in quadruplicate with the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than November 11, 1974. The period for filing views is being limited to the above-mentioned date to enable the timely consideration of this matter since the proposed action would be applicable to milk shipments made during November. Further, the proposed change provides some relaxation of pooling standards and thus will not require extensive preparation or substantial alteration in method of operation for handlers.

All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be revised are (1) the supply plant shipping percentage of 40 percent set forth in § 1030.7(b)(4) that is applicable during the month of November, and (2) in § 1030.7(b)(7)(iii), the shipping requirement of 20 percent applicable to each plant in a unit of two or more plants (as defined in § 1030.7(b)(7)) during the month of November.

Pursuant to the provisions of § 1030.7(b)(6), the supply plant shipping percentage set forth in § 1030.7(b)(4) and § 1030.7(b)(7)(iii) shall be increased or decreased by up to 10 percentage points during the months of August-March if necessary to obtain needed shipments or to prevent uneconomic shipments.

Central Milk Producers Cooperative, representing a majority of producers supplying the Chicago Regional market, requests that during November 1974 the supply plant shipping percentage be reduced 5 percentage points and the shipping percentage applicable to each plant within a unit be reduced 5 percentage points. This cooperative states that the 40 percent shipping requirement in November would cause uneconomic shipments of milk.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In recent months, however, Class I sales have been significantly below a year ago. In September, for instance, Class I sales were down more than 9 million pounds compared to September 1973. Moreover, receipts of producer milk on the market increased by nearly 58 million pounds in September 1974 compared to September 1973.

There is a reduced demand for Class I milk and an increase in the milk supply

on the market. Thus, there is a reduced demand for supply plant milk in Class I use and a reduction in required shipments may, accordingly, be appropriate. A reduction in the required shipments of supply plant milk during November would allow greater flexibility in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

Therefore, it may be appropriate to reduce the aforementioned pool supply plant shipping percentage for the month of November 1974 to prevent uneconomic shipments.

Signed at Washington, D.C., on: November 5, 1974.

H. L. FOREST,
Director, Dairy Division.

[FR Doc.74-26251 Filed 11-7-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 171]

[Docket No. 14120; Notice 74-34]

NON-FEDERAL NAVIGATION FACILITIES

Interim Standard Microwave Landing System

The Federal Aviation Administration is considering amending Part 171 of the Federal Aviation Regulations to prescribe procedures for the approval, installation, operation, and maintenance of an interim standard microwave landing system.

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 regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before December 11, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On December 22, 1972, the Federal Aviation Administration published in the FEDERAL REGISTER (37 FR 28311) an invitation for comments on a policy statement concerning the development of a non-federal low approach landing system. That system, described as an interim standard microwave landing system (ISMLS), was selected by the FAA for " * * * use at locations where a VHF/UHF ILS will not perform in an effective manner, or where the needs for low approach service would be better served by the use of the (ISMLS)." In determining the suitability for an

ISMLS at any given location, the invitation for comments stated that " * * * full consideration will be given to the nature of the operational requirement and to the economics of the situation including the cost of airborne avionics equipment." Furthermore, the invitation for comments announced that the selection of the ISMLS would be based upon a standard performance specification, and requested current and potential ISMLS users to comment on the operational, technical, and economic aspects of such a system.

As a result of the invitation for comments, and a subsequent notice of policy decision (38 FR 14784), wherein the comments were discussed, the FAA proceeded with the development of a performance specification and subsequently issued a request for proposals. That request led to several proposals which the FAA evaluated through flight tests. As a result of the evaluation, the FAA published on August 30, 1974, the selection of the system manufactured by Tull Aviation Corporation, 4 Kaysal Court, Armonk, New York 10504 (Tull), as the interim standard microwave landing system (see 39 FR 31681).

For the purpose of this rule-making action, it is important to note the following points which have been previously discussed in the several notices mentioned herein:

1. The FAA encourages the continued installation of VHF/UHF ILS systems wherever they are technically feasible and economically justifiable.

2. The ISMLS is intended to serve as an adjunct to the existing system, and is considered necessary to fulfill some immediate aviation growth needs during a transition period. That transition period is the time necessary to develop and install a full microwave landing system. In this regard, it should be noted that the microwave landing system program, scheduled for initial implementation prior to the end of the decade, is on schedule, and work continues on it apart from the efforts to implement the ISMLS.

3. Although the system designed by Tull is designated as the ISMLS, other systems which may subsequently be developed may also be eligible for ADAP and F & E funding if they can meet the operational requirements proposed in this notice.

4. In selecting the ISMLS proposed by Tull, the FAA has concluded an agreement whereby Tull has agreed to grant royalty-free licenses in their technical data for the manufacture, sale, and use of the Tull system only within the United States, its territories and possessions, the District of Columbia, Puerto Rico, and the Canal Zone. Licensees of the technical data only will be required to indemnify purchasers and users of equipment manufactured by the licenses from this data against liability from patent infringement arising from the manufacture or sale of the ISMLS. The data will be available to licensees from Tull for the cost of reproduction and handling.

5. The FAA takes no position on the scope, coverage, or validity of the patents

claimed by Tull for its system, nor on any patents that may result from any pending applications.

6. Tull has further agreed with the FAA to grant, on reasonable terms, non-exclusive licenses for the manufacture, use and sale, within the United States, its territories and possessions, the District of Columbia, Puerto Rico, and the Canal Zone, of the ISMLS equipment claimed to be covered by the patents described above.

NOTE: Copies of the agreement referred to in this paragraph and paragraph 4 will be available to interested persons upon request to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591.

The performance requirements proposed in this notice are derived both from recent FAA technical development and existing standards and tolerances prescribed in the publication "International and Recommended Practices, Aeronautical Telecommunications" (Annex 10 to the Convention of International Civil Aviation). The new standards were developed on the basis of field tests and engineering evaluations conducted by the FAA, and FAA evaluation of recommendations received in response to the notices discussed previously.

In addition, persons affected by this rulemaking action should determine the applicability of Federal Communications Commission (FCC) regulations to the installation and operation of the ISMLS. The regulations of the FCC applicable to radio frequency allocation and use, are found in Parts 2 and 87 of Title 47 of the Code of Federal Regulations.

As a part of the requirements proposed herein, it is also proposed to incorporate by reference several technical documents. The following documents are available for inspection in accordance with § 171.71, and may be purchased from the FAA, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591, for the cost indicated: Specification FAA G-2100/lb, free; FAA Handbook 8260.3A, \$7.75; and FAA Handbook AOP 8200.1, \$11.55. In addition, the following publications of the International Civil Aviation Organization (ICAO) are proposed to be incorporated by reference, and are available from—ICAO, Aviation Building, 1080 University Street, Montreal 101, Quebec, Canada, Attention: Distribution Officer: International Standards and Recommended Practices, Aeronautical Telecommunications, Vol. 1 of Annex 10 to ICAO, \$3.25; and ICAO PANS-OPS, Document 8168-OPS/611, \$3.00. ICAO documents may be inspected in accordance with § 171.71.

Finally, in addition to the proposal to add a new Subpart I to prescribe ISMLS requirements, the FAA also proposes several editorial changes to Part 171 to adopt new forms for reporting various required information.

These amendments are proposed under the authority of sections 405, 307, 313(a), 601, and 606 of the Federal Aviation Act of 1958 (49 U.S.C. 1346, 1348, 1354(a),

1421, and 1426), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE: The reporting and recordkeeping requirements contained herein have been submitted for approval by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

In consideration of the foregoing, it is proposed to amend Part 171 of the Federal Aviation Regulations:

§§ 171.13, 171.33, 171.53, 171.117, 171.163, 171.213 [Amended]

1. By deleting the reference to Form FAA-406c in §§ 171.13(b), 171.33(b), 171.53(b), 171.117(b), 171.163(b), and 171.213(b), and inserting in lieu thereof the words "Form FAA-6030-1"; and
2. By adding a new Subpart I to read as follows:

Subpart I—Interim Standard Microwave Landing System (ISMLS)

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Subpart I—Interim Standard Microwave Landing System (ISMLS)

§ 171.251 Scope.

This subpart sets forth minimum requirements for the approval and operation of non-Federal Interim Standard Microwave Landing System (ISMLS) facilities that are to be involved in the approval of instrument flight rules and air traffic control procedures related to those facilities.

§ 171.253 Requests for IFR procedure.

(a) Each person who requests an IFR procedure based on an ISMLS facility that he owns must submit the following information with that request:

(1) A description of the facility and evidence that the equipment meets the performance requirements of §§ 171.259, 171.261, 171.263, 171.265, 171.267, and 171.269, and is installed in accordance with § 171.271.

(2) A proposed procedure for operating the facility.

(3) A proposed maintenance organization and a maintenance manual that meets the requirements of § 171.273.

(4) A statement of intent to meet the requirements of this subpart.

(5) A showing that the ISMLS facility has an acceptable level of operational reliability, maintainability and acceptable standard of performance. Previous equivalent operational experience with a facility with identical design and operational characteristics will be considered

in showing compliance with this subparagraph.

(b) After the FAA inspects and evaluates the ISMLS facility, it advises the owner of the results and of any required changes in the ISMLS facility or in the maintenance manual or maintenance organization. The owner must then correct the deficiencies, if any, and operate the ISMLS facility for an in-service evaluation by the FAA.

§ 171.255 Minimum requirements for approval.

(a) The following are the minimum requirements that must be met before the FAA will approve an IFR procedure for a non-Federal Interim Standard Microwave Landing System (ISMLS) facility:

(1) The ISMLS facility's performance as determined by air and ground inspection, must meet the requirements of §§ 171.259, 171.261, 171.263, 171.265, 171.267, and 171.269.

(2) The installation of the equipment must meet the requirements of § 171.271.

(3) The owner must agree to operate and maintain the ISMLS facility in accordance with § 171.273.

(4) The owner must agree to furnish periodic reports as set forth in § 171.275 and agree to allow the FAA to inspect the facility and its operation whenever necessary.

(5) The owner must assure the FAA that he will not withdraw the ISMLS facility from service without the permission of the FAA.

(6) The owner must bear all costs of meeting the requirements of this section and of any flight or ground inspection made before the ISMLS facility is commissioned, except that the FAA may bear certain costs subject to budgetary limitations and policy established by the Administrator of the FAA.

(b) If the applicant for approval meets the requirements of paragraph (a) of this section, the FAA commissions the ISMLS facility as a prerequisite to its approval for use in an IFR procedure. The approval is withdrawn at any time that the ISMLS facility does not continue to meet those requirements. In addition, the ISMLS facility may be de-commissioned whenever the frequency channel is needed for higher priority common system service.

§ 171.257 Definitions.

As used in this subpart:

"Angular displacement sensitivity" means the ratio of measured DDM to the corresponding angular displacement from the appropriate reference line.

"Collocated ground station" means the type of ground station which transmits two or more guidance signals simultaneously from a common location.

"Course line" means the locus of points nearest to the runway centerline in any horizontal plane at which the DDM is zero.

"Course sector (full)" means a sector in a horizontal plane containing the course line and limited by the loci of points nearest to the course line at which the DDM is 0.155.

"Course sector (half)" means the sector in a horizontal plane containing the course line and limited by the loci of points nearest to the course line at which the DDM is 0.0775.

"DDM" means difference in depth of modulation. The percentage modulation depth of the larger signal minus the percentage modulation depth of the smaller signal, divided by 100.

"Displacement sensitivity" (Localizer) means the ratio of measured DDM to the corresponding lateral displacement from the appropriate reference line.

"Facility Performance Category I—ISMLS" means an ISMLS which provides guidance information from the coverage limit of the ISMLS to the point at which the localizer course line intersects the ISMLS glide path at a height of 100 feet or less above the horizontal plane containing the threshold.

"Facility reliability" means the probability that an ISMLS ground installation radiates signals within the specified tolerances.

"Glide path" means that locus of points in the vertical plane containing the runway center line at which the DDM is zero, which, of all such loci, is the closest to the horizontal plane.

"Glide path angle" (O) means the angle between a straight line which represents the mean of the ISMLS glide path and the horizontal.

"Glide path sector (half)" means the sector in the vertical plane containing the ISMLS glide path and limited by the loci of points nearest to the glide path at which the DDM is 0.0875.

"Glide path sector (full)" means the sector in the vertical plane containing the ISMLS glide path and limited by the loci of points nearest to the glide path at which the DDM is 0.175. The ISMLS glide path sector is located in the vertical plane containing the runway center line, and is divided by the radiated glide path in two parts called upper sector and lower sector, referring respectively to the sectors above and below the glide path.

"ISMLS Point 'A'" means an imaginary point on the glide path/localizer course measured along the runway centerline extended in the approach direction, four nautical miles from the runway threshold.

"ISMLS Point 'B'" means an imaginary point on the glide path/localizer course measured along the runway centerline extended, in the approach direction, 3,500 feet from the runway threshold.

"ISMLS Point 'C'" means a point through which the downward extended straight portion of the glide path (at the commissioned angle) passes at a height of 100 feet above the horizontal plane containing the runway threshold.

"Interim standard microwave landing system" (ISMLS) means a ground station which transmits azimuth and elevation angle information which, when decoded and processed by the airborne unit, provides signal performance capable of supporting approach minima for V/STOL and CTOL operations and operates with

the signal format and tolerances specified in §§ 171.259, 171.261, 171.263, 171.265, and 171.267.

"Integrity" means that quality which relates to the trust which can be placed in the correctness of the information supplied by the facility.

"Mean corrective time" means the average time required to correct an equipment failure over a given period, after a service man reaches the facility.

"Mean time between failures" means the average time between equipment failure over a given period.

"Reference datum" means a point at a specified height located vertically above the intersection of the runway centerline and the threshold and through which the downward extended straight portion of the ISMLS glide path passes.

"Signal reliability" means the probability that an ISMLS signal in space of specified characteristics is available to the aircraft.

"Split type ground station" means the type of ground station in which the electronic components for the azimuth and elevation guidance are contained in separate housings or shelters at different locations, with the azimuth portion of the ground station located at the stop end of the runway, and the elevation guidance near the approach end of the runway.

§ 171.259 Performance requirements: general.

(a) The ISMLS consists of the following basic components:

(1) C-Band (5000 MHz-5030 MHz) localizer equipment, associated monitor system, and remote indicator equipment;

(2) C-Band (5220 MHz-5250 MHz) glide path equipment, associated monitor system, and remote indicator equipment;

(3) VHF marker beacons (75 MHz), associated monitor systems, and remote indicator equipment in accordance with the "International Standards and Recommended Practices, Aeronautical Telecommunications," Vol. I, Paragraphs 3.1.6 and 3.6 of Annex 10 to the Convention on International Civil Aviation, dated July 1, 1972 (ICAO Annex 10), and Subpart H of this Part.

(b) The electronic equipments shall be designed to operate on a nominal 120/240 volt, 60Hz, 3-wire single phase AC power source.

(c) The service conditions for ISMLS equipment are as follows:

(1) The AC line parameters shall be those contained in specification FAA G-2100/1b paragraph 1-3.2.23(a), dated July 10, 1973.

(2) The ambient conditions for localizer and glide path electronic equipment shall be those contained in specification FAA G-2100/1b paragraph 1-3.2.23, Environment II, dated July 10, 1973.

(3) The ambient conditions for marker beacon facilities and all other equipment installed outdoors (antennas, field detectors, shelters, etc.) shall be those contained in specification FAA G-2100/1b paragraph 1-3.2.23, Environment III, dated July 10, 1973.

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(4) All equipment installed outdoors shall operate satisfactorily under the following conditions:

Wind Velocity.....	0-100 MPH (not including gusts)
Hail Stones.....	1/2" diameter
Rain.....	Moderate
Ice Loading.....	Encased in 1/2" radial thickness of clear ice.

(d) The ISMLS must perform in accordance with the following standards and practices for Facility Performance Category I operation:

(1) The ISMLS must be constructed and adjusted so that, at a specified distance from the threshold, similar instrumental indications in the aircraft represent similar displacements from the course line or ISMLS glide path, as appropriate, irrespective of the particular ground installation in use.

(2) The localizer and glide path components listed in paragraph (a) (1) and (2) of this section which form part of an ISMLS, shall comply at least with the standard performance requirements specified herein. The marker beacon components listed in paragraph (a) (3) of this section which form part of an ISMLS, shall comply at least with the standard performance requirements specified in ICAO Annex 10, dated July 1, 1972, and Subpart H of this Part.

(3) The ISMLS shall be so designed and maintained that the probability of operation within the performance requirements specified is of a high value.

(e) The signal format and pairing of the runway localizer and glide path transmitter frequencies of an ISMLS must be in accordance with the frequency plan approved by the FAA, and must meet the following signal format requirements:

(1) The localizer and glide slope stations must transmit angular guidance information on a C-band microwave carrier on narrow, scanned antenna beams that are encoded to produce a modulation in space which, after averaging over several beam scans, is equivalent to the modulation used for conventional ILS as defined by ICAO Annex 10, dated July 1, 1972.

(2) Guidance modulation must be impressed on the microwave carrier of the radiated signal in the form of a summation of 90 Hz and 150 Hz sinusoidal modulation corresponding to the pointing direction of the particular beam which radiates the signal.

(3) Each of the effective beam positions must be illuminated in a particular sequence for a short time interval. The modulation impressed on each beam must be a sample of the combined 90 Hz and 150 Hz waveform appropriate for that particular beam direction and time slot, and must be accomplished by appropriately varying the length of time the carrier is radiated during each beam illumination interval.

(4) For those cases where the scanning beam fills the coverage space in steps the incremental step must not exceed 0.6 times the beam width where the beam is in the proportional guidance sector.

In the clearance region, the step must not exceed 0.8 times beam width.

(5) At least one pulse duration modulation (pdm) sample pulse per beam width of scan must be provided.

(6) The minimum pulse duration shall be 40 microseconds.

(7) The minimum beam scan cycle shall be 600 Hz.

(8) The minimum duty ratio detectable by a receiver located anywhere in the coverage areas defined by this specification must not be less than 0.1. Detected duty ratio means the ratio of the average energy per scan detected at a point in space to the average energy per scan transmitted in all directions through the transmitting antenna.

(9) The localizer must produce a C-band unmodulated reference frequency signal of sufficient strength to allow satisfactory operation of a standard aircraft receiver within the specified localizer and glide path coverage sectors. Pairing of this reference frequency with the localizer and glide slope frequencies shall be in accordance with a frequency plan approved by the FAA.

(f) In accordance with 5 U.S.C. 552(a), the technical publications and FAA documents to which reference is made in this subpart are incorporated in, and made a part of, this subpart. These incorporated documents are available as provided in § 171.71, and may be obtained in accordance with the fee schedule prescribed in 49 CFR 7.85.

§ 171.261 Localizer performance requirements.

This section prescribes the performance requirements for localizer equipment components of the ISMLS.

(a) The localizer antenna system must:

(1) Be located on the extension of the centerline of the runway at the stop end;

(2) Be adjusted so that the course line will be in a vertical plane containing the centerline of the runway served;

(3) Have the minimum height necessary to comply with the coverage requirements prescribed in paragraph (i) of this section;

(4) Be located at a distance from the stop end of the runway that is consistent with safe obstruction clearance practices;

(5) Not obscure any light of the approach landing system; and

(6) Be installed on frangible mounts or beyond the 1,000' light bar.

On runways where limited terrain prevents the localizer antennas from being positioned on the runway centerline extended, and the cost of the land fill or a tall tower antenna support is prohibitive, the localizer antenna array may be offset so that the course intercepts the centerline at a point determined by the amount of the angular offset and the glide path angle. If other than a runway centerline localizer is used, the criteria in FAA Handbook 8260.3A, dated May 4, 1972, must be used.

(b) Except where no operationally harmful interference results, at locations

where two separate ISMLS facilities serve opposite ends of a single runway, an interlock must ensure that only the facility serving the approach direction being used will radiate.

(c) The radiation from the localizer antenna system must produce a composite field pattern which is pulse duration modulated, the time average equivalent to amplitude modulation by a 90 Hz and 150 Hz tone. The localizer station must transmit angular guidance information over a C-band microwave carrier on narrow, scanned antenna beams that are encoded to produce a modulation in space which, after averaging over several beam scans, is equivalent to the modulation used for conventional ILS as defined by ICAO, Annex 10, dated July 1, 1972. The radiation field pattern must produce a course sector with one tone predominating on one side of the course and with the other tone predominating on the opposite side. When an observer faces the localizer from the approach end of the runway, the depth of modulation of the radio frequency carrier due to the 150 Hz tone must predominate on his right hand and that due to the 90 Hz tone must predominate on his left hand.

(d) All horizontal angles employed in specifying the localizer field patterns must originate from the center of the localizer antenna system which provides the signals used in the front course sector.

(e) The ISMLS course sector angle must be adjustable between 3 degrees and 12 degrees. The applicable course sector angle will be established and approved on an individual basis.

(f) The ISMLS localizer shall operate in the band 5,000 MHz to 5,030 MHz. The frequency tolerance may not exceed ± 0.0001 percent.

(g) The emission from the localizer must be vertically polarized. The horizontally polarized component of the radiation on the course line may not exceed that which corresponds to a DDM error of 0.016 when an aircraft is positioned on the course line and is in a roll attitude of 20 degrees from the horizontal.

(h) The localizer must provide signals sufficient to allow satisfactory operation of a typical aircraft installation within the localizer and glide path coverage sectors. The localizer coverage sector must extend from the center of the localizer antenna system to distances of 18 nautical miles minimum within ± 10 degrees from the front course line, and 10 nautical miles minimum between ± 10 degrees and ± 35 degrees from the front course line. The ISMLS localizer signals must be receivable at the distances specified up from a surface extending outward from the localizer antenna and within a sector in the elevation plane from 0.300 to 1.750 of the established glide path angle (θ).

(i) Except as provided in paragraph (j) of this section, in all parts of the coverage volume specified in paragraph (h) of this section, the peak field strength must not be less than -87 dBW/m² and must permit satisfactory

operational usage of ISMLS localizer facilities.

(j) The minimum peak field strength on the ISMLS glide path and within the localizer course sector from a distance of 10 nautical miles to a height of 100 feet (30 meters) above the horizontal plane containing the threshold, must not be less than -87 dBW/m².

(k) Above 16 degrees, the ISMLS localizer signals must be reduced to as low a value as practicable.

(l) Bends in the course line must not have amplitudes which exceed the following:

Zone	Amplitude (DDM) (95 percent probability)
Outer limit of coverage to	0.031
ISMLS Point "A"	0.031 at ISMLS Point "A" decreasing at linear rate to 0.015 at ISMLS point "B"
ISMLS Point "A" to ISMLS Point "B"	0.015
ISMLS Point "B" to ISMLS Point "C"	0.015

The amplitudes referred to in this paragraph are the DDMs due to bends as realized on the mean course line, when correctly adjusted.

(m) The radio frequency carrier must meet the following requirements:

(1) The nominal depth of modulation of the radio frequency carrier due to each of the 90 Hz and 150 Hz tones must be 20 percent along the course line.

(2) The depth of modulation of the radio frequency carrier due to each of the 90 Hz and 150 Hz tones must be between 18 and 22 percent.

(3) The frequency tolerance of the 90 Hz and 150 Hz modulated tones must be within ± 2.5 percent.

(4) Total harmonic content of the 90 Hz tone must not exceed 10 percent.

(5) Total harmonic content of the 150 Hz tone must not exceed 10 percent.

(6) At every half cycle of the combined 90 Hz and 150 Hz wave form, the modulation tones must be phase-locked so that within the half course sector, the demodulated 90 Hz and 150 Hz wave forms pass through zero in the same direction within 20 degrees with phase relative to the 150 Hz component. However, the phase need not be measured within the half course sector.

(n) The mean course line must be adjusted and maintained within $\pm .015$ DDM from the runway centerline at the ISMLS reference datum.

(o) The nominal displacement sensitivity within the half course sector at the ISMLS reference datum, must be 0.00145 DDM/meter (0.00044 DDM/foot). However, where the specified nominal displacement sensitivity cannot be met, the displacement sensitivity must be adjusted as near as possible to that value.

(p) The lateral displacement sensitivity must be adjusted and maintained within 17 percent of the nominal value. Nominal sector width at the ISMLS reference datum is 210 meters (700 feet).

(q) The increase of DDM must be substantially linear with respect to angular displacement from the front course line where DDM is zero, up to an angle on

either side of the front course line where the DDM is 0.180. From that angle to ± 10 degrees, the DDM must not be less than 0.180. From ± 10 degrees to ± 35 degrees, the DDM must not be less than 0.155.

(r) The localizer must provide for the simultaneous transmission of an identification signal which meets the following:

(1) It must be specific to the runway and approach direction, on the same radio frequency carrier, as used for the localizer function.

(2) Transmission of the identification signal must not interfere in any way with the basic localizer function.

(3) The signal must be produced by pulse duration modulation of the radio frequency carrier using a modulation tone of 300 Hz within ± 3 Hz (resulting in a detected audio tone in the airborne VHF receiver of 1020 Hz ± 50 Hz).

(4) The depth of modulation must be between the limits of 10 and 12 percent.

(5) The emissions carrying the identification signal must be vertically polarized.

(6) The identification signal must employ the International Morse Code and consist of three letters. It must be preceded by the International Morse Code signal of the letter "M" followed by a short pause where it is necessary to distinguish the ISMLS facility from other navigational facilities in the immediate area.

(7) The signal must be transmitted at a speed corresponding to approximately seven words per minute, and must be repeated at approximately equal intervals, not less than six times per minute, at all times during which the localizer is available for operational use. When the transmissions of the localizer are not available for operational use, as, for example, after removal of navigational components, or during maintenance or test transmissions, the identification signal must be suppressed.

§ 171.263 Localizer automatic monitor system.

(a) The ISMLS localizer equipment must provide an automatic monitor system that transmits a warning to designated local and remote control points when any of the following occurs:

(1) A shift of the mean course line of the localizer from the runway centerline equivalent to more than .015 DDM at the ISMLS reference datum.

(2) In the case of localizers in which the basic functions are provided by the use of a single-frequency system, a reduction of power output to less than 50 percent of normal or a loss of ground station identification transmissions, provided the localizer continues to meet the requirements of paragraphs (h), (l), and (m) (2)-(5) of § 171.261.

(3) Changes of displacement sensitivity to a value differing by more than 17 percent from nominal value for the localizer.

(4) Failure of any part of the monitor itself. Such failure must automatically produce the same results as the malfunctioning of the element being monitored.

(b) The total period of signal radiation outside of the performance limits prescribed in § 171.261, including periods of zero radiation, must not exceed 10 seconds.

(c) Within 10 seconds of the occurrence of any of the conditions prescribed in paragraph (a) of this section, one of the following must occur:

- (1) Radiation must cease; or
- (2) The navigation and identification components must be removed from the carrier.

Any erroneous navigation signals on the carrier occurring during removal of navigation and identification components must be suppressed within a total period of 10 seconds.

§ 171.265 Glide path performance requirements.

This section prescribes the performance requirements for glide path equipment components of the ISMLS and are based on the assumption that the aircraft is heading directly toward the facility.

(a) The glide slope antenna system must be located near the approach end of the runway, and the equipment must be adjusted so that the vertical path line will be in a sloping horizontal plane containing the centerline of the runway being served, and satisfy the coverage requirements indicated in paragraph (g) of this section. The minimum distance from the centerline of the runway shall be 250' and be consistent with safe obstruction clearance practices as indicated in Fig. 3-16 of FAA Handbook 6750.16A, dated August 8, 1973.

(b) The radiation from the glide path antenna system must produce a composite field pattern which is pulse duration modulated by a 90 Hz and a 150 Hz tone, which is the time average equivalent to amplitude modulation. The pattern shall be arranged to provide a straight line descent path in the vertical plane containing the centerline of the runway, with the 150 Hz tone predominating below the path and the 90 Hz tone predominating above the path to at least an angle equal to 1.75θ . As used in this section θ , denotes the nominal glide path angle. The glide path angle must be adjusted and maintained within 0.075 θ .

(c) The glide path equipment must be capable of producing a radiated glide path from 3 to 9 degrees with respect to the horizontal. However, the operationally preferred ISMLS glide path angle is 3 degrees. ISMLS glide path angles in excess of 3 degrees may be used only to satisfy instrument approach procedures or to overcome an obstruction clearance problem, and in each such case a waiver from prescribed criteria shall be required.

(d) The downward extended straight portion of the ISMLS glide path must pass through the ISMLS reference datum at a height ensuring safe guidance over obstructions and safe and efficient use of the runway served. The height of the

ISMLS reference datum must be in accordance with FAA Handbook 8260 3A, dated May 4, 1972.

(e) The glide path equipment must operate in the band 5220 MHz to 5250 MHz. The frequency tolerance may not exceed ± 0.0001 percent.

(f) The emission from the glide path equipment must be vertically polarized.

(g) The glide path equipment must provide signals sufficient to allow satisfactory operation of a typical aircraft installation in sectors of 8 degrees on each side of the centerline of the ISMLS glide path, to a distance of at least 10 nautical miles up to 1.750 and down to 0.450 above the horizontal or to such lower angle at which 0.22 DDM is realized.

(h) To provide the coverage for glide path performance specified in paragraph (g) of this section, the minimum peak field strength within this coverage sector must be -82 dBW/m². The peak field strength must be provided on the glide path down to a height of 30 meters (100 feet) above the horizontal plane containing the threshold.

(i) Bends in the glide path must not have amplitudes which exceed the following:

Zone:	Amplitude (DDM) (95 percent probability)
Outer limit of coverage to ISMLS point C.....	0.035

The amplitude referred to is the DDM due to bends as realized on the mean ISMLS glide path correctly adjusted. In regions of the approach where ISMLS glide path curvature is significant, bend amplitude is calculated from the mean curved path, and not the downward extended straight line.

(j) Guidance modulation must be impressed on the microwave carrier of the radiated glide slope signal in the form of a unique summation of 90 Hz and 150 Hz sinusoidal modulation corresponding to the pointing direction of the particular beam which radiates the signal. Each of the effective beam positions must be illuminated in sequence for a short time interval. The scan rate may be synchronous with the 90 Hz and 150 Hz tone base. The modulation impressed on each beam must be a sample of the combined 90 Hz and 150 Hz waveform appropriate for that particular beam direction and time slot. The actual modulation must be accomplished by appropriately varying the length of time the carrier is radiated during each beam illumination interval.

(k) The nominal depth of modulation of the radio frequency carrier due to each of the 90 Hz and 150 Hz tones must be 40 percent along the ISMLS glide path. The depth of modulation shall not deviate outside the limits of 37.5 percent to 42.5 percent.

(l) The following tolerances apply to the frequencies of the modulating tones:

(1) The modulating tones must be 90 Hz and 150 Hz within 2.5 percent.

(2) The total harmonic content of the 90 Hz tone must not exceed 10 percent.

(3) The total harmonic content of the 150 Hz tone must not exceed 10 percent.

(m) At every half cycle of the combined 90 Hz and 150 Hz wave form, the modulation must be phase-locked so that within the ISMLS half glide path sector, the demodulated 90 Hz and 150 Hz wave forms pass through zero in the same direction within 20 degrees of phase relative to the 150 Hz component. However, the phase need not be measured within the ISMLS half glide path sector.

(n) The nominal angular displacement sensitivity must correspond to a DDM of 0.0875 at an angular displacement above and below the glide path of 0.120. The glide path angular displacement sensitivity must be adjusted and maintained within ± 25 percent of the nominal value selected. The upper and lower sectors should be as symmetrical as practicable within the limits prescribed in this paragraph.

(o) The DDM below the ISMLS glide path must increase smoothly for decreasing angle until a value of 0.22 DDM is reached. This value must be achieved at an angle not less than 0.30° above the horizontal. However, if it is achieved at an angle above 0.45°, the DDM value may not be less than 0.22 at least down to an angle of 0.45°.

§ 171.267 Glide path automatic monitor system.

(a) The ISMLS glide path equipment must provide an automatic monitor system that transmits a warning to designated control points when any of the following occurs:

(1) A shift of the mean ISMLS glide path angle equivalent to more than 0.075°.

(2) A reduction of power output to less than 50 percent, provided the glide path continues to meet the requirements of paragraphs (g), (i), and (k) of § 171.265.

(3) A change of the angle between the glide path and the line below the glide path (150 Hz predominating), at which a DDM of 0.0875 is realized by more than ± 0.0375 .

(4) Lowering of the line beneath the ISMLS glide path at which a DDM of 0.0875 is realized to less than 0.750 from the horizontal.

(5) Failure of any part of the monitor itself. Such failure must automatically produce the same results as the malfunctioning of the element being monitored.

Guidance on obstacle clearance criteria is given in ICAO PANS-OPS (Doc 8168-OPS/611, dated July 1, 1972).

(b) At glide path facilities where the selected nominal angular displacement sensitivity corresponds to an angle below the ISMLS glide path, which is close to or at the maximum limits specified, an adjustment to the monitor operating limits is permitted to protect against sector deviations below 0.750 from the horizontal.

(c) The total period of glide path signal radiation outside of the performance limits prescribed in § 171.265, including periods of zero radiation, must not exceed six seconds.

(d) Within six seconds of the occurrence of any of the conditions prescribed in paragraph (a) of this section, signal radiation must cease.

§ 171.269 Marker beacon performance requirements.

ISMLS marker beacon equipment must meet the performance requirements prescribed in Subpart H of this Part, and ICAO Annex 10, dated July 1, 1974.

§ 171.271 Installation requirements.

(a) The ISMLS facility must be permanent in nature, located, constructed, and installed according to accepted good engineering practices, applicable electric and safety codes, FCC licensing requirements, and paragraphs (a) and (c) of § 171.261.

(b) The facility must have a reliable source of suitable primary power, either from a power distribution system or locally generated. Also, adequate power capacity must be provided for operation of test and working equipment at the ISMLS.

(c) A continuously engaged or floating battery power must be provided for the ISMLS ground station for continued normal operation if the primary power fails. To maintain the batteries in operations readiness, a trickle charge must be supplied to recharge the batteries during the period of available primary power. Upon loss and subsequent restoration of power, the batteries must be restored to full charge within 24 hours. When primary power is applied, the state of the battery charge must in no way cause harm to or affect the operation of the ISMLS ground station. The battery supply must permit continuation of normal operation for not less than two hours under the normal test conditions. Additionally, the equipment must meet all specification requirements with or without batteries installed.

(d) There must be a means for determining, from the ground, the performance of the equipment including antennae, both initially and periodically.

(e) The facility must have, or be supplemented by, ground-air or landline communications services, in conformance with FAA Handbook 8260.3A, dated May 4, 1972.

(f) Except where no operationally harmful interference will result, at those locations where two separate ISMLS facilities serve opposite ends of a single runway, an interlock must ensure that only the facility serving the approach direction in use can radiate.

§ 171.273 Maintenance and operations requirements.

(a) The owner of the facility must establish an adequate maintenance system and provide qualified maintenance personnel to maintain the facility at the level attained at the time it was commissioned. Each person who maintains a facility must meet at least the Federal Communications Commission's licensing requirements and show that he has the special knowledge and skills needed to

maintain the facility, including proficiency in maintenance procedures and the use of specialized test equipment.

(b) In the event of out-of-tolerance conditions or malfunctions, as evidenced by receiving two successive pilot reports, the owner shall close the facility by ceasing radiation. The owner shall then issue a "Notice to Airman" (NOTAM) that the facility is out of service. However, private use facilities may omit the issuance of NOTAMS.

(c) The owner must prepare, and obtain approval of, an operations and maintenance manual that sets forth mandatory procedures for operations, periodic maintenance, and emergency maintenance, including instructions on each of the following:

- (1) Physical security of the facility.
- (2) Maintenance and operations by authorized persons only.
- (3) FCC licensing requirements for operating and maintenance personnel.
- (4) Posting of licenses and signs.
- (5) Relation between the facility and FAA air traffic control facilities, with a description of the boundaries of controlled airspace over or near the facility, instructions for relaying air traffic control instructions and information, if applicable, and instructions for the operations of an air traffic advisory service if the facility is located outside of controlled airspace.
- (6) Notice to the Administrator of any suspension of service.
- (7) Detailed and specific maintenance procedures and servicing guides stating the frequency of servicing.
- (8) Air-ground communications, if provided, expressly written or incorporating appropriate sections of FAA manuals by reference.
- (9) Keeping of station logs and other technical reports, and the submission of reports required by § 171.275.
- (10) Monitoring of the ISMLS facility.
- (11) Inspections by United States personnel.
- (12) Names, addresses, and telephone numbers of persons to be notified in an emergency.
- (13) Shutdowns for periodic maintenance and issue of "Notices to Airmen" for routine or emergency shutdowns. However, private use facilities may omit the "Notices to Airmen".
- (14) Commissioning of the ISMLS facility.
- (15) An acceptable procedure for amending or revising the manual.
- (16) An explanation of the kinds of activities (such as construction or grading) in the vicinity of the ISMLS facility that may require shutdown or recertification of the ISMLS facility by FAA flight check.
- (17) Procedures for conducting a ground check of the localizer course alignment, width, and clearance, glide path elevation angle and course width, and marker beacon power, and modulation.
- (18) The following information concerning the ISMLS facility:

(i) Facility component locations with respect to airport layout, instrument runways, and similar areas.

(ii) The type, make, and model of the basic radio equipment that provides the service.

(iii) The station power emission and frequencies of the ISMLS localizer, glide path, beacon markers, and associated compass locators, if any.

(iv) The hours of operation.

(v) Station identification call letters and method of station identification and the time spacing of the identification.

(vi) A description of the critical parts that may not be changed, adjusted, or repaired without an FAA flight check to confirm published operations.

(d) The owner or his maintenance representative shall make a ground check of the ISMLS facility each month in accordance with procedures approved by the FAA at the time of commissioning, and shall report the results of the checks as provided in § 171.275.

(e) If the owner desires to modify the ISMLS facility, he must submit the proposal to the FAA and may not allow any modifications to be made without specific approval.

(f) The owner or the owner's maintenance representative shall participate in inspections made by the FAA.

(g) Whenever it is required by the FAA, the owner shall incorporate improvements in ISMLS maintenance.

(h) The owner or his maintenance representative shall provide a stock of spare parts, including solid state components, or modules of such a quantity to make possible the prompt replacement of components or modules that fail or deteriorate in service.

(i) FAA approved test instruments must be used for maintenance of the ISMLS facility.

(j) The mean corrective maintenance time of the ISMLS equipment shall be 0.5 hours, with a maximum corrective maintenance time of not greater than 1.5 hours. This measure applies to failures of the monitor, transmitter and associated antenna assemblies, limited to unscheduled outage and out-of-tolerance conditions.

(k) The mean time between failures of the ISMLS equipment shall be at least 1,500 hours. This measure applies to failures of the monitor, transmitter, and associated antenna assemblies, limited to unscheduled outages and out-of-tolerance conditions.

(l) Inspection consists of an examination of the ISMLS equipment to ensure that unsafe operating conditions do not exist.

(m) Monitoring of the ISMLS radiated signal must ensure a high degree of integrity and minimize the requirements for ground and flight inspection. The monitor must be checked periodically during the in-service test evaluation period for calibration and stability. These tests and ground checks of glide slope, localizer, and marker beacon radiation characteristics must be conducted in accordance with the maintenance requirements of this section.

(n) Flight inspection of the ISMLS facility to demonstrate compliance with performance requirements must be conducted in accordance with FAA Handbook AOP 8200.1, U.S. Standard Flight Inspection Manual, as revised, August 1, 1972.

§ 171.275 Reports.

The owner or his maintenance representative of the ISMLS facility shall make the following reports at the indicated time to the appropriate FAA Regional Office where the facility is located.

(a) *Facility Equipment Performance and Adjustment Data (Form FAA 198)*. The FAA Form 198 shall be filled out by the owner or his maintenance representative with the equipment adjustments and meter readings as of the time of facility commissioning. One copy to be kept in the permanent records of the facility and two copies to be sent to the appropriate FAA Regional Office. The owner or his maintenance representative shall revise the FAA Form 198 data after any major repair, modernization, or retuning to reflect an accurate record of facility operation and adjustment. In the event the data are revised, the owner or his maintenance representative shall notify the appropriate FAA Regional Office of such revisions, and forward copies of the revisions to the appropriate FAA Regional Office.

(b) *Facility Maintenance Log (Form FAA 6030-1)*. Form FAA 6030-1 is a permanent record of all the activities required to maintain the ISMLS facility. The entries must include all malfunctions met in maintaining the facility including information on the kind of work and adjustments made, equipment failures, causes (if determined) and corrective action taken. In addition, the entries must include completion of periodic maintenance required to maintain the facility. The owner or his maintenance representative shall keep the original of each form at the facility and send a copy to the appropriate FAA Regional Office at the end of each month in which it is prepared.

However, where an FAA approved remote monitoring system is installed which precludes the need for periodic maintenance visits to the facility, monthly reports from the remote monitoring system control point shall be forwarded to the appropriate FAA Regional Office, and a hard copy retained at the control point.

(c) *Technical Performance Record (Form FAA 418)*. Form FAA 418 contains a record of system parameters, recorded on each scheduled visit to the facility. The owner or his maintenance representative shall keep the original of each month's record at the facility and send a copy of the form to the appropriate FAA Regional Office.

Issued in Washington, D.C., on November 1, 1974.

J. W. COCHRAN,
Director,
Airway Facilities Service.

[FR Doc.74-26143 Filed 11-7-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 217,
241, 249, 372a, 378, 378a, 389][EDR-281; SPDR-38; ODR-9;
Docket No. 24908]

ONE-STOP-INCLUSIVE TOUR CHARTERS

Notice of Proposed Rule Making

OCTOBER 30, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 378a of its Special Regulations establishing a new class of charter designated as a "One-stop-inclusive Tour Charter" (OTC). Under consideration also are implementing amendments to Parts 207, 208, 212, 214, 217, 241, and 249 of the Economic Regulations and Part 389 of the Organization Regulations, as well as parallel amendments to Parts 372a and 378 of the Special Regulations. The principal features of the proposals are described in the Explanatory Statement, and the proposed amendments are set forth in the Proposed Rules. The amendments are proposed under the authority of sections 101(3), 204(a), 401, 402, 407, 416(a), and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in initial comment received on or before December 5, 1974, and reply comments received on or before December 20, 1974, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

Those persons planning to file comments or responsive comments who wish to be served with such comments filed by others, and are willing to undertake to serve their comments on others, shall file with the Docket Section at the above address by November 15, 1974, a request to be placed on the Service List in Docket 24908. The Service List will be prepared by the Docket Section and sent to the persons named thereon. The persons on the Service List are to serve each other with comments or responsive comments at the time of filing.

A list of all persons filing comments will be prepared by the Docket Section and sent to the persons named thereon. Responsive comments may be filed by any person by December 20, 1974, and comments so filed will be considered by the Board. In addition to those on the Service List who filed comments, persons filing responsive comments should also serve any person whose comment is dealt with in their responsive comment.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

By the time the Board had adopted the Travel Group Charter (TGC) rule¹ it had long been recognized that "prior affinity" charter rules, limiting charters to groups having a prior affinity, are extremely difficult to enforce and that they tend to discriminate against persons who are not members of charterworthy groups. It was hoped that the TGC rules would provide a viable alternative to the "prior affinity" rules and satisfy the demand for low-cost bulk air transportation to vacation destinations, without causing undue diversion from scheduled services. However, the Board did not then believe it necessary to consider also revising its Inclusive Tour Charter (ITC) rule,² which was designed to provide low-cost charter air transportation as part of an inclusive tour for those members of the public interested in buying a vacation "package," including stops at three or more places.

Experience has shown that the TGC rules, as initially established, and the current ITC rules have failed to satisfy the demand for low-cost vacation travel.³ Since we continue to believe that the affinity rules should be replaced⁴ by a viable regime of enforceable and non-discriminatory charter rules, we have taken significant steps toward developing such a regime. Thus, we have recently amended the TGC rule to relax some of the requirements, and thereby enhance the attractiveness of TGC's to the general public.⁵ We have also proposed a new type of charter, called the "Special Event Charter,"⁶ which would be designed to authorize charters for groups of persons interested in attending the same particular event.

Consistent with the foregoing rule-making actions, the purpose of the instant proceeding is to consider establishment of another type of charter, which would be something of a hybrid between the TGC rule and the ITC rule, designed primarily for persons interested in an all-inclusive vacation package at a single destination. We have tentatively determined that for persons interested in availing themselves of this new type of charter, the legally required distinction between individually ticketed service and

charter service can be maintained by the set of restrictions,⁷ discussed hereinbelow, with which availability of this charter would be circumscribed. Accordingly, we are proposing herein a One-stop-inclusive Tour Charter (OTC) rule. It should be noted, of course, that the rule would not be limited to tours having only one stop; rather, we are designating it as "one-stop" to indicate that the tours to which it applies need have no more than one stop.

The principal features of our proposal are that the operator will offer these all-inclusive round-trip tours at a fixed price which may not be less than the prescribed minimum; that a list of the prospective passengers, including all participants who have made full payment for the OTC, will be filed with the Board no later than 30 days prior to the flight date;⁸ that the tour must have a minimum duration (except for "long-week-end" tours in North American markets); and that no substitutions or additions may be made to the list of passengers after filing.⁹ Consistent with the all-inclusive nature of this type of charter the price would have to include, at a minimum, overnight lodging for each night, breakfast plus one other meal per day,¹⁰ transfers to and from transportation terminals and baggage handling. On the other hand, consistent with the concept of group travel, the price could not include a rental car or rail pass which might encourage individual travel; and if the tour includes more than one stop, then any travel between points would have to be as a group.

We are tentatively of the view that OTC's will not have an adverse impact upon scheduled carriers nor be unduly diversionary of scheduled service. Sched-

¹ As we said recently when we prescribed a minimum set of restrictions for foreign-originated TGC's, "It is well-settled by now that, so long as the distinction between the two types of services is maintained, the formulation of particular requirements to achieve this end is for the Board to determine." SPR-74 (mimeo) p. 10.

² To facilitate enforcement of this requirement, we propose to prescribe Form 378a to be used in filing the prospective passenger list and for identifying passengers. The proposed form is adapted from Form 372a, prescribed for TGC's.

³ The proposed rules would give the operators of OTC's the same privilege to utilize unused charter space for their employees as our other charter rules give risk-taking indirect air carriers. However, since the OTC operator, unlike those other risk-taking charterers, would not be permitted to sell additional seats during the 30-day period preceding departure, he would have a uniquely strong incentive to abuse the "unused charter space" privilege during that period. We are therefore proposing that his enjoyment of this privilege be limited to eligible persons whose names he has included in the filed list of prospective passengers, along with the names of charter participants.

⁴ In requiring meals to be included in the price of the tour, the OTC will be more restrictive than the ITC rule.

¹ 14 CFR Part 372a, adopted by SPR-61, September 27, 1972.

² Part 378 of our Special Regulations, 14 CFR Part 378.

³ During 1973 approximately 85% of the TGC's filed were canceled with the result that fewer than 40,000 passengers traveled on TGC's. Further, it is estimated that no more than 250,000 persons participated in ITC's during 1973.

⁴ We are issuing, contemporaneously herewith, notice of our intention to terminate "prior affinity" charters. EDR-237C.

⁵ SPR-78, adopted and effective August 12, 1974.

⁶ SPDR-37, June 18, 1974.

uled carriers will be authorized to perform OTC's and will therefore have ample opportunity to share in the development of this type of charter. The advance-purchase, minimum-stay, round-trip and minimum inclusive-package price requirements will insure their use primarily by the economy-minded vacation traveler. It is our tentative view, therefore, that our proposal herein, together with our other existing and proposed charter regulations, will not only provide a workable economical alternative to the affinity rules, but will also generate new passengers from among those people who have not been eligible to participate in affinity charters, and who would not, or could not, travel except on economical all-inclusive tours.

We have tentatively concluded that, as with ITC's, we should propose methods for prescribing a minimum price which would tend to discourage the use of OTC's for point-to-point transportation. We are therefore proposing that for all OTC's other than North American, we should use the same minimum price formulation as in our ITC regulation. However, for North American charters, we have tentatively concluded that relatively short distance and short duration involved in many North American charters would appear to make a per diem pricing requirement more appropriate in this market; and we are therefore proposing that the minimum price in this market should be no less than the pro rata charter price for each seat plus \$25 per day per person.

We wish to note specifically that we invite persons filing comments to focus on alternative methods of formulating a minimum OTC price, so as to achieve our stated purpose, such as a multiple of the pro rata charter price per seat, or a fixed per diem "package" price.

We propose to require filing of the list of participants no later than 30 days prior to the flight, not only as a means of insuring that this type of charter will not be unduly diversionary from scheduled service, but also to enhance the enforceability of the rules. In order to participate in an OTC, a person will be required to make full payment of the all-inclusive price prior to filing of the list of participants. Once the list of passengers is filed, the charter group will be closed and no substitutions can be made.

Our proposal herein would not require a minimum number of seats to be sold as a condition precedent to filing of the passenger list and/or operation of the flight. Rather, the operator will be permitted, as are other types of risk-taking charter operators, to decide the extent of the risk of unsold seats which he is prepared to assume. However, he must set forth in his contract with the participants the grounds on which he reserves the right to cancel the charter, including the contingency that too many seats remain unsold by the time the OTC passenger list must be filed; also, after the list has been filed, this contingency can-

not be invoked as grounds for cancellation by the operator. In the event of any cancellation by the operator, the contract must specify that the participants are entitled to a prompt refund of their payments in full.

We have tentatively concluded that the minimum-stay requirements of the TGC and ITC regulations have inhibited their acceptance in certain markets. We are accordingly proposing herein minimum-stay requirements which we believe more appropriately fit the needs of specific markets.¹¹ In the North American market we are proposing a seven-day minimum duration OTC, unless the return leg of the tour departs on a Sunday or Monday, in which case there will be no minimum-stay requirement. It appears that there are many travelers in this market who desire short-duration vacations, often referred to as "long weekends." We believe that many such weekend vacationers would not travel by air, unless these low cost all-inclusive charters are made available to them. The requirement that a flight return on a Sunday or Monday in order for the tour to be less than seven days in duration will tend to insure that such tours are indeed used by the weekend vacation traveler.

On the other hand, we have tentatively concluded that, in order to insure that domestic charters under this new rule would not unduly divert traffic from scheduled service we should impose a limit on the number of domestic OTC's which any carrier may undertake to operate, but only between points having adequate scheduled service.¹² We therefore propose to limit each authorized carrier to contract to operate in each future calendar quarter domestic OTC's with seats equal to no more than 1/4 of one percent of the number of passengers carried in that market on scheduled

¹¹ We are also proposing herein to amend Part 372a so as to conform the minimum duration of TGC's to those which are herein proposing for OTC's. As for the method of computing days included in a tour period, we are proposing herein the same method which we have prescribed for TGC's, and we are also proposing herein to amend Part 378 so as to prescribe the same method for ITC's.

¹² For purposes of this regulation we propose to regard adequate scheduled service as at least one round-trip flight per day on single-plane service with no more than two intermediate stops. Any point within 100 miles of the origin or destination which receives adequate scheduled service will be considered as the origin or destination of the OTC if the actual origin and destination of the charter are not served by scheduled service. In the event that there is more than one point within 100 miles of the point of origin and/or destination which receives such service the flight would apply to the quota for the closest point or points. For example, if an OTC operated between Akron/Canton, Ohio and Las Vegas and there was scheduled service between Pittsburgh and Las Vegas, Cleveland and Las Vegas and Columbus and Las Vegas (all points within 100 miles of Akron-Canton airport), the flight would apply to the Cleveland-Las Vegas quota since Cleveland is closer to Akron/Canton than either Pittsburgh or Columbus.

service during the most recent twelve-month period covered by the latest CAB Origin and Destination Survey available at the time the charter contract is signed.¹³ It should be noted that numerical limits would not apply to any other markets.

In the transatlantic market, we have tentatively concluded that the minimum duration of stay should be seven days in the off-season,¹⁴ so as to attract off-season vacation travelers who would not otherwise use air transportation. However, in all other international markets, and during the transatlantic on-season, the minimum duration of stay would be ten days, which is the minimum period prescribed for international TGC's.

We believe our proposal herein will provide an operator sufficient flexibility to organize an OTC in accordance with the requirements of a particular market. We further believe that this proposal, combined with our other existing and proposed charter regulations, will provide a viable alternative to "prior affinity" charters, thereby making low-cost bulk vacation travel available to the general public in a nondiscriminatory manner, but without causing undue diversion from scheduled service.

PROPOSED RULES

It is proposed to adopt a new Part 378a, and amend Parts 372a and 378, of the Special Regulations, and to amend Parts 207, 208, 212, 214, 217, 241 and 249 of the Economic Regulations, as well as Part 389 of the Organization Regulations, as follows:

1. Adopt a new Part 378a to read as follows:

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

Subpart A—General Provisions

Sec.	
378a.1	Applicability.
378a.2	Definitions.
378a.3	Waivers.
378a.4	Enforcement.
378a.5	Computation of time.

Subpart B—General Conditions and Limitations

378a.10	One-stop-inclusive tour charter general requirements.
378a.11	Payment to direct air carrier(s).
378a.12	No intermingling of passengers.
378a.13	Unused space.

Subpart C—Requirements Applicable to Tour Operators

378a.20	Exemption.
378a.21	Approval of certain interlocking relationships.
378a.22	Effect of exemption on antitrust laws.
378a.23	Jurisdiction over foreign tour operators.
378a.24	Suspension of exemption authority.

¹³ For purposes of determining the number of passengers carried in a particular market, the 12-month directional origin and destination figure in Table 8 of the survey is to be used. Since that figure represents a 10% sampling, the number of passengers carried in a market would be 10 times such figure.

¹⁴ For the purpose of this regulation off-season would be defined as the period commencing on the first day of November and ending on the thirty-first day of March.

- Sec.
 378a.25 Operating authorization of tour operators.
 378a.26 Discrimination.
 378a.27 Methods of competition.
 378a.28 Tour prospectus.
 378a.29 Charter contract.
 378a.30 Contract between tour operator and tour participants.
 378a.31 Surety bond and depository agreement.
 378a.32 Disbursements from depository account.
 378a.33 Reporting requirements.
 378a.34 Record retention.

Subpart D—Requirements Applicable To Direct Air Carriers

- 378a.40 Charter not to be performed unless compliance with part.
 378a.41 Direct air carrier to identify enplanements.
 378a.42 Tariffs to be on file for charter trips.
 378a.43 Maximum number of interstate charters.
 378a.44 No commissions to be paid.

Subpart E—Post-Charter Trip Reporting Requirements

- 378a.50 Post-charter trip reporting.

AUTHORITY: Secs. 101(3), 204(a), 401, 402, 407, 416(a), 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, 1481.

Subpart A—General Provisions

§ 378a.1 Applicability.

This part establishes the terms and conditions governing the furnishing of "One-stop-inclusive Tour Charters" (OTC's) in air transportation by direct air carriers and foreign air carriers and by OTC tour operators. This part also relieves such tour operators (other than foreign tour operators) from various provisions of Title IV of the Federal Aviation Act of 1958, as amended, for the purpose of enabling them to provide OTC's utilizing aircraft chartered from such direct carriers. It also contains a limited declaration of exercise of jurisdiction over foreign tour operators. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provisions of any of the Board's regulations, unless the context so requires.

§ 378a.2 Definitions.

As used in this part, unless the context otherwise requires—

"Charter" means a one-stop-inclusive tour charter.

"Direct air carrier" means (1) an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401 of the Act, or (2) a foreign air carrier which holds a permit issued under section 402 of the Act.

"Foreign tour operator" means any person not a citizen of the United States, as defined in section 101(13) of the Act (other than a direct foreign air carrier) who is (1) engaged in the formation of groups for transportation on one-stop-inclusive tour charters which originate in a foreign country and over whom the Board has declined to exercise its jurisdiction, or (2) engaged in the formation

of groups for transportation of one-stop-inclusive tour charters which originate in the United States and who holds a permit issued pursuant to section 402 of the Act authorizing such transportation.

"Ground accommodations and services" include, but are not limited to, sleeping accommodations for each night of the tour and at least one meal (in addition to breakfast) for each day of the tour, as well as necessary air or surface transportation for tour participants traveling together between all places on the itinerary, including transportation to and from air and surface carrier terminals utilized at such places other than the point of origin, but may not include rental cars, rail passes or types of prepaid individual transportation.

"North American charter" means an OTC between a point or points in any State of the United States, the District of Columbia, Puerto Rico, or the U.S. Virgin Islands, on the one hand, and a point or points in any other State of the United States or in Canada, Mexico, or the "Islands of the Caribbean" (as defined in Part 207 of this chapter, on the other hand).

"One-stop-inclusive tour charter" or "OTC" means a round-trip charter to be performed by one or more direct air carriers, which is arranged and sponsored by a tour operator organizer for a group and which meets the requirements set forth in Subpart B of this part.

"One-stop-inclusive tour operator" (or "OTC operator") means (1) any citizen of the United States, as defined in section 101(13) of the Act (other than a direct air carrier), who is authorized hereunder to engage in the formation of groups for transportation on OTC's in accordance with the provisions of this part; or (2) a foreign tour operator.

"Round trip" refers to any round, open-jaw or circle trip which includes an inbound flight returning to a point no more than 50 air miles from the point of origin.

"Tour group" means an aggregate of persons who are assembled by a tour operator or a foreign tour operator for the purpose of participation as a single unit in a one-stop-inclusive tour charter.

"Tour operator" means an OTC operator.

"Tour participant" means a member of the tour group.

§ 378a.3 Waivers.

A waiver of any of the provisions of this part may be granted by the Board upon its own initiative, or upon the joint submission by a direct air carrier and a tour operator of a written request therefor not less than 30 days prior to the flight to which it relates, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

§ 378a.4 Enforcement.

In the case of any violation of the provisions of the Act, or of this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance therewith, to civil penalties pursuant to the provisions of section 901(a) of the Act, or to criminal penalties pursuant to the provisions of section 902(a) of the Act; or other lawful sanctions.

§ 378a.5 Computation of time.

In computing any period of time prescribed or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday.

Subpart B—General Conditions and Limitations

§ 378a.10 One-stop-inclusive tour charter general requirements.

A one-stop-inclusive tour charter under this part shall meet the following requirements:

(a) The tour shall include ground accommodations and services for the duration of the tour and shall be arranged and sold by a tour operator as an independent principal with respect to the air transportation included in the tour and not as an agent for a direct air carrier.

(b) The charter contract must be for 40 or more seats.

(c) The charter must be on a round-trip basis, but the departing flight and the returning flight need not be performed by the same direct air carrier.

(d) The minimum duration of the charter must be ten (10) days: *Provided, however*, That the minimum duration of a North American charter, or of a transatlantic charter scheduled to be operated during the period of November 1 to March 31, shall be seven (7) days; and *Provided, further*, That where the returning flight of a North American charter is scheduled to take off on a Sunday or Monday, then the charter may be of any duration. For purposes of computing numbers of days, as specified herein, the first day shall be the day that the originating flight takes off; the last day shall be the day the returning flight lands.

(e) The air transportation portion thereof must be performed by direct air carriers which hold a certificate of public convenience and necessity under section 401 of the Act or a permit under section 402 of the Act: *Provided, however*, That the maximum number of interstate charters which may be operated by any direct air carrier shall be subject to the limitation prescribed under § 378a.43.

(f) Passengers transported on the charter flight shall consist solely of persons whose names are set forth in a pas-

senger list duly filed with the Board, no later than 30 days prior to departure, in accordance with § 378a.25(b), whether as tour participants or as persons authorized to occupy unused charter space, in accordance with § 378a.13.

(g) The total cost of the tour to each participant shall include the cost of ground accommodations and services for the duration of the tour and shall be—

(1) For North American charters, an amount not less than the aggregate of the charter price of the participant's seat (i.e., the charter price specified in the charter contract divided by the total number of seats specified in the charter contract) and a sum representing \$25 for each day of the tour; or

(2) For all other tours, an amount not less than 110 percent of any available fare or fares, embodied in a tariff on file with the Board, charged by a route carrier, or combination of such carriers (including charge for stopovers) for individually ticketed service on the circle route beginning at the point of origin, to the various points where stopovers are made, and return to the point of origin: *Provided*, That the tour shall be subject to the terms and conditions which are applicable to such fare or fares, as set forth in the tariff of the route carrier or carriers. For purposes of this provision, (i) the term "route carrier" shall mean a certificated route air carrier or foreign route air carrier authorized under section 401 or 402 of the Federal Aviation Act of 1958, as amended, respectively, to transport persons; and (ii) the term "available fare" includes promotional or discount fares, such as family fares, children's fares, excursion fares, fares applicable to special classes of persons, group fares, etc. Where similar promotional or discount fares are offered on both jet and propeller aircraft, the available fare shall be that charged for jet services. Where no regularly scheduled service is provided between the points involved, the available fare shall be based on the fares to the nearest point served by a route carrier.

§ 378a.11 Payment to direct air carrier(s).

The direct air carrier(s) shall be paid in full for the cost of the round-trip charter transportation prior to scheduled date of flight departure, as provided for in the basic charter regulations applicable to the direct air carriers under Parts 207, 208, 212, and 214 of this chapter, as the case may be.

§ 378a.12 No intermingling of passengers.

There shall be no intermingling of passengers and each planeload group, or less-than-planeload group, shall move together as a group, on both legs of the air transportation portion of the tour, except under emergency circumstances provided for in the basic charter regulations applicable to the direct air carrier under Parts 207, 208, 212, and 214 of this chapter, as the case may be.

§ 378a.13 Unused space.

Nothing contained in this part shall preclude a tour operator from utilizing any unused space on an aircraft chartered by it for an OTC for the transportation, on a free or reduced basis, of such tour operator's employees, directors, and officers, and the parents and immediate families of such persons, subject to the provisions of Part 223 of this chapter.

Subpart C—Requirements Applicable to Tour Operators

§ 378a.20 Exemption.

Subject to the provisions of this part and the conditions imposed herein, tour operators (other than foreign tour operators) are hereby relieved from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to organize and arrange OTC's:

Section 401.

Section 403.

Section 404(a), except the requirement to provide adequate service in connection with OTC's operated hereunder.

Section 405(b).

Section 407(b) and (c).

Sections 408(a) and 409, except control or interlocking relationships with direct air carriers.

Section 412.

§ 378a.21 Approval of certain interlocking relationships.

To the extent that any officer or director of a tour operator would be in violation of any of the provisions of section 409(a)(3) and (6) of the Act by participating in interlocking relationships covered by the exemption granted by § 378a.20, such participation is hereby approved by the Board.

§ 378a.22 Effect of exemption on antitrust laws.

The relief granted by §§ 378a.20 and 378a.21 from sections 408, 409 and 412 of the Act shall not constitute an order under such sections within the meaning of section 414 of the Act and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Act) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

§ 378a.23 Jurisdiction over foreign tour operators.

The Board declines to exercise its jurisdiction over foreign tour operators with respect to OTC's which originate in a foreign country. The Board reserves the right to exercise its jurisdiction over any foreign tour operator at any time it finds that such action is in the public interest.

§ 378a.24 Suspension of exemption authority.

The Board reserves the power to suspend the exemption authority of any tour operator, without hearing, if it finds that such action is necessary in order to protect the rights of the traveling public.

§ 378a.25 Operating authorization of tour operators.

A tour operator is authorized hereunder to organize and operate an OTC only in accordance with the provisions of this part, and subject to the following conditions:

(a) (1) No tour or series of tours shall be operated, nor shall any tour operator or foreign tour operator sell, or offer to sell, or solicit persons to participate in, or otherwise advertise such tour or tours, or receive any money from any prospective participant in connection therewith, until at least 15 days after he and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, an OTC Tour Prospectus satisfying the requirements of § 378a.26: *Provided, however*, That if during the 15-day period following filing hereunder the tour operator or foreign tour operator has been notified that the Board has rejected such statement for noncompliance with this part, then he shall not sell, or offer to sell, solicit, or advertise such charter tour or tours until he has subsequently been notified by the Board that such filing has been accepted. If a series of tours is to be performed for one tour operator or foreign tour operator pursuant to one charter contract, the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed one year.

(2) No change in the facts reflected in a filed Prospectus shall become effective until at least 15 days after the tour operator or foreign tour operator and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, an amended Prospectus reflecting such change, unless he has been notified by the Board that such change may become effective sooner: *Provided, however*, That if during the 15-day period following filing of an amended Prospectus hereunder, the tour operator or foreign tour operator has been notified that the Board has rejected such amended Prospectus for noncompliance with this part, then such change shall not become effective until he has subsequently been notified by the Board that such filing has been accepted; and *Provided further*, That the direct air carrier need not join in the filing of an amended Prospectus which reflects only such change or changes as do not involve air transportation or services in connection therewith which are to be provided by such direct air carrier. Deviations from the Prospectus may not be made except where they are beyond the control of the carrier or the operator, and there is insufficient time to file an amended Prospectus.

(b) No later than 30 days prior to the scheduled date of departure, the tour operator and the direct air carrier(s) shall jointly file with the Board (Supplementary Services Division, Bureau of

Operating Rights), in duplicate, the following information, except that the information required by paragraph (b) (1) of this section shall be filed in the manner prescribed in paragraph (c) of this section:

(1) A list setting forth the names of passengers in alphabetical order, their addresses and telephone numbers;

(2) A statement of the tour operator affirming that each participant (i) has entered into a contract with the operator as provided in this part, and (ii) has made full payment of the total price of the charter tour; and

(3) A statement of the depository bank if any, affirming that it has received a deposit of the total charter price payable to the direct air carrier(s).

(c) CAB Form 378a, attached hereto as Appendix A, shall be used in filing the OTC passenger list described in paragraph (b) (1) of this section. An original and two photostatic or similarly reproduced copies (not carbons) of Form 378a, prepared in conformance with the instructions thereon, and accompanied by a self-addressed and postage-prepaid return envelope, shall be filed with the Board (Supplementary Services Division, Bureau of Operating Rights). The Board will stamp the original and two photostatic or similarly reproduced copies of Form 378a so as to verify their receipt and identify the tour to which they pertain, and will return the two stamped copies for use by the direct air carrier in complying with its obligations to identify enplaning OTC flight passengers, note the documentary source and number, and file post-flight reports thereon, as required by § 378a.41 and § 378a.50.

§ 378a.26 Discrimination.

No tour operator shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever, or subject any particular person, port, locality or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 378a.27 Methods of competition.

No tour operator shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof.

§ 378a.28 Tour Prospectus.

The Prospectus shall be filed in duplicate and shall include two copies of the following: The charter contract, the contract between the tour operator or foreign tour operator and tour participants, the tour operator's or foreign tour operator's surety bond (an original bond and a copy thereof), and, where applicable, two copies of the depository agreement with a bank as provided in § 378a.31. It shall also contain the following information:

(a) Name and address of the tour operator or the foreign tour operator;

(b) The proposed date and time of each flight;

(c) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(d) The tour itinerary, including hotels (name and length of stay at each), and other ground accommodations and services;

(e) The tour price per passenger;

(f) The number of persons expected to participate in the tour;

(g) Charter price of the aircraft;

(h) The charter price of each seat included in the charter contract;

(i) Samples of solicitation material proposed by the tour operator or foreign tour operator (all sales advertising and solicitation materials employed by the tour operator or foreign tour operator shall state the name of the direct air carrier to be utilized).

§ 378a.29 Charter contract.

The charter contract between the tour operator or foreign tour operator and the direct air carrier shall evidence a binding commitment on the part of the carrier to furnish the air transportation required for the trip or trips covered by the contract.

§ 378a.30 Contract between tour operator and tour participants.

Where each tour participant receives, or is eligible to receive, the same ground accommodations and services, the contract between the tour operator and the tour participants shall be the same. Contracts between tour operators and tour participants shall include provisions specifically stating:

(a) Method of payment, e.g., installment payments;

(b) That trip health and accident insurance is available and that upon request the tour operator will furnish details thereof;

(c) That after the list of prospective charter passengers has been filed with the Board (pursuant to § 378a.25(b)) the tour operator shall have no further right to cancel the tour on grounds of inadequate participation, but describing the right to refunds in the event of the charter's cancellation on any other grounds or contingencies set forth in the contract, and the procedure for obtaining such refunds;

(d) The right to refunds in the event of the participant's change of plans and the procedure for obtaining such refunds;

(e) The right to refunds in the event of change in itinerary and the procedure for obtaining such refunds;

(f) The dollar amounts of the direct air carrier's liability limitations for participants' baggage, as set forth in the direct air carrier's tariffs;

(g) Aircraft-equipment substitutions;

(h) The name and address of the surety company issuing the surety bond;

(i) That the charter operator is the principal and is responsible to the participants in making arrangements for all services and accommodations offered in

connection with the tour: *Provided, however*, That this requirement shall not preclude the tour operator from expressly providing in such contract that, in the absence of negligence on the part of the tour operator, he is not responsible for personal injury or property damage arising out of the act or negligence of any direct air carrier, hotel or other person rendering any of the services being offered in connection with such tour;

(j) That unless the tour participant files a claim with the tour operator or, if he is unavailable, with the surety, within sixty (60) days after termination of the tour, the surety shall be released from all liability under the bond to such participant (see § 378a.31(d));

(k) That, when the combined surety bond-depository agreement, as provided in § 378a.31(b) is used in connection with the tour, all checks and money orders must be made payable to the escrow account at the depository bank (identifying bank) or, when the tour is sold to the participant by a retail travel agent, checks and money orders may be made payable to the agent, who must in turn make his check payable to the escrow account at the depository bank.

§ 378a.31 Surety bond and depository agreement.

(a) Except as provided in paragraph (b) of this section, the tour operator or foreign tour operator shall furnish a surety bond in one of the following amounts dependent upon the length of the tour or series of tours: (1) for a tour or series of tours of 2 weeks or less, a bond in an amount of not less than the charter price for the air transportation to be furnished in connection with such tour or series of tours; (2) for a tour or series of tours of more than 2 weeks but less than 4 weeks, a bond in an amount of not less than twice the charter price; and (3) for a tour or series of tours of 4 weeks or more, a bond in an amount of not less than three times the charter price: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the participant's tour price.

(b) The direct air carrier and the prospective tour operator or foreign tour operator may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of paragraphs (b) (1) and (2) of this section, as follows:

(1) The tour operator or foreign tour operator shall furnish a surety bond in a minimum amount of \$10,000 per flight up to a maximum amount of \$200,000 for a series of 20 or more flights, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price.

(2) The direct air carrier and tour operator or foreign tour operator shall enter into an agreement with a designated bank, the terms of which shall provide that all deposits by tour participants

paid to tour operators or foreign tour operators and their retail travel agents shall be deposited with and maintained by the bank subject to the following conditions:

(i) On sales made to tour participants by tour operators or foreign tour operators the participant shall pay by check or money order payable to the bank; on sales made to tour participants by retail travel agents, the retail travel agent may deduct his commission and remit the balance to the designated bank by check or money order: *Provided*, That the travel agent agrees in writing with the tour operator or foreign tour operator that if the tour is canceled, the travel agent shall remit to the bank the full amount of commission previously deducted or received within 10 days after receipt of notification of cancellation of the tour;

(ii) The bank shall pay the direct air carrier the charter price for the transportation not earlier than 60 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the air carrier: *Provided*, That, in the case of a round-trip charter contract to be performed by one carrier, the total round-trip charter price shall be paid to the carrier not earlier than 60 days prior to the scheduled day of departure of the originating flight;

(iii) The bank shall reimburse the tour operator or foreign tour operator for refunds made by the latter to the tour participant upon written notification from the tour operator or foreign tour operator;

(iv) If the tour operator, foreign tour operator or the direct air carrier notifies the bank that a tour has been canceled, the bank shall make applicable refunds directly to the tour participants;

(v) After the charter price has been paid in full to the direct air carrier, the bank shall pay funds from the account directly to the hotels, sightseeing enterprises, or other persons or companies furnishing ground accommodations and services in connection with the tour or series of tours upon presentation to the bank of vendors' bills and upon certification by the tour operator or foreign tour operator of the amounts payable for such ground accommodations and services and the persons or companies to whom payment is to be made: *Provided, however*, That the total amounts paid by the bank pursuant to paragraphs (b) (2) (ii) and (v) of this section shall not exceed 80 percent of the total deposits received by the bank less any refunds made to tour participants pursuant to paragraphs (b) (2) (iii) and (iv) of this section;

(vi) As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(vii) The bank shall maintain a separate accounting for each tour;

(viii) Notwithstanding any provisions above, the amount of total deposits re-

quired to be maintained in the depository account of the bank may be reduced by one or both of the following: the amount of any surety bond in the form prescribed herein in excess of the minimum bond required by paragraph (b) (1) of this section; an escrow with the designated bank of Federal, State, or municipal bonds or other negotiable securities which are publicly traded on a securities exchange: *Provided*, That such other securities shall be substituted for cash in an amount no greater than 80 percent of their market value at time of deposit in escrow with the bank: *And provided, further*, That should be valuation of such other securities decrease in an amount in excess of 20 percent of the valuation at time of original deposit, additional securities shall be placed in escrow so as to compensate for such decrease in value below 20 percent;

(ix) Except as provided in paragraph (b) (2) (ii), (iv), (v), and (viii) of this section, the bank shall not pay out any funds from the account prior to two banking days after completion of each tour, when the balance in the account shall be paid to the tour operator or foreign tour operator, upon certification of the completion date by the direct air carrier.

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsibility of the tour operator or foreign tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator or foreign tour operator and the tour participants, and shall be in the form set forth as Appendix B following § 378a.50. Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific tour or tours to which it relates: *Provided, however*, That these data may be set forth in an addendum attached to the bond, which addendum must be signed by the tour operator or foreign tour operator and the surety company. It shall be effective on or before the date the tour Prospectus is filed with the Board. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the tour operator or foreign tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time

set forth in such notification, the subject tour or tours shall in no event be operated.

(d) The bond required by this section shall provide that unless the tour participant files a claim with the tour operator or foreign tour operator, or, if he is unavailable, with the surety, within sixty (60) days after termination of the tour, the surety shall be released from all liability under the bond to such tour participant. The contract between the tour operator or foreign tour operator and the tour participant shall contain notice of this provision.

§ 378a.32 Disbursements from depository account.

No tour operator shall cause its agents or the depository bank to make disbursements or payments from deposits except in accordance with the provisions of this part.

§ 378a.33 Reporting requirements.

(a) If a tour operator relies upon the bond-depository option of § 378a.31(b) for compliance with the requirements of that section, the following monthly reports shall be filed with the Board's Bureau of Operating Rights (Supplementary Services Division) not later than the 10th day of the month succeeding the reporting period: (1) by the depository bank, showing separately for each tour, identified by departure date, the total amount of deposits received and disbursed during the reporting period and the balance in the depository account at the end of the reporting period; and (2) by the tour operator or foreign tour operator showing separately for each tour, identified by departure date, the total amount of customer deposits received by him or his agents, the amount of commissions deducted therefrom by said agents, the amount of commissions repaid by said agents to the depository account, and the amount of refunds made by the tour operator or foreign tour operator or the bank to tour participants: *Provided*, That the depository bank may, in lieu of paragraph (a) (1) of this section, elect to file a duplicate monthly statement of the same type it provides to depositors showing the information as specified in paragraph (a) (1) of this section. When so elected, the reporting period for the tour operator or foreign tour operator in paragraph (a) (2) of this section shall correspond to the reporting period of the bank. The term "bank" shall have the meaning set forth in § 378a.31(b) (2) (vi). The reports shall be certified by the officer in charge of the bank's or the tour operator's or foreign tour operator's accounts, as the case may be, and the certification shall be in the following form:

I, the undersigned _____
(Title of officer in charge
of accounts)

of the _____
(Full name of reporting company)

do certify that this report and all supporting documents which are submitted herewith, filed for the above-indicated period,

have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate

(Signature)

(Bank or Tour Operator's
or Foreign Tour Opera-
tor's Post Office Address)

Date _____, 19__

§ 378a.34 Record retention.¹

(a) Every tour operator (other than a foreign tour operator over whom the Board has declined to exercise its jurisdiction) conducting a one-stop-inclusive tour charter pursuant to this part shall retain for two years after completion of the tour or series of tours true copies of the following documents at its principal or general office in the United States; (or, if it is a foreign tour operator, then at its principal or general office):

(1) All documents which evidence or reflect deposits made by, and refunds made to, each tour participant;

(2) All statements, invoices, bills, and receipts from suppliers or furnishers of goods and services in connection with the one-stop-inclusive tour or series of tours.

(b) Every such tour operator shall make the documents listed in this section available upon request by an authorized representative of the Board and shall permit such representative to make such notes and copies thereof as he deems appropriate.

Subpart D—Requirements Applicable to Direct Air Carriers

§ 378a.40 Charter not to be performed unless compliance with part.

A direct air carrier shall not perform air transportation in connection with an OTC unless it has made a reasonable effort to verify that all provisions of this part have been complied with, and that the tour operator's authority under this part has not been suspended by the Board: *Provided, however,* That where an OTC is organized by a foreign tour operator over whom the Board has declined to exercise its jurisdiction, pursuant to § 378a.23, no direct air carrier

¹ Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. Title 18, U.S.C. 1001.

may perform air transportation in connection with such OTC unless the tour is formed and implemented in accordance with the general conditions and limitations set forth in Subpart B of this part and the tour operator performs all acts and duties which this part requires to be performed by tour operators within the Board's jurisdiction, other than the provisions set forth in §§ 378a.31 and 378a.34.

§ 378a.41 Direct air carrier to identify enplanements.

(a) A direct air carrier shall retain a true copy of each document which it has filed (jointly with the charter organizer) pursuant to § 378a.25, and shall make reasonable efforts to verify the identity of all enplaning passengers by use of a document bearing an identifying number, in order to insure that enplanements are limited to persons whose names appear on its stamped copy of CAB Form 378a. For international flights, the identity of each enplaning passenger shall be verified by means of a passport, or if there be none, by means of any other travel identity document. For domestic flights a passport or other travel identity document should be used, if available, to identify enplaning passengers, but if no such document is available, then any other numbered document, preferably a Social Security card, may be used.

(b) The direct air carrier shall, at the time of enplanement, enter, on its stamped copy of CAB Form 378a, the documentary source of the identification required by paragraph (a) of this section, including the number appearing on the document.

§ 378a.42 Tariffs to be on file for charter trips.

No direct air carrier shall perform any charter trips pursuant to this part unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares and charges for such charter trips.

§ 378a.43 Maximum number of interstate charters.

(a) With respect to charters involving interstate air transportation, a direct air carrier shall not carry, and shall not contract to carry, between any pair of cities served by at least one (1) round trip per day with one-plane service with two (2) or fewer stops during any four consecutive months of the preceding calendar year, an aggregate number of tour participants which, during any quarter of a calendar year, would exceed one-fourth of one percent (0.25%) of the total number of passengers carried in scheduled service between such city pair during the twelve-month period covered by the

latest published CAB O&D Survey available at the time the charter contract is made, which number shall be derived from the twelve-month "Directional Origin and Destination" figures set forth in Table 8 of said Survey.

(b) For the purpose of this section, a city shall be deemed to have one-plane service with two (2) or fewer stops, if it is located within one hundred (100) miles of an airport receiving such service, and, if it is located within one hundred miles of more than one airport receiving such service, then the O&D Survey figures to be used in computing the allowable number of charters hereunder shall be those applicable to the airport which is closest to such city.

§ 378a.44 No commissions to be paid.

No commissions, fees, or other compensation shall be paid by the direct air carrier to the tour operator or any other person in connection with a charter trip.

Subpart E—Post-Charter Trip Reporting Requirements

§ 378a.50 Post-charter trip reporting.

(a) The direct air carrier shall file with the Board's Bureau of Enforcement within seven days after performing each charter flight, whether departure or return, its stamped copy of CAB Form 378a, prepared in conformance with the instructions thereon.

(b) The direct air carrier shall promptly notify the Board (Supplementary Services Division, Bureau of Operating Rights) regarding any charters covered by a Prospectus filed under § 378a.28 that are later cancelled.

(c) Within 30 days after termination of a tour or series of tours, the direct air carrier and tour operator or foreign tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post-tour report: *Provided,* That in the case of a series of tours which exceeds six months between commencement of the first tour and departure of the last tour, the direct air carrier and tour operator or foreign tour operator shall file a joint interim report within 30 days after the expiration of six months from commencement of the first tour, covering tours terminated during such six months. The post-tour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the Prospectus filed under § 378a.28, such differences shall be fully detailed, including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation. The report shall be in the form attached hereto as Appendix C.

PROPOSED RULES

INSTRUCTIONS

Introduction

Form 378a^{1/} is to be used in making the first filing of the one-stop-inclusive tour charter passenger name list (OTCPNL), required by Part 378a to be filed by the tour operator (TO) no later than 30 days before the scheduled date of departure, pursuant to §378a.25 (the First Filing); and a photostatic or similarly reproduced copy of this form, stamped by the Board, is to be used in filing the enplanement list required to be prepared by the direct air carrier (DAC), and filed after a flight is performed, pursuant to §§378a.41 and 378a.50. The information required by all items on Form 378a shall be typewritten except item 12 (Passenger Status) item 15 (Enplanement Identification) and item 18 (Prepared By).

Procedures for First Filing

The TO will prepare Form 378a according to the instructions set forth below and shall file an original and two photostatic or similarly reproduced copies (not carbons) accompanied by a self-addressed and postage-prepaid return envelope, with the Board's Supplementary Services Division, Bureau of Operating Rights (BOR). BOR will stamp the original and two copies to validate their receipt, and return the two stamped copies to the TO. One stamped copy will be for use by the DAC who is to perform the OTC departure flight and the other stamped copy will be for use by the DAC who is to perform the OTC return flight.

Preparation of Form 378a

Each page provides for twenty (20) names. Items 1, 2, and 6 through 15 will be completed on each page, and items 16 through 18 will be prepared only on the first page, by the TO or DAC, as the case may be.

Item 1, page of --The left blank is to contain a sequential number beginning with "1" representing the page number in the set of pages submitted for the OTCPNL. The right blank is to contain the total number of pages in the set for the OTCPNL.

Item 2, OTC Number--Enter the number assigned by BOR for the OTC program, e.g., 74-37; the TO should further identify the passenger lists filed within the program by assigning another number for each passenger list filed, such numbers to be in sequence and begin with "1". Thus, the first passenger list filed in the program 74-37 would be 74-37-1, and the fifth list filed would be 74-37-5.

Item 3, Date of First Filing--Leave blank.

Item 4, Date Departure List Filed--Leave blank.

Item 5, Date Return List Filed--Leave blank.

Item 6, Name of Tour Operator--Enter the name of the tour operator exactly as shown on the OTC Prospectus filed with the Board.

Item 7, Name Departure Trip Direct Air Carrier--Enter the name of the DAC who will perform the departure journey for the OTC exactly as shown on the OTC Prospectus filed with the Board.

Item 8, Name Returning Trip Direct Air Carrier--Enter the name of the DAC who will perform the return journey for the OTC, exactly as shown on the OTC Prospectus filed with the Board. (Although this will generally be the same as shown in item 7, ditto marks are not acceptable. The item must be completed).

Item 9, Departure Journey--Enter details about the departure journey on this line. Show the origin and destination as city, state (or otherwise), and country. Airport names are acceptable only as an addition to the city, state, and country information. The date should appear in the form YYMMDD where YY represents the last two digits of the current calendar year, MM represents the month in a scale where 01 is January and 12 is December, and DD is the day of the month from 01 to 31. For example, December 12, 1974, would be shown as 741212. The ADP coding boxes to the left of item 9 are intended for the three-letter codes of the origin and destination, i.e., Washington, D.C., USA (National Airport) to Baltimore, Md. USA should be shown as DCBAL. Enter these if known, otherwise, leave blank.

Item 10, Return Journey--Follow the same directions as for item 9 above in describing the return journey.

Item 11, Passenger Sequential Number--Two or more pages will be required to list the prospective passenger names. The names of prospective passengers who are tour participants shall be listed first, receiving a sequential number beginning with "1". The names of prospective passengers who are persons occupying "unused space", under §372b.13, shall be listed following those of participants, and shall receive a sequential number in a second series of numbers beginning with "1".

Item 12, Passenger Status--These two (2) columns are to be marked with an x as appropriate to show that the passenger named on this line is a departing enplaned passenger (departure), or returning enplaned passenger (return). The DAC performing the departure journey will mark an x in the departure column and the DAC performing the return journey will mark an x in the return column.

Item 13, Name--Enter the prospective passenger's last name first, followed by a comma, the first name or initials and the middle initial, if any (for example, Doe, John A.). Check block whether Male or Female. Enter the name on one line only, if necessary, by dropping any element other than the fully spelled out last name. Enter all prospective passengers' names in alphabetical order, according to the last name and in the case of like last names, according to initials of first names.

Item 14, Address and Telephone No.--Enter the address in enough detail to allow contact by mail, and telephone number (including area code, if any).

Item 15, Enplanement Identification--The DAC performing the departure or return journey will verify each enplaning passenger's identity, using as the documentary source of such verification the passenger's passport, or, if he has no passport, using his travel identity document. Only if no passport or travel identity document is available should any other document be used, preferably a Social Security card. When a passport or Social Security card is used for identification, enter only the number in the appropriate space. Where a travel identity document or document other than a passport or Social Security card is used, then in addition to entering the number in the appropriate space, a brief description of such document should also be noted.

Item 16, Column Totals--Boxes shown are to be used for recording the total x's shown on all the pages of this OTCPNL in the particular column. These entries must appear only on page 1 of the OTCPNL. The box under the column headed DEP (titled A-DEP) should contain the total number of departure flight passengers and the box under the column headed RET (titled B-RET) should contain the total number of return flight passengers. The A-DEP and B-RET figures will be shown on the filings made by the departing DAC and returning DAC, respectively.

Item 17--This computation will be completed by the departure DAC. The calculation requires a division of the number of tour participants (i.e., not including any passengers occupying "unused space") enplaned on the departure journey by the total number of passenger seats contracted for. Express the result to the nearest tenth of a percent.

Item 18, Prepared By--Enter the signature of the person preparing the form for the TO, the departing DAC and the returning DAC, as the case may be.

^{1/} Copies are obtainable from the Board's Publications Services Section.

APPENDIX B

ONE-STOP-INCLUSIVE TOUR CHARTER OPERATOR'S SURETY BOND UNDER PART 378A OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 378A)

KNOW ALL MEN BY THESE PRESENTS, THAT we

(Name of tour operator) of (City) (State) as PRINCIPAL (hereinafter called Principal), and (Name of Surety) a corporation created and existing under the Laws of the State of (State) as SURETY (hereinafter called

Surety) are held and firmly bound unto the United States of America in the sum of (see § 378a.31 of Part 378a) for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal intends to become a One-Stop-Inclusive Tour Charter (OTC) operator pursuant to the provisions of Part 378a of the Board's Special Regulations and other rules and regulations of the Board relating to insurance or other security for the protection of OTC charter participants, and has elected to file with the Civil Aeronautics Board such a bond as will insure financial responsibility with respect to all monies received from tour participants for services in connection with an OTC to be operated subject to Part 378a of the Board's Special Regulations in accordance with contracts, agreements, or arrangements therefor, and

WHEREAS, this bond is written to assure compliance by the Principal as an authorized tour operator with Part 378a of the Board's Special Regulations, and other rules and regulations of the Board relating to insurance or other security for the protection of tour participants, and shall inure to the benefit of any and all tour participants to whom the Principal may be held legally liable for any of the damages herein described.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay or cause to be paid to tour participants any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts, agreements, and arrangements made by the Principal while this bond is in effect with respect to the receipt of monies from tour participants and proper disbursement thereof pursuant to and in accordance with the provisions of Part 378a of the Board's Special Regulations, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety with respect to any tour participant shall not exceed the tour price (as defined in Part 378a of the Board's Special Regulations) paid by or on behalf of such participant.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond, but in no event shall the Surety's obligation hereunder exceed the amount of said penalty. The Surety agrees to furnish written notice to the Civil Aeronautics Board forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

The bond shall cover the following charters:¹

¹ These data may be supplied in an addendum attached to the bond. See § 378a.31.

Surety company's bond No.	Date of flight departure	Place of flight departure
-----	-----	-----
-----	-----	-----

This bond is effective the ____ day of _____, 19____, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Board. The Surety shall not be liable hereunder for the payment of any of the damages hereinbefore described which arise as the result of any contracts, agreements, undertakings, or arrangements for the supplying of transportation and other services made by the Principal after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such damages arising as the result of contracts, agreements, or arrangements for the supplying of transportation and other services made by the Principal prior to the date such termination becomes effective. Liability of the Surety under this bond shall in all events be limited only to a tour participant or tour participants who shall within sixty (60) days after the termination of the particular tour described herein give written notice of claim to the tour operator or, if he is unavailable to the Surety, and all liability on this bond shall automatically terminate sixty (60) days after the termination date of the particular tour covered by this bond except for claims filed within the time provided herein.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the ____ day of _____, 19____.

PRINCIPAL		SURETY	
Name -----	Name -----[SEAL]		
By -----	By -----		
(Signature and Title)	(Signature and Title)		
Witness -----	Witness -----		
	Only corporations may qualify to act as surety and they must meet the requirements set forth in § 378a.31(d) of Part 378a.		

APPENDIX C

POST-TOUR REPORT

- OTC No. -----
- No. of tours operated -----
 - No. of tours not operated -----
 - Specifically identify those tours not operated.
 - Reason(s) tour(s) not operated.
 - If tour(s) not operated, did prospective tour participants receive full refunds?
 - Whether tour(s) actually performed were operated substantially different (e.g., dates, points served, tour price, etc.) from their description in the tour Prospectus and, if so, the reasons therefor.
 - Total number of tour participants carried on the charter(s) -----

Signature of direct air carrier

Signature of tour operator or foreign tour operator

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

2. Amend § 207.11 (b) and (c) by adding new subparagraphs (10) and (8), respectively, to read as follows:

§ 207.11 Charter flight limitations.

Charter flights (trips) in air transportation shall be limited to the following:

(b) * * *

(10) By a tour operator or foreign tour operator as defined in Part 378a of this chapter, or

(c) * * *

(8) By a tour operator or foreign tour operator as defined in Part 378a of this chapter:

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further*, That paragraph (c) of this section shall not be construed to apply to movements of property.

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

3. Amend § 208.6 (b) and (c) by adding new subparagraphs (9) and (8), respectively, to read as follows:

§ 208.6 Charter flight limitations.

Charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

(b) * * *

(9) By a tour operator or foreign tour operator, as defined in Part 378a of this chapter.

(c) * * *

(8) By a tour operator or foreign tour operator, as defined in Part 378a of this chapter:

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further*, That paragraph (c) of this section shall not be construed to apply to movements of property.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

4. Amend § 212.8 (a) and (b) by adding new subparagraphs (10) and (8), respectively, to read as follows:

§ 212.8 Charter flight limitations.

Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually waybilled basis—

(a) * * *

(10) By a tour operator or foreign tour operator as defined in Part 378a of this chapter:

(b) * * *

(8) By a tour operator or foreign tour operator as defined in Part 378a of this chapter:

Provided, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further*, That paragraph (b) of this section shall not be construed to apply to movements of property.

PART 214—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

5. Amend § 214.7 (a) and (b) by adding new subparagraph (7) to read as follows:

§ 214.7 Charter flight limitations.

Charter flights shall be limited to air transportation performed by a direct foreign air carrier on a time, mileage, or trip basis where—

(a) * * *

(7) By a tour operator or foreign tour operator, as defined in Part 378a of this chapter:

(b) * * *

(7) By a tour operator or foreign tour operator, as defined in Part 378a of this chapter:

Provided, That paragraph (b) of this section shall not apply with respect to any foreign air carrier to the extent that its permit authorizes it to engage in "planeload" charter foreign air transportation of persons: *Provided further*, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of the aircraft shall contract any pay for 40 or more seats.

PART 217—REPORTING DATA PERTAINING TO CIVIL AIRCRAFT CHARTERS PERFORMED BY FOREIGN AIR CARRIERS

6. Amend § 217.6(b) by adding new subparagraph (11) to read as follows:

§ 217.6 Reporting instructions.

(a) * * *

(10) One-stop-inclusive tour charter, as defined in Part 378a of this chapter (Board's Special Regulations).

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Section 25—[Amended]

7. Amend Schedule T-6—Summary of Civil Aircraft Charters in section 25—Traffic and Capacity Elements, by adding a new subparagraph (10) to paragraph (c) to read as follows:

(c) Separate reports shall be filed for each of the below-named types of char-

ters and the type shall be inserted opposite the caption "Type of Charter." Types not operated may be listed on a single separate report.

(10) One-stop-inclusive tour charter, as defined in Part 378a of the Board's Special Regulations.

Section 35—[Amended]

8. Amend Schedule T-6—Summary of Civil Aircraft Charters in section 35—Traffic and Capacity Elements, by adding a new subparagraph (10) to paragraph (b) to read as follows:

(b) Separate reports shall be filed for each of the below-named types of charters and the type shall be inserted opposite the caption "Type of Charter." Types not operated may be listed on a single separate report.

(10) One-stop-inclusive tour charter, as defined in Part 378a of the Board's Special Regulations.

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

9. Amend § 249.2 by revising the definition of "tour operator" to read as follows:

§ 249.2 Definitions.

For the purposes of this part:

"Tour operator" means (1) any citizen of the United States, as defined in section 101(13) of the Act (other than a direct air carrier) who is authorized under the provisions of Part 378 or of Part 378a, or both, to engage in the formation of groups for transportation on inclusive tours; or (2) any person not a citizen of the United States, as defined in section 101(13) of the Act (other than a direct foreign air carrier) who is engaged in the formation of groups for transportation on inclusive tours which originate in the United States in accordance with the provisions of Part 378 or of Part 378a, or both, and who holds a permit issued pursuant to section 402 of the Act authorizing such transportation.

§ 249.9 [Amended]

10. Amend § 249.9 by revising paragraph (a) to read as follows:

(a) Every tour operator (as defined in § 249.2) conducting a tour or series of tours pursuant to Part 378 or Part 378a of this chapter shall retain for two years after completion of a tour or a series of tours true copies of the following documents at its principal or general office in the United States and shall make them available upon request by an authorized representative of the Board:

(1) All receipts and statements of travel agents, and all other documents which evidence or reflect deposits made by each tour participant;

(2) All receipts and statements of travel agents, and all other documents

which evidence or reflect commissions received, paid to, or deducted by travel agents in connection with the tour or series of tours; and

(3) All statements, invoices, bills, and receipts from suppliers for furnishing of goods or services in connection with the tour or series of tours.

PART 372a—TRAVEL GROUP CHARTERS

§ 372a.10 [Amended]

11. Amend paragraph (d) of § 372a.10, to read as follows:

(d) The minimum duration of the charter must be ten (10) days: *Provided, however*, That the minimum duration of a North American charter, or of a transatlantic charter scheduled to be operated during the period of November 1 to March 31, shall be seven (7) days; and *Provided, further*, That where the returning flight of a North American charter is scheduled to take off on a Sunday or Monday, then the charter may be of any duration. For purposes of computing numbers of days, as specified herein, the first day shall be the day that the originating flight takes off; the last day shall be the day the returning flight lands.

§ 372a.60 [Amended]

12. Amend subparagraph (9) of § 372a.60(b), to read as follows:

(9) The minimum duration of the charter must be ten (10) days: *Provided, however*, That the minimum duration of a North American charter, or of a transatlantic charter scheduled to be operated during the period of November 1 to March 31, shall be seven (7) days; and *Provided, further*, That where the returning flight of a North American charter is scheduled to take off on a Sunday or Monday, then the charter may be of any duration. For purposes of computing numbers of days, as specified herein, the first day shall be the day that the originating flight takes off; the last day shall be the day the returning flight lands.

PART 378—INCLUSIVE TOUR CHARTERS

§ 378.2 [Amended]

13. Amend subparagraph (1) of § 378.2(b) to read as follows:

(1) A minimum of seven (7) days must elapse between departure and return. For purposes of computing the number of days, as specified herein, the first day shall be that the originating flight take off; the last day shall be the day the returning flight lands.

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

14. Amend § 389.25 by revising paragraphs (h) and (j) and adding a new paragraph (m), to read as follows:

§ 389.25 Schedule of filing and license fees.

(h) Exemptions from section 401, waivers of Parts 207, 208, 369, 372, 372a,

373, 378, and 378a and special operating authorizations. The filing fee for an application (1) for an exemption under section 416(b) or section 101(3) of the Act from the provisions of section 401 of the Act (except an application dealing with a specific number of charters) or (2) for a waiver of Parts 207, 208, 369, 372, 372a, 373, 378 or 378a (except an application dealing with a specific number of charters), or (3) for a special operating authorization under section 417 of the Act, is \$300.

(j) Exemptions or waivers for the performance of a specific number of charters. The filing fee for an exemption under section 416(b) or section 101(3) of the Act from the provisions of Section 401 of the Act, or a request for a waiver of Parts 207, 208, 369, 372, 372a, 373, 378 or 378a, for the performance of a specific number of charters (one-way or round-trip) is \$100 plus \$10 for each charter (one-way or round-trip) described, subject to a maximum fee of \$300.

(m) One-stop-inclusive tour charter prospectus. The filing fee for each tour prospectus filed pursuant to § 378a.28 of this chapter is \$50.

[FR Doc.74-25803 Filed 11-7-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 290-8]

KANSAS

Approval of Air Quality Compliance Schedules

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

During September, 1974, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the States. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approvable schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertain-

ing to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Kansas.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date."

Certain schedules proposed in this FEDERAL REGISTER notice have been previously published as a proposal or final promulgation. Subsequently, the schedules were revised and resubmitted by the State, and are now being repropoed. These schedules are: Acme Foundry, Coffeyville; Certain-Teed Products Corporation, Kansas City, K-8 Plan B; Colt Industries, Kansas City; Farmers National Bank, Abilene; Midwest Solvents, Inc., Atchison; National Alfalfa Dehydrating and Milling, Independence and LeRoy; S-G Metals Industries, Kansas City; U.S.D. #482, Dighton; Western Alfalfa, Neodesha. Three sources will cease operation, and therefore the applicable compliance schedules contain final compliance dates only. These sources are: Bucklin District Hospital, Bucklin; Hill Top House, Bucklin; U.S.D. #229, Shawnee Mission.

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large

number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and the compliance schedules proposed to be approved are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri 64108.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII Office at the above address. All comments submitted on or before December 9, 1974, will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

This proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5.

Dated: October 25, 1974.

CHARLES V. WRIGHT,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart R—Kansas

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

KANSAS

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Acme Foundry & Machine Co.: Cupola furnace.	Coffeyville	28-19-20	Aug. 30, 1974	Immediately	Jan. 21, 1975
Bucklin District Hospital: Incinerator.	Bucklin	28-19-40C	do	do	Sept. 1, 1974
Certain-Teed Products Corp.: K-8 furnace plan B.	Kansas City	28-19-20	do	do	July 31, 1975
Farmers National Bank: Incinerator.	Abilene	28-19-40	do	do	Nov. 1, 1974
Hill Top House: Incinerator.	Bucklin	28-19-40C	do	do	Sept. 1, 1974
Midwest Solvents, Inc.: Gluten dryers	Atchison	28-19-20	do	do	Sept. 15, 1974
Starch dryers	do	28-19-20	do	do	Do.
Animal feed production	do	28-19-20	do	do	Feb. 1, 1974
National Dehydrating & Milling Co.: Alfalfa dehydrator.	Grantville	28-19-20	do	do	Oct. 1, 1974
National Alfalfa Dehydrating & Milling Co.: Alfalfa dehydrator.	LeRoy	28-19-20	do	do	Do.
National Alfalfa Dehydrating & Milling Co.: Alfalfa dehydrator.	Independence	28-19-20	do	do	Do.
S-G Metals Industries, Inc.: Aluminum furnaces 1 to 7.	Kansas City	28-19-20	do	do	Feb. 28, 1975
Hesston State Bank: Incinerator.	Hesston	28-19-40	do	do	June 1, 1975
U.S.D. No. 229: North Oxford Elementary, open burning.	Shawnee Mission	28-19-45	do	do	July 1, 1975
Stanley Elementary, open burning.	do	28-19-45	do	do	Do.
Sullivan Elementary, open burning.	do	28-19-45	do	do	Do.
U.S.D. No. 482: Alamota Grade School, open burning.	Dighton	28-19-45	do	do	July 31, 1975
Amy Grade School, open burning.	do	28-19-45	do	do	Do.
Shields Grade School, open burning.	do	28-19-45	do	do	Do.
Western Alfalfa Corp.: Alfalfa dehydrator.	Neodesha	28-19-20	do	do	Nov. 1, 1974
Colt Industries: Cupola.	Kansas City	28-19-20	do	do	Nov. 15, 197
		28-19-50	do	do	

[FR Doc.74-26013 Filed 11-7-74; 8:45 am]

[40 CFR Part 52]

[FRL 291-2]

WEST VIRGINIA

Proposed Revision to the Indirect Source Provisions

On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency published his initial approvals and disapprovals of state implementation plans submitted pursuant to section 110 of the Clean Air Act, as amended in 1970. Shortly thereafter, the Natural Resources Defense Council, Inc. (NRDC) challenged the Administrator's approvals in the United States Court of Appeals for the District of Columbia Circuit on several grounds, including the contention that the plans approved were inadequate to insure maintenance of ambient air quality standards once such standards were attained.

As to this issue, the Court ruled in *NRDC v. EPA*, 475 F. 2d 968 (D.C. Circuit, 1973), that the record before the Court was insufficient to ascertain whether the Administrator had made a state-by-state determination as to the plans' adequacy regarding maintenance. Accordingly, the Court ordered the Administrator to review the maintenance provisions of all approved state implementation plans, and disapprove those which did not contain measures necessary to insure maintenance of standards, nor analyze maintenance in a manner consistent with the Administrator's regulations.

Upon further review, the Administrator determined that no State plan contained all of the measures necessary to assure maintenance of the standards, and that no plan had adequately analyzed the impact of growth on air quality maintenance for any significant period of time into the future.

In the notice of disapproval, the Administrator noted that several mechanisms already available under the Act and in regulations would serve to mitigate the impact of overall community growth on air quality maintenance. One of the most important of these was 40 CFR 51.18, which required each State plan to have adequate procedures for review, and where necessary prevent the construction or modification of any stationary source of air pollution at a location where emissions from that source would result in interference with the attainment or maintenance of a national standard. Accordingly, the Administrator determined that these new source review procedures should be expanded to cover not only stationary sources, but also "complex" or "indirect" sources of air pollution facilities which do not themselves emit pollutants, but which attract the increased activity of motor vehicles, a major source of air pollution. The result would be possible violations of the implementation plans transportation control strategy, or interference with the attainment or maintenance of an ambient air quality standard.

Thus, all state implementation plans were disapproved on March 8, 1973, be-

cause of their failure to sufficiently assess and provide for maintenance of standards, specifically, for their failure to provide for the above mentioned "indirect" source review. In a separate action on March 8 (38 FR 6290), the Administrator issued an advance notice of proposed rulemaking stating his intention to modify his regulations for preparation of state implementation plans contained in 40 CFR part 51 in order to give further guidance to the States in the preparation of approvable indirect source review measures. In a timetable approved by the D.C. Circuit Court, the Administrator then proposed such new guidelines on April 18, 1973 (38 FR 9599) and promulgated guidelines on June 18, 1973 (38 FR 15834).

Furthermore, in accordance with the order of the D.C. Circuit Court, the Administrator allowed States until August 15, 1973 to submit indirect source review procedures for approval. The Court order further required the Administrator to promulgate regulations by December 15, 1973, in the event that a State failed to submit indirect source review procedures or if the procedures that were submitted were deemed unapprovable. For those States which failed to submit plans (as was the case for the State of West Virginia), or whose plans could not be approved, the Administrator proposed on October 30, 1973 (38 FR 29893), Federal regulations for review of indirect sources. EPA held a public hearing on this proposal in Charleston on December 3, 1973. The major provisions of the proposal were as follows:

1. Expanding the applicability of new source performance standards to indirect sources.
2. Requiring the owner or operator of an indirect source to obtain approval from the appropriate State authority before commencing modification or construction of such a source.
3. Providing increased opportunity for public participation in proposed determinations.

On February 25, 1974 (39 FR 7270), the Administrator promulgated an indirect source review regulation (40 CFR 52.22(b)) to be incorporated into the Clean Air Act Implementation Plans in 52 States and territories, including the State of West Virginia. As a follow-up to that regulation, the Administrator noted that additional written comments would be accepted until April 1, 1974, and that where appropriate, revisions may be made to the regulation. The Administrator determined the need for several amendments of a clarifying nature. This clarification appeared in a FEDERAL REGISTER notice on July 9, 1974 (39 FR 25292).

On June 17, 1974, the State of West Virginia submitted a proposed amendment to their state implementation plan outlining the review for issuing permits for construction, modification, or relocation of any "direct or indirect affected sources" within the State. The major provisions of the proposal are as follows:

1. Defining the meaning of "indirect source" and other associated terms.

2. Outlining of timetables by when permit applications must be submitted and by when the State must determine approval or disapproval of the permit.

3. Outlining of time frame for public participation.

4. Outlining procedures for the monitoring of the indirect source after the owner of said source has been granted a permit and commences construction of the facility.

The regulation, if approved, would enable the Administrator to rescind § 52.22 (b) promulgated in the July 9, 1974 FEDERAL REGISTER (39 FR 25292).

On October 24, 1974, the State of West Virginia submitted proof that a hearing regarding these regulations, with the appropriate 30 day notice, took place on January 11, 1974 in Charleston, West Virginia.

This notice is issued to advise the public of the receipt of this proposed amendment, and to request public comment on it. Only comments received on or before December 9, 1974 will be considered.

The Administrator's decision to approve or disapprove this proposed revision will be based on whether it meets the requirement of section 110 of the Clean Air Act and EPA regulations in 40 CFR part 51, as amended on June 18, 1973 (38 FR 15834).

Copies of the proposed revision are available for public inspection during normal business hours at the Offices of EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106; at the Office of the West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311; and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460. All comments should be addressed to the Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

(42 U.S.C. 1857 c-5)

Dated: November 1, 1974.

DANIEL J. SNYDER III,
Regional Administrator.

[FR Doc.74-26152 Filed 11-7-74;8:45 am]

[41 CFR Part 15-7]

[FRL 282-8]

INSURANCE

Liability to Third Persons

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1969, as amended, the Administrator is considering an amendment to 41 CFR Chapter 15, by adding a new paragraph to § 15-7.202-22, Insurance—Liability to Third Persons.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Director, Contracts Management Division,

Room 413, Waterside Mall, West, 401 M Street, Washington, D.C. 20460 on or before November 30, 1974. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the office of the Director, Contracts Management Division.

Dated: November 1, 1974.

JOHN QUARLES,
Acting Administrator.

The following paragraph (e) is added to the clause entitled "Insurance—Liability to Third Persons" (FPR 1-7.202-22) and the clause with added paragraph (e) is made applicable to all cost reimbursement type research and development contracts.

§ 15-7.202-22 Insurance liability to third persons.

(e) The contractor shall procure and maintain the following insurance: (1) When aircraft are used in the performance of the contract, aircraft public and passenger liability insurance, in such form, in such amounts, and for such

periods of time as the Contracting Officer may require or approve; (2) at a minimum public liability insurance, on the comprehensive form of policy, in the amount of \$200,000 per claimant and \$500,000 per accident; (3) in jurisdictions where all occupational diseases are not compensable under applicable Workmen's Compensation Laws, insurance for occupational diseases is required under the employers' liability section of the insurance policy.

(40 U.S.C. 486(c), 63 Stat. 377 as amended)
[FR Doc.74-26151 Filed 11-7-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19658]

SCHEDULE OF FEES

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of subpart G of part 1 of the commission's rules relating to the schedule of fees.

1. The law firm of McKenna, Wilkin-son and Kittner has requested an exten-

sion of time for filing comments in the above captioned matter (39 FR 38394). By previous order, the time limits for the filing of comments and reply comments were extended to November 4, 1974, and November 18, 1974, respectively.

2. The request is supported by the fact that substantial requests for information from the Commission have resulted in the recent addition of material to the Public Docket. It is our belief that all interested parties should have a fuller opportunity to inspect this material prior to submitting comments.

3. Accordingly, it is ordered, Pursuant to the authority delegated in Section 0.251(b), that the time limits for the filing of comments and reply comments are extended to November 22, 1974, and December 6, 1974, respectively.

Adopted: October 31, 1974.

Released: November 1, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] DANIEL R. OHLBAUM,
Deputy General Counsel.

[FR Doc.74-26212 Filed 11-7-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

SHORELINE EROSION ADVISORY PANEL Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the Shoreline Erosion Advisory Panel on December 4, 1974.

The meeting will be held in the first floor Hearing Room of the Kingman Building, Fort Belvoir, Virginia 22060, from 0900 hours to 1630 hours.

The meeting will include briefings on the Shoreline Erosion Control Demonstration Act of 1974, section 54, Pub. L. 93-251 and the Shoreline Erosion Advisory Panel established under this law. The meeting will be primarily an organizational meeting to include the selection of a chairman of the Panel from among its membership.

The sessions will be open to the public subject to the following limitations:

1. Seating capacity of the hearing room at the Kingman Building limits public attendance to not more than 25 people. Advance notice of intent to attend is requested in order to assure adequate and appropriate arrangements.
2. Written statements may be submitted on or before January 3, 1974, but oral participation by the public is precluded because of the time schedule.

Inquiries and notices to attend may be addressed to Colonel James L. Trayers, Commander and Director, U.S. Army Coastal Engineering Research Center, Kingman Building, Fort Belvoir, Virginia 22060; telephone 202 325-7000.

Dated: October 30, 1974.

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.74-26180 Filed 11-7-74; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
ARIZONA STRIP DISTRICT ADVISORY BOARD

Notice of Regular Meeting

Notice is hereby given that the Arizona Strip District Advisory Board will hold its Regular Annual Meeting at 9 a.m. on December 3, 1974, at the Arizona Strip District Office, 196 East Tabernacle, St. George, Utah. The Agenda will include Section 3 Licenses and Term Permits for AMP, ADP Licensing Procedures, Composition of Advisory Board, Grand Can-

yon Bills, Range Management Program, and Piute Primitive Area, and any other business needing to come before the Board.

The meeting is open to the public insofar as seating is available. Persons interested in appearing before the Board may file a written statement with the Chairman of the Advisory Board for consideration.

GARTH M. COLTON,
District Manager.

NOVEMBER 1, 1974.

[FR Doc.74-26239 Filed 11-7-74; 8:45 am]

LEWISTOWN DISTRICT ADVISORY BOARD

Notice of Meetings

Notice is hereby given that meetings of the Lewistown District Advisory Board will be held on Tuesday, December 3, 1974, and Friday, December 20, 1974, at 9:30 a.m. at the Home Service Room No. 418, Bank Electric Building, Lewistown, Montana.

The agenda for the initial meeting will include hearing recommendations on applications for grazing privileges for 1975 grazing year, permits for allotment management plans, transfers of grazing privileges, Indian Butte Management Plan, report of District Programs and planning progress, predator and weed control, and Federal Advisory Committee Act of October 6, 1972.

The agenda for the second meeting will include hearing of protests on any action determined or considered to be adverse during the initial meeting, and continue discussion of Federal Advisory Committee Act of October 6, 1972.

The meetings will be open to the public. Interested persons may make oral or written presentations to the committee or file written statements. Such requests should be made to Swend R. Holland, Chairman, Lewistown District Advisory Board, Gilt Edge Route, Lewistown, Montana 59457, at least ten days prior to the meeting.

Further information concerning this meeting may be obtained from Joseph A. Gibson, District Manager, Lewistown District, 410 Bank Electric Bldg., P.O. Drawer 1160, Lewistown, Montana 59457, phone 406, 538-5406. Minutes of the meeting will be available for public inspection and copying 4 weeks after the meeting at the Bureau of Land Management Office, 410 Bank Electric Bldg., Lewistown, Montana.

JOSEPH A. GIBSON,
District Manager.

OCTOBER 22, 1974.

[FR Doc.74-26238 Filed 11-7-74; 8:45 am]

NEW MEXICO; ALBUQUERQUE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management, Albuquerque District Advisory Board will meet at 9 a.m. on December 6, 1974, at the Albuquerque District Office, 3550 Pan American Freeway NE., Albuquerque, New Mexico 87107.

The agenda for the meeting will include: a progress report on district programs, 1975 grazing applications, section 7 transfers, proposed rulemaking for advisory boards under the Advisory Committee Act, off-road vehicle use, Chaco Planning Unit—Management Framework Plan, Rio Grande Planning Unit—Unit Resource Analysis.

On January 3, 1975, the Board will meet at 9 a.m., also at the Albuquerque District Office, to hear any protests that may occur as a result of advisory board recommendations made at the December 6th meeting. The Board will also make recommendations at the January 3rd meeting on soil and watershed and range improvement projects proposed to be constructed in Fiscal Year 1976.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public, but those wishing to make an oral statement must inform the Chairman in writing prior to the meeting. Interested persons may file a written statement with the Board for its consideration. Statements should be sent to Chairman, Albuquerque District Advisory Board, in care of the District Manager, Bureau of Land Management, 3550 Pan American Freeway NE., Albuquerque, New Mexico 87107.

Dated: November 1, 1974.

R. KEITH MILLER,
District Manager.

[FR Doc.74-26179 Filed 11-7-74; 8:45 am]

[Wyoming 48243]

WYOMING

Notice of Application

OCTOBER 30, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Continental Pipe Line Company has applied for an oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 35 N., R. 69 W.,
Sec. 34, NE¼SE¼.

The pipeline will convey oil across 708 feet of national resource land.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82601.

PHILIP C. HAMILTON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-26181 Filed 11-7-74;8:45 am]

[Wyoming W-48315]

WYOMING

Notice of Application

NOVEMBER 1, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the FMC Corporation has applied for a gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

- T. 26 N., R. 111 W.,
Sec. 19, lot 2.
T. 23 N., R. 112 W.,
Sec. 22, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 25 N., R. 112 W.,
Sec. 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 26 N., R. 112 W.,
Sec. 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 24, lot 2, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 26, N $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 33, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 34, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$.

The pipeline will convey gas from newly-completed wells to an existing pipeline.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc.74-26240 Filed 11-7-74;8:45 am]

Geologica! Survey

WYOMING

Classification of 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 (15 F.R. 3193), and Secretary's Order No. 2948,

Federal lands within the State of Wyoming 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:

(50) WYOMING

ROCK SPRINGS (WYOMING) KNOWN LEASING AREA (COAL); JULY 22, 1974, 416,834 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.

HENRY W. COULTER,
Acting Director.

OCTOBER 31, 1974.

[FR Doc.74-26243 Filed 11-7-74;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, November 23, 1974, at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

- Miss Nancy Long (Chairman)
Glen Echo, Maryland
Mrs. Caroline Freeland
Bethesda, Maryland
Mr. Donald Frush
Hagerstown, Maryland
Hon. Vladimir A. Wahbe
Baltimore, Maryland
Mr. Anthony Abar
Annapolis, Maryland
Mr. John C. Lewis
Hamilton, Virginia
Mrs. Dorothy Grotos
Arlington, Virginia
Mr. Burton C. English
Berkeley Springs, West Virginia
Mr. Henry W. Miller
Paw Paw, West Virginia
Mr. James G. Banks
Washington, D.C.
Mr. Joseph H. Cole
Washington, D.C.
Mr. Ronald A. Clites
LaVale, Maryland
Mrs. Mary Miltenberger
Cumberland, Maryland
Dr. James H. Gilford
Frederick, Maryland

- Dr. Kenneth R. Bromfield
Frederick, Maryland
Mr. Grant Conway
Brookmont, Maryland
Mr. Edwin F. Wesely
Chevy Chase, Maryland
Mr. John C. Frye
Gapland, Maryland
Mr. Rome F. Schwagel
Keedysville, Maryland
Mr. Justice Douglas
(Special Consultant)

The matters to be discussed at this meeting include:

1. Status of Environmental Impact Statement.
2. Landscape Development Plan Great Falls Tavern.
3. Park Organization and Functions of Park Operations.
4. Sugarloaf Regional Trail System.
5. Pepco.
6. Chadwick Tract.
7. Proposal for Development of City Recreation Center across from Candoc.
8. Paw Paw Logging Operation.
9. Slackwater Use Report.
10. Jellystone (W. Va.) Report.
11. Honeywood (W. Va.) Report.
12. Riverbend Park (Va.) Report.
13. Potomac Overlook (Va.) Report.
14. Falconridge (Va.) Report.
15. Paw Paw Bends area (W. Va.) Report.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and it is expected that not more than 30 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at Area Code 202-426-6715. Minutes of the meeting will be available for public inspection two weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: October 24, 1974.

ABNER M. BRADLEY,
Acting Deputy Director,
National Capital Parks.

[FR Doc.74-26158 Filed 11-7-74;8:45 am]

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m., c.s.t., November 22, 1974, at the Indiana National Lakeshore Building, Intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

The Commission was established by Pub. L. 89-761 to meet and consult with the Secretary of the Interior on matters

related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. William L. Lieber (Chairman)
Mrs. Anna R. Carlson
Mr. Harry W. Frey
Mrs. Ione F. Harrington
Mr. John A. Hillenbrand II
Mr. Harold G. Rudd
Mr. John R. Schnurlein
Mr. William L. Staehle (Secretarial Consultant)

Matters to be discussed at this meeting include:

1. Status of access to West Beach.
2. Status of construction on NIPSCO Bally Nuclear Plant.
3. Status of land acquisition.
4. Review of comprehensive design plans for the Bally Homestead area.
5. Status of Expansion Bill—Senate hearings.
6. Indiana Dunes National Lakeshore Zoning Standards and their acceptance by local Governmental agencies.

The meeting will be open to the public. It is expected that about 90 persons will be able to attend the session in addition to committee members. Interested persons may make written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139-A, Chesterton, Indiana 46304, telephone area code 219, 926-7561. Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12 (Kemil Road), Chesterton, Indiana.

Dated: October 29, 1974.

ROBERT L. GILES,
Acting Regional Director, Midwest Region, National Park Service.

[FR Doc.74-26327 Filed 11-7-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service FLUE-CURED TOBACCO ADVISORY COMMITTEE

Notice of Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602, at 1 p.m., on Friday, December 6, 1974.

At the October 14, 1974, meeting of the Committee, a 5-man subcommittee was appointed to study the work of the Committee during the 1974 marketing year. Members of the subcommittee are: Adron Harden, Georgia Farm Bureau; B. Frank Williamson, Sr., South Carolina Farm Bureau; James B. Hunt, Sr.,

North Carolina Grange; John S. Watkins, Jr., warehouseman and W. E. Michaels, dealer-exporter. Mr. Hunt will serve as chairman for the subcommittee.

The purpose of the final meeting of the Flue-Cured Tobacco Advisory Committee for the 1974 marketing season is to hear the report of the 5-man subcommittee. Also, matters, as specified in 7 CFR Part 29, Subpart G, § 29.9404, will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman, J. Frank Bryant. Persons, other than members who wish to attend the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, SW., United States Department of Agriculture, Washington, D.C. 20250 (202) 447-2567.

Dated: November 5, 1974.

RICHARD P. BARTLETT, Jr.,
Acting Administrator.

[FR Doc.74-26250 Filed 11-7-74; 8:45 am]

Forest Service

SWAN LAKE PLANNING UNIT Availability of Final 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 final environmental statement for the proposed Multiple-Use Plan—Swan Lake Planning Unit, Report Number USDA-FS-FES (Adm) 74-68.

The environmental statement concerns a proposed management plan for about 61,570 acres of National Forest land on the Swan Lake Ranger District of the Flathead National Forest, Lake County, Montana. The proposed plan provides the District Ranger with management direction and guidance for each of the ten management units within the total planning area.

This final environmental statement was filed with CEQ on November 1, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
Region 1—Northern Region
200 East Broadway
Missoula, Montana 59801

USDA, Forest Service
Flathead National Forest
290 North Main
Kalispell, Montana 59901

USDA, Forest Service
Swan Lake Ranger Station
Bigfork, Montana 59911

A limited number of single copies are available upon request to Edsel L. Corpe,

Forest Supervisor, Flathead National Forest, 290 North Main, Kalispell, Montana 59901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

KEITH M. THOMPSON,
*Acting Regional Forester,
Northern Region, Forest Service.*

NOVEMBER 1, 1974.

[FR Doc.74-26242 Filed 11-7-74; 8:45 am]

Soil Conservation Service

BRILLION WATERSHED PROJECT, WISCONSIN

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and section 650.7 (e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement (EIS) for the Brillion Watershed Project, Calumet and Manitowoc Counties, Wisconsin, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-WI.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment supplemented by two floodwater retarding structures and one lake level control structure and associated channel.

A limited supply of the draft EIS is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 4248, Madison, Wisconsin 53711.

Copies of the draft EIS have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Richard W. Akeley, State Conservationist, Soil Conservation Service, P.O. Box 4248, Madison, Wisconsin 53711.

Comments must be received on or before December 27, 1974, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: October 31, 1974.

WILLIAM B. DAVEY,
*Deputy Administrator for Water
Resources, Soil Conservation
Service.*

[FR Doc.74-26166 Filed 11-7-74; 8:45 am]

CHICOT WATERSHED PROJECT, ARKANSAS

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and section 650.7 (e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Chicot Watershed Project, Chicot County, Arkansas, USDA-SCS-EIS-WS-(ADM)-74-27-(F)-AR.

The EIS concerns a plan for watershed protection, flood prevention and agricultural water management. The planned works of improvement provide for conservation land treatment and structural measures. Land treatment will consist of the accelerated application of conservation measures. Structural measures will consist of the installation of 92.2 miles of channel work on existing channels and the installation of 30.8 miles of new channels. Appurtenances to the channels will include 517 water-control structures, about 50 grade stabilization structures, and about five low-water weirs.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests.

Soil Conservation Service, USDA, Room 5029, Federal Office Building, Little Rock, Arkansas 72201.

(Catalog of Federal Domestic Assistance Program Number 10.904, National Archives Reference Services)

Dated: November 4, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

[FR Doc.74-26169 Filed 11-7-74;8:45 am]

INDIAN BROOK WATERSHED PROJECT, NEW HAMPSHIRE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Indian Brook Watershed Project, Lancaster, New Hampshire, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-NH.

The environmental statement concerns a plan for watershed protection, flood prevention and fish and wildlife. The planned works of improvement include conservation land treatment, supplemented by channel work, two flood prevention structures one of which includes additional storage for fish and wildlife development. The channel work will involve enlarging 3,000 feet of channel to improve the water carrying capacity of Indian Brook through the Lancaster urban area. The multiple-purpose

structure will provide a permanent wild-life marsh of about 52 acres. The total area to be acquired at this structure site encompasses about 140 acres.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, Federal Building, Durham, New Hampshire 03824.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Donald Burbank, State Conservationist, Soil Conservation Service, Federal Building, Durham, New Hampshire 03824.

Comments must be received on or before December 31, 1974, in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

NOVEMBER 4, 1974.

[FR Doc.74-26170 Filed 11-7-74;8:45 am]

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to continue or initiate the annual surveys listed below for the year 1974 and for each year thereafter, under the authority of Title 13, United States Code, sections 181, 224 and 225. These surveys, most of which have been conducted for many years, are significant in the manufacturing area; and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from non-governmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary for an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than December 9, 1974.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys.

The surveys have been arranged under major group headings shown in the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Broadwoven goods finished.
Narrow fabrics.
Yarn production.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Rubber.
Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Commercial steel forgings.
Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.

Office, computing, and accounting machines.

Pumps and compressors.
Selected air pollution control equipment.
Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, televisions, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual supplements of monthly and quarterly surveys and will cover the same establishments canvassed in the monthly or quarterly survey. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected on the more frequent survey.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Glass containers.
Refractories.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Closures for containers.
Steel shipping barrels, drums and pails.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Margarine manufacturers'—packaging operations.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.

Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.
Rugs, carpets and carpeting.
Knit cloth.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Phosphatic fertilizer materials.
Paint, varnish, and lacquer.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Thermoplastics pipe, tube, and fittings.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.
Steel mill shapes and forms. (Consumers and Producers Report)
Copper-base mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines and selected parts.
Truck trailers.

The Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products and quantity and cost of selected fuels used. This survey, while conducted on a sample basis, will cover all manufacturing industries including data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

The Annual Survey of Oil and Gas will canvass the industry which provides most

of the fuel consumed in the United States, as well as a substantial portion of the raw material requirement of many industries. The survey will collect information on exploration, development, production costs, revenues, expenditures and assets in the crude petroleum and natural gas industry.

The Annual Survey on Pollution Abatement Expenditures is designed to collect from the manufacturing area total expenditures made by industry to abate pollutant emissions. The survey covers current and capital expenditures made by industry to reduce pollution in its air, water or solid forms.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Bureau of the Census on or before December 9, 1974 and will receive consideration.

Dated: November 5, 1974.

VINCENT P. BARABBA,

Director, Bureau of the Census.

[FR Doc.74-26231 Filed 11-7-74;8:45 am]

SURVEY OF RETAIL SALES, PURCHASES, AND INVENTORIES

Notice of Consideration To Continue Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1975 the Annual Retail Trade Survey which has been conducted each year under Title 13, United States Code, sections 181, 224, and 225 to collect data covering year-end inventories, purchases, and annual sales. This survey covering 1974 is the only continuing source available on a comparable classification and timely basis for use as the benchmark for developing monthly retail inventory estimates. It also assists in establishing a benchmark for the distribution of monthly sales by geographic area.

Information and recommendations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from nongovernment or other governmental sources.

Such a survey, if conducted, shall begin not earlier than December 7, 1974.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from a sample of stores based on their sales size. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted in writing to the Director of the Bureau of the Census on or before December 9, 1974.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.74-26232 Filed 11-7-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-135, etc.; NDA 1-650, etc.]

OVER-THE-COUNTER ANTACID DRUG PRODUCTS

Withdrawal of Approval of New Drug Applications

A notice of opportunity for hearing was published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19882), in which the Commissioner of Food and Drugs proposed to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications and all amendments and supplements thereto for certain over-the-counter (OTC) antacid drug products and determining the new drug status of such products. The basis of the proposed action was: (1) the lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, other than those permitted by the final order on OTC antacid drug products published in the same issue of the FEDERAL REGISTER (39 FR 19862); and (2) such drug products are not shown to be safe for use except under the conditions of use required for safety reasons, and are not shown to be safe for use under the conditions of use excluded for safety reasons, by the final order on OTC antacid drug products; and (3) the labeling of the drug products, to the extent it differs from the applicable labeling requirements of the final order on OTC antacid drug products, based on a fair evaluation of all material facts, is false and misleading.

By letter of June 5, 1974, Cole Pharmaceutical Company, Inc., informed the Food and Drug Administration that Kamat tablets (NDA 1-952) were discontinued in 1967 and that they did not wish to avail themselves of the opportunity for hearing. No other holder of an affected application or other interested person filed a written appearance of election as provided by said notice. The failure to file such an appearance as required by 21 CFR 314.200 constitutes an election by such persons not to avail themselves of the opportunity for hearing and a waiver of any contentions concerning the legal

status of any such drug product, including identical, related, or similar drug products as defined in 21 CFR 310.6.

All identical, related, or similar products, not the subject of an approved new drug application, are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is subject to this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended; 21 U.S.C. 355), and under the authority delegated to him (21 CFR 2.120), finds that, on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the applications, (1) there is a lack of substantial evidence

that the drug products will have the effect they purport or are represented to have for any condition of use prescribed, recommended, or suggested in the labeling, other than those permitted by the final order on OTC antacid drug products; and (2) such drug products are not shown to be safe for use except under the conditions of use required for safety reasons, and are not shown to be safe for use except under the conditions of use excluded for safety reasons, by the final order on OTC antacid drug products; and (3) the labeling of the drug products, to the extent it differs from the applicable labeling requirements of the final order on OTC antacid drug products, based on a fair evaluation of all material facts, is false and misleading.

Therefore, pursuant to the foregoing finding, approval of the following new drug applications and all amendments and supplements thereto is withdrawn effective November 18, 1974.

NDA No.	Drug	Firm
1-650	Citralka liquid	Parke, Davis & Co., Detroit, Mich. 48232.
1-875	Chooz Chewing Gum	Pharmaco, Inc., Kenilworth, N.J. 07033.
1-952	Kamat tablets	Cole Pharmaceutical Co., Inc., St. Louis, Mo. 63178.
2-436	Amphojel tablets	Wyeth Laboratories, division of American Home Products Corp., Philadelphia, Pa. 19101.
2-545	Gelusil liquid	Warner-Chilcott Laboratories, division of Warner-Lambert Co., Morris Plains, N.J. 07950.
3-304	Bismakaolin suspension	Vale Chemical Co., Inc., Allentown, Pa. 18102.
3-507	Magsal suspension	Endo Laboratories, Inc., Garden City, Long Island, N.Y. 11530.
4-380	Gelusil tablets	Warner-Chilcott Laboratories, division of Warner-Lambert Co., Morris Plains, N.J. 07950.
5-668	Alglyn tablets, Alglyn magma, Belglyn tablets	Brayten Pharmaceutical Co., Chattanooga, Tenn. 37499.
6-547	Aldnox tablets	Smith, Miller & Patch, New Brunswick, N.J. 08902.
6-738	Carmethose suspension, Carmethose magnesium oxide tablets, Carmethose-Trasentina	Ciba Pharmaceutical Co., division of Ciba-Geigy Corp., Summit, N.J. 07901.
7-706	Resinat capsules, Resinat tablets	Merrell-National Laboratories, division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215.
7-911	Kolantyl tablets	Do.
8-431	Dimacid B tablets	Otis Chapp & Son, Inc., Cambridge, Mass. 02139.
8-467	Kolantyl Gel	Merrell-National Laboratories, division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215.
9-100	Roloids Antacid Mint tablets	American Chicle Co., division of Warner-Lambert Co., Morris Plains, N.J. 07950.
9-329	Duplexin tablets	Whitehall Laboratories, division of American Home Products Corp., New York, N.Y. 10017.
12-165	Roloids Antacid Mint with HMAS	American Chicle Co., division of Warner-Lambert Co., Morris Plains, N.J. 07950.
12-298	"A" Plus tablets	Vick Chemical Co., division of Richardson-Merrell, Inc., New York, N.Y. 10017.
15-183	Equilet Antacid tablets	Mission Pharmaceutical Co., San Antonio, Tex. 78296.

This notice also represents a determination of the legal status of the above products as well as all identical, similar, or related products not the subject of an approved new drug application (21 CFR 310.6) including those OTC antacid products for which approval has previously been withdrawn on the ground of failure to file reports required pursuant to section 505 (j) of the act and which appeared in the FEDERAL REGISTER as follows:

a. Docket FDA-D-135 published in the FEDERAL REGISTER of July 24, 1970 (35 FR 11929).

b. Docket FDC-D-259 published in the FEDERAL REGISTER of April 6, 1971 (36 FR 6529).

c. Docket FDC-D-269 (Docket number originally published incorrectly as FDC-

D-259; correction published in the FEDERAL REGISTER of November 24, 1971 (36 FR 22324) to read FDC-D-269) published in the FEDERAL REGISTER of August 6, 1971 (36 FR 14493) and republished in the FEDERAL REGISTER of September 23, 1971 (36 FR 18885).

d. Docket FDC-D-445 published in the FEDERAL REGISTER of March 18, 1972 (37 FR 5711).

e. Docket FDC-D-393 published in the FEDERAL REGISTER of March 28, 1972 (37 FR 6342).

f. Docket FDC-D-492 published in the FEDERAL REGISTER of August 8, 1972 (37 FR 15948).

Any such drug products may not lawfully be marketed except in compliance with 21 CFR Part 331 or the interim re-

quirements for Category III drug products specified in the final order on OTC antacid drug products published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19862).

The Food and Drug Administration will initiate appropriate regulatory action to remove such noncomplying drug products from the market promptly after the applicable effective date established in the final order on OTC antacid drug products.

Dated: October 31, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-26045 Filed 11-7-74; 8:45 am]

**Health Services Administration
INTERAGENCY COMMITTEE ON
EMERGENCY MEDICAL SERVICES**

Notice of Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92-463), the Administrator, Health Services Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of December 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
Interagency Committee on Emergency Medical Services.	December 5, 9 a.m. to 4 p.m., Snow Room (5051), DHEW North Bldg., 330 Independence Ave. SW., Washington, D.C.	Open—Contact John Reardon, Room 320, DEMS/BMS, 6525 Belcrest Rd., West Hyattsville, Md. (301) 436-6284.

Purpose. The Committee will provide for the communication and exchange of information necessary to maintain the coordination and effectiveness among such Federal programs and activities and make recommendations to the Secretary respecting the administration of grants and contracts under Title XII, including making regulations for the emergency medical services systems program.

Agenda. The agenda will include a review of the Committee Charter, a review of current DHEW/EMS program activities and an outline of planned activities for 1975-76. The Committee will discuss interagency EMS activities for system implementation and set the Committee meeting dates for 1975.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation. Anyone wishing to attend, obtain a roster of the members, or other relevant information should contact the person listed above. Public seating is limited to forty. Please contact at least 24 hours before the meeting.

Date: November 4, 1974.

ANDREW J. CARDINAL,
Associate Administrator for
Management, Health Services
Administration.

[FR Doc.74-26184 Filed 11-7-74; 8:45 am]

**National Institutes of Health
BOARD OF SCIENTIFIC COUNSELORS
Amended Notice of Meeting**

Notice is hereby given of a change in the meeting time of the Board of Scientific Counselors, National Eye Institute, which was published in the FEDERAL REGISTER on October 23, 1974, 39 FR 37662.

This Board was to have convened at 1 p.m. on December 2 and 9 a.m. on December 3, but has been changed to 8:30 a.m. to 5 p.m. on December 2, and 8:30 a.m. to adjournment on December 3, in Building 31, room 6A21, at the National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 8:30 a.m. to 9:30 a.m. on December 2, 1974 for general remarks by the Institute Director on matters concerning the intramural program of the Laboratory of Vision Research, a budget discussion, and legislative developments. Attendance by the public will be limited to space available.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

NOVEMBER 5, 1974.

[FR Doc.74-26309 Filed 11-7-74; 8:45 am]

**NATIONAL CANCER ADVISORY BOARD
Amended Notice of Meeting**

Notice is hereby given of an additional agenda item in the meeting November 18-20, 1974 of the National Cancer Advisory Board, National Cancer Institute, National Institutes of Health, Building 31, Conference Room 6, which was published in the FEDERAL REGISTER October 17, 1974, Vol. 39, No. 202, Page 37086. The Board will hear a report from its Subcommittee concerned with the identification and organization of available scientific information, as requested by the President, in support of a previous Board recommendation calling for regulation of high tar and nicotine cigarettes.

The report will be presented on the morning of November 18, 1974 during an open session of the meeting. Attendance by the public will be limited to space available.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

NOVEMBER 5, 1974.

[FR Doc.74-26308 Filed 11-7-74; 8:45 am]

**DEPARTMENT OF
TRANSPORTATION**

Federal Railroad Administration
[FRA Waiver Petition Docket No.
RSFC-74-14]

**APALACHICOLA NORTHERN RAILROAD
CO.**

Waiver of Freight Car Safety Standards

The Apalachicola Northern Railroad Company (AN) has petitioned the Federal Railroad Administration (FRA) for exemption from § 215.223 of the FRA Freight Car Safety Standards in order to continue operating 4 flat cars. These

cars are used in the area of Port St. Joe Florida. They are equipped with cast iron wheels which are prohibited, effective January 1, 1975, under FRA regulations (49 CFR 215.223).

The cars, which were built in 1914, carry Apalachicola Northern reporting marks and bear AN identification numbers 1607, 1613, 1614, and 1619. The cars, in addition to being equipped with prohibited wheels, are outfitted with Farlow draft gear whose use is restricted under FRA regulations (49 CFR 215.225). They are not used in interchange and their maximum operating speed is 25 miles per hour. Petitioner seeks a permanent exemption for the prohibited components and permanent approval to continue operating with the restricted components.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on these petitions since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to November 25, 1974. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-74-14) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before December 10, 1974 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on November 5, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-26246 Filed 11-7-74; 8:45 am]

[FRA Waiver Petition Docket No.
RSFC-74-12]

BURLINGTON NORTHERN

Waiver of Freight Car Safety Standards

The Burlington Northern (BN) has petitioned the Federal Railroad Administration (FRA) for exemption from § 215.223 of the FRA Freight Car Safety Standards in order to continue operating 400 log cars. These cars are used for lumber service in the States of Washington and Oregon. They are equipped with cast iron wheels which are prohibited, effective January 1, 1975, under FRA Regulations (49 CFR 215.223).

These cars, which are equipped with one or more pairs of cast iron wheels, are 40 foot long skeleton log flat cars. The cars carry Northern Pacific reporting marks and bear Northern Pacific identification numbers in the series between 120000 and 122349.

The petitioner has instituted a program to replace the cast iron wheels with steel wheels. Due to a shortage of steel wheels petitioner seeks a limited waiver of the applicable regulations (49 CFR 215.223). Under the terms of the requested waiver all of these cars would be equipped with steel wheels no later than April 30, 1975.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on these petitions since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to November 25, 1974. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-74-12) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 10, 1974 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on November 5, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-26244 Filed 11-7-74; 8:45 am]

[FRA Waiver Petition Docket No. RSFC-74-18]

READING CO.

Waiver of Freight Car Safety Standards

The Reading Company has petitioned the Federal Railroad Administration (FRA) for exemption from § 215.223 of FRA Freight Car Safety Standards to continue operation of 115 hopper cars. The hopper cars are equipped with components that will prohibit their use effective January 1, 1975 under present regulations (49 CFR 215.223).

These cars are 70-ton open top hopper cars and are equipped with axles and truck bolsters which have been prohibited under Appendix B to Part 215 of

Title 49 CFR. The cars bear Reading Company reporting marks and Reading identification number series 59885 to 59999 inclusive.

These cars are used in non-interchange, assigned service to move raw sugar a distance of approximately one mile within the confines of Port Richmond Yard located at Philadelphia, Pennsylvania. The cars are stenciled to indicate their assigned service and to preclude interchange. The maximum operating speed for these cars does not exceed 10 miles per hour.

Petitioner states that the cars have been operating in this service for in excess of two years without incident. In view of that operating record petitioner seeks a permanent waiver of the prohibited components for these cars so long as they are used in this assigned service at Port Richmond.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on these petitions since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to November 25, 1974. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-74-13) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 10, 1974 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on November 5, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-26245 Filed 11-7-74; 8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting; Detailed Agendas

As previously published in the FEDERAL REGISTER dated October 23, 1974, the National Motor Vehicle Safety Advisory Council is holding public meetings November 12, 13, and 14 in Washington, D.C., in room 2232 of the DOT Building, 400 Seventh Street SW. This second notice provides additional information on the agendas not available at the time

of the first notice. Please note that the times of some meetings have been changed.

The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the National Highway Traffic Safety Administrator.

On November 12 at 1 p.m. in room 2232 the Accident Avoidance and Operating Systems Committee will meet with the following agenda:

Standards for Multipurpose Vehicles and Light Duty Trucks
Status of New Proposal on Lighting
Review of "100" Series Standards
Status of Maximum Speedometer Readings
Review of "Moped" Proposed Rulemaking
Old Business/New Business

At 3:15 p.m. on November 12 in room 2232 the Subcommittee on Motorcycle Safety will meet with the following agenda:

Motorcycle Helmet Enforcement Activities
Report on Future Motorcycle Multi-Disciplinary Accident Investigations
Slide Presentation—"Motor Vehicle Inspection" Automobile Club of Missouri

On November 13 at 9 a.m. in room 2232 the Crashworthiness Committee will meet with the following agenda:

Vehicle "Aggressivity" Recommendation
Plans for Pedestrian Protection Technical Meeting
Child Seating Systems (FMVSS 213)
Seat & Head Restraint Standards (FMVSS 202 & 207)
School Bus Crashworthiness
Energy Absorbing Steering Column Performance (FMVSS 203 & 204)
Proposed Safety Belt "Reminder" System (FMVSS 208)
Engineering and Safety Review of Bumpers (FMVSS 215)
Old Business/New Business

At 1 p.m. in room 2232 on November 13 the Consumer and Public Information Committee will meet with the following agenda:

Public Information on Studded Snow Tires
Seat Belt Usage in Media Accident Reporting
Review of Report on Cost/Benefit Briefings
Publicizing Cost/Benefit Studies
New Directions for Committee
Old Business/New Business

On November 14 at 9 a.m. in room 2232 the full Council will meet with the following agenda:

Report of Accident Avoidance and Operating Systems Committee
Report of Crashworthiness Committee
Report of Consumer and Public Information Committee
Status Report—Fourth International Congress
Old Business/New Business

For further information contact the NHTSA Executive Secretary, room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-462, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: November 4, 1974.

CRAIG L. MILLER,
Acting Executive Secretary.

[FR Doc.74-26267 Filed 11-6-74;9:20 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PUBLIC INFORMATION MEETING

Notice is hereby given in accordance with the Federal Advisory Committee Act (P.L. 92-463) and § 800.5(c) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on November 25, 1974, at 7 p.m., a public information meeting will be held in the Council Chambers of the Police and Fire Building, B and Church Streets, St. Albans, West Virginia, so that representatives of national, State, and local units of government, and representatives of public and private organizations, and interested citizens can receive information and express their views on a proposed undertaking of the United States Department of Housing and Urban Development that will have an adverse effect upon a property determined by the Secretary of the Interior to be eligible for inclusion in the National Register of Historic Places. The proposed undertaking is Neighborhood Development Project WVA. A-4, St. Albans, West Virginia which includes construction of a loop road by the State of West Virginia. The eligible property is the Chilton House.

A summary of the agenda of the public information meeting follows:

I. Explanation of the procedures and purpose of the meeting by representatives of the Executive Director of the Advisory Council.

II. Explanation of the project by representatives of the U.S. Department of Housing and Urban Development.

III. Statement by the West Virginia State Historic Preservation Officer on the project.

IV. Statements from the public on the project.

Speakers will be permitted to present their views on the project and should limit their statements to approximately ten minutes. Statements should be limited to the undertaking, its effects on historic and cultural properties, and alternate courses of action. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005 (202-254-3974).

Dated: November 6, 1974.

ROBERT R. GARVEY, JR.,
Executive Director.

[FR Doc.74-26396 Filed 11-7-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-413A, 50-414A]

DUKE POWER CO.

Notice of Reconstitution of Board

In the matter of Duke Power Company (Catawba Nuclear Station Units 1 & 2).

Dr. George R. Hall was a member of the Atomic Safety and Licensing Board established for the above proceeding. Dr. Hall is no longer available for further service on this Board.

Accordingly, Dr. Kenneth G. Elzinga, whose address is Department of Economics, University of Virginia, Charlottesville, Virginia 22901, is appointed a member of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Md., this 4th day of November 1974.

NATHANIEL H. GOODRICH,
*Chairman, Atomic Safety and
Licensing Board Panel.*

[FR Doc.74-26164 Filed 11-7-74;8:45 am]

[Docket No. 50-494]

GENERAL ATOMIC CO.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on July 15, 1974 (39 FR 25970) and the Atomic Energy Commission having found that:

(a) The application filed by General Atomic Company, Docket No. 50-494, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR-101 to General Atomic Company, authorizing the export of a pool-type, research reactor with a thermal power level of 300 kilowatts to Japan Atomic Energy Research Institute, Tokaimura, Japan.

The export of this reactor to Japan is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 2nd day of November 1974.

For the Atomic Energy Commission.

S. H. SMILEY,
*Deputy Director for Fuels and
Materials, Directorate of Li-
censing.*

[FR Doc.74-26163 Filed 11-7-74;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Provisional Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on September 17, 1974 (39 FR 33391), the Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Provisional Operating License No. DPR-21. The license authorizes the Connecticut Light and Power Company, the Hartford Electric Light Company, Western Massachusetts Electric Company and Northeast Nuclear Energy Company to operate the Millstone Nuclear Power Station Unit No. 1 located in Waterford, Connecticut. The amendment is effective as of date of issuance.

The amendment revises the provisions in the Technical Specifications associated with a planned reactor refueling, including changes in the maximum average planar linear heat generation rates (MAPLHGR) for the reactor fuel. The changes to the Technical Specifications involving the MAPLHGR will be consistent with the requirements of 10 CFR 50.46.

The Commission has found that the application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this license amendment see (1) the license amendment and Change No. 19 to the Technical Specifications, (2) the related Safety Evaluation, and (3) additional information submitted by the licensee in letters dated September 24, 25, October 3, 21, 22 and 29, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 1st day of November, 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
*Chief, Operating Reactors Branch
No. 3, Directorate of Licensing.*

[FR Doc.74-26165 Filed 11-7-74;8:45 am]

[Docket Nos. 50-280, 50-281]

VIRGINIA ELECTRIC & POWER CO. Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Atomic Energy Commission (the Com-

mission) has issued Amendments No. 2 to Facility Operating Licenses No. DPR-32 and DPR-37 issued to Virginia Electric and Power Company which revised Technical Specifications for operation of the Surry Power Station, Units 1 and 2, located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments permit the licensee to possess special nuclear material in the form of reactor fuel in the amount required for reactor operation. In addition, a new technical specification is added to Appendix A of each license that requires leakage testing of miscellaneous radioactive materials sources.

The application for the amendments 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 amendments.

For further details with respect to this action, see (1) the application for amendments dated August 19, 1974, (2) Amendments No. 2 to Licenses No. DPR-32 and DPR-37, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this October 31, 1974.

For the Atomic Energy Commission,

Robert A. PURPLE,
Chief, Operating Reactors
Branch No. 1, Directorate of
Licensing.

[FR Doc.74-26162 Filed 11-7-74;8:45 am]

HIGH ENERGY PHYSICS ADVISORY PANEL

Notice of Meeting

NOVEMBER 4, 1974.

On December 5-6, 1974, there will be a meeting of the High Energy Physics Advisory Panel at the AEC Headquarters in Germantown, Maryland, in the Auditorium. Below is that portion of the agenda for this meeting which will be open to the public. Practical considerations may require changes in the agenda or schedule.

THURSDAY, DECEMBER 5, 1974

10 a.m.—Progress Report on Subpanel on Research and Program Balance—V. Fitch.
10:30 a.m.—PEP Summer Study—K. Strauch.

1:30 p.m.—Final Report on High Energy Physics Response to Challenges of Energy Crisis—J. Sandweiss.

2:30 p.m.—Report on Trip to USSR—J. Teem.

3:30 p.m.—Planning for US-USSR-Europe High Energy Physics Seminar—S. Drell.

4:30 p.m.—FY 1975 Budget Status.

FRIDAY, DECEMBER 6, 1974

9 a.m.—ERDA—J. Teem.

In addition to the above items, the Panel plans to hold two (2) executive sessions. The first is scheduled on Thursday morning prior to the beginning of the open session, and the second will begin at 10 a.m. on Friday and continue throughout the end of the meeting.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close these portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than November 21, 1974, to the Executive Secretary, High Energy Physics Advisory Panel, Dr. Robert M. Woods, Jr., Division of Physical Research, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Panel. To the extent that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Executive Secretary of the Panel. His telephone number is Area Code 301-973-3624.

(e) Questions at the meeting may be asked only by members of the Advisory Panel.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, following their acceptance by the Panel at its next meeting, in accordance with the Federal Advisory Committee Act, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C., upon payment of all charges required by law.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-26145 Filed 11-7-74;8:45 am]

[Docket Nos. STN 50-518, etc.]

TENNESSEE VALLEY AUTHORITY

Receipt of Application for Construction Permits and Facility Licenses; Availability of Environmental Report; Submission of Views on Antitrust Matters

The Tennessee Valley Authority (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 13, 1974, for authorization to construct and operate four generating units utilizing four boiling water reactors. The application was tendered on July 1, 1974. Following a preliminary review for completeness, the application [environmental report and site suitability information required for an authorization to conduct certain on-site work in accordance with 10 CFR 50.10(e)] was found to be acceptable for docketing. Docket Nos. STN 50-518, STN 50-519, STN 50-520, and STN 50-521 have been assigned to the application and they should be referenced in any correspondence relating to the application. The Preliminary Safety Analysis Report (PSAR) was also tendered on July 1, 1974. However, it was determined that additional information was required prior to initiation of the review. It is anticipated that the PSAR will be resubmitted by November 11, 1974.

The proposed nuclear facilities designed by the applicant as the Hartsville Nuclear Plant A, Units 1 and 2; and B, Units 1 and 2, are to be located approximately 5 miles southeast of Hartsville in Trousdale and Smith Counties, Tennessee. Each unit is designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1220 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 26, 1974. The request should be filed in connection with Docket Nos. STN 50-518-A, STN 50-519-A, STN 50-520-A, and STN 50-521-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the

Fred A. Vought Library, 311 White Oak Street, Hartsville, Tennessee 37074.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report, dated September 10, 1974. The report, which discusses environmental consideration related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Mid-Cumberland Council of Governments, 226 Capitol Boulevard Building, Nashville, Tennessee 37219; and Upper Cumberland Development District, Box 5076, Tennessee Technological University, Cookeville, Tennessee 38501.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 11th day of October, 1974.

ATOMIC ENERGY COMMISSION,
DENNIS M. CRUTCHFIELD,
*Acting Chief, Light Water Reactors Projects Branch 2-1,
Directorate of Licensing.*

[FR Doc.74-24745 Filed 10-24-74; 8:45 am]

[Docket Nos. STN 50-502, STN 50-503]

WISCONSIN ELECTRIC POWER CO., ET AL.

Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report; Submission of Views on Antitrust Matters

Wisconsin Electric Power Company, Wisconsin Power & Light Company, Wisconsin Public Service Corporation, and Madison Gas and Electric Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed August 9, 1974, for authorization to construct and operate two nuclear generating units utilizing two pressurized water reactors (the facilities). The application was tendered on May 28, 1974. Following a preliminary review for completeness, the application was found to be acceptable for docketing on July 9,

1974. Docket Nos. STN 50-502 and STN 50-503 have been assigned to the application and should be referenced in any correspondence relating to the application. The proposed nuclear facilities, designated by the applicants as Koshkonong Nuclear Plant, Units 1 and 2, are to be located in Jefferson County, Wisconsin, and each is designed for initial operation at 2785 megawatts thermal with a net electric output of 900 megawatts. The application was filed and is being processed pursuant to the "Duplicate Plant" approach of the Commission's standardization policy for nuclear power plants.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 24, 1974. The request should be filed in connection with Docket Nos. STN 50-502-A and STN 50-503-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Dwight Foster Public Library, 102 Milwaukee Avenue, East, Fort Atkinson, Wisconsin 53538.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, and environmental report dated September 6, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility, is being made available for public inspection at the aforementioned locations and at the State Clearinghouse, Bureau of Planning and Budget Department of Administration, 1 West Wilson, State Office Building, Madison, Wisconsin 53702.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 10th day of October 1974.

For the Atomic Energy Commission.

KARL KNIEL,
*Chief, Light Water Reactors
Branch 2-2, Directorate of
Licensing.*

[FR Doc.74-24637 Filed 10-24-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27114; Order 74-11-24]

**PAN AMERICAN WORLD AIRWAYS, INC.
AND TRANS WORLD AIRLINES, INC.**

Order Regarding Application for Approval of Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of November, 1974.

By application filed on October 23, 1974, Pan American World Airways and Trans World Airlines (TWA) request expeditious approval of an agreement which contemplates a temporary but massive restructuring of the routes of both carriers. Among its major features are the termination of TWA's round-the-world operations, with the elimination of all services by the carrier between the Middle East and Hawaii; the withdrawal of TWA from Frankfurt and Pan American from Paris, together with a restructuring of the European routes of both carriers; the withdrawal of TWA from the Washington-London market and Pan American from the Chicago/Los Angeles/Philadelphia-London markets; the addition of Bombay, Okinawa and Taiwan to Pan American's round-the-world route; and a substantial improvement in TWA's Los Angeles-Honolulu authority.¹

The agreement was filed in apparent response to the Board's invitation to the carriers to deal with their financial problems by exploring such measures, among others, as further reductions in operating levels and discontinuance of uneconomic services. In this connection, we have publicly stated our intention to "give expedited consideration to any proposals for suspension or deletion of any points or operations that the carrier might deem uneconomic."² We continue to stand ready to fulfill that commitment.

Pan American has suffered severe losses during the past year, and has filed a subsidy request claiming that it faces serious financial difficulties. TWA has also filed a subsidy request with the Board stating that its international operations are being operated at a substantial loss. Under the circumstances, it could be expected that Pan American and TWA would be searching for highly expeditious means of easing their financial burdens. Unfortunately, as the two carriers must have known, the document

¹ The specific features of the agreement are set forth in Appendix A, which is filed as part of the original document.

² See Order 74-9-82, dated September 18, 1974, p. 10.

which they have filed does not permit positive Board action of any kind, much less expeditious action. In the first place, it is more in the nature of a notice of intent than a genuine application to the Board—as the applicants appear to recognize since they indicate that they shall file, at some undisclosed date in the future, appropriate applications under sections 401 and 408 of the Federal Aviation Act. Secondly, the document itself includes no supporting data or facts, and does not even contain an estimate of the overall financial impact of the proposal on each carrier. In short, the document served up to the Board by the applicants offers no indication that the applicants are, in fact, interested in prompt action by the Board. In addition, although the applicants do formally ask for expeditious consideration, the all-or-nothing approach which the agreement adopts effectively precludes such consideration, since by the terms of the document the Board would be required to approve a proposal of literally worldwide scope in every detail before the carriers would be willing to implement any individual part of it.³ At best, the filing represents a request by the two carriers for consolidation of numerous matters yet to be presented in a proper fashion with the Board and is thus inconsistent with the applicants' expressed desire for immediate approval.

In considering any individual carrier's request the Board can under no circumstances allow the carrier's need for regulatory assistance to obscure the rights of the traveling public, affected communities, and other carriers, or the Board's paramount obligation to develop a sound overall transportation system. The approach advocated by Pan American and TWA, however, wholly fails to take these responsibilities into account. Thus, rather than submitting the kind of application which would enable the Board to act promptly on those parts of it that could reasonably be dealt with in relatively summary fashion, the applicants have tied inextricably together what may well prove to be noncontroversial and easily accomplished suspension requests, designed chiefly to decrease unnecessary head-to-head competition, with controversial route transfer proposals which could substantially alter existing competitive relationships and work major changes in the domestic and international U.S.-flag air transportation network.⁴ Under these circumstances Pan American and TWA should be on notice that even if we were to establish the most expeditious procedures possible, it is the

Board's judgment that, given the requirements of due process and the need for searching analyses of a series of proposals that together could so significantly affect the nation's air transportation system, final Board decision on the agreement as is (given its all-or-nothing provision) could not possibly be reached for many months.

For these reasons, we do not believe that the goal of expeditious processing would be served by setting the application for hearing under expedited procedures, the course of action apparently contemplated by the joint applicants. Rather, we intend to consider bringing immediate financial relief to the two carriers through the exercise of our powers to approve suspensions of service under section 401(j) of the Act, to authorize new services by exemption under section 416(b) of the Act, and to approve agreements (for example, the proposal that each carrier not exercise its authority in various U.S.-London markets) under section 412 of the Act, all without hearing. Thus, we propose to consider the grant to the carriers, as soon as possible, of as much relief under these statutory provisions as seems to us consistent with the overall public interest and otherwise in accordance with statutory requirements and to do so under the procedures outlined below.

In this regard we expect that Pan American and TWA will file separate requests for suspension of service authority pursuant to section 401(j) of the Act and in conformity with the requirements of section 205 of the Board's Regulations,⁵ exemption authority pursuant to section 416(b) of the Act and in conformity with the requirements of Subpart D of the Board's Procedural Regulations,⁶ section 412 approval in accordance with the requirements of Subpart P of the Board's Procedural Regulations, and for all other requisite sections 401 and 408 approvals.⁷

If the applicants are in fact interested in prompt action to improve the profitability of their route systems the application(s) will embrace divisible requests for each item of relief sought by the applicants. It is the Board's intention to evaluate separately each and every item of authority requested, and we will grant or deny requests for nonhearing approval on the basis of the individual merits of such request upon consideration of the justification submitted in support thereof and the answers of interested persons. As heretofore noted, we do not view the all-or-nothing approach of the joint applicants to be compatible with expeditious processing. On the other hand, we appreciate that, and invite the applicants to comment as to whether, certain items may be considered by the applicants as closely related and should be contemporaneously decided by the Board; for example, the simultaneous suspension of

service by one carrier, and the acquisition of identical authority pursuant to 416(b) of the Act by the other carrier, or the mutual withdrawal of single-plane service in city-pair markets where the underlying authority of both carriers is not involved.

If, as we assume to be the case, the carriers sincerely intend that the several proposals provide immediate relief from their economic distress, they can have no legitimate objection to our proceeding (as proposed above) by granting as soon as possible that relief under sections 401(j), 416(b), and 412 of the Act which, upon consideration of the pleadings of all interested parties, seems to us consistent with the overall public interest and otherwise in accordance with the statutory requirements. Thus *e.g.*, if the operation of round-the-world flights by both carriers result in losses for each, TWA should be willing to forego the financial drain it now suffers without exacting a precise *quid pro quo* in other markets.

The key to expedited processing, therefore, is in the hands of Pan American and TWA. We have promised our full cooperation in considering on a highly expedited basis proposals to ease the financial difficulties of TWA and Pan American. The applicants should be on notice, however, that they can not rely on the Board's concern for their health to gain approval of applications not directly related to relief in markets where their operations are uneconomic, or which are not in the overall interests of the public.

We expect any applications under sections 401(j), 412 and 416 to be supported by detailed economic justification setting forth all information required in §§ 205.3, 302.402, and 302.1604 of the Board's regulations, and in addition, the following:

1. Show the effect on total U.S.-flag carrier share in each of the affected markets;
2. Supply sufficient explanatory detail of all studies, forecasts, and estimates (including base traffic data by market), to permit reconstruction and a full understanding of the bases upon which they were prepared; and
3. Indicate the effect on fuel consumption.

In addition, the applicants and other interested persons are invited to set forth their views as to the manner by which the Board should consider those matters that have not been handled under its non-hearing powers, including the scope of any proceeding or proceedings which should be instituted, and whether any temporary authority should be granted for a fixed term or *pendente lite* the conclusion of other proceedings which may be instituted.

In the interest of expedition, we expect Pan American and TWA to file, within fourteen days of the service date of this order, the appropriate applications under section 416(b), 412 and 401(j) of the Act, and answers thereto by interested persons will be due ten days

³ See, *e.g.*, the last sentence of paragraph 11 of the agreement: "Each such change in route authority will be contingent on the approval of each of the other changes and on the approval of the requests for suspension referred to above."

⁴ Thus Continental Air Lines claims that the proposed transfer of Pan American's Los Angeles-Hawaii route authority to TWA would seriously disrupt existing competitive relationships. Continental is accordingly seeking an evidentiary hearing on that aspect of the agreement.

⁵ 14 CFR Part 205.

⁶ 14 CFR 302.400-410.

⁷ 14 CFR 302.1601-1608.

thereafter. We expect answers to be directed to specific proposals and to be supported by detailed economic analysis. General, vague or unsupported answers will not be entertained. Further responsive pleadings will not be permitted.

As a last matter, we stress again that any delay resulting from the joint applicants' initial selection of a wholly inappropriate procedural vehicle—the document now on file—with which to seek improvement of their route systems and a return to financial strength rests entirely at their doorstep. On the other hand, by filing in timely fashion the kinds of applications and supporting data described above, the applicants have within their power the ability to achieve early consideration by the Board of a variety of proposed actions that may well rebound to the very considerable benefit of the applicants themselves and the nation's air transportation system as a whole.

Accordingly, it is ordered, That:

1. Applications which Pan American World Airways and Trans World Airlines may seek to file shall be filed in conformance with this order within fourteen (14) days of the service date of this order; and

2. Answers in response to the applications filed pursuant to paragraph 1 above shall be filed within ten (10) days after the filing of the applications.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26228 Filed 11-7-74;8:45 am]

COMMISSION ON CIVIL RIGHTS CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on December 7, 1974, in Room 348, International Hotel, 6225 West Century Boulevard, Los Angeles, California 90045.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting shall be to discuss plans to monitor the affirmative action plans of State colleges and universities in the State of California.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 4, 1974.

ISAIAH T. CRESSWELL, Jr.,
*Advisory Committee
Management Officer.*

[FR Doc.74-26222 Filed 11-7-74;8:45 am]

CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on December 13, 1974, in the Bay Shore Room #3, Hilton Inn, San Francisco International Airport, San Francisco, California 94128.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purposes of this meeting shall be to discuss the activities of the California State Commission on the Status of Women and to receive a staff presentation on the Chicago Women's Rights hearing.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 5, 1974.

ISAIAH T. CRESSWELL, Jr.,
*Advisory Committee
Management Officer.*

[FR Doc.74-26223 Filed 11-7-74;8:45 am]

CONNECTICUT STATE ADVISORY COMMITTEE

Notice of Change

The meeting date of the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights, originally scheduled to be held on November 13, 1974, at the Holiday Inn, 900 East Main Street, Meriden, Connecticut 06450, a notice of which was previously published on page 37530 in the FEDERAL REGISTER on Tuesday, October 22, 1974 (39 FR Doc. 74-24498), has been changed.

The meeting of the Connecticut State Advisory Committee will be held on November 20, 1974, at the Holiday Inn, 900 East Main Street, Meriden, Connecticut 06450.

Dated at Washington, D.C., November 4, 1974.

ISAIAH T. CRESSWELL, Jr.,
*Advisory Committee
Management Officer.*

[FR Doc.74-26218 Filed 11-7-74;8:45 am]

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee (SAC) to this Commission will convene at 12 Noon, on December 6, 1974, in Room 203, Young Men's Christian Association, 11 and Washington Streets, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20037.

The purpose of this meeting shall be to discuss plans for a proposed equal employment opportunity conference tentatively scheduled for March 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 5, 1974.

ISAIAH T. CRESSWELL, Jr.,
*Advisory Committee
Management Officer.*

[FR Doc.74-26221 Filed 11-7-74;8:45 am]

ILLINOIS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 12:30 p.m. on December 3, 1974, in Room 1220, Everett Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604. This session shall be open to the public.

Closed or Executive session may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice which affect persons residing in the State of Illinois with special emphasis on the Commission's implementation of the recommendations to the Cairo report; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice as these pertain to the Commission's implementation of the recommendations to the Cairo report; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, national origin, or in the administration of justice with respect to the Commission's implementation of the recommendations to the Cairo report; and to related areas.

A planning meeting of the Illinois State Advisory Committee will convene at 10 a.m. on December 3, in Room 1220, Everett Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604. Persons wishing to attend this meeting should contact the Committee Chairman or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604. The purpose of this meeting shall be to hold a final briefing session in preparation for the factfinding meeting on the Commission's implementa-

tion of the recommendations to the Cairo report.

These meetings will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 4, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.74-26219 Filed 11-7-74; 8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 4:00 p.m., on December 5, 1974, at the Federal Building, 26 Federal Plaza, New York, New York 10007.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss possible projects to be undertaken by the New York SAC's Subcommittee on Sex Discrimination.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 5, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.74-26220 Filed 11-7-74; 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 October 29 through November 1, 1974. 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. (December 23, 1974) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activi-

ties, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Cross Timbers Unit, Johnson N. Grasslands, Wise and Montague Counties, Tex., October 29. The statement refers to the proposed ten year management of the 20,332 acre Cross Timbers Unit of the Johnson National Grasslands. Management would be for recreation; vegetation manipulation for the benefit of wildlife; erosion control; improved transportation; and range improvement. There will be visual impact from fence construction and effects on soil, air and water qualities. (ELR Order No. 41635.)

Timber Management Program, Carson National Forest, several counties in New Mexico, October 29. The statement refers to the proposed ten year Timber Management Plan for the Forest. The proposed annual harvest of sawtimber is 26,577 MBF. There will be some road construction. Adverse impact will be upon air, wildlife, grazing, fire control, and scenic beauty (281 pages). Comments made by: EPA, DOI, HUD, DOT, and state and local agencies and concerned citizens. (ELR Order No. 41638.)

Roaring and Salmon Rivers Unit, Mt. Hood N.F., Ore., October 29. The statement refers to a comprehensive land use plan for the Roaring River and Salmon River Planning Units of Mt. Hood National Forest. A total of approximately 81,700 acres is involved. Management will be for back country, recreation, and special interest values, with some timbering and construction of low standard roads. There will be soil disturbance and water pollution (240 pages). Comments made by: DOC, HEW, HUD, DOI, DOT, EPA, USDA, and state and local agencies and concerned citizens. (ELR Order No. 41632.)

SOIL CONSERVATION SERVICE

Draft

Brillion Watershed Project, Calumet County, Wis., October 30. Proposed is a watershed protection and flood prevention project on the 13,811 acre watershed. Project measures will include land treatment, dams, and sediment pools. Approximately 90 acres of land will be committed to the project; another 131 acres may be inundated during flooding. (ELR Order No. 41645.)

Final

Chicot Watershed Project, Chicot County, Ark., October 29. Proposed is a watershed protection, flood prevention, and agricultural water management program on the Chicot Watershed. Project measures will include land treatment on 89,200 acres; the installation of 92.2 miles of channel work on existing channels and the installation of 30.8 miles of new channels; and the construction of 517 water control structures, 50 grade stabilization structures, and 5 low water weirs. Adverse impact will include the loss of some edge and wetland species, and the enhancement of the potential for future clearance of wooded areas and drainage of wetlands (82 pages). Comments made by: COE, HEW, DOI, USCG, and EPA. (ELR Order No. 41633.)

Canby Creek Watershed Program, Lincoln and Yellow Medicine Counties, October 29. The statement refers to a proposed watershed protection project which is intended to reduce erosion on 7,500 acres of agricultural land, and reduce flooding on 5,200 acres of flood plain land. Project measures will include conservation land treatment, two food-water retarding reservoirs, and one multi-purpose reservoir, and 0.8 mile of stream channel work. Adverse impact will include the elimination of one mile of trout stream

and 690 acres of agriculturally productive land (85 pages). Comments made by: COE, DOI, DOT, and EPA. (ELR Order No. 41634.)

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, 202-693-7168.

Draft

Great Lakes and St. Lawrence Seaway Navigation Extension, October 31. The statement refers to a program element which is intended to demonstrate the practicality of certain enabling measures for extending the commercial navigation season on the Great Lakes-St. Lawrence Seaway System. There are 25 methods which are to be investigated. The program would commit monetary and manpower resources for actual operation of the test in a coming fiscal year (Detroit District). (ELR Order No. 41647.)

Flood Control, Chaska, Minnesota, October 29. The statement refers to the upgrading and extending of an existing levee along the Minnesota River; diverting total flows of Chaska Creek to the outside of the leveed area; diverting flood flows of East Creek to the outside of the leveed area, and constructing interior drainage facilities. Adverse impacts are the removal of 6 mobile homes and 7 houses, the possible disruption of up to 268 acres of land, and increased danger of damage by a greater than intermediate regional flood due to development and redevelopment of the area (St. Paul District). (ELR Order No. 41641.)

Sturgeon Bay and Lake Michigan Canal, Wis., October 1. Proposed is the maintenance dredging of Sturgeon Bay and the Lake Michigan Ship Canal. Approximately 600,000 cu. yds. of sediment would be dredged annually, and deposited in a diked disposal site to be constructed in Sturgeon Bay. Impact will include disruption of fish spawning grounds and the conversion of 14.89 acres of aquatic habitat to a terrestrial environment (Chicago District). (ELR Order No. 41657.)

Final

Apalachicola Bay, Fla., November 1. The statement refers to the proposed dredging of a new navigation channel and the construction of a breakwater at Two Mile. Temporary turbidity will adversely affect marine biota. Comments made by: OEO, EPA, DOC, DOT, HUD, DOI, and state agencies. (ELR Order No. 41658.)

Greer's Ferry Lake, Ark., October 31. The statement refers to the continued operation and maintenance of the lake, for flood control, water resources, and hydroelectric power. Operational lake fluctuations have adverse effect upon shoreline vegetation and lake fishes (Little Rock District). Comments made by: USDA, EPA, DOI, and state agencies. (ELR Order No. 41646.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Draft

Las Vegas Wash/Bay Drainage, Nevada, October 29. The statement refers to a project which is intended to eliminate existing secondary discharges from municipal sources in the Las Vegas Wash/Bay drainage area. The proposal includes a 90 mgd advanced waste treatment plant, a pilot desalination and pilot ground water discharge program of 1.0 mgd, and discharge to the Wash through a single outfall. There will be construction disruption due to the proposal, and secondary

impacts in the form of increased population growth and urbanization. (ELR Order No. 41636.)

Easthaven Wastewater Facility, Houston, Tex., November 1. Proposed is the addition of 1.5 mgd of capacity to the 0.5 mgd Easthaven treatment facility. The enlarged plant would provide secondary biological treatment process. Adverse impacts will be those of construction disruption, and operational noises and odors. (ELR Order No. 41659.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard E. Hill, Acting Advisor on Environmental Quality, 441 G Street N.W., Washington, D.C. 20426, 202-386-6084.

Final

Montana-Wyoming Pipeline, Docket No. CP73-340, Carbon and Chouteau Counties, Mont., October 31. Proposed is the granting of a certificate to the Colorado Interstate Gas Company for the construction of a 223 mile, 16 inch pipeline, a 114 mile, 16 inch pipeline loop, a compressor/dehydration station, and other appurtenant facilities. The pipeline would extend from the Elk Basin Field to the Bearpaw Mountain Area. There will be impact to "man, soil vegetation, wildlife, water quality, air quality, and noise levels." Comments made by: USDA, COE, HEW, USCG, DOI, EPA, and state agencies. (ELR Order No. 41648.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, 202-343-4161.

Draft

Federal Building, Hinds County, Jackson, Miss., October 29. Proposed is the construction of a new Federal Building in Jackson, Mississippi. The building would house all Federal agencies which are now located in general purpose leased space. The building would provide 277,250 occupiable sq. ft. for 46 Federal agencies and parking for 40 government vehicles. There will be some construction disruption. Depending upon the site selected, residents may be displaced. (ELR Order No. 41639.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street, S.W., Washington, D.C. 20410, 202-755-5980.

Final

Yerba Buena Center Urban Renewal, San Francisco, Calif., October 31. The statement refers to a proposed urban renewal project in the 87.3 acre area southeast of San Francisco's financial and downtown retail districts. Planned development will include: a parking garage, a convention hall, a meeting room complex, a multi-purpose arena, a pedestrian concourse retail shops, a hotel, an office building, and related facilities. As of October, 1973, there were 499 individuals 26 families, and 130 business firms remaining to be displaced from the project area. A substantial number of the individuals involved are low income, elderly persons (375 pages). Comments made by: USDA, COE, DOC, EPA, HEW, DOI, and state and local agencies and concerned citizens. (ELR Order No. 41656.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF OUTDOOR RECREATION

Draft

Minnesota Memorial Hardwood Forest, several counties in Minnesota, October 29. Proposed is the acquisition by the State of Minnesota of 200,000 acres, through the Land and Water Conservation Fund. Purchase will be over a thirty year period. There will be some development for recreation, parking lots, and access roads. Some families will have to be relocated due to the action. (ELR Order No. 41637.)

Upper Delaware National Scenic River, New York and Pennsylvania, October 31. The statement refers to a proposal that 75.4 miles of the Upper Delaware River, between Hancock, New York and Matamoras, Pennsylvania, be included in the National Wild and Scenic River System upon a determination by the Secretary of the Interior that adequate land protection measures have been taken. No significant adverse effects are anticipated on ecological systems (62 pages). (ELR Order No. 41650.)

BONNEVILLE POWER ADMINISTRATION

Draft

West Burley Substation, Cassia County, Idaho, October 30. Proposed is the construction of a new substation and an access road. There will be some loss of wildlife habitat, and some visual impact. (The statement supplements the FY 1976 BPA program eis.) (ELR Order No. 41643.)

Pleasant Prairie Service, Spokane County, Wash., October 29. Proposed is the construction of a new substation near Millwood. Land requirements will be between 3 and 5 acres; an access road will be constructed. There will be some construction disruption. (The statement supplements RPA's FY 1976 program eis.) (ELR Order No. 41641.)

Horse Heaven Hills, Benton County, Wash., October 29. Proposed is the construction of a new substation near Patterson. Approximately 22 acres of land would be committed to the station and its access road. The facility would interfere with irrigation practices on adjacent land. (This statement supplements BPA's proposed FY 1976 program eis.) (ELR Order No. 41642.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Instrument Landing System, Sikorsky Airport, Conn., October 29. The statement refers to the proposed establishment of an Instrument Landing System to serve Runway 06 at Sikorsky Memorial Airport, Stratford which consists of the following components: localizer, Glide Slope, and Middle Marker. There will be slight fossil fuel emissions during construction. (ELR Order No. 41640.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

State Highway Route 1, San Luis Obispo, Calif., October 30. The proposed project, located in the county of San Luis Obispo, involves the improvement of 8.1 miles of S.R. 1. The project will widen the existing highway to 2 lanes. The work will remove an archaeological deposit, disrupt 4 acres of good agricultural land, and 1 commercial operation. The aesthetics at a scenic bluff and ecology at Black Lake Canyon will be affected. (ELR Order No. 41644.)

Charlotte Inner Loop, Mecklenburg County, N.C., October 31. The statement is a supplement to a draft which was received by CEQ on October 19, 1971. This report covers the construction of a connector road from the proposed Charlotte Inner Loop to the planned new terminal facilities for the Douglas Municipal Airport. The length of the proposed Airport connector is 1.4 miles. Adverse impacts are the acquisition of private land for right-of-way, displacement of 2 families, and a minor amount of erosion and siltation (31 pages). (ELR Order No. 41655.)

Interstate I55, Dyer County, Tenn., October 31. The statement refers to the proposed construction of a 7.4 mile section of I-55 which begins one mile east of Lenox Road and extends easterly to the interchange with proposed realigned SR 3 north of Dyersburg. The project is the most easterly portion of the spur off I-55, which includes a bridge across the Mississippi River. Adverse impacts include the loss of 430 acres of natural and agricultural land, displacement of 4 families, and increased levels of air and noise pollution. (ELR Order No. 41651.)

Final

I70, Summit and Clear Creek Counties, Colo., October 31. The statement refers to the preliminary engineering and construction of 5 miles of highway, including the Second Bore of the Eisenhower Tunnel and approaches. There is a possibility of increased air and noise pollution (200 pages). Comments made by: USDA, DOI, and state agencies. (ELR Order No. 41654.)

103d St. and Timuquana Road, Jacksonville, Fla., October 31. The statement refers to the proposed upgrading of 103rd Street and Timuquana Road in Jacksonville from an existing two-lane facility to a modern multi-lane urban facility. The project follows the existing alignment to Wescorsett Boulevard then eastward on new alignment north of Manor Drive, then southeastward across Fishing Creek to Timuquana Road. Adverse impacts include increased noise levels, loss of frontage property, temporary degradation of water quality in Fishing Creek, and the displacement of 18 families and businesses (85 pages). Comments made by: EPA, DOI, HEW, and state agencies. (ELR Order No. 41649.)

SR 105, Jacksonville, Duval County, Fla., October 31. The plan consists of upgrading State Road 105 (Heckscher Drive) in Jacksonville, from a rural two-lane facility into a modern municipal multi-lane urban facility. The project is generally located in north-eastern Duval County, extending from US 17 to Blount Island, a distance of 6.5 miles. Three alternate bridge locations are evaluated for the improvement in addition to a "no road" alternative. Adverse impacts generated by the project are temporary degradation of water quality, and some soil erosion during construction. There will also be slight increases in the levels of air and noise pollution; from 5 to 8 families and 1 business will be displaced (128 pages). Comments made by: EPA, DOI, HUD, HEW, USDA, DOC, DOT, and state and local agencies. (ELR Order No. 41652.)

S.H. 3, Benewah County, Idaho, October 31. The statement refers to the improvement of approximately 0.9 miles of the existing S.H. 3 through the city of Santa in Benewah County and construction of two new structures over the St. Maries River and Renfro Creek. Adverse impacts include temporary turbidity in St. Maries River and Renfro Creek, causing loss of some river plants and

animals, and the displacement of families and businesses (86 pages). Comments made by: USDA, EPA, HUD, COE, DOI, and state agencies. (ELR Order No. 41653.)

GARY L. WIDMAN,
General Counsel.

[FR Doc. 74-26224 Filed 11-7-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 726]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Applications Accepted for Filing²

NOVEMBER 4, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business, one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

¹ All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

² The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20600-CD-P-(4)-75, Associated Telephone Answering Services System, Inc (KKX716). C.P. to change antenna system operating on 459.050 MHz, Repeater at Loc. #1: Tierra Amarrilla Hill, 0.5 ml. East of U.S. Hwy. #84, 2 ml. South of Tierra Amarilla, New Mexico; and 459.100 MHz at Loc. #3: Archuleta Mesa, 4 ml. NE of Dulce, New Mexico; Relocate facilities operating on 454.100 MHz at Loc. #2: Phillips 66 Station, Chama, New Mexico; Add antenna Loc. #4 operating on 454.050 MHz, Control: Little Creel Lodge, Chama, New Mexico.

20601-CD-AL-(2)-75, North Shore Communications, Inc. Consent to Assignment of License from North Shore Communications, Inc., Assignor to Ram Broadcasting of Massachusetts, Inc., Assignee. Stations: KCC483 & KSV956, Wakefield, Massachusetts.

20602-CD-AL-75, James Wiley Beasley d/b/a Beasley Alarm System. Consent to Assignment of License from James Wiley Beasley d/b/a Beasley Alarm System, Assignor to Earl R. Law & Bart E. Gonzalez, d/b/a Am-Tex Dispatch Service, Assignee. Station: KKD286, Amarillo, Texas.

20603-CD-P-75, Joseph H. Wofford, d/b/a Radiophone of Houston (new). C.P. for a new station to operate on 454.150 MHz to be located at 4212 Mt. Vernon, Houston, Texas.

20604-CD-P-75, Home Telephone Company (new). C.P. for new station to operate on 152.51 MHz to be located 5.5 miles West of Condon, near Radar Station County Road & Hwy. #206, Condon, Oregon.

20605-CD-P-75, Home Telephone Company (new). C.P. for new 1-way station to operate on 158.10 MHz to be located 5.5 miles West of Condon near Radar Station County Road & Hwy. #206, Condon, Oregon.

20606-CD-P-74, Asotin Telephone Company (new). C.P. for new 1-way station to operate on 158.70 MHz to be located 0.6 ml. West of Asotin, Washington.

20607-CD-P-75, Houston Mobilfone, Inc. (KKA343). C.P. to change antenna system operating on 454.050 MHz located at 6222 Skyline Drive, Houston, Texas.

20608-CD-P-(2)-75, Otsego Mobilfone Corporation (new). C.P. for new 1-way station to operate on 35.58 MHz & 152.09 MHz to be located at Coe Hill, 35 miles SE of Oneonta, New York.

20609-CD-TC-(3)-75, Mobilfone of Northeastern Pennsylvania, Inc. Consent to Involuntary Transfer of Control from Ted Ehrhardt, Transferor, to Margaret Swartz Ehrhardt, Executrix of Estate of Ted Ehrhardt, Transferee. Stations: KGC400, KGC404 & KGI781, Scranton, Pennsylvania.

20610-CD-P-75, Puerto Rico Communications Authority (new). C.P. for new 1-way station to operate on 152.84 MHz to be located at El Yungue (U.S. Forest) Road No. 191, Lliquillo, Puerto Rico.

20611-CD-P-75, Puerto Rico Communications Authority (new). C.P. for new 1-way station to operate on 152.84 MHz to be located at 1314 Ponce DeLeon Avenue, Santurce, Puerto Rico.

20612-CD-P-75, Puerto Rico Communications Authority (new). C.P. for new 1-way station to operate on 152.84 MHz to be located Cerro De Punta, 3.1 KMS South of Jayuya, Puerto Rico.

20613-CD-P-75, Puerto Rico Communications Authority (new). C.P. for new 1-way station to operate on 152.84 MHz to be located at Cerro Las Pinas, 5.9 Miles SW of Caguas, Puerto Rico.

20614-CD-P-75, Puerto Rico Communications Authority (new). C.P. for new one-way station to operate on 152.84 MHz to be located at Monte del Estado, Puerto Rico Public Road No. 120, Km. 15.2, Maricao, Puerto Rico.

20615-CD-P-75, The Conestoga Telephone & Telegraph Company (KGI769). C.P. to reinstate expired license operating on 35.22 MHz, located at Gibraltar Hill, 0.5 mile West of Seyfert, Pennsylvania.

20616-CD-P-75, Mobile Telecommunications Corporation (new). C.P. for new station to operate on 454.150 MHz to be located at 1100 Milan, Houston, Texas.

20617-CD-P-75, Island Telepage Systems (new). C.P. for new station to operate on 152.180 MHz, to be located at 1.9 miles and 123 degrees from true north of Blyn, Washington.

20618-CD-P-75, Island Telepage Systems (new). C.P. for a new station to operate on 152.240 MHz, to be located at 1.9 miles and 123 degrees from true north of Blyn, Washington.

Major Amendment

20839-C2-P-74 (KGC403), Palmerton Telephone Company, Palmerton, Pennsylvania. Amend to change base frequency to 152.60 MHz and mobile frequency to 157.86 MHz. All other particulars to remain as reported on PN #684 dated January 21, 1974.

Corrections

20580-C2-P-74, W. O. Porter, d/b/a Karnes Mobilradio; Kenedy, Texas, should have been listed as an additional channel and location to KPL912, Bee Mobilradio, Beeville, Texas. All other particulars to remain the same as reported on PN #677, dated December 3, 1973.

20598-CD-P-(2)-75, Ram Broadcasting of Florida, Inc. (KRS662). Correct to add: change antenna system and replace transmitter. All other particulars to remain as reported on PN #725, dated October 29, 1974.

The major amendment listing for FN: 7231-C2-P-73 which appeared on PN #725, dated October 29, 1974, should have shown the applicant to be New Jersey Mobile Telephone Company, Inc. All other particulars are to remain the same.

RURAL RADIO

60058-CR-TC-75, Mobilfone of Northeastern Pennsylvania, Inc. Consent to Involuntary Transfer of Control from Ted Ehrhardt, Transferor, to Margaret Swartz Ehrhardt, Executrix of Estate of Ted Ehrhardt, Transferee. Station: KGN24, (Temp-Fixed-U.S.).

POINT-TO-POINT MICROWAVE RADIO SERVICE

1277-CF-P-75, American Satellite Corporation (KFN77), Liberty Street, New York, New York. Lat 40°42'40" N., Long. 74°00'49" W. C.P. to change freq; pt. of communication, and power from 11.605H and 11.685V MHz towards Jersey City, New Jersey, to 4030V and 4110V MHz towards Bellvale, New York, on azimuth 339°02'.

1296-CF-P-75, Central Telephone Company of Florida (KIQ63), 218 East Park Avenue, Tallahassee, Florida. Lat. 30°26'32" N., Long. 84°16'47" W. C.P. to change power, emission, and replace transmitter on freqs. 5982.3V and 6100.9V MHz towards Crawfordville, Florida, on azimuth 197°36'.

1297-CF-P-75, Same (KJX35), Ochlockonee Street, Crawfordville, Florida. Lat. 30°10'36" N., Long. 84°22'32" W. C.P. to change emission, power, and replace transmitters on freqs. 6204.7V and 6323.3V MHz towards Tallahassee, Florida on azimuth 17°36'.

Major Amendments

5284-C1-P-71, American Satellite Corporation (WKR53), Vernon, New Jersey. Correct sit coordinates to read: Lat. 14°18'24" N., Long. 74°30'06" W. Change frequencies from 11,425V and 11,665V to 10,815H and 11,135H MHz towards Bellvale, New York.

5285-C1-P-71, Same (new). C.P. for a new station at Bellvale, 1.2 miles North of Greenwood Lake, New York. Correct coordinates to read Lat. 41°14'46" N., Long. 74°17'12" W. Change frequencies from 10,815V and 11,135V to 11,425H and 11,665H MHz towards Vernon, New Jersey, and change frequencies and point of communication from 10,715V and 11,035V MHz towards Mountain Lodge, New York, to 3750V and 3830V MHz towards World Trade Center, New York City, New York, on azimuth 158°40'.

(All other particulars the same as reported on Public Notice dated April 1, 1974.)

MULTIPOINT DISTRIBUTION SERVICE

50059-CM-MP-75, Chicago Communications Service, Inc. (KEW94). Mod. of C.P. to change antenna and frequency to 2157.25V MHz (Visual). Station Location: Urbana, Illinois. (Lat. 40°06'44" N., Long. 88°13'33" W.)

50060-CM-MP-75, Microband Corporation of America (WQQ64). Mod. of C.P. to change antenna to Andrew 63159 (13 dbi gain). Station Location: St. Louis, Missouri. (Lat. 38°38'51" N., Long. 90°20'13" W.)

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATION ACT OF 1934 AS AMENDED

TELEPHONE WIRE FACILITIES

W-P-C-208, MCI Telecommunications Corporation, Formal (Section 63.01). To lease and operate spectrum space with channels of communication between Tucson, Arizona, Phoenix, Arizona, Telegraph Pass, Arizona, Toro Peak, California, Woodson, California, San Diego, California, Elsinore Peak, California and Los Angeles, California, over the facilities of Western Telecommunications Corporation.

[FR Doc.74-26216 Filed 11-7-74; 8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 181]

AMERICAN SAVINGS GROUP, INC.

Receipt of Application for Permission To Acquire Control of American Savings and Loan Association

NOVEMBER 5, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from American Savings Group, Inc., Springdale, Arkansas, for approval of acquisition of control of the American Savings and Loan Association, Springdale, Arkansas, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of the association's capital stock for the capital stock of the applicant and the assumption by the applicant of a bank debt incurred on the original purchase of the association's stock. Comments on the proposed acquisition should be submitted

to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before December 9, 1974.

[SEAL] GRENVILLE L. MILLARD, JR.,

GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.74-26249 Filed 11-7-74; 8:45 am]

FEDERAL MARITIME COMMISSION

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 19, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas W. Gleason, Counsel
International Longshoremen's Association,
AFL-CIO
17 Battery Place
New York, New York 10004

and
C. P. Lambos, Counsel
New York Shipping Association, Inc.
Lorenz, Finn, Giardino & Lambos
25 Broadway
New York, New York 10004

Agreement No. T-3017, between the International Longshoremen's Association, AFL-CIO (ILA), the New York Shipping Association, Inc. (NYSA), Sealand Service, Inc., Seatrain Lines, Inc., and Transamerican Trailer Transport, Inc. (Carriers), provides for the settlement of the parties' litigation in and withdrawal of the carriers from FMC

Dockets Nos. 69-57 and 73-74. With respect to Docket No. 69-57, the NYSA and ILA give up any and all claims to any recoveries which may be due in the proceeding, and agree that they will make no further claims against any of the Carriers without regard to the future developments in the proceeding. With respect to Docket No. 73-34, the Carriers waive any and all rights to any recovery from the NYSA, ILA or any NYSA-ILA fringe benefit funds pursuant to the issues involved in the proceeding, regardless of its ultimate disposition.

By Order of the Federal Maritime Commission.

Dated: November 5, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-26248 Filed 11-7-74; 8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEES

Order Designating Additional Members

OCTOBER 31, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committees.

2. Membership. Additional members of the Technical Advisory Committee on Research and Development and the Technical Advisory Committee on Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission, are as follows:

TECHNICAL ADVISORY COMMITTEE ON RESEARCH & DEVELOPMENT

Mr. W. W. Loomis, Manager, United Rural Electric Membership Corporation (Indiana).

TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Mr. Fred Wendehack, Acting Commissioner for Buildings Management, General Services Administration.

Mr. Wendehack replaces Mr. Anthony Innamorati.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26058 Filed 11-7-74; 8:45 am]

COORDINATING COMMITTEE OF THE NATIONAL GAS SURVEY

Meeting

Agenda for a meeting of the Coordinating Committee to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., December 16, 1974, 8:30 a.m. Room 6200:

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and Purposes of Meeting:
 - A. Discussion of proposed new National Gas Survey objectives. (The new National Gas Survey has been described by the Chairman

of the FPC to the Subcommittee on Public Works of the House Committee on Appropriations (April 8, 1974) to include in-depth examination of policy issues relating to conservation, rate design, research and development, financing, import-export policy, supply-demand equilibrium, intercompetitive relationship of substitutable fuels, environmental impact of resource development and utilization, and the evaluation of alternate methods of attainment of capacity for self-sufficiency.)

B. Use of advisory committees and task forces.

C. Schedule for preparing reports.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26262 Filed 11-7-74;8:45 am]

[Docket No. RI74-259]

AZTEC GAS SYSTEMS, INC.

Petition for Special Relief; Correction

OCTOBER 23, 1974.

In the Order Granting Petition for Special Relief issued October 8, 1974 and Published in the FEDERAL REGISTER on October 16, 1974, 39 FR 37010, on page 37011, paragraph (1), Line 16, Change "May 29, 1974," to "June 20, 1974."

On page 37011, line 9, paragraph 2, delete "(attached as an appendix hereto)."

On page 37011, Paragraph 5, last 3 lines, change "pursuant to its May 29, 1974 contract amendment with El Paso have been filed in Docket No. CS70-20" to "as of the date of issuance of this order, pursuant to its June 20, 1974 contract amendment with El Paso and its June 13, 1974 notice of change in rate filed in Docket No. CS70-20."

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26192 Filed 11-7-74;8:45 am]

[Dockets Nos. E-9037, E-8855]

BOSTON EDISON CO.

Order Accepting Proposed Change in Rates

OCTOBER 31, 1974.

On September 23, 1974, Boston Edison Company (Boston) tendered for filing a proposed rate schedule¹ in Docket No. E-9037 for wheeling service it will provide for New England Power Company (NEPCO) over Boston's 14/24 Kv facilities to serve approximately half of the load requirement of NEPCO's isolated Quincy-Weymouth service area. Boston will be wheeling power generated by NEPCO under the rate schedule and this

¹ Boston Edison Company, Supplement No. 3 to Rate Schedule FPC No. 46 (Subtransmission Service).

service will replace the present firm requirements service being rendered by Boston to the area.² The instant rate schedule provides for a monthly charge of approximately \$92,786 (\$1.24 per Kw per month).

The filing was noticed on October 25, 1974, but no comments have been received.

Our review of the instant filing indicates that certain issues have been raised which may require development in an evidentiary proceeding. The proposed rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the rate schedule for filing and suspend it for one day until November 2, 1974, when it shall be permitted to become effective, subject to refund, and shall set the matter for hearing. We note that certain issues of law and fact raised in this proceeding are similar to those raised in Boston's general rate increase proceeding in Docket No. E-8855. Accordingly, we shall consolidate the instant docket with Docket No. E-8855 and direct that the consolidated proceedings be made subject to the procedures prescribed in Docket No. E-8855.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Boston's tendered rate schedule proposed in this docket and that the tendered rate schedule be accepted for filing and suspended as hereinafter provided.

(2) Good cause exists to consolidate Docket No. E-8855 and Docket No. E-9037 for purposes of hearing and decision.

The Commission orders:

(A) Pursuant to authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing shall be held concerning the lawfulness and reasonableness of the rates and charges in Boston's rate schedule filed in this proceeding.

(B) Docket No. E-9037 and Docket No. E-8855 are hereby consolidated for purposes of hearing and decision and the consolidated proceedings are hereby made subject to the procedures prescribed in Docket No. E-8855.

(C) Pending a hearing and a decision thereon, Boston's proposed rate schedule, tendered on September 23, 1974, is accepted for filing and suspended for one day and the use thereof deferred until November 2, 1974, when it shall become effective, subject to refund.

² The other half of NEPCO's load in the area is presently served a 115 Kv under a transmission wheeling agreement between the parties, which is currently under investigation in Docket No. E-8187, et al.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26203 Filed 11-7-74;8:45 am]

[Rate Schedule Nos. 29, etc.]

BURMAH OIL AND GAS CO., ET AL.

Rate Change Filings; Correction

OCTOBER 25, 1974.

In the Notice of Rate Change Filings Pursuant to Commission's Opinion No. 639, issued October 3, 1974 and published in the FEDERAL REGISTER on October 10, 1974, 39 FR 36507, in the table on page 36507 for the entry reading "September 16, 1974 General American Oil Company of Texas", under column headed "Rate Schedule No." change "15" to "18".

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-26189 Filed 11-7-74;8:45 am]

[Docket No. E-9069]

IDAHO POWER CO.

Notice of Application

OCTOBER 29, 1974.

Take notice that on October 18, 1974, Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Idaho, Oregon, Nevada and Wyoming, with its principal business office at Boise, Idaho, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of not to exceed \$90,000,000 in principal amount at any one time outstanding of unsecured promissory notes (1) pursuant to a Revolving Credit Agreement with certain banks (\$52,000,000), (2) pursuant to a Line of Credit from other banks (\$15,000,000), and (3) in the form of commercial paper (\$23,000,000).

Notes in the sum of not to exceed \$67,000,000 in an aggregate amount would be issued as bank loans, evidenced by unsecured notes, probably for a maturity of three months after date, and not to exceed one year after date thereof. Of the above total borrowing, up to \$52,000,000 will be made under Revolving Credit Agreement covering the period December 28, 1974, to December 31, 1975, with three major banks at a rate consisting of 110% of each bank's prime lending rate plus a commitment fee on the total loan commitment then in effect. The remaining borrowing of \$15,000,000 will be made from a group of banks in Idaho and Oregon at the prime rate, which interest rate at the present time is 11 3/4%. Applicant also requests that the authorization include the right to renew such of said short-term notes as

expire prior to one year from the date of such authorization; and that the principal amount of such renewals, if made, either of notes issued under the authorization herein required, or of notes issued under the exemptions set forth in 204(e) of the Federal Power Act, shall not be considered as applying against, or a reduction of, the \$69,273,800 authorization herein requested.

Unsecured promissory notes in an aggregate principal amount of not to exceed \$23,000,000 at any one time outstanding would be issued and sold by applicant to one or more commercial paper dealers. Each note issued as commercial paper would be dated the date of issuance, have a maturity of not more than 270 days from the date thereof and be discounted at the rate prevailing at the time of issuance for commercial paper of comparable quality and maturity.

Proceeds from the borrowing will be used in the further financing of applicant's construction expenditures, which for the period from September 1, 1974 to December 31, 1975, are estimated at approximately \$100,720,000. The balance of funds required for construction is expected to come from internally generated cash. Further permanent financing, in addition to \$50,000,000 First Mortgage Bonds to be issued in October 1974, is expected to be undertaken in 1975, but the amounts and types of securities and the exact timing of the issuance has not yet been determined.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26200 Filed 11-7-74; 8:45 am]

[Docket No. E-8365]

KANSAS CITY POWER AND LIGHT CO.
Application for Rehearing

NOVEMBER 1, 1974.

On September 4, 1974, we issued an order in the above captioned docket which, inter alia, granted a Motion to Accept a Settlement Agreement and granted a Petition To Intervene by the City of Higginsville, Missouri (Higginsville). On October 4, 1974, Higginsville filed an Application For Rehearing of that order.

Higginsville again alleges that the rates included in the Settlement Agreement are unduly discriminatory because the demand charge for the municipal customers is greater than that charge for the cooperative customers and for Missouri Power and Light. Initially, we note that, although we granted Higginsville's petition to intervene almost eight months after Kansas City Power and Light (KCPL) filed its proposed rate increase, we stated that granting such intervention would not be to the prejudice of the other parties to this proceeding who, responsibly and in good faith, have timely acted to protect their own interests and have agreed to this Settlement as an appropriate resolution of the issues presented by KCPL's filing for a rate increase. We stated, therefore, that Higginsville's objections will be viewed in light of the present record in these proceedings.¹ We believe that mere allegations as to discrimination in the demand charges, without on the record support, are not sufficient to require a rejection of this Settlement Agreement, as suggested by Higginsville.

Similarly, Higginsville again alleges that the ratchet provision in the Settlement Agreement is not justified. Higginsville correctly states that our Staff has opposed such ratchet provisions in a number of cases. However, Staff has not objected to this, or any other provision in this settlement. Higginsville does not allege that this provision operates to produce excessive revenues. We therefore do not believe that, based solely on Higginsville's allegations, the ratchet should be eliminated.

We shall provide for a public hearing to test the justness and reasonableness of the proposed settlement under an expedited schedule. We believe that such action is necessary to protect the public interest and the parties to this settlement who have made a good faith effort to resolve the issues presented by KCPL's rate filing. We shall limit the issues to be reviewed in this proceeding to whether the demand charge differentials contained in the settlement are unduly discriminatory and to whether the settlement ratchet provision operates unfairly as to Higginsville. If the record demonstrates that the Settlement Agreement is not in the public interest, we shall at that time establish additional procedures to test the justness and reasonableness of KCPL's proposed rates, as originally filed. If additional procedures are ordered, KCPL and its customers will be free to take any position with regard to the justness and reasonableness of KCPL's originally filed rates and shall not be prejudiced by any position taken with regard to the proposed settlement.

Implicit in our approval of the Settlement Agreement was our belief that it provided the lowest rates consistent with the public interest and sufficient to insure adequate service. The rates originally filed by KCPL would produce over \$200,-

¹ Kansas City Power and Light Company, Docket No. E-8365, issued September 4, 1974, mimeo at 4.

000 more in revenues in the test year than the settlement rates would produce. Additionally, the demand charges contained in the originally proposed rates are even higher for service to Higginsville and the other parties. We are gravely concerned that, because of changed economic conditions, KCPL may be able to justify rates higher than those the parties agreed to for the settlement in any proceeding which may be required to test the justness and reasonableness of KCPL's originally proposed rates.

Higginsville states that it intends to negotiate with KCPL for a partial requirements contract to replace its full requirements contract presently in effect. It requests that the Commission include an ordering paragraph that, should Higginsville and KCPL be unable to arrive at a satisfactory contract, the Commission shall establish just and reasonable terms and conditions for such service. As we stated in our order of September 4, this settlement is not the appropriate vehicle for testing Higginsville's allegations as to the illegality of the full requirements provision of its contract. We believe that the appropriate time to review any contract providing for partial requirements will be when it is filed with this Commission.

Higginsville repeats its request that KCPL be required to establish a separate transmission rate in order to permit Higginsville access to alternate sources of supply. Higginsville states that KCPL's failure to establish such a rate is violative of the anti-trust laws of the United States. Any order requiring a transmission rate by this Commission would be meaningless, however, since we have no authority to order wheeling. (See *Otter Tail Power Company v. U.S. 366 (1973)*). We therefore again deny this request. We shall, of course, review any such rate when it is filed with this Commission.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that Higginsville's Application for Rehearing be granted in part and denied in part and that an expedited proceeding be established to determine whether the proposed Settlement Agreement is in the public interest.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, at 10 a.m. e.s.t., commencing on December 18, 1974, to determine whether the proposed Settlement Agreement is in the public interest.

(B) On or before November 20, 1974, Higginsville shall file its direct testimony and exhibits. On or before December 11, 1974, KCPL, any other intervenors, and the Commission Staff shall file their direct testimony and exhibits.

(C) The proceeding established herein shall be limited to the question of whether the demand charge differential and the ratchet provision as contained in

the settlement are unduly discriminatory or unlawful. If the settlement demand charge differential and ratchet provision are found unduly discriminatory or unlawful, further proceedings will be established to determine the justness and reasonableness of KCPL's rate increase as originally tendered.

(D) Initial briefs shall be filed one week after the close of the record. Reply briefs shall be filed 10 days after the initial briefs.

(E) Within thirty days of the filing of reply briefs, the Presiding Administrative Law Judge shall issue his initial decision on these matters. Briefs on exceptions shall be filed one week after this decision and briefs opposing exceptions filed 10 days thereafter.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(G) Higginsville's Application for Rehearing is otherwise denied.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-26205 Filed 11-7-74; 8:45 am]

[Docket No. CP74-299]

**KANSAS-NEBRASKA NATURAL GAS CO.,
INC.**

**Order Granting Interventions, Setting
Hearing Date and Prescribing Procedure**

NOVEMBER 4, 1974.

On May 21, 1974, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) filed in Docket No. CP74-299 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities and service in Nebraska and Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Kansas-Nebraska proposes, due to a continuing decline in its recoverable reserves, to abandon the sale and delivery of natural gas to the following five interruptible, electric power generating customers:¹

Direct pipeline customers—

1. Central Nebraska Public Power and Irrigation District, Canaday power plant near Lexington, Nebraska (Central Nebraska).

2. The City of Grand Island power plant at Grand Island, Nebraska (Grand Island).

¹ Each of the customers utilizes natural gas for boiler fuel with a minimum daily requirement which exceeds 10,000 Mcf; and, accordingly, these customers are classified as Category 9 sales as defined by § 2.78(a) of the Commission's General Policy and Interpretations (18 CFR 2.78(a)).

3. The City of Hastings power plant at Hastings, Nebraska (Hastings).

4. The Central Kansas Power Company, Inc., Ross Beach power plant at Hill City, Kansas (Central Kansas).

Customer of Kansas-Nebraska's distribution system in Scottsbluff, Nebraska—

5. Nebraska Public Power District, Bluffs power plant at Scottsbluff, Nebraska (Nebraska Public).

Based upon present and projected gas supply conditions, Kansas-Nebraska considers such abandonment in the best interests of its higher priority firm gas customers and in keeping with the Commission's end use policy.

Kansas-Nebraska says that it plans to phase said customers off of natural gas beginning in 1975 by incremental annual reductions of 20 percent based on volumes delivered during the 12 months ended April 30, 1973, so that complete termination of interruptible service for boiler fuel use and abandonment of related facilities can be made effective by December 31, 1978. Thus, Kansas-Nebraska states, such customers would receive not more than 80% of said volume in 1975, 60% in 1976, 40% in 1977, and 20% in 1978. Kansas-Nebraska states that the proposed four-year phasing-off plan will provide a reasonable time for these five customers to make other provisions for their fuel requirements considering that these customers are interruptible and, therefore, have alternate fuel facilities presently installed. Kansas-Nebraska maintains that by phasing off said customers (which utilize approximately 13 percent of its total system requirements) it can reduce the annual recoverable reserve replacement deficit and thereby extend its reserve life index by approximately 2.4 years.

Kansas-Nebraska proposes to abandon and remove certain facilities located at the delivery points as follows:

1. Central Nebraska Public Power and Irrigation District, Canaday power plant, Lexington, Nebraska: one meter station consisting of dual 8-inch orifice meter runs complete with meters, regulators, valves and instruments all enclosed in a steel building.

2. City of Grand Island, Nebraska, power plant: three meter stations consisting of two dual 8-inch orifice meter runs and one single 6-inch orifice meter run, each of which is complete with meters, regulators, valves, and instruments enclosed in separate steel buildings, together with approximately 4,000 feet of 6-inch line beginning at a point on Applicant's transmission line in Section 14-T11N-R9W, of Hall County, and running to the aforementioned meter stations on the City of Grand Island power plant's property.

3. City of Hastings, Nebraska, power plant: one meter station consisting of a single 8-inch meter run complete with meters, valves and instruments and one regulator station including regulator, valves and gauges.

4. Nebraska Public Power District, Bluffs power plant, Scottsbluff, Nebraska: one meter station consisting of a dual 6-inch and 8-inch meter runs complete with meters, regulators, valves and instruments.

5. Central Kansas Power Company, Inc., Ross Beach power plant, Hill City, Kansas: One meter and regulating station consisting of a single 8-inch meter run complete with meters, regulators, valves and instruments.

Kansas-Nebraska states that the abandonment and removal of facilities herein will not result in the termination of natural gas service to any of its other customers.

Kansas-Nebraska further proposes, in response to a request by Central Nebraska to continue to provide a minor quantity of natural gas to Central Nebraska at its Canaday plant near Lexington, Nebraska. It states that such gas is to be provided for emergency plant start-up the maximum requirement should not exceed 4,000 Mcf per year. Kansas-Nebraska states that such special service would be interruptible, would have a lower priority than its firm residential and commercial gas service, and would be provided under its general service rate existing at the time such gas is delivered. It proposes to install a positive displacement meter with appropriate regulator valves and gauges all enclosed in a protective structure in order to provide the gas requested by Central Nebraska.

On July 3, 1974, Kansas-Nebraska filed an amendment to its application by proposing emergency plant start-up service to four of its five interruptible gas customers to whom it had proposed, in the original application, total abandonment of service.

Kansas-Nebraska states that since the filing of the original application, it has been requested by each of the four electric power generating customers affected by this application, other than Central Nebraska, for special service of a quantity of natural gas for fuel oil burner ignition, flame stabilization and fuel oil heating such as the service proposed to be rendered to Central Nebraska. Kansas-Nebraska asserts that such gas would be required for plant start-up in the event of a total shut-down and would not be used for boiler fuel in the generation of electric power. It estimates that the total volume of such gas supplied to all customers involved should not exceed 70,000 Mcf per year or 500 Mcf per unit per start-up. Kansas-Nebraska states that the special service would have a lower priority than its firm residential and commercial gas service and would itself be interruptible.

Included in the facilities Kansas-Nebraska proposed to abandon and remove in the original application were approximately 4,000 feet of 6-inch pipeline serving Grand Island. In order to provide the special service contemplated herein, it now proposes to utilize that short section of 6-inch line. Accordingly, Kansas Nebraska no longer requests authority to abandon said pipeline which extends from a point on its transmission line in Hall County, Nebraska, to Grand Island.

This application was noticed on June 14, 1974, and was published in the FEDERAL REGISTER on June 21, 1974 (39 FR 22304). The amendment to the application was noticed on August 1, 1974 and was published in the FEDERAL REGISTER on August 7, 1974 (39 FR 28472).

On July 9, 1974, Central Kansas petitioned to intervene and requested a hearing. On the same date, Central Nebraska,

Grand Island, and Nebraska Public filed a motion for extension of time to file petition to intervene, or in the alternative, a joint petition to intervene. The State Corporation Commission of Kansas, filed a notice of intervention on July 10, 1974. On July 22, 1974, Kansas Nebraska filed an answer to Central Kansas' request for formal hearing in which it contested the allegations, and their relevance, of Central Kansas' request. On July 30, 1974, the joint intervenors above amended their petition to intervene by requesting a hearing on the matters in this docket. On August 1, 1974, Central Kansas reasserted its right to a formal hearing in these proceedings. On August 15, 1974, Sunflower Electric Cooperative, Inc., petitioned to intervene and requested a formal hearing.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) Participation by the intervenors listed above may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly section 7 thereof, the Commission's Rules of Practice and Procedure under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing December 3, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the matters involved in and the issues presented by this application.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in the proceeding and shall prescribe relevant procedural matters not herein provided. Following cross-examination, of the direct presentation, the Administrative Law Judge shall establish dates for the filing and presentation of rebuttal and answering testimony, if necessary.

(C) On or before November 20, 1974, Kansas-Nebraska shall file with the Commission and serve upon all parties including Commission Staff, its testimony and exhibits in support of its position.

(D) The parties designated above are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-26201 Filed 11-7-74; 8:45 am]

[Docket No. E-8832]

METROPOLITAN EDISON CO.

Postponement of Hearing Date

NOVEMBER 1, 1974.

On October 30, 1974, Metropolitan Edison Company filed a motion to postpone the hearing dates fixed by Order issued June 6, 1974, as most recently modified by notice issued September 5, 1974. The motion states that Staff Counsel and the Borough of Middletown, the only other parties, do not oppose the extension.

Upon consideration, notice is hereby given that the date for the hearing in the above matter is rescheduled for December 10, 1974, at 10 a.m. e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26199 Filed 11-7-74; 8:45 am]

[Docket No. CP74-147]

**MICHIGAN WISCONSIN PIPE LINE CO. AND
MIDWESTERN GAS TRANSMISSION CO.**

Extension of Time

NOVEMBER 1, 1974.

On October 24, 1974, Midwestern Gas Transmission Company filed a motion to extend the date for accepting the certificate issued by Order of September 24, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the date for accepting said certificate of public convenience and necessity is extended to and including December 9, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26197 Filed 11-7-74; 8:45 am]

[Docket Nos. E-8217 and E-8137]

**NEW ENGLAND POWER SERVICE CO. AND
BOSTON EDISON CO.**

Extension of Procedural Dates

OCTOBER 23, 1974.

In the Notice of Further Extension of Procedural Dates issued October 21, 1974 and published in the FEDERAL REGISTER on October 30, 1974, 39 FR 38291, the caption reads as follows: Boston Edison Company Docket Nos. E-8137 and E-8217, please change to read as follows:

"New England Power Service Company Docket No. E-8217 and Boston Edison Company, Docket No. E-8137".

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26191 Filed 11-7-74; 8:45 am]

[Docket No. E-8888]

OHIO ELECTRIC CO.

Extension of Time

NOVEMBER 1, 1974.

On October 29, 1974, Ohio Electric Company filed a motion to extend the time for filing its direct testimony fixed by order issued September 16, 1974, in the above-designated matter. The motion states that Staff Counsel has no objection

to the change, and there are no intervenors.

Upon consideration, notice is hereby given that the time for filing direct testimony in the above matter is extended to and including November 29, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26198 Filed 11-7-74; 8:45 am]

[Docket No. E-8152]

**OTTER TAIL POWER CO. AND ELBOW
LAKE, MINN.**

Extension of Time

NOVEMBER 1, 1974.

In the matter of Otter Tail Power Co. vs. Village of Elbow Lake, Minnesota.

On October 25, 1974, the Missouri Basin Municipal Power Agency filed a motion to extend the time in which to intervene fixed by order issued October 21, 1974, in the above-designated matter. The change requested would coincide with the date for intervention as fixed in the October 1, 1974, Notice of Filing of Supplemental Amendment to the Complaint. Staff Counsel has no objection to the request.

Upon consideration, notice is hereby given that the date for filing petitions to intervene is extended to and including November 12, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26195 Filed 11-7-74; 8:45 am]

[Project 2088]

**OROVILLE WYANDOTTE IRRIGATION
DISTRICT**

Notice of Application

NOVEMBER 1, 1974.

Public notice is hereby given that application for an extension of time to commence construction of a by-pass tunnel for the lower reach of the Miners Ranch Canal for Project No. 2088 was filed on August 5, 1974, under the Federal Power Act (16 U.S.C. 791(a)-825(r)) by the Oroville Wyandotte Irrigation District (Correspondence to: R. V. Gunther, General Manager, Oroville Wyandotte Irrigation District, Post Office Box 229, Oroville, California 93965 with copies to James W. McDonald, Secretary, Oroville Wyandotte Irrigation District, Post Office Box 229, Oroville, California 93965 and William W. Schwarzer, Esquire, McCutchen, Doyle, Brown and Enerson, 601 California Street, San Francisco, California 94108) located on the South Fork of the Feather River in Butte, Plumas, Sierra and Yuba Counties, California.

Commission order issued January 17, 1974, approved revised Exhibits K and L and amended the license by adding Article 51 thereto. Article 51 provides that the applicant "shall commence construction of the tunnel for the lower reach of the Miners Ranch Canal at the earliest possible date but not later than September 1, 1974," * * * and "shall complete the tunnel by August 31, 1976." Applicant now requests an extension of the

commencement date to May 1, 1975. In support of this request applicant cites the delays attendant to the discussion and litigation between applicant and the California Department of Water Resources which applicant contends is responsible for financing the project. Applicant states that termination of the litigation will clear the way for financing and construction to proceed.

Any person desiring to be heard or to make protest with reference to said application should on or before December 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26193 Filed 11-7-74; 8:45 am]

[Dockets Nos. RP71-119, RP74-31-22]

**PANHANDLE EASTERN PIPE LINE CO.
ET AL.**

**Order Granting Conditional Temporary
Extraordinary Relief**

OCTOBER 31, 1974.

On September 4, 1974, Hercules Incorporated (Hercules) filed a petition for temporary and permanent extraordinary relief from the natural gas curtailments imposed under the presently effective 467-B interim plan which was filed by Panhandle on November 6, 1973.¹ Hercules requests that it be provided with an exemption from curtailment equivalent to an allocation of 7,530 Mcf per day to provide for its feedstock and process requirements essential to the operation of its Missouri Chemical Works plant at Louisiana, Missouri. The ammonia produced at the plant is principally used in the production of fertilizer and as an essential component of explosives that are utilized in the mining of coal.

Until November 1973, the aforementioned plant was served directly by Panhandle under a contract providing for delivery of up to 15,000 Mcf per day of which 500 Mcf per day is allegedly firm and the balance interruptible. Since the latter date Missouri Edison Company, the local distributor serving Louisiana, Missouri, has been provided with a gas supply by Panhandle to enable it to serve Hercules.

¹ Hercules obtains its gas supply from Missouri Edison Company, who, on September 27, 1974, formally joined in and adopted the petition filed by Hercules.

Certain petitioners seeking intervention raise the issue that the joinder of the Missouri Edison Company may not provide a sufficient basis to enable the Commission to afford Hercules, "the customer of a distribution company" the extraordinary relief it seeks in its petition. Our order issued on September 28, 1973, relating to DeKalb AgResearch, Inc. (DeKalb) is cited as support for this proposition.² DeKalb was an indirect customer of Panhandle that was served by a local distribution company. In the DeKalb order the Commission specifically noted that its denial of DeKalb's petition for extraordinary relief did not preclude the filing of petitions for extraordinary relief by the distributor customers of interstate pipeline companies. (See page 6 of the DeKalb order, *supra*). Additionally, the Courts in deciding that Hercules was to be served by Missouri Edison stressed that during times of curtailment that that company was to be treated similarly to those industrial customers being served directly by Panhandle. (See Court's ruling on the Petition for Rehearing and Clarification filed in *Missouri Edison Company v. FPC*, 479 F. 2d 1185 (1973) at p. 1190).

On September 27, 1974, Missouri Edison Company formally joined in and adopted the aforementioned petition filed by Hercules for extraordinary relief from the provisions of Panhandle's presently effective curtailment plan.

Hercules asserts that its plant at Louisiana, Missouri, has a proven production capacity of 70,000 tons of ammonia per year and that in order to achieve this annual capacity the plant must produce at the daily maximum of 213 tons. The natural gas required for the feedstock and process needs to maintain this production level is the 7,530 Mcf per day requested by Hercules. It contends that there are no alternate fuels available for these purposes. Hercules further indicates that under Panhandle's projected curtailment levels for the months of November 1974 through April 1975 its supply will be significantly below the minimum limit to maintain operations of its plant at its proven production capacity. It therefore requests that Panhandle deliver up to 7,530 Mcf per day and 218,865 Mcf per month to Missouri Edison Company for redelivery to it.

Hercules is seeking relief in this proceeding from Panhandle's curtailment with respect to certain volumes of gas that are allegedly utilized for feedstock and for process purposes at its Missouri Chemical Works. It appears that the gas sought will be consumed in a high priority category, since the production from this plant aids in increasing both food and coal production which are important national goals. We therefore will grant the temporary relief requested for the period of November 1974 through April 1975, only, with a pay back requirement

² The above-noted order with respect to DeKalb was issued under the title *Panhandle Eastern Pipe Line Company*, Docket No. RP71-119.

during the months of May 1975 through October 1975.³ In addition, if Panhandle is required to curtail its 467-B Category No. 2 customers during the latter November to April period, then the allocation of gas for Missouri Edison will be subject to curtailment at the same percentage level as other Priority 2 customers.

Several petitions to intervene in the matter relating to Hercules' petition for extraordinary relief in Docket No. RP74-31-22 have been filed with the Commission.⁴ These petitioners generally urge that the Commission deny the petition for extraordinary relief and several alternatively urge that no relief should be afforded until after a hearing has been held. These petitions further contend that Hercules is the customer of a distributor and that the Commission lacks jurisdiction to afford the relief requested. One petitioner seeking intervention notes that there can be no way of assuring that the distributor, Missouri Edison, will flow the needed volumes of gas through to Hercules. Other petitioners stress that Hercules is being accorded scarce supplies of natural gas at the expense of their firm customers and that Hercules has not shown that it will suffer irreparable injury. These petitions to intervene raise legal and factual issues that require further development in an evidentiary proceeding. We will therefore set the petition for extraordinary relief for formal hearing.

Hercules' petition for extraordinary relief is specifically directed to its process and feedstock requirements needed for plant operations and, if justified, those requirements should be classified in Category 3, which category Panhandle anticipates will be curtailed substantially during the 1974-1975 winter heating season.⁵ Additionally, it asserts that there is no alternate fuel for natural gas in its ammonia plant. Thus, temporary relief pending hearing is warranted.

The petitioners seeking intervention have already been permitted to intervene in the proceeding relating to a permanent curtailment plan for Panhandle in Docket No. RP71-119. Since many of the parties in the latter docket may also wish to participate herein, they shall also be deemed parties in Docket No. RP74-31-22 with all of the attendant rights attached thereto. However, in order to

³ During these warmer months under Panhandle's curtailment projections it appears that Hercules' entitlements will be in excess to its Feedstock and Process requirements.

⁴ Petitions to intervene in this proceeding have been filed by Battle Creek Gas Company, Michigan Gas Utilities Company, Citizens Gas Fuel Company, Indiana Gas Company, Inc., Central Indiana Gas Company, Inc., Caterpillar Tractor Company, Columbia Gas Transmission Corporation, City of Indianapolis, General Motors Corporation, Michigan Consolidated Gas Company, Panhandle Eastern Pipe Line Company and Central Illinois Light Company.

⁵ Panhandle's projections indicate curtailment into Category 3, of 48.8 percent in November; 69.3 percent in December; 98.1 percent in January; 78.9 percent in February and 54.6 percent in March. (See p. 3 of Hercules' petition for extraordinary relief.)

maintain an orderly procedure any intervenor desiring to record objections and protest to the requested relief must file a formal protest to the notice of petition stating with particularity the nature of its objections.

The Commission orders: (A) The petition for extraordinary relief filed by Hercules and joined in by Missouri Edison is granted to the extent indicated above, on a temporary basis, pending notice and hearing.

(B) The grant of the temporary relief in ordering paragraph (A) above is specifically conditioned as follows:

(1) That Missouri Edison shall be required to repay all volumes of gas taken under this grant between November 1974 and April 1975 during the months of May 1975 through October 1975.

(2) Hercules' usage of the gas granted hereunder shall be considered as Category 2 for the purpose of ascertaining the allocation of gas for Missouri Edison and shall be subject to curtailment along with other Category 2 requirements.

(3) This grant shall be effective through April 1975.

(4) This grant shall be effective only as long as the volumes provided for herein are delivered to Hercules.

(C) A hearing shall be convened at 10 a.m. (e.s.t.) on November 19, 1974, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. before an Administrative Law Judge to determine whether extraordinary relief should be granted herein on the basis requested in the aforementioned petition for extraordinary relief.

(D) The Chief Administrative Law Judge will designate an appropriate Administrative Law Judge of the Commission to preside at this hearing pursuant to the Commission's Rules of Practice and Procedure.

(E) All parties including intervenors and Staff will file and serve on all other parties their direct evidence and testimony on or before November 6, 1974.

(F) Cross-examination shall commence on November 19, 1974.

(G) Those petitioners seeking permission to intervene in the proceeding entitled *Panhandle Eastern Pipeline Company* (Hercules Incorporated, *et al.*) at Docket No. RP74-31-22, along with all other parties previously granted intervention in the proceeding entitled *Panhandle Eastern Pipeline Company* in Docket No. RP71-119 are permitted to intervene in and participate in the above-styled proceeding relating to the petition for extraordinary relief filed by Hercules Incorporated, *et al.*, in Docket No. RP74-31-22 subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene; *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that subject intervenors might be aggrieved because of any order or orders

issued by the Commission in this proceeding.

By the Commission.*

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26207 Filed 11-7-74;8:45 am]

[Docket No. CP74-304]

SECRETARY OF THE ARMY AND CITIES SERVICE GAS CO.

Further Extension of Procedural Dates

NOVEMBER 1, 1974.

In the matter of Secretary of the Army Applicant, vs. Cities Service Gas Company, Respondent.

On October 25, 1974, Cities Service Gas Company filed a motion for further extension of the procedural dates fixed by order issued September 4, 1974, as modified by notice issued September 27, 1974, in the above-designated matter. The motion states that the Department of the Army and Staff Counsel support the request.

Upon consideration, notice is hereby given that the procedural dates in the above-matter are modified as follows:

Service of Testimony and Exhibits of applicant and respondent, December 4, 1974; Hearing, December 18, 1974 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-26194 Filed 11-7-74;8:45 am]

[Docket No. RP74-91-6]

TENNECO, INC. AND MISSISSIPPI VALLEY GAS CO.

Order Granting Temporary Relief

OCTOBER 25, 1974.

On September 19, 1974, Mississippi Valley Gas Company (Mississippi Valley) filed in Docket No. RP74-91-6 a petition pursuant to § 2.78 of the Commission's rules and regulations and § 1.7(b) of the Commission's rules of practice and procedure requesting: (1) that the Commission grant Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) authorization to restructure its 1974 allocation by transferring 1,500 Mcf from its January-March 1974 curtailment period entitlement to the April-October, 1974 curtailment period; or in the alternative, (2) that the Commission order that no penalty be imposed on Mississippi Valley for volumes of gas taken in excess of its April-Oct., 1974 curtailment period quantity entitlement (CPQE) of 2,769 Mcf as long as the overrun does not exceed the 2,080 Mcf that Mississippi Valley was entitled to take but did not during the January-March, 1974 curtailment period; and (3) that the Commission waive any and all re-

* Commissioner Moody, concurring in part and dissenting in part filed a separate statement which is filed as part of the original document.

quirements which would delay the immediate grant of the relief herein requested.

Mississippi Valley states that during the January-March 1974 curtailment period it purchased 2,070 Mcf less than its CPQE for that period; but that it will purchase more than its CPQE during the April-October 1974, curtailment period. Mississippi Valley states that a miscalculation of the estimates from which the quantity entitlements were calculated resulted from the fact that Mississippi Valley received initial service from Tennessee about November 9, 1971 and was still in the developmental stage when it submitted its estimates for the April-October 1974 period and therefore at a time when actual volumes for 1973 were not available.

Mississippi Valley states that unless the above-stated relief is granted it will have to shut-off service to some of its customers or pay a \$10 per Mcf penalty for unauthorized overruns of gas. We decline to grant Mississippi Valley the relief requested in the instant petition. Tennessee's curtailment plan contains no provision for the storage or banking of unused gas and therefore no retroactive transfer of volumes between periods should be allowed. Furthermore, the volumes requested by Mississippi Valley are no longer available for delivery without the imposition of additional curtailment on other customers. Additionally, we believe that waiver of the unauthorized overrun penalty in the instant proceeding is not merited by the facts set forth in Mississippi Valley's petition. Rather it appears that the basis for the requested relief is simply the miscalculation in the preparation of the estimates. We believe therefore that any relief granted should be allowed solely on that basis. We shall therefore order Tennessee to increase Mississippi Valleys' CPQE for the April-October 1974 curtailment period by 1,500 Mcf subject to a payback requirement, if required by the evidentiary record in the hearing hereinafter ordered in this proceeding.

Timely petitions to intervene were filed by General Motors Corporation (GM) on October 9, and Columbia Gas Transmission Corporation (Columbia) on October 15. While GM does not request a hearing on the matters raised by Mississippi Valley's petition Columbia states "that the petition for emergency relief filed in the captioned proceeding may affect natural gas service to Columbia and the rates under which such service is rendered," and that it believes a formal hearing is necessary to determine whether the requested relief is in the public interest. We shall order a formal hearing be held. At the hearing Mississippi Valley shall provide *inter alia*, testimony and exhibits supporting its need for the additional volumes of gas; Tennessee shall provide, *inter alia*, testimony and exhibits showing whether it has sufficient supply to deliver the volumes requested by Mississippi Valley without impairing deliveries to its other customers.

To date four petitions requesting relief on a similar basis have been filed with and approved by this Commission. Such petitions indicate that Tennessee has made no effort to substantiate the data submitted by its customers for use in its curtailment plan and that Tennessee's customers have been remiss in exercising care in calculating their annual requirements. Tennessee and its customers are hereby put on notice that we fully expect both Tennessee and its customers to exercise a greater degree of care in preparing and substantiating their estimates than has been done in the past. In the future, we will require strict observance of the requirements established in Tennessee's curtailment plan and will permit deviation therefrom upon a showing that will justify a deviation of the priorities of deliveries under § 2.78(c) of our General Policy and Interpretations. In this proceeding, we shall waive as requested the filing requirements of § 2.78(c) since Mississippi Valley is not seeking relief from the priorities of deliveries contained in Tennessee's curtailment plan, nor is it requesting an increase in its total CPQE for the two curtailment periods that are involved herein.

The Commission finds:

(1) That Mississippi Valley's request that its CPQE be adjusted by transferring 1,500 Mcf of the 2,070 Mcf it was entitled to take during the January-March 1974 curtailment period, but did not, should be denied.

(2) That Mississippi Valley's request for waiver of the unauthorized overrun penalty should be denied.

(3) That the filing requirements of § 2.78 of the Commission's Rules and Regulations should be waived in the instant proceeding.

(4) That Tennessee should be authorized and directed to increase Mississippi Valley's entitlement for the April-October 1974 curtailment period by 1,500 Mcf subject to a payback condition as may be directed by future order in this proceeding.

(5) The intervention of the above-named parties may be in the public interest.

(6) That a formal hearing is necessary and proper in the instant proceeding and that the procedures hereinafter established are required for the hearing.

The Commission orders:

(A) That Mississippi Valley's request that its CPQE be adjusted by transferring 1,500 Mcf of the 2,070 it was entitled to take during the January-March 1974 curtailment period to the April-October 1974 curtailment period, but did not, is hereby denied.

(B) That Mississippi Valley's request for waiver of the unauthorized overrun penalty in the instant proceeding is hereby denied.

(C) That the filing requirements of § 2.78 of the Commission's rules and regulations are hereby waived in the instant proceeding.

(D) That Tennessee is hereby authorized and directed to increase Mississippi

Valley's entitlement for the April-October 1974 curtailment period by 1,500 subject to payback as may be determined by future order in this proceeding.

(E) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing December 5, 1974 at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in these proceedings pursuant to the Commission's Rules of Practice and Procedure.

(G) Mississippi Valley and Tennessee are hereby ordered and required to file their testimony and exhibits in response to, but not limited to the issues set out above on all parties, including Commission Staff on or before November 20, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26202 Filed 11-7-74; 8:45 am]

[Docket No. RP-75-16-3]

**TRANSCONTINENTAL GAS PIPE LINE
CORP. AND SOUTH JERSEY GAS CO.**

Petition for Extraordinary Relief

NOVEMBER 1, 1974.

Take Notice that on October 17, 1974, South Jersey Gas Company (South Jersey) filed a petition for extraordinary relief, pursuant to § 1.7(b) of the Commission's rules of practice and procedure. South Jersey requests that the Commission issue an order directing Transcontinental Gas Pipeline Corporation (Transco) to deliver a minimum of 14,542,361 Mcf to South Jersey during the period from November 16, 1974, to April 15, 1975, with provision for a monthly peak requirement of 3,853,300 Mcf and a daily peak requirement of 124,300 Mcf. South Jersey states that deliveries would be made pursuant to Transco's CD-3 natural gas supply contract with South Jersey.

South Jersey states that it purchases its entire pipeline supply of natural gas from Transco at points within the boundaries of the State of New Jersey and resells the gas to various customers for consumption within the State of New Jersey. South Jersey states that it currently supplies natural gas on a firm contract demand basis to 19 large industrial customers which employ a total of approximately 25,000 persons with wages currently totalling \$284.25 million per year.

South Jersey states that Transco has recently announced to its customers that their available gas supply for the year commencing November 16, 1974, would be

approximately 20 Bcf less than the September 1 estimate which formed the basis of the basic entitlements contained in Transco's proposed Interim Settlement Agreement filed on September 30, 1974. In light of this recent revelation, South Jersey claims that their firm industrial customers will suffer adverse economic effects.

In support of its petition, South Jersey alleges that some of its firm industrial customers have indicated that presently foreseeable firm industrial curtailments will force them to close down or would necessitate reduction in operations resulting in layoffs and loss of business. South Jersey states that, based on information furnished by its customers, the foreseeable curtailments would cause direct unemployment of approximately 8,200 workers representing a payroll of \$22.9 million. South Jersey states that seven of its customers are major manufacturers of glass containers used primarily for the packaging of pharmaceutical, health care products, and food and beverages; and two customers produce building insulation which is essential to the conservation of heating fuels. South Jersey states that under the projected curtailments by Transco, serious shortages in the pharmaceutical and food packaging industries would result. South Jersey states that, if over the longer term, it is unable to provide adequate supplies to its firm industrial customers, those customers will be forced to close down entirely or move to another state, which would have a disastrous effect on the economy of New Jersey. South Jersey further states that any significant cut-back in their operations will not only have a severe impact on the economy of southern New Jersey, but will have a serious "ripple" effect on industries critical to the health and welfare of the nation. South Jersey requests the additional volumes of natural gas to provide its large firm industrial customers with their essential natural gas needs.

A shortened notice period in this matter may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should, on or before November 12, 1974, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the proper action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26196 Filed 11-7-74; 8:45 am]

[Dockets Nos. RP74-20, RP74-83]

UNITED GAS PIPE LINE CO.

Hearing and Consolidating Proceedings on Proposed Rate Increase

OCTOBER 31, 1974.

On September 20, 1974, as amended on October 25, 1974, and on September 23, 1974, United Gas Pipe Line Company (United) tendered for filing proposed increases in its transportation rates for services rendered for Western Gas Corporation (Western) under Rate Schedule X-25¹ and Cities Service Oil Company (Cities Service) under Rate Schedule X-34², respectively. The proposed changes would result in increased revenues from service for Western of \$18,719 annually and from service for Cities Service of \$247,239 annually, to become effective November 1, 1974. United also proposes to revise Rate Schedule X-34 to change the pressure base to 14.73 pounds per square inch, and to provide for measurement of gas in accordance with the provisions of Gas Measurement Committee Report No. 3 of the American Gas Association.

The rate schedules provide for specific rates which are based upon United's average jurisdictional transmission cost of service in the Southern Rate Zone for Cities Service and in the Northern Rate Zone for Western, which costs are initially determined by United based upon any general rate increase filing made by United with the Commission. The rate schedules also provide that the effective date for the new transportation rates will be the effective date of the rates under United's general rate increase filing and that in the event the rates in the general rate increase filing are subsequently reduced, the transportation rates will be appropriately reduced and appropriate refunds made, United therefore requests that the cost information and data in United's general rate increase filing in Docket No. RP74-83 be incorporated by reference and that the instant filings be accepted for filing, to become effective November 1, 1974.

Notice of the filings was issued on October 22, 1974. No comments or petitions to intervene have been received.

Our review of United's filing indicates that certain issues have been raised which may require development in an evidentiary proceeding. The proposed transportation rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Moreover certain issues of law

¹ On October 25, 1974, United filed Substitute Second Revised Sheet No. 187 which replaced Second Revised Sheet No. 187 (filed September 20, 1974) of Rate Schedule X-25 in FPC Gas Tariff, Original Volume No. 2.

² FPC Gas Tariff, Original Volume No. 2, First Revised Sheet Nos. 271 through 286, Second Revised Sheet No. 289-A, and First Revised Sheet No. 301 of Rate Schedule X-34.

and fact raised in the instant filings are similar to those raised in United's general rate increase proceeding in Docket No. RP74-83, et al. Accordingly, we shall accept for filing the instant filings, permit them to become effective, subject to refund, on November 1, 1974, and consolidate the proceeding with respect to the instant filings with United's general rate increase proceeding in Docket No. RP74-83, et al., for purposes of hearing and decision and direct that the consolidated proceedings be made subject to procedures prescribed in Docket No. RP74-83, et al. However, this consolidation shall not be the basis for delay of the procedural dates set in Docket No. RP74-83, et al.

The Commission finds:

(1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that United's transportation rate filings made on September 20, 1974, as amended, and on September 23, 1974, be accepted for filing, and made effective subject to refund as of November 1, 1974, and that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in United's transportation rate filings.

(2) Good cause exists to consolidate the proceeding with respect to the instant filings with United's general rate increase proceeding in Docket No. RP74-83, et al., for purposes of hearing and decision and to provide that the consolidated proceedings be made subject to the procedures prescribed in Docket No. RP74-83, et al. However, this consolidation shall not be the basis for delay of the procedural dates set in Docket No. RP74-83, et al.

The Commission orders:

(A) Pursuant to authority of the Natural Gas Act, particularly section 4 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing shall be held concerning the lawfulness and reasonableness of United's proposed increased transportation rates to Western and Cities Service in the instant filings.

(B) Pending a hearing and decision thereon, United's rate filings are accepted for filing and made effective, subject to refund, as of November 1, 1974.

(C) This proceeding is hereby consolidated for purposes of hearing and decision with the proceeding involving United's general rate increase in Docket Nos. RP74-83, et al., and the consolidated proceedings shall be subject to the procedures prescribed in Docket No. RP74-83, et al. However, this consolidation shall not be the basis for delay of the procedural dates set in Docket No. RP74-83, et al.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26204 Filed 11-7-74;8:45 am]

[Docket No. E-9005]

VIRGINIA ELECTRIC AND POWER CO.
Supplemental Contract Filing; Correction

OCTOBER 17, 1974.

In the Notice of Supplemental Contract Filing issued September 19, 1974 and Published in the FEDERAL REGISTER on October 3, 1974 39 FR 35716, First Paragraph of Notice Change "Applicant's Rate Schedule FPC No. 83-27" to "Applicant's Rate Schedule FPC No. 91-12"

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26190 Filed 11-7-74;8:45 am]

FEDERAL RESERVE SYSTEM

CHASE MANHATTAN CORP.

Order Denying Acquisition of Dial Financial Corp.

The Chase Manhattan Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act of 1956, 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 Dial Financial Corporation, Des Moines, Iowa ("Dial"). Dial through its subsidiaries engages in the activities of making direct consumer installment loans, secured and unsecured, to individuals (in most instances, by direct customer contact, in some instances, by mail); selling credit life, and credit health and accident insurance policies to those individuals; underwriting (in Missouri only), or reinsurance of, such insurance; selling to those individuals insurance on property (other than automobiles) in which a subsidiary of Dial has a security interest; purchasing installment sales finance contracts from retailers; and providing data processing services, including computerized general accounting services, computerized billing services, and computerized delinquent list preparation, and the use of computer time, to its subsidiaries and other consumer credit companies.

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 11223 (March 26, 1974)). The time for filing comments and views has expired; and the Board has considered all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

The Board, by Order of January 30, 1974,¹ denied an application by Applicant to acquire shares of Dial.

The possible adverse effects of the first application are also present in the instant application. The instant application differs from the earlier application principally in that it contains a proposal to lower to 30 per cent the maximum annual percentage rate charged by Dial for new

¹ 39 FR 4814 (February 7, 1974); 60 Fed. Res. Bulletin 142 (1974).

loans. Such a rate reduction affects less than 7 per cent of Dial's receivables and would benefit only certain customers of Dial. Although the Board regards rate reductions in the consumer finance industry as constituting a public benefit, the Board finds that the aggregate public benefits that may reasonably be expected from the affiliation of Applicant and Dial do not outweigh the possible adverse effects of such an affiliation which were enumerated in the Board's Order of January 30, 1974.

Accordingly, based upon the foregoing and other considerations reflected in the record, and for the reasons stated herein and in the Board's Order of January 30, 1974, which are hereby incorporated by reference herein, the application should be, and hereby is, denied.

By order of the Board of Governors,² effective October 31, 1974.

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

[FR Doc.74-26172 Filed 11-7-74;8:45 am]

DETROITBANK CORP.

Acquisition of Bank

Detroitbank Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of The Detroit Bank-Southfield, Southfield, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 18, 1974.

Board of Governors of the Federal Reserve System, October 31, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary to the Board.

[FR Doc.74-26176 Filed 11-7-74;8:45 am]

DOMINION BANKSHARES CORP.

Acquisition of Bank

Dominion Bankshares Corporation, Roanoke, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of Smithfield, Smithfield, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment

² Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich, and Coldwell. Absent and not voting: Governor Sheehan.

on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 18, 1974.

Board of Governors of the Federal Reserve System, October 31, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26175 Filed 11-7-74;8:45 am]

ERIE BANKSHARES, INC.

Formation of Bank Holding Company

Erie Bankshares, Inc., Erie, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 97 percent of the voting shares of Home State Bank, Erie, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Erie Bankshares, Inc. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4b(2) of the Board's Regulation Y, for permission to acquire the Virgil A. Lair Agency, Erie, Kansas, an agency that primarily sells credit life and credit accident and health insurance. Notice of the application was published on June 20, 1974 in The Erie Record, a newspaper circulated in Erie, Kansas.

Applicant states that it will expand the above insurance business and proposes to engage in general insurance agency activities, including the sale of credit life, accident and health, crop, automobile fire and casualty, fire and homeowners (town and farm), inland marine (town and farm), farm theft, livestock, and boats and outboard motors insurance. Such activities will be conducted on the premises of Home State Bank, Erie, Kansas, a community having a population of less than 5,000 persons. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 29, 1974.

Board of Governors of the Federal Reserve System, October 31, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26173 Filed 11-7-74;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent, less directors' qualifying shares, of the voting shares of the successor by merger to Nassau Bay National Bank of Clear Lake, Nassau Bay, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording 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 is the largest banking organization in Texas and presently controls 18 banks¹ with aggregate deposits of approximately \$3 billion, representing approximately 7.96 per cent of total commercial bank deposits in Texas.² Approval of this application would increase Applicant's share of statewide deposits by less than 0.1 of 1 per cent and would have no appreciable effect upon the concentration of banking resources in the State.

Bank is the 52nd largest of 140 banking organizations in the Houston banking market (approximated by the Houston SMSA, comprised of Harris County and five adjacent counties) and holds approximately \$23.6 million in deposits, or about 0.2 per cent of total commercial deposits in the market. Applicant, having

¹ In addition, Applicant indirectly controls interests of less than 25 per cent in two banks; Applicant has agreed to divest its minority interests in the two banks. Also, on October 1, 1974, the Board approved Applicant's proposal for the acquisition of International Bank of Commerce, Laredo, Texas, and on October 25, 1974, the Board approved Applicant's proposed acquisition of Bank of Alameda, Houston, Texas.

² All deposit figures are as of December 31, 1973, and reflect holding company formations and acquisitions approved by the Board through September 15, 1974.

three subsidiaries in the market with approximately \$340.4 million in deposits, holds 3.7 per cent of total market deposits and is the sixth largest banking organization in the market. Applicant's subsidiary nearest to Bank is some 22 miles away; there is no substantial existing competition between Bank and any of Applicant's existing subsidiaries due to such geographic separation. In view of the distances involved, the number of banks in the intervening areas, and Texas' prohibitive branching laws, it is unlikely that any such competition will develop. Ease of entry into the market would not be significantly diminished for numerous other medium-sized banks remain as potential entry points. Also, Bank's relatively small size precludes its being considered as the potential lead bank of a holding company structure. The Board therefore concludes that consummation of the proposed acquisition would not have a significant adverse effect on existing or potential competition.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval, especially in light of Applicant's projected increase in the capital structure of Bank through Applicant's proposed addition of \$125,000 of equity capital from the capital of the interim bank and through Applicant's proposed issuance of \$350,000 in subordinated debentures. Applicant's acquisition of Bank would give Bank access to Applicant's wide range of banking expertise, particularly in the areas of investments counseling, trust services, real estate and oil and gas property management, and factoring, and would improve Bank's access to capital markets as a member of a bank holding company. Considerations relating to the convenience and needs of the community to be served lend weight toward approval. It is the Board's judgment that the proposed acquisition is in the public interest and should be approved.

On the basis of the record, 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,³
effective October 30, 1974.

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

[FR Doc.74-26177 Filed 11-7-74; 8:45 am]

FORT CALHOUN INVESTMENT CO.

Formation of Bank Holding Company

Fort Calhoun Investment Company, Fort Calhoun, Nebraska, has applied for

³ Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland, Wallich, and Coldwell.

the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 99.99 per cent of the voting shares of Fort Calhoun State Bank, Fort Calhoun, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Fort Calhoun Investment Company has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage de novo in general insurance agency activities. Notice of the application was published on October 7, 1974 in The Pilot-Tribune, a newspaper circulated in Fort Calhoun, Nebraska.

Applicant states that it proposes to sell general insurance including, but not limited to, life insurance, sickness, accident and health insurance, and hospital and medical insurance. Such activities will be conducted from the premises of the Fort Calhoun State Bank, Fort Calhoun, Nebraska, in a community with a population not exceeding 5,000 persons. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 18, 1974.

Board of Governors of the Federal Reserve System, October 31, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26171 Filed 11-7-74; 8:45 am]

SOUTHWEST NATIONAL CORP.

Formation of Bank Holding Company

Southwest National Corporation, Albuquerque, New Mexico, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act

(12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 per cent or more of the voting shares of The Carlsbad National Bank, Carlsbad, New Mexico, and The Bank of Las Vegas, Las Vegas, New Mexico, and through acquisition of all the voting shares (less directors' qualifying shares) of Southwest National Bank, Albuquerque, New Mexico, a proposed new bank. The Factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than November 29, 1974.

Board of Governors of the Federal Reserve System, October 31, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26174 Filed 11-7-74; 8:45 am]

GENERAL ACCOUNTING OFFICE

ATOMIC ENERGY COMMISSION

Receipt of Regulatory Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 21, 1974. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

ATOMIC ENERGY COMMISSION

Request for clearance of application, reporting and recordkeeping requirements contained in 10 CFR 30.51, 33.13, 33.14, 33.15, 36.22(c) and 36.24(c) of the Commissions Regulations pertaining to the licensing of byproduct material; frequency of each requirement is on occasion; potential respondents are certain byproducts material licensees; respondent burden varies greatly depending on the requirement and is estimated at 50,785 total man hours annually.

ATOMIC ENERGY COMMISSION

Request for clearance of application, reporting and recordkeeping requirements contained in 10 CFR 31.5(c), 32.51, 32.51a and 32.52, as amended, in the Commissions Regulations. These amendments pertain to a revision of the general license for industrial devices; frequency of each requirement is on

occasion; potential respondents are certain byproduct material licensees; respondent burden varies greatly depending on the requirement and is estimated at 1,417.5 total man hours annually.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc.74-26146 Filed 11-7-74;8:45 am]

ATOMIC ENERGY COMMISSION

Receipt of Regulatory Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 22, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

ATOMIC ENERGY COMMISSION

Request for clearance of application, reporting and recordkeeping requirements contained in 10 CFR 70.32 pertaining to conditions of special nuclear material licenses; frequency of each reporting requirement is on occasion; potential respondents are certain special nuclear material licensees; respondent burden for all of 70.32 is estimated at 114 total man hours annually.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc.74-26147 Filed 11-7-74;8:45 am]

FEDERAL TRADE COMMISSION

Receipt of Regulatory Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 17, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL TRADE COMMISSION

Request for clearance of a single time reporting requirement of Form EEM, Economic Report on the Electrical Equipment Manufacturing Industry; potential respondents are 50 heavy electrical equipment manufacturers; responses are mandatory under FTC Act 15 U.S.C. 46; respondent burden is estimated at 82 hours for each respondent.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc.74-26148 Filed 11-7-74;8:45 am]

NATIONAL COMMISSION FOR MANPOWER POLICY

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463, 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will hold its initial meeting November 14, 1974 in the California Room of the Statler Hilton Hotel, 16th and K Streets N.W., Washington, D.C., starting at 10 a.m.

The Commission was established by Title V of the Comprehensive Employment and Training Act (P.L. 93-203) enacted December 28, 1973. The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, as well as other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations of the Nation's manpower policies and programs.

The agenda for the meeting is as follows:

1. Administration of the Oath of Office and Official Remarks.
2. Introduction of Commission Members.
3. Appointment of the Commission's Director and Adoption of Operational Procedures for the Commission, including discussion of Commission's acceptance of gifts per provided statutory authority.
4. Review of the Commission's Statutory Charge.
5. Development of the Commission's Work Plan and Activities.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Commission is empowered to conduct the meeting in a fashion that will, in his judgment facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Commission may do so, either before or after the meeting.

Minutes of the meeting will be made available for public inspection at Room 2218, Labor Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 6th day of November 1974.

ROBERT HALL,
Acting Director, National
Commission for Manpower Policy.

NOTE: This notice is late because it was learned only yesterday that the meeting was not to be held at the White House as originally planned.

[FR Doc.74-26415 Filed 11-7-74;10:16 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 November 5, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, 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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Development of Graduate Level Curriculum to Train Voc. Education Curriculum Specialist, Form OE 379, 379-1, 379-2, Single time, Planchon (395-3898), Johnston (395-3840), Voc. Ed. admin. curriculum developers.

National Institute of Education: Community Opinion Survey, Form NIE 83, Single time, Planchon (395-3898) Parents in Alum Rock Union School District, San Jose, Calif. Health Resources Administration: National Survey of Family Growth, Cycle II; Pretest Questionnaires, Form HRANCHS 1003, Single time, Hall (395-4697), Ever-married women 15-44, Selected single women 18-44.

Departmental: Perspectives Toward Age-Segregated Vs. Age-Integrated Information and Referral Services for the Elderly, Form OS 45-74, Single time, HRD (395-3532), Caywood (395-3443), Program users at 30 sites.

Departmental: Quality of Organizational Structure of Information and Referral Services for the Elderly, Form OS 46-74, Single time, HRD (395-3532), Caywood (395-3443), Program users of information and referral services at 30 sites.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration: Flashing Traffic Control Device Survey Questionnaire, Form ----, Single time, Lowry (395-3772), State highway dept. & city traffic agencies.

Open-ended Interview Guidelines for Community Participation Study, Form ----, Single time, Strasser (395-3880), Selected knowledgeable informants.

REVISIONS

DEPARTMENT OF AGRICULTURE

Economic Research Service: Marketing Florist Crops in 11 Selected SMSA's, Form ----, Single time, Lowry (395-3772), Business firms.

Statistical Reporting Service: Sheep Predator Survey, Form ----, Single time, Lowry (395-3772), Sheep ranchers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Institutional Release of Federal Funds/Request for Additional Federal Funds under the SEOG Program, Form 1286, Occasional, Lowry (395-3772), Institutions of post-secondary education participating in programs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research: Housing Assistance Supply Experiment Survey of Tenants and Homeowners, Wave 2, Form ----, Single time, CVA (395-3532), Sunderhauf (395-4911), Households in sample SMSA.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard: Designation of Home Port of Vessel, Form CG 1319, Occasional, Lowry (395-3772), Vessel owners.

Federal Highway Administration: Outdoor Advertising Report, FHWA 1424, Quarterly, Strasser (395-3880), 52 State highway departments.

EXTENSIONS

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard:

Certificate of Admeasurement, Form CG 1414, Occasional, Evinger (x) (395-3648).
Application for Renewal of Coast Guard Certificate of Approval, Form CGHQ 4350, Occasional, Evinger (x) (395-3648).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-26323 Filed 11-7-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5557]

DELMARVA POWER & LIGHT CO.

Proposed Issue and Sale of Bonds

NOVEMBER 1, 1974.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19899, a registered holding company and a public-utility company, has filed a declaration and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, up to \$30,000,000 principal amount of First Mortgage Bonds and Collateral Trust Bonds, --% Series due to mature not less than 5 years nor more than thirty years from the first

day of the calendar month during which the bonds are to be issued. The interest rate (which shall be a multiple of $\frac{1}{8}$ of 1%) and the price to be paid to Delmarva, exclusive of accrued interest, (which shall be not less than 99% nor more than 101.75% of the principal amount thereof) for the bonds will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust, dated October 1, 1943, between Delmarva and Chemical Bank, Successor Trustee, as heretofore supplemented and as to be further supplemented by a Forty-eighth Supplemental Indenture dated as of June 1, 1974 which includes a prohibition until December 1, 1979 against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost.

It is stated that the net proceeds from the sale of the bonds will be applied toward the retirement of unsecured short-term notes issued primarily for interim financing of the construction programs of Delmarva and its subsidiary companies and for other corporate purposes. As of September 17, 1974, such short-term notes outstanding amounted to \$51,950,000. Delmarva estimates that its construction program for the remainder of 1974 and for 1975 will require expenditures of \$179,161,451.

The amended declaration states that it is expected that the bonds will be issued and sold pursuant to the competitive bidding requirements of Rule 50. However, in view of the increased difficulty encountered by utilities in selling bonds under the current unsettled conditions in the securities market, Delmarva may request by amendment to its declaration, that the sale of the Bonds be excepted from the competitive bidding requirements of Rule 50.

The amended declaration further states that the issuance and sale of the bonds is subject to the approval of The Public Service Commission of Delaware, and indicates that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred by Delmarva in connection with the sale of the bonds will be in the aggregate amount of \$105,000, which includes \$40,800 for printing expenses, \$12,000 for legal fees and \$12,000 for accounting services.

Notice is further given that any interested person may, not later than November 25, 1974, 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 amended 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 declarant at the above-

stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26159 Filed 11-7-74;8:45 am]

[70-5463]

GEORGIA POWER CO.

Increase in Aggregate Amount of Short-Term Borrowings

NOVEMBER 1, 1974.

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, N.W., Atlanta, Georgia 30303, an electric utility subsidiary company of The Southern Company, ("Southern"), a registered holding company, has filed with this Commission a fourth post-effective amendment to its previously amended application in this proceeding, designating section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5)(B) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transaction.

By Order in this proceeding dated July 31, 1974 (HCAR No. 18517), the Commission authorized Georgia to issue and sell short-term notes not exceeding an aggregate principal amount of \$250,000,000 at any one time outstanding, during the period from August 1, 1974, to March 31, 1975. In said post-effective amendment Georgia requests authorization to increase the previously authorized \$250,000,000 to a maximum aggregate principal amount of \$450,000,000 at any one time outstanding through March 31, 1975.

Georgia's financing program for 1974 contemplated, in addition to the presently authorized \$250,000,000 of short-term borrowings, the sale of \$410,000,000 of first mortgage bonds and \$60,000,000 of preferred stock. Sales of first mortgage bonds aggregating \$280,000,000 (\$150,000,000 in January and \$130,000,000 in August) have been accomplished. On July 17, 1974, 600,000 shares (\$60,000,000) of preferred stock was offered

at competitive bidding (HCAR No. 18491, July 9, 1974) but no bids were received.

Georgia is restricted in the amounts of first mortgage bonds and preferred stock which it can issue for such purposes by reason of earnings coverage requirements contained in its bond indenture and charter. Georgia was unable to meet these requirements as of the twelve month period ended September 30, 1974. Georgia states that due to coverage requirements and prevailing market conditions, it is uncertain as to when and in what amounts additional sales of its first mortgage bonds may be accomplished. Budgetary information provided by this post-effective amendment, however, indicates that Georgia presently plans to market \$150,000,000 of bonds each in May and November 1975. Although by Order dated July 24, 1974 (HCAR No. 18510) the Commission authorized Georgia to negotiate for the sale of the \$60,000,000 of preferred stock, Georgia states that prevailing conditions in the preferred stock market and the earnings coverage limitation make uncertain when it may be able to sell additional preferred stock. Its budgetary forecasts, however, indicate present plans for marketing the \$60,000,000 preferred stock in November 1975.

In addition to these necessary deferments of long-term financing totalling \$360,000,000, the filing indicates that \$36,000,000 of capital previously expected to be received in 1974 from pollution-control financing (See HCAR No. 18541) will be deferred until 1975.

At September 30, 1974, Georgia's outstanding notes payable to banks amounted to \$155,852,000. Its additional cash requirements for construction indicate that total borrowings from that source, assuming the necessary authorization, will increase to \$292,852,000 by December 31, 1974, with further increases scheduled thereafter.

It is stated that 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 November 26, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by said post-effective amendment to the application as amended, which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. 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 by said post-effective amendment 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.74-26160 Filed 11-7-74;8:45 am]

AMERICAN STOCK EXCHANGE, INC., AND CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Plan for Reporting of Option Last Sale Price Information

Notice is hereby given that the American Stock Exchange, Inc. (Amex) and the Chicago Board Options Exchange, Inc. (CBOE) have each filed pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1) a proposed plan for the reporting and dissemination of last sale prices of listed options in securities to be incorporated in their respective options plans.

The Plan calls for the development of a common tape carrying the consolidated last sale prices of options listed on the two Exchanges, and the furnishing of such last sale prices on a current basis and in a uniform format to vendors and news services. Other national securities exchanges receiving Commission approval for the trading of listed options may become parties to the Plan by agreeing to comply with the terms thereof.

The proposed Plan for the reporting of option last sale price information will become effective on December 9, 1974, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the changes in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed Plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. All amendments that have been made to the Amex's plans have been placed in their respective option files under file number S7-505. The proposed Plan is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 5, 1974.

[FR Doc.74-26236 Filed 11-7-74;8:45 am]

AMERICAN STOCK EXCHANGE, INC., AND CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Rules for a Common Clearing Corporation

Notice is hereby given that the American Stock Exchange, Inc. (Amex) and the Chicago Board Options Exchange, Inc. (CBOE) have each filed pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1) the proposed charter, by-laws and rules of the Options Clearing Corporation (OCC).

The OCC was originally organized and has been operating as a wholly owned subsidiary of the CBOE under the name Chicago Board Options Exchange Clearing Corporation (CBOECC). With the proposed option trading plans of the Amex reaching their final stages, the CBOECC was reorganized to be the issuer of the options which may be purchased or sold in transactions on any participating exchanges (Amex and CBOE) with each exchange having an ownership and voting interest in the operation of the OCC. Provisions of the OCC also provide for any other exchange which has been qualified under the rules of the SEC for option trading to become a participating exchange. (Two finalized agreements between the CBOE and Amex concerning exchange participation and access for other option exchanges will be filed shortly.)

The proposed OCC charter, by-laws and rules will become effective on December 9, 1974, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the changes in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed OCC charter, by-laws and rules either before or after they have become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. All amendments that have been made to the Amex's plans have been placed in their respective option files under file number S7-505. The proposed rules are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 4, 1974.

[FR Doc.74-26237 Filed 11-7-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0163]

MID-ATLANTIC FUND, INC.

Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small

Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1974)), to transfer control of Mid-Atlantic Fund, Inc., 645 Madison Avenue—7th Floor, New York, New York 10016, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act).

Mid-Atlantic Fund, Inc., was licensed on October 12, 1964, with private capital of \$151,500 which has been increased to \$385,500. The transfer of control will be from Ethel Leibowitz and Everbest Management Co., who each own 50 percent of the Licensee to nine stockholders, 4 of which will own more than 10 percent of the total stock outstanding.

It is anticipated that its private capital will be further increased to \$500,000 by the new stockholders within a period of twelve (12) months after approval of the transfer of control.

Subsequent to the change of ownership and transfer of control, the officers, directors and major shareholders will be:

Name	Title	Stock owned (percent)
William C. Morris, 46 East 65th St., New York, N.Y. 10021.	President, director.	6
Catherine M. Valentine, 89-05 98th St., Woodhaven, N.Y. 11421.	Vice president, secretary, director.	19
James J. Storrow, Jr., 25 East End Ave., New York, N.Y. 10028.	Director	19
Robert G. Morris, 27 Candlewood Lane, Williams-ville, N.Y. 14221.	do	25
Edwin S. Webster III, 33 Linda Isle, Newport Beach, Calif. 92660.	do	25
Linda E. Storrow, Jr., 25 East End Ave., New York, N.Y. 10028.	do	24
Arbuthnot, Latham & Co., Ltd., 27 Queen St., London, England.	do	14

There will be no change of name and address, area of operations, or in the investment policy of the present licensed small business investment company (Mid-Atlantic Fund, Inc.).

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, the other new officers and directors, and the probability of successful operations of the company with new control and management in accordance with the Act and Regulations.

Notice is further given that any interested person may submit their comments on the proposed transfer of control to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416 on or before November 18, 1974.

A similar notice shall be published by the proposed purchasers in a newspaper of general circulation in New York City, New York.

Dated: October 29, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.74-26124 Filed 11-7-74; 8:45 am]

UNITED STATES INFORMATION AGENCY

UNITED STATES ADVISORY COMMISSION ON INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on December 9, 1974. The morning session will commence at 9:15 a.m., in Room 660 at 1776 Pennsylvania Avenue, N.W., Washington, D.C., and will be devoted to a presentation by the Office of Motion Pictures and Television (IMV) of USIA of its programs and policies. A summary of the agenda follows:

I. IMV Audiences and How We Reach Them.

- A. Audiences.
 1. Mass or private.
 2. World-wide: by language and single country.

- B. Program Vehicles.
 1. Videotapes, films, etc.
 2. Acquired Agency products and review procedures.

- II. New Priorities.
 - A. Export Promotion.
 - B. Tourism.
 - C. Bicentennial.

- III. IMV Mission in 1975.
 - IV. Excerpts from IMV program materials shown in closed session, except for groups specified in 22 U.S.C. 1461.

The morning session will be open to the general public, except during the showing of Agency program materials. This portion of the meeting will be closed pursuant to section 10(d) of the Federal Advisory Committee Act and section 552(b)(3) of the Freedom of Information Act (Pub. L. 90-23), which relates to matters that are "specifically exempted from disclosure by statute." Subject to specified exceptions, section 501 of the United States Information and Educational Exchange Act of 1948, as amended, prohibits domestic dissemination of USIA program materials.

Persons wishing to attend the morning session should contact Mr. Louis T. Olom, Staff Director, U.S. Advisory Commission on Information, Room 1008, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20547, so that adequate space will be assured. Written statements concerning topics set forth in the agenda should also be submitted to Mr. Olom.

The afternoon luncheon session of the meeting will commence at 12:30 p.m. at the Georgetown Club at 1530 Wisconsin Avenue, NW., Washington, D.C. and will be devoted to a discussion with representatives of the Office of Personnel and Training of "Promotion and Selection Out in the Foreign Service." This session will be closed pursuant to section 10(d) of the Federal Advisory Committee Act and section 552(b)(2) of the Freedom of Information Act since it will deal with matters that are "related solely to the internal personnel rules and practices of an agency." The discussions are concerned with "employer-employee relations" which are related solely to the internal operations of the Agency. A summary of the agenda follows:

I. History of the Promotion and Selection Out Processes.

- II. Current Promotion Board Procedures.
 - A. Composition of Boards.
 - B. Work of the Boards; Preparation of Results.

III. Selection Out and Due Process Hearing.

- IV. General Comments.
 - A. Fairness of the System.
 1. New Form DS-1731.
 2. Adequacy of evaluations.
 - B. Logistical Complexities of Evaluation Process.

- C. Clearance of Public Members.
- D. Possible Improvements of the System.

WALTER W. JONES,
Chief, Management Division,
Office of Administration and
Management.

[FR Doc.74-26211 Filed 11-7-74; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARD FOR OCCUPATIONAL EXPOSURE TO BENZENE

Intent To Prepare an Environmental Impact Statement

The National Environmental Policy Act of 1969 (42 U.S.C. Section 102) requires each Federal agency to consider the environmental effects of proposed actions and to prepare environmental impact statements on major actions significantly affecting the quality of the human environment. Accordingly, the Occupational Safety and Health Administration, U.S. Department of Labor, in conformance with its procedures for environmental impact statements (29 CFR Part 1999), announces its intention to prepare an environmental statement assessing the impact of a standard for occupational exposure to benzene to be published in the FEDERAL REGISTER in the near future.

The Office of Standards Development, Occupational Safety and Health Administration, is currently collecting information and data on possible environmental impacts of an occupational standard, such as any adverse environmental effects which cannot be avoided should a standard be adopted; alternatives to such a standard; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and any irreversible commitments of resources which would be involved if a standard should be implemented. Those issues of particular interest are:

(1) Any medical or toxicological evidence which indicates that exposure to benzene produces adverse health effects, and quantification of the extent to which exposure is a hazard.

(2) Current levels of occupational exposure.

(3) Any information indicating the decrease in the health hazard to workers that will result from implementation of the proposed standard.

(4) Any other pertinent information.

Any person having information or data on this subject which is not readily available in the open literature or which has not previously been submitted to the Office of Standards Development is invited

to submit it, with accompanying documentation, to the Director, Office of Planning, Evaluation and Research, Occupational Safety and Health Administration, 1726 M Street, NW., Room 1010, Washington, D.C. 20210, by November 30, 1974. All information received will be available for public inspection at the Office of Planning, Evaluation and Research.

When the draft environmental impact statement on benzene is completed, copies will be available to any member of the public who requests it.

Comments on the draft statement should be sent to the Office of Planning, Evaluation and Research, Occupational Safety and Health Administration. Five duplicate copies of such comments must be submitted concurrently to the Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006. A 45-day period will be allowed for the submission of comments after publication of the draft environmental statement.

Signed at Washington, D.C., this 31st day of October, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-26233 Filed 11-7-74;8:45 am]

STANDARD FOR OCCUPATIONAL EXPOSURE TO INORGANIC ARSENIC Intent To Prepare an Environmental Impact Statement

The National Environmental Policy Act of 1969 (42 U.S.C. section 102) requires each Federal agency to consider the environmental impact statements on major actions significantly affecting the quality of the human environment. Accordingly, the Occupational Safety and Health Administration, U.S. Department of Labor, in conformance with its procedures for environmental impact statements (29 CFR Part 1999), announces its intention to prepare an environmental statement assessing the impact of a standard for occupational exposure to inorganic arsenic to be published in the FEDERAL REGISTER in the near future.

On June 11, 1974, an advance notice of proposed rulemaking for a standard regulating occupational exposure to inorganic arsenic was published in the FEDERAL REGISTER (39 FR 20494) by the Occupational Safety and Health Administration (OSHA) and a request was made for interested parties to submit written data, views and arguments concerning a standard for occupational exposure to inorganic arsenic. In addition, an informal fact-finding hearing was held on September 20, 1974, for the submission of additional comments concerning toxicity, oncogenic properties, technologies involved in production and use, employee populations potentially or actually exposed, and epidemiologic studies of effects of arsenic and its compounds.

Notice is hereby given that the Office of Standards Development, Occupational Safety and Health Administration, is currently collecting information and data on possible environmental impacts of an occupational standard, such as any

adverse environmental effects which cannot be avoided should a standard be adopted; alternatives to such a standard; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and any irreversible commitments of resources which would be involved if a standard should be implemented.

Any person having information or data on this subject which is not readily available in the open literature or which has not previously been submitted to the Office of Standards Development is invited to submit it with accompanying documentation, to the Director, Office of Planning, Evaluation and Research, Occupational Safety and Health Administration, 1726 M Street NW., Room 1010, Washington, D.C. 20210, by November 30, 1974. The information received will be available for public inspection at the Office of Planning, Evaluation and Research.

When the draft environmental impact statement on inorganic arsenic is completed, copies will be available to any member of the public who requests it. Comments on the draft statement should be sent to the Office of Standards Development, Occupational Safety and Health Administration. Five duplicate copies of such comments must be filed concurrently with the Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006. A 45-day period will be allowed for the submission of comments after the publication of the draft environmental statement.

Signed at Washington, D.C., this 31st day of October 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-26234 Filed 11-7-74;8:45 am]

STANDARDS ADVISORY COMMITTEE ON COKE OVEN EMISSIONS Request for Information

Pursuant to a Notice of Establishment and Meeting published on Tuesday, October 22, 1974 (39 FR 37550), the Standards Advisory Committee on Coke Oven Emissions will begin its deliberations on the subject of employee exposure to coke oven emissions on November 6, 1974. The ad hoc committee will hold a series of public meetings which will begin with the November meeting and which are projected to terminate some time in May, 1975.

The Committee herein requests information on the problem of employee exposure to coke oven emissions, specifically on the following subjects: health effects, the composition of emissions, engineering controls, appropriate sampling procedures for coke oven emissions as well as analytical methods that would have a bearing, and any other relevant data or information. The Committee would appreciate receiving such data at any time during its meetings but would find the information most useful in the early stages of its deliberations.

Such information should be forwarded, along with 15 duplicate copies if possible, to the Committee's Management Officer, whose address is:

Jeanne W. Ferrone,
Committee Management Office,
Occupational Safety and Health Administration,
U.S. Department of Labor,
1726 M Street, NW—Room 200,
Washington, D.C. 20210,
Phone: 202/961-2248.

Signed at Washington, D.C. this 5th day of November 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-26235 Filed 11-7-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 626]

ASSIGNMENT OF HEARINGS

NOVEMBER 5, 1974.

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. No amendments will be entertained after the date of this publication.

MC 119843 Sub 8, Roesch Lines, Inc. now assigned December 4, 1974, at Los Angeles, Ca., is cancelled and reassigned on December 4, 1974, at San Bernardino, Ca., 1st Floor, San Bernardino State Office Building Auditorium, 303 West Third St., San Bernardino, Calif.

MC 116519 Sub 21, Frederick Transport Limited, now being assigned for continued hearing on December 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8060, The Maxwell Co., et al v. American Bulk Transport, Inc. (Formerly Eldon Miller, Inc.); MC-C-8411, American Bulk Transport Co.—Investigation and Revocation of Certificates; and MC-F-10460, Ruan, Incorporated and John Ruan—Investigation of Control—Eldon Miller, Incorporated and Ruan Transport Corporation, now being assigned December 10, 1974 (9 days), in Room 609 Federal Office Bldg., 911 Walnut St., Kansas City, Mo.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26256 Filed 11-7-74;8:45 am]

[Ex Parte No. 241, Rule 19; Exemption No. 63, Amdt. 3]

BESSEMER AND LAKE ERIE RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 63 issued February 12, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire January 31, 1975.

This amendment shall become effective October 31, 1974.

Issued at Washington, D.C., October 30, 1974.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-26254 Filed 11-7-74; 8:45 am]

[Ex Parte No. 241, Rule 19; Exemption No. 56, Amdt. 6]

**ERIE LACKAWANNA RAILWAY CO. AND
PENN CENTRAL TRANSPORTATION CO.**
Exemption Under Mandatory Car Service
Rules

Upon further consideration of Exemption No. 56 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 56 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire January 31, 1975.

This amendment shall become effective October 31, 1974.

Issued at Washington, D.C., October 30, 1974.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-26258 Filed 11-7-74; 8:45 am]

[Ex Parte No. 241, Rule 19; Exemption No. 70, Amdt. 2]

**ERIE LACKAWANNA RAILWAY CO. AND
NORFOLK AND WESTERN RAILWAY CO.**
Exemption Under Mandatory Car Service
Rules

Upon further consideration of Exemption No. 70 issued May 6, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 70 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire January 31, 1975.

This amendment shall become effective October 31, 1974.

Issued at Washington, D.C., October 30, 1974.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-26255 Filed 11-7-74; 8:45 am]

[Rev. S.O. 1173, Exception 35, Amdt. 1]
**GREEN BAY AND WESTERN RAILROAD
CO.**

Authorization To Use Certain Mechanical
Refrigerator Cars

OCTOBER 31, 1974.

Pursuant to the authority vested in me by section (a) Paragraph (4) of Revised

Service Order No. 1173, the Green Bay and Western Railroad Company be, and it is hereby, authorized to use mechanical refrigerator cars bearing reporting marks BNFE, for transporting perishable freight requiring protection from heat or cold and subject to protective service as defined in Perishable Protective Tariff No. 18, issued by H. R. Brandl, originating at any station in its lines and routed to, via, or to a junction with the owner.

Effective October 31, 1974.

Expires December 15, 1974.

Issued at Washington, D.C., September 19, 1974.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-26260 Filed 11-7-74; 8:45 am]

[Notice No. 185]

**MOTOR CARRIER BOARD TRANSFER
PROCEEDINGS**

NOVEMBER 8, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 28, 1974. 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-75419. By order of October 25, 1974, the Motor Carrier Board approved the transfer to Joe S. Kita, Charlotte, Mich., of the operating rights in Certificate No. MC 120434 (Sub-No. 1), issued May 22, 1969, to Lyle B. Wagner, doing business as Wagner Trucking Company, Durand, Mich., authorizing the transportation of granite and marble monuments, from Durand, Mich., to points in Michigan. Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933.

No. MC-FC-75440. By order entered 10-29-74, the Motor Carrier Board approved the transfer to Lambe's Trucking, Ltd., a corporation, Claresholm, Alberta, Canada, of the operating rights set forth in Certificates Nos. MC 128532 (Sub-No. 1) and MC 128532 (Sub-No. 3), issued by the Commission April 17, 1967, and September 23, 1974, respectively, to Orville Lambe, doing business as Lambe's Trucking, Claresholm, Alberta, Canada, authorizing the transportation of materials and supplies used in the manufac-

ture of mobile homes, from Grand Island, Nebr., to the port of entry on the United States-Canada Boundary line, located at or near Sweetgrass, Mont.; finished trusjoists, from the ports of entry on the United States-Canada Boundary line at or near Eastport, Idaho, Sweetgrass, Mont., and Sumas, Wash., to points in Idaho, Montana, and Washington; and lumber, steel tubing, and steel pins, from points in Idaho, Montana, Oregon, and Washington, to ports of entry on the United States-Canada Boundary line at or near Eastport, Idaho, Sweetgrass, Mont., and Sumas, Wash. J. F. Meglen, 207 Behner Bldg., 2822 3rd Ave. North, Billings, Mont. 59103, attorney for applicants.

No. MC-FC-75453. By order of October 24, 1974, the Motor Carrier Board approved the transfer to Donley Trucking, Inc., Chrisman, Ill., of the operating rights in Certificate No. MC 76948 issued November 22, 1957, to Leon Dugan, Chrisman, Ill., authorizing the transportation of various commodities from, to and between specified points and areas in Indiana and Illinois. Charles R. Young, 4 West Seminary St., Danville, Ill., attorney for applicants.

No. MC-FC-75454. By order of October 24, 1974, the Motor Carrier Board approved the transfer to Emory S. Miller, III, Spring Grove, Pa., of the operating rights in Certificate No. MC 118590 issued November 6, 1959, to Ralph D. Zinn, Hanover, Pa., authorizing the transportation of agriculture limestone, in spreader type vehicles, from Jackson Township, Pa., to points other than incorporated municipalities, in Baltimore, Carroll, Cecil, Frederick, Harford, Howard, and Montgomery Counties, Md. Norman T. Petow, 43 North Duke St., York, Pa., 17401, attorney for applicants.

No. MC-FC-75472. By order of October 31, 1974, the Motor Carrier Board approved the transfer to Steubenville Transfer Co., a corporation, Winterville, Ohio, of the operating rights in Certificate No. MC 10233 issued March 6, 1952, to Oscar W. Sink, doing business as Smithfield-Steubenville Transfer Co., Smithfield, Ohio, authorizing the transportation of general commodities, with exceptions, over regular routes, between Smithfield and Steubenville, Ohio, and various commodities between Smithfield, Ohio, and points within eight miles thereof, on the one hand, and, on the other, points in described areas of Pennsylvania and West Virginia. Paul F. Berry, 8 East Broad St., Columbus, Ohio, 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26257 Filed 11-7-74; 8:45 am]

[Ex Parte No. 241, Rule 19; Exemption No. 55, Amdt. 6]

**NORFOLK AND WESTERN RAILWAY CO.
AND PENN CENTRAL TRANSPORTATION CO.**

Exemption Under Mandatory Car Service
Rules

Upon further consideration of Exemption No. 55, issued October 31, 1973.

NOTICES

39619-39655

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire January 31, 1975.

This amendment shall become effective October 31, 1974.

Issued at Washington, D.C., October 30, 1974.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.74-26259 Filed 11-7-74;8:45 am]

[Rev. S.O. 994; ICC Order 88, Amdt. 6]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 88 (Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 88 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1975 unless otherwise modified, changed, or suspended.

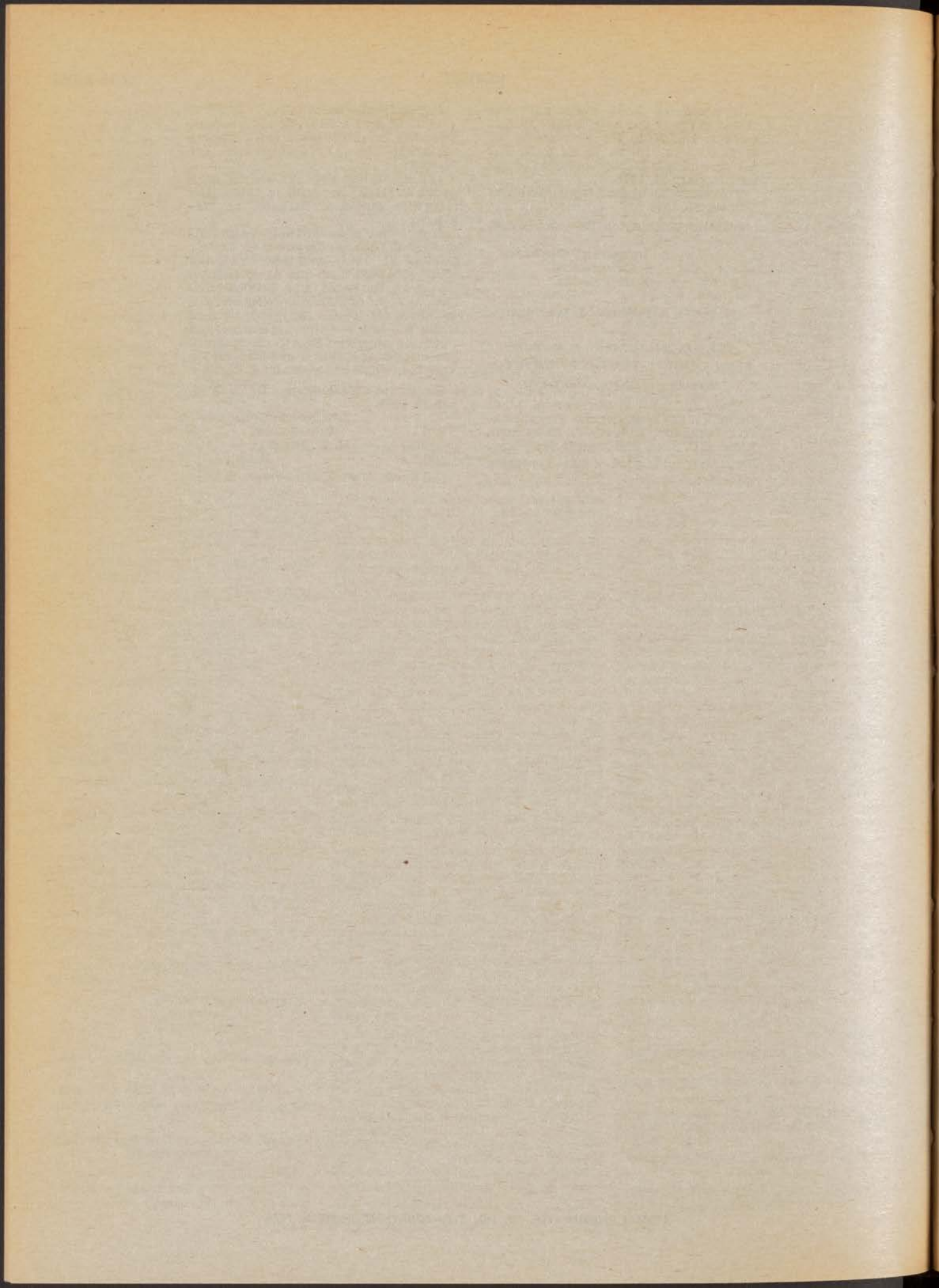
It is further ordered, That this amendment shall become effective at 11:59 p.m., October 31, 1974, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1974.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[SEAL]

[FR Doc.74-26261 Filed 11-7-74;8:45 am]



federal register

FRIDAY, NOVEMBER 8, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 217

PART II



DEPARTMENT OF TRANSPORTATION

Federal Highway
Administration

Urban Mass Transportation
Administration



METROPOLITAN
TRANSPORTATION
PLANNING FUNDS

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—PLANNING

PART 473—FEDERAL-AID URBAN SYSTEM

This new Subpart A of Part 473 (Federal-Aid urban system) to be added to title 23 CFR implements 23 U.S.C. 103(d)(1), as amended by the Federal-Aid Highway Act of 1973 (P.L. 93-87, 87 Stat. 250) and supersedes existing Federal Highway Administration (FHWA) issuances IM 10-2-71, dated March 31, 1971; IM 10-2-71(1), dated June 11, 1971; IM 10-2-71(2), dated January 5, 1972; and paragraphs 3 and 4 of FHWA Notice entitled "Preliminary Guidelines for Implementation of Selected Sections of the Federal-Aid Highway Act of 1973," dated October 5, 1973.

The Federal-aid urban system was first authorized by the Federal-Aid Highway Act of 1970 in urbanized areas and initially consisted of a limited number of high priority intra-urban routes. The Federal-Aid Highway Act of 1973 broadened the eligibility criteria for the urban system in urbanized areas and also allowed for the establishment of the urban system in small urban areas of 5,000 to 50,000 population designated by the State highway department. These regulations set forth the criteria for establishing the Federal-aid urban system, define the eligible areas and routes, and prescribe the steps necessary for State and appropriate local officials to take in establishing the Federal-aid urban system in eligible areas.

"Appropriate local officials" is defined in two slightly varied ways depending on the size of the area involved. In areas under 50,000 population, the term means the principal elected officials of general purpose local governments. In urbanized areas, the term means the principal elected officials of general purpose local governments acting through the Metropolitan Planning Organization designated by the Governor as responsible for carrying out the provisions of 23 U.S.C. 134. This definition means that in urbanized areas designation actions or decisions of local officials must be presented to and endorsed by the Metropolitan Planning Organization. While 23 U.S.C. 103(d)(1) and these regulations use the term "appropriate local officials," that term is defined in the same way as the term "responsible local officials," which is used in other related title 23 regulations. It should be noted that title 23, U.S.C., uses the terms "responsible local officials" and "appropriate local officials" in a number of sections. While these terms are not necessarily synonymous, we can foresee no situation where "appropriate local officials" and "responsible local officials" would not be the same parties.

In addition to extending the eligible areas in which urban system routes can be designated, the 1973 Highway Act amended 23 U.S.C. 142 to provide additional highway/transit flexibility in the expenditure of urban system funds. As

routes, including access roads to major amended, 23 U.S.C. 142 now allows non-highway public mass transit projects to be approved as Federal-aid urban system projects. Also, it allows exclusive and preferential busways, fringe and corridor parking facilities, and other highway-related mass transit facilities to be approved on the Federal-aid urban system as well as any other system. Normally, urban system funds can be used only for approved projects on the Federal-aid urban system. However, fixed rail facilities approved under 23 U.S.C. 142 do not have to be placed on the Federal-aid urban system routes to establish eligibility for urban system funds. Additionally, projects under 23 U.S.C. 142 for rail rolling stock, buses, bus shelters, bus garages, and street furniture do not need to be on urban system routes to be eligible for urban system funds.

While the regulations in this subpart do not specifically cover the 23 U.S.C. 142 provisions as discussed above, it is important to note the applicability of those provisions to the urban system routes designated under this subpart. (See 39 FR 32298, September 5, 1974, under proposed regulations on 23 U.S.C. 142).

Section 473.104(b) of these regulations requires the urban system to be located so that it will serve the major centers of activity and include high traffic volume arterial and collector routes, including access roads to major traffic generators such as airports and other transportation terminals. Under § 473.104(a)(3)(ii), no route on the urban system shall be a route on any other Federal-aid system; however, routes added to the urban system need not now be on a Federal-aid system. The urban system may include, as a maximum, all highways not functionally classified as local streets and not on any other Federal-aid system.

Section 473.104(a)(3)(ii) requires that each route of the system be connected with another route on a Federal-aid system to the extent feasible. Accordingly, FHWA recommends that adjustments of the Federal-aid primary and Federal-aid secondary systems made necessary by urban system actions be made concurrently with the urban system actions. Also it is recommended that local and State officials take action on designating Federal-aid urban systems and urban area boundaries concurrently.

In designating urban system routes in small urban areas (5,000 to 50,000 population), the chief elected officials may find the Metropolitan Planning Organizations who have responsibility for transportation planning to be appropriate sources of staff assistance and helpful in coordinating the review of the urban system. In areas lacking Metropolitan Planning Organizations, the chief elected officials of the affected local jurisdiction should work with the State in designating the urban system.

In establishing the Federal-aid urban system under §§ 473.104 and 473.106, FHWA recommends that the States and urban areas use the existing functional classification concepts, criteria, and procedures from FHWA manual "Highway Functional Classification," Transmittal

No. 155, Vol. 20, Appendix 12, Highway Planning Program Manual. Also, it is recommended that the urban system be established on the basis of the 1980 functional usage since all Federal-aid systems are required to be realigned by July 1, 1976, under section 148 of the 1973 Highway Act (23 U.S.C. 103(d)(2); P.L. 93-87, 143).

Since these regulations relate to grants, notice and public comment thereon are not required and they may be made effective in fewer than 30 days following publication in the FEDERAL REGISTER.

These regulations are issued under the authority of 23 U.S.C. 103(d)(1), 103(f), and 315, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

In consideration of the foregoing, Chapter I of title 23 of the Code of Federal Regulations is amended by adding a new Part 473, Subpart A, as set forth below.

Effective date. These regulations are effective on November 8, 1974.

Issued on November 5, 1974.

J. R. COUPAL, Jr.,
Acting Federal
Highway Administrator.

Subpart A—Establishment of System

Sec.	
473.100	Purpose.
473.102	Definitions.
473.104	Establishment of Federal-aid urban system—eligible areas and routes.
473.106	Designation of urban system by appropriate local officials and State highway departments.
473.108	Approval by the Federal Highway Administrator.

AUTHORITY: 23 U.S.C. 103(d)(1), 103(f) and 315; delegation of authority in 49 CFR 1.48(b).

Subpart A—Establishment of System

§ 473.100 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 103(d)(1) which provides for establishment of the Federal-aid urban system.

§ 473.102 Definitions.

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

(b) As used herein—

"Appropriate local officials" means—

(1) In urban areas under 50,000 population, principal elected officials of general purpose local governments; and

(2) In urbanized areas, principal elected officials of general purpose local governments (and until January 2, 1975, the Commissioner of the District of Columbia), acting through the Metropolitan Planning Organization designated by the Governor.

§ 473.104 Establishment of Federal-aid urban areas and routes.

(a) The urban system shall:

(1) be established in each urbanized area and in other urban areas the State highway department may designate;

(2) be located so as to serve the major centers of activity and include high traffic volume arterial and collector

traffic generators such as airports and other transportation terminals;

(3) consist of routes selected by the appropriate local officials so as to serve the goals and objectives of the community, with the concurrence of the State highway departments and, in urbanized areas, also in accordance with the planning process under 23 U.S.C. 134 and proposed 23 CFR Part 450, Subpart A, which is to be published for notice and comment, provided that:

(i) to the extent feasible, each route on the Federal-aid urban system shall connect with another route on a Federal-aid system; and

(ii) no route on the Federal-aid urban system shall also be a route on any other Federal-aid system.

(b) At its maximum extent the Federal-aid urban system may include all highways not functionally classified as local streets.

§ 473.106 Designation of urban system by appropriate local officials and State highway departments.

The State highway department shall submit proposals to the Federal Highway Administrator for the designation of Federal-aid urban systems. Each proposal shall include:

(a) a map or maps delineating the Federal-aid urban system and showing the urban area boundaries, all urban system route selections, and all other Federal-aid routes;

(b) a statement indicating whether urban area boundary and urban system

actions are being submitted concurrently; and

(c) evidence of the approval of appropriate local officials and the concurrence of the State highway department as required under § 473.104(a)(3).

§ 473.108 Approval by the Federal Highway Administrator.

The Federal Highway Administrator will approve the urban system designation if it meets the requirements of this subpart.

[FR Doc.74-26314 Filed 11-7-74; 8:45 am]

PART 476—INTERSTATE HIGHWAY SYSTEM

Editorial Amendment

Rules published under this part in the FEDERAL REGISTER, June 12, 1974 (39 FR 20658) contain in § 476.2 a definition of the term "responsible local officials". The term means "the principal elected officials of general purpose local governments (and until January 2, 1975, the Commissioner of the District of Columbia) acting through the areawide transportation planning agency designated by the Governor". All regulations subsequently issued by the Federal Highway and Urban Mass Transportation Administration under this Chapter using the term "responsible local officials" will define that term as follows:

"Responsible local officials" means the principal elected officials of general purpose local governments (and until January 2, 1975, the Commissioner of the District of Columbia) acting through the Metropolitan Planning Organization designated by the Governor.

The term "areawide transportation planning agency" in the definition is synonymous with "Metropolitan Planning Organization." Accordingly, in order that the definition and terminology in Part 476 will be consistent with terms used elsewhere in Chapter I of title 23, CFR, notice is hereby given that the definition in 23 CFR 476.2 of "responsible local officials" is hereby revised as follows:

"Responsible local officials" means the principal elected officials of general purpose local governments (and until January 2, 1975, the Commissioner of the District of Columbia) acting through the Metropolitan Planning Organization designed by the Governor. For purposes of this definition the term "Governor" includes the Commissioner of the District of Columbia until January 2, 1975, and thereafter the Mayor of the District of Columbia.

Effective November 8, 1974.

Dated: November 5, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

FRANK C. HERRINGER,
Urban Mass Transportation Administrator.

[FR Doc.74-26264 Filed 11-7-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

[23 CFR Part 450]

[49 CFR Part 613]

[Docket No. 74-11]

URBAN TRANSPORTATION PLANNING

Notice of Proposed Rulemaking

The Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) are considering regulations to implement certain provisions of title 23, United States Code, and title 49, United States Code, which govern the planning for urban transportation improvements. The proposed regulations would add Subpart A to Part 450 of title 23 of the Code of Federal Regulations.

As a result of the Federal-Aid Highway Act of 1973, FHWA and UMTA are jointly responsible for administering section 134 of title 23, United States Code, which establishes the continuing, comprehensive, and cooperative transportation planning process. These regulations are being issued with the goal of defining the requirements comprising that process.

In addition to the title 23 provisions, these regulations implement, in part, sections 1603 and 1607a of title 49 (Urban Mass Transportation Act of 1964, as amended), which specify that UMTA capital assistance can be provided only upon a determination that the assistance is sought for implementing a program for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area.

These regulations combine the individual planning requirements of FHWA and UMTA and replace the following operating procedures: FHWA Policy and Procedure Memoranda (PPM) 50-9, 50-11; Instructional Memoranda (IM) 50-3-71, 50-4-68; and the Urban Mass Transportation Planning Requirements Guide (UMTA order 1000.2, August 22, 1972). These regulations are not as detailed as the procedures while they replace in that a definitive technical process is not prescribed. Supplemental technical material will be issued by FHWA and UMTA to assist Metropolitan Planning Organizations. Instructions defining the joint FHWA/UMTA requirements pertaining to programming of transportation improvements in metropolitan areas are being issued separately.

Urban transportation planning is an interdisciplinary process of developing

and monitoring transportation plans and transportation improvement programs which are formulated with due consideration to their probable social, economic, environmental, and energy conservation effects and the safety and mobility needs of the population of the urban area.

The terms used throughout these regulations have the same meaning as in title 23 unless otherwise defined.

In order to provide for the optimal operation of the transportation planning process, a proper management structure must exist. Interim instructions were previously issued governing the designation of Metropolitan Planning Organizations. These regulations are consistent with those instructions.

In the designation or redesignation of the Metropolitan Planning Organization to carry out the urban transportation planning process, the Department of Transportation strongly encourages the selection of agencies performing the comprehensive planning functions established under the Office of Management and Budget Circular A-95.

In addition to the minimal requirements on geographic coverage set forth in these regulations, where the jurisdiction of the Metropolitan Planning Organization includes areas not likely to be urbanized during the long-range forecast period, the planning process may be extended to cover such areas at an appropriate scale.

The regulations define two planning work program elements: Prospectus and unified planning work program. The prospectus, formerly known as an operations plan, is an overview of the planning process sufficiently comprehensive to delineate currently valid organizational responsibilities, operating procedures, and general planning program overview. The unified planning work program is the annual element of the prospectus. The program should include all significant elements of the areawide planning process used in developing transportation plans and programs required by the directive. It should contain all specific transportation planning activities, e.g., aviation, highway, bikeway, railway, transit, and port and harbor activities and the transportation planning support activities, including those related to land use, social, economic and environmental factors, and population estimates. The program should include both federally funded items and those to be funded entirely at the State and local levels. The unified planning work program should be sufficiently comprehensive to provide descriptions of the specific technical activities necessary to carry on the transportation planning process for a one-

to-two year program period. The program may be expanded to include comprehensive planning activities other than those that are transportation related.

To increase public understanding and support of the transportation planning process, an annual report to the public should be published and given widespread publicity and distribution.

It should include in short, nontechnical terms, the following: (a) The current transportation plan, (b) transportation improvement program, (c) significant events that have occurred during the past year, (d) recent plan changes with justifications, (e) maps indicating progress made during the past year toward implementing the plan, (f) summaries of key characteristics of the area, and (g) organization representation, functions, and responsibilities of the Metropolitan Planning Organization and other participating organizations.

Technical reports should be published and distributed as appropriate to insure proper documentation of significant technical accomplishments and major milestones.

It is our intent that the unified work program comply with regulations issued pursuant to 23 U.S.C. 109(h).

Each Metropolitan Planning Organization should make an active effort to involve citizen groups and the general public throughout the planning process. Representation of a broad spectrum of the public, ranging from minorities and special interest groups to the general citizenry, and comprising a wide economic, social, and geographic range, should be included.

Compliance with the provisions of Title VI of the Civil Rights Act of 1964 includes steps to assure positive consideration of minority and other groups in the transportation planning and programming effort.

The Federal Highway Administrator and the Urban Mass Transportation Administrator will annually review the transportation planning process being conducted in each urbanized area and, upon a determination that it is continuous, cooperative and comprehensive, and that it has resulted in plans and programs consistent with the comprehensively planned development of the urban area, they will jointly so certify. The certification of an urbanized area is the basis for FHWA and UMTA approvals of programs of projects as defined in Subpart C of this Part.

While certification is to be based on compliance with the provisions of these regulations, failure on the part of a metropolitan area to comply in full with all provisions does not necessarily mean

the area will not be certified. A discretionary element is built into the Federal review process to reflect varying degrees of less than full compliance. UMTA and FHWA may certify with a condition that noted deficiencies be corrected or with limitations as to categories of programs and projects. In the former case, the metropolitan area may proceed with all programs and projects but must concurrently take corrective actions, or decertification will ensue by a specified date. In the latter instance, the metropolitan area may advance only limited classes of programs or projects until the required corrective action is taken.

These regulations provide for a change in the former FHWA and UMTA practice of determining compliance with their separate statutory planning requirements. UMTA made an annual determination of eligibility, under section 4(a) of the Urban Mass Transportation Act (49 U.S.C. 1603(a)), based upon the organizational structure and the status of plans and programs. FHWA formerly took an annual certification action upon the request of the States, which determined that a continuing, cooperative, comprehensive process was being carried out under 23 U.S.C. 134. These regulations define a new procedure which addresses a common set of criteria derived from both statutes.

Inquiries, comments, views and arguments on these proposed regulations may be submitted to the Federal Highway Administration, Department of Transportation, Room 4226, Docket No. 74-11, 400 7th St. SW., Washington, D.C. 20590. All written communications received on or before December 9, 1974, will be considered before final action is taken on this proposal. Copies of all written communications received will be available for examination during normal business hours at the foregoing address.

These amendments to title 23, Code of Federal Regulations, are proposed under the authority of 23 U.S.C. 104(f)(3), 134 and 315; 49 U.S.C. 1603 and 1607a; and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48 (b) and 1.50(f).

In consideration of the foregoing, it is proposed to amend Chapter I of title 23 and Chapter VI of title 49 of the Code of Federal Regulations by adding a new Part 450 Subpart A and new Part 613 Subpart B, respectively.

Dated: November 5, 1974.

FRANK C. HERRINGER,
Urban Mass
Transportation Administrator.

J. R. COUPAL, JR.,
Acting Federal
Highway Administrator.

Proposed Part 450 Subpart A of title 23, Code of Federal Regulations, reads as follows:

PART 450—PLANNING ASSISTANCE AND STANDARDS

Subpart A—Urban Transportation Planning

Sec.	
450.100	Purpose.
450.102	Applicability.
450.104	Definitions.
450.106	Metropolitan Planning Organization: Designation.
450.108	Metropolitan Planning Organization: Agreements.
450.110	Metropolitan Planning Organization: Geographic Scope.
450.112	Metropolitan Planning Organization: Responsibilities.
450.114	Urban Transportation Planning Process: Planning Work Programs.
450.116	Urban Transportation Planning Process: Transportation Plan.
450.118	Urban Transportation Planning Process: Transportation Improvement Program.
450.120	Urban Transportation Planning Process: Elements.
450.122	Urban Transportation Planning Process: Certification.

AUTHORITY: 23 U.S.C. 104(f)(3), 134 and 315; 49 U.S.C. 1603 and 1607a; 49 CFR 1.48 (b) and 1.50(f).

Subpart A—Urban Transportation Planning

§ 450.100 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 134 and section 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), which require comprehensive planning of transportation improvements.

§ 450.102 Applicability.

Certification under this subpart shall be a basis for program approvals in urbanized areas pursuant to 23 U.S.C. 105 and 134, and Subpart C of this part.

§ 450.104 Definitions.

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

(b) As used in this subpart—

“Governor” includes the Commissioner of the District of Columbia until January 2, 1975, and thereafter the Mayor of the District of Columbia.

“Metropolitan Planning Organization” means that organization designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as required by 23 U.S.C. 104(f)(3), and capable of meeting the requirements of 49 U.S.C. 1603(a).

§ 450.106 Metropolitan Planning Organization: Designation.

(a) The Governor of each State shall designate a Metropolitan Planning Or-

ganization for each urbanized area to carry out, in cooperation with the State, the provisions of 23 U.S.C. 134. This organization shall have the capability of meeting the requirements of 49 U.S.C. 1603(a).

(b) To the extent possible, only one Metropolitan Planning Organization shall be designated for each urbanized area or group of contiguous urbanized areas.

(c) Funds authorized by 23 U.S.C. 104 (f) shall be made available by the State to the Metropolitan Planning Organization, as required by 23 U.S.C. 104(f)(3). To the extent possible, the Metropolitan Planning Organization shall be eligible to receive planning funds authorized by section 9 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607a).

(d) To the extent possible the organization designated by the Governor shall be a Metropolitan Planning Organization established under specific State legislation, State enabling legislation, or by interstate compact, with authority to carry out metropolitan transportation planning, and should be an organization performing the functions required by the Office of Management and Budget (OMB) Circular A-95 “Evaluation, Review, Coordination of Federal Assistance Programs and Projects” July 23, 1969, as amended.

(e) Each unit of general purpose government within the jurisdiction of the Metropolitan Planning Organization shall have adequate representation on the Metropolitan Planning Organization.

(f) Nothing herein shall be deemed to prohibit the Metropolitan Planning Organization from utilizing, through contract of other local agencies or of State agencies to carry out selected elements of the planning process.

§ 450.108 Metropolitan Planning Organization: Agreements.

(a) The responsibilities for cooperatively carrying out transportation planning and programming shall be clearly identified in an agreement or memorandum of understanding between the State and the Metropolitan Planning Organization. The agreement shall specify cooperative procedures for carrying but transportation planning and decision-making as required by this subpart.

(b) Where the Metropolitan Planning Organization is different from the A-95 agency, there shall be an agreement between the two organizations which prescribes the means by which their activities will be coordinated, as required by Part IV of OMB Circular A-95. This agreement shall specify how transportation planning and programming will be

part of the comprehensively planned development of the urban area.

(c) There shall be an agreement between the Metropolitan Planning Organization and regional public transportation agencies which specifies cooperative procedures for carrying out transportation planning and decision-making as required by this part.

(d) To the extent possible there shall be one cooperative agreement containing the understandings required by this section among the State, Metropolitan Planning Organization, regional public transportation agencies and, where necessary, the A-95 agency.

§ 450.110 Metropolitan Planning Organization: Geographic Scope.

(a) To the extent possible the jurisdiction of the Metropolitan Planning Organization shall conform geographically with the area being served by State planning and development districts established under OMB Circular A-95.

(b) The transportation planning process shall, as a minimum, cover the area likely to be urbanized during the long-range forecast period.

§ 450.112 Metropolitan Planning Organization: Responsibilities.

(a) The Metropolitan Planning Organization shall, in cooperation with the State, direct the transportation planning effort and perform the functions of the planning process specified in §§ 450.104 through 450.120 of this subpart.

(b) The Metropolitan Planning Organization shall formally endorse the plans and programs required by §§ 450.114 through 450.120 of this subpart.

§ 450.114 Urban Transportation Planning Process: Planning Work Programs.

(a) The Metropolitan Planning Organization shall, in cooperation with the State, develop a prospectus and a unified planning work program.

(b) The prospectus shall establish a multi-year framework within which the unified planning work program is accomplished and shall include

(1) A summary of the scope of the planning program including a discussion of the important transportation issues facing the area;

(2) A general description of the status of planned accomplishments for each of the elements of the planning process;

(3) A description of the procedures to be used in carrying out each element;

(4) A breakdown of the functional responsibilities of all participating agencies;

(5) A list of products expected to be delivered and major milestones to be achieved; and

(6) Copies of agreements specified in § 450.106.

(c) The unified planning work program shall

(1) Annually detail all transportation and transportation-related planning activities anticipated within the area during the next one-to-two year period, regardless of funding sources;

(2) Assure that adequate consideration is given to minimizing or eliminating possible adverse social, economic, and environmental effects of proposed projects, consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), 23 U.S.C. 109(h) and 49 U.S.C. 1610; and

(3) Be a part of the annual Statewide Highway Planning and Research Program and be an adequate documentation of work to be performed for planning assistance under 49 U.S.C. 1607a.

(d) The prospectus and the unified planning work program may be combined in a single document. Arrangements may be made to further combine these documents with work program requirements of other Federal sources of physical planning funds (e.g., Department of Housing and Urban Development, Environmental Protection Agency, and Department of the Interior).

(e) Responsibility for fiscal management of Federal funds supporting planning work programs shall be as described in Department of Transportation directives for the class of funds involved.

§ 450.116 Urban Transportation Planning Process: Transportation Plan.

(a) The Metropolitan Planning Organization shall, in cooperation with the State, develop a transportation plan.

(b) The plan shall

(1) Provide for the long-range transportation needs of the urbanized area consistent with the area's overall social, economic, environmental and energy conservation goals and objectives;

(2) Be consistent with the comprehensive long-range land use plan and urban development objectives;

(3) Identify new transportation policies and transportation facilities or major changes in existing facilities by location and identification of modes to be implemented in a 20-30-year period; and

(4) Be reviewed annually to confirm its validity and consistency with current transportation and comprehensive developments which may result from changing conditions and be updated when significant inadequacies occur.

§ 450.118 Urban Transportation Planning Process: Transportation Improvement Program.

(a) The Metropolitan Planning Organization shall, in cooperation with the

State, develop a transportation improvement program including an annual element of projects recommended for funding during the first year, as prescribed in Subpart C of this part.

(b) The program shall be a staged multi-year program of transportation improvement projects consistent with the transportation plan developed under § 450.116.

§ 450.120 Urban Transportation Planning Process: Elements.

(a) The transportation planning process shall include the following technical activities to the degree appropriate for the size of the metropolitan area and the complexity of its transportation problems:

(1) An analysis of existing conditions of travel, transportation facilities, and system management;

(2) An evaluation of alternative short-range improvements to make more efficient use of existing transportation resources through traffic management and traffic engineering techniques, operational and regulatory improvements and public transportation improvements;

(3) Projections of future urban area economic, demographic and land use activities consistent with urban development goals and the development of potential future transportation demands based on these levels of activity;

(4) Analysis of alternative transportation investments to meet future (20 to 30 years) areawide needs for new transportation facilities and the development of a transportation plan;

(5) Refinement of the transportation plan through the conduct of corridor, transit technology, and staging studies; and sub-area, feasibility, location, legislative, fiscal, functional classification, and institutional studies;

(6) Plan maintenance activities including monitoring of urban development and transportation indicators and a regular program of reappraisal of the transportation plan; and

(7) Implementation programing which merges the results of plan refinement and the evaluation of short-range improvements to produce a transportation improvement program as specified in Subpart C of this part.

(b) The Metropolitan Planning Organization shall make provisions for involvement of the public in the transportation planning process.

(c) Consistent with the provisions of Title VI of the Civil Rights Act of 1964, the Title VI assurances executed by each State, 23 U.S.C. 324, and 29 U.S.C. 794, no person shall, on the grounds of race, color, sex, national origin, or physical handicap, be excluded from participation in, be denied benefits of, or be other-

wise subjected to discrimination under the transportation planning process.

§ 450.122 Urban Transportation Planning Process: Certification.

(a) The Federal Highway and Urban Mass Transportation Administrators will review annually the transportation planning process being conducted for each urbanized area. Upon their determination that the process is continuous, cooperative, and comprehensive, and that it has resulted in plans and programs consistent with the comprehensively planned development of the urban area, they will jointly so certify.

(b) The period covered by the certification will be one year, or such other period of time as the Federal Highway and Urban Mass Transportation Administrators determine.

(c) Notification of the results of the certification review will be forwarded to the State and Metropolitan Planning Organization.

(d) Certification may be made with conditions that specific corrective actions be taken, or, as jointly agreed upon by the Federal Highway and Urban Mass Transportation Administrators, with limitations as to the categories of programs and projects that may be approved.

(e) The certification determination will take into account, but not be limited to

- (1) Existence of a Metropolitan Planning Organization;
 - (2) Existence of an effective decision-making process;
 - (3) Existence of a transportation improvement program resulting from the technical process with an approved annual element, developed in accordance with Subpart C of this part;
 - (4) Existence of an adequate, on-going process, carrying out the technical activities required by § 450.120;
 - (5) A finding of current validity of the transportation plan by the Metropolitan Planning Organization;
 - (6) Existence of an adequate prospectus and unified planning work program;
 - (7) Existence of current and valid agreements establishing responsibilities for carrying out transportation planning;
 - (8) Consistency of the transportation plan with the approved State air quality implementation plan;
 - (9) Implementation of Title VI of the 1964 Civil Rights Act and 23 U.S.C. 324 in the planning process; and
 - (10) Correction of deficiencies identified in previous certification actions.
- A deficiency in any particular factor or factors does not necessarily constitute grounds for non-certification.

Proposed Part 613 Subpart B of title 49, Code of Federal Regulations reads as follows:

PART 613—PLANNING ASSISTANCE AND STANDARDS

Subpart B—Urban Transportation Planning

Sec. 613.200 Urban transportation planning.

AUTHORITY: 23 U.S.C. 104(f) (3), 134, and 315; 49 U.S.C. 1603(a) and 1607a; 49 CFR §§ 1.48(b) and 1.50(f).

Subpart B—Urban Transportation Planning

§ 613.200 Urban transportation planning.

The urban transportation planning regulations implementing 23 U.S.C. 134 and section 4 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), which requires comprehensive planning of transportation improvements, which are set forth in 23 CFR Part 450 Subpart A, are incorporated into this subpart.

[FR Doc. 74-26266 Filed 11-7-74; 8:45 am]

[23 CFR Part 450]

[Docket No. 74-13]

METROPOLITAN PLANNING FUNDS

Notice of Proposed Rulemaking

The Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) are considering issuing regulations to implement section 104(f) of title 23, United States Code, relating to allocation, matching, and programing for the "one-half percent" metropolitan planning funds. The proposed regulations would add Subpart B to Part 450 of title 23 of the Code of Federal Regulations.

Section 112 of the Federal-Aid Highway Act of 1973 amended 23 U.S.C. 104(f) to provide that, after making the deduction authorized by 23 U.S.C. 104(a), not more than one-half percent of the total funds authorized to be appropriated for expenditure on Federal-aid systems shall be apportioned to the States for the purpose of carrying out 23 U.S.C. 134 relating to transportation planning in urban areas. These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half percent of the sums so apportioned.

The States, in turn, are required by 23 U.S.C. 104(f) (3) to make these funds available, in accordance with a formula developed by the State and approved by the Federal Highway and Urban Mass Transportation Administrators, to the Metropolitan Planning Organization (MPO) responsible for carrying out the provisions of section 134.

The distribution formula developed by the State shall consider, but not necessarily be limited to population, status of planning, and metropolitan area transportation needs. If these factors are not inherent in the formula, the State must show that they have been adequately considered (§ 450.202(a)).

States will be allowed maximum flexibility in developing formulas to meet their needs. The formula should consider the status of planning and metropolitan area transportation needs and provide at least a minimum funding level to support sound planning. The remaining funds might then be distributed based on population. The status of planning variable should be a subjective evaluation of the planning processes in a State, not a comparison of the tasks in a proposed unified work program. A good method for establishing the minimum level is to base it on the cost of providing one urban transportation planner to an urbanized area. Coordination with the appropriate MPOs in formula preparation is encouraged. In making specific distributions to individual urbanized areas, the geographic areas the State may use for determining population are flexible as long as all urbanized areas within a State are treated equitably.

Section 450.202 of these regulations provides that section 104(f) funds (PL funds) shall be made available to MPOs responsible for carrying out the provisions of 23 U.S.C. 134. If a State does not have an urbanized area, the State shall expend the PL funds only on items related to urban transportation planning without developing a distribution formula. In that event, the expenditures shall be supported by an appropriate work program.

The availability of PL funds does not preclude the expenditure of Highway Planning and Research (HP&R) funds under 23 U.S.C. 307(c) (1), Urban Mass Transportation Act section 9 funds (49 U.S.C. 1607a), and other Federal and local funds in urbanized areas.

As soon as practicable after PL funds are apportioned, the States shall distribute the funds to the appropriate MPOs and notify the Federal Highway Administrator of the amounts distributed.

Section 104(f) (3) of title 23 U.S.C. requires that the one-half percent metropolitan planning funds shall be matched in accordance with 23 U.S.C. 120 unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching. Under the authority of section 104 (f), it has been determined that a matching ratio other than that set forth in 23 U.S.C. 120 is required. Accordingly, the Federal share payable on account of

work performed using PL funds shall not be less than 80 percent. Those States which presently have a higher Federal ratio because they contain nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, are also encouraged to adopt a matching ratio of 80 percent. This would establish a uniform ratio for the planning funds which would not vary from year to year, and would be consistent with the Urban Mass Transportation Administration Planning Assistance Program (section 9, Technical Studies). The remaining non-Federal share may be comprised of either State or local money or both.

The expenditure of PL funds by each MPO shall be supported by the annual unified planning work program. For those States which do not have an urbanized area, a special planning program shall be prepared for this purpose.

The financial summary page of the unified planning work program shall include a separate line for the PL and matching funds; the HPR, Planning and Research, UMTA section 9, other Federal funds, and State funds financing the project. FHWA projects jointly financed with a combination of types of funds shall be identified by a combination prefix designation.

Where it is not possible to associate a particular planning activity with a particular fund, monthly expenditure reporting and progress claims for projects which are financed from more than one Federal Highway Administration fund may be based on the percentage that each fund bears to the total funds of the unified planning work program (§ 450.206 (c)).

Under § 450.206(f) the State highway department shall be primarily responsible for administering PL funds. The use of the funds shall be covered by an agreement between the State highway department and the Metropolitan Planning Organization. Under § 450.206(f) (2) the agreement shall include items such as the identity of the parties involved, purpose, statement of work, period of performance, consideration and payment, cost principles, examination of records, access of records and right to audit, and retention of records.

Section 450.206(g) of the regulations makes the provisions of title 49, Code of Federal Regulations, Part 21, with respect to Title VI, Civil Rights Act of 1964, apply to projects utilizing metropolitan planning funds. With respect to audit, the provisions of title 23, Code of Federal Regulations, Chapter I, Subchapters B and E will be applicable.

This amendment to title 23, Code of Federal Regulations, is issued under the authority of 23 U.S.C. 104(f) and 315; 49 U.S.C. 1655; and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b) and 1.50(f).

In consideration of the foregoing, it is proposed to amend Chapter I of title 23 of the Code of Federal Regulations by adding a new Part 450, Subpart B, as set forth below.

Inquiries, comments, views, and arguments on these proposed regulations may be submitted to the Federal Highway Administration, U.S. Department of Transportation, Room 4226, Docket No. 74-13, 400-7th Street SW., Washington, D.C. 20590. All written communications received on or before December 9, 1974, will be considered before final action is taken on this proposal. Copies of all written communications received will be available for examination during normal business hours at the foregoing address.

Issued on November 5, 1974.

FRANK C. HERRINGER,
Urban Mass
Transportation Administrator.

J. R. COUPAL, JR.,
Acting Federal
Highway Administrator.

PART 450—PLANNING ASSISTANCE AND STANDARDS

Subpart B—Metropolitan Planning Funds

Sec.	Purpose.
450.200	Purpose.
450.202	Distribution.
450.204	Matching.
450.206	Programming of metropolitan planning funds.

AUTHORITY: 23 U.S.C. 104(f) and 315; 49 U.S.C. 1655; 49 CFR 1.48(b) and 1.50(f).

Subpart B—Metropolitan Planning Funds

§ 450.200 Purpose.

(a) The purpose of this subpart is to set forth procedures for distribution, matching, and programming for the one-half percent metropolitan planning funds authorized by 23 U.S.C. 104(f).

(b) Section 112 of the 1973 Highway Act (P.L. 93-87) amends section 104(f) of title 23, United States Code, to provide that, after making the deduction authorized by 23 U.S.C. 104(a), not more than one-half percent of the total funds authorized to be appropriated for expenditure on Federal-aid systems shall be apportioned to the States for the purpose of carrying out the provisions of 23 U.S.C. 134, relating to transportation planning in urban areas. These funds will be apportioned to the States in the ratio which the population in urbanized areas or parts thereof in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State may receive less than one-half percent of the sums so apportioned. Each State is required to distribute these funds to the Metropolitan Planning Organizations (MPOs) designated by the Governor in accordance with a formula developed by the State and approved by the Federal Highway and Urban Mass Transportation Administrators.

§ 450.202 Distribution.

(a) Funds authorized by section 104 (f) (PL funds) shall be distributed in accordance with a formula to Metropolitan Planning Organizations responsible for carrying out the provisions of 23 U.S.C. 134. If a State does not have an urbanized area, the State shall expend the PL funds only on items related to urban transportation planning. In that event, the funds need not be distributed by formula, but expenditures shall be supported by an appropriate work program.

(b) The distribution formula shall consider, but not necessarily be limited to population, status of planning, and metropolitan area transportation needs. If these factors are not inherent in the formula, the State must show that they have been adequately considered.

(c) The availability of PL funds does not preclude the expenditure of Highway Planning and Research (HP&R) funds, Urban Mass Transportation Administration section 9 funds and other Federal and local funds in urbanized areas.

(d) As soon as practicable after PL funds are apportioned to the State, the State shall distribute the funds to the appropriate Metropolitan Planning Organization and notify the Federal Highway Administrator of the amounts distributed.

§ 450.204 Matching.

The Federal share payable on account of work performed using PL funds shall not be less than 80 percent.

§ 450.206 Programming of metropolitan planning funds.

(a) The expenditure of PL funds by each Metropolitan Planning Organization shall be supported by the annual unified planning work program required by 23 CFR 450.114. For the States which do not have an urbanized area, a special planning program shall be prepared for this purpose.

(b) The financial summary page of the unified planning work program shall include a separate line for the PL and matching funds, the HP&R funds (23 U.S.C. 307(c)(1)), the UMTA section 9 (49 U.S.C. 1607a), other Federal funds and the State funds financing the project.

(c) Where it is not possible to associate a particular planning activity with a particular fund, monthly expenditure reporting and progress claims for projects which are financed from more than one Federal Highway Administration fund may be based on the percentage that each fund bears to the total funding of the unified planning work program.

(d) FHWA projects jointly financed with a combination of types of funds shall be identified in the unified planning work program by a combination prefix designation.

(e) The State highway department shall be primarily responsible for administering metropolitan planning funds and shall do so pursuant to an agreement between the State highway department and the MPO. As a minimum the agreement shall identify the parties involved; specify the purpose, statement of work, period of performance, consideration and payment, and cost principles; grant the State the rights of access to, and examination and audit of records; and provide for retention of records.

(g) The provisions of title 49, Code of Federal Regulations, Part 21, with respect to Title VI, Civil Rights Act of 1964, shall apply to projects utilizing PL funds.

[FR Doc.74-26263 Filed 11-7-74;8:45 am]

[23 CFR Part 450]

[49 CFR Part 613]

[Docket No. 74-10]

TRANSPORTATION IMPROVEMENT PROGRAM

Notice of Proposed Rulemaking

The Federal Highway Administration [FHWA] and the Urban Mass Transportation Administration [UMTA] are considering issuing regulations to implement certain provisions of title 23 U.S.C. and the Urban Mass Transportation Act of 1964, as amended, which govern the planning and programming of urban transportation improvements. The proposed regulations would add Subpart C to Part 450 of Title 23 of the Code of Federal Regulations.

As a result of the Federal-Aid Highway Act of 1973, the FHWA and UMTA are jointly responsible for administering section 134 of title 23 U.S.C., which establishes the continuing, comprehensive, and cooperative transportation planning process. These regulations are being issued with the goal of strengthening the connection between long-range transportation planning, planning of existing system improvements, and implementation activities.

The regulations also recognize the need for multimodal planning in the implementation decisions arising out of the increased flexibility provided by the 1973 Act.

In addition to title 23 U.S.C. provisions, these regulations implement section 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)) which specifies that assistance under section 3 of the Act can only be provided upon a determination that the assistance is sought for implementing a program for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area.

The proposed regulations address the joint requirements of the FHWA and UMTA pertaining to programming of transportation improvements in metropolitan areas. Instructions defining joint FHWA/UMTA requirements for the urban transportation planning process are being issued separately, as are FHWA regulations governing statewide programming activities under 23 U.S.C. 105.

The terms used throughout these regulations have the same meaning as in title 23 U.S.C., unless otherwise defined. The definitions of transportation improvement program, Metropolitan Planning Organization, transportation improvement projects, and substantial commitment of Federal funds are of particular importance.

"Transportation improvement program" is defined so as to encompass two major parts—a 3-5 year projection of transportation improvements for the metropolitan area and an annual, or first year, element of projects proposed for Federal assistance for the first program year. Both the 3-5 year program and its annual element are prerequisites for Federal aid as prescribed under this regulation.

"Transportation improvement projects" lists types of improvements which may be considered for inclusion in the program. These listings are illustrative and not meant to preclude other projects of a similar nature.

"Substantial commitment of Federal funds" is deemed to have occurred at the time of a Federal action which allows the acquisition of right-of-way or if right-of-way acquisition was not previously federally funded, the physical construction or implementation of the project. Certain State-initiated projects defined as substantially committed are exempted from mandatory inclusion in the program.

The transportation improvement program should encompass the area for which long-range planning is being conducted under 23 U.S.C. 134 and 49 U.S.C. 1603(a). Where the Metropolitan Planning Organization jurisdiction includes more one urbanized area, a single transportation improvement program covering all urbanized areas should be developed. The boundaries of urbanized areas are those established and approved pursuant to 23 U.S.C. 101(a).

Under the proposed regulations non-federally funded projects of regional significance as well as federally-aided highway and transit projects are required to be included in the transportation improvement program. Projects proposed for Federal support that are deemed by agreement between State and appropriate local officials not to be of appropriate scale for individual inclusion in the overall program may be grouped by functional classification, geographic area or work type and included by general description and total cost.

State and local agencies responsible for carrying out the recommended improvements should also be identified in the program.

Preparation of the program should be given broad and timely exposure through the transportation planning process. The results of the process in terms of summary of the short-range strategies, projects, and the annual element should also be widely distributed through the annual report prepared as part of the continuing planning process.

In developing the annual element, which should be consistent with the strategies and timing of the overall program, each metropolitan area and State

may establish specific cooperative procedures for project identification and processing consistent with legislative restraints for the classes of funds involved. Specific procedures are set forth for advancing projects to the Metropolitan Planning Organization for consideration for inclusion in the annual element. These project procedures are limited to the programming actions described herein and do not apply to subsequent stages in project development, i.e., submission of plans, specifications, and estimates or contract agreement. Projects are initiated for inclusion in the annual element of the transportation improvement program by elected officials of general purpose units of local government, transit operating officials or the State highway agency, depending on the classes of funds involved. Urban system highway projects are initiated by principal elected officials. Urban Mass Transportation Act projects, urban system nonhighway public transportation projects, and Interstate substitution projects are initiated by elected officials in consultation with transit operating officials or by transit operating officials. We expect the Metropolitan Planning Organization to assist in the identification of these projects. All other highway projects are initiated by the State highway agency.

The regulations require that the transportation improvement program, including the annual element, be endorsed by the Metropolitan Planning Organization annually. We have not specified whether this endorsement is to be on a fiscal or calendar year basis, believing that the participants should be able to adjust the endorsement process to meet local needs. Subsequent to the Metropolitan Planning Organization's endorsement, the program is submitted to UMTA and to FHWA through the State.

Projects proposed for funding under the Urban Mass Transportation Act are those contained in the annual element endorsed by the Metropolitan Planning Organization. For title 23 urban system and Interstate substitution projects, the State will include, in the statewide program required by 23 U.S.C. 105, those projects in the annual element in which it concurs. For Interstate, Federal-aid primary, secondary, and extensions of the Federal-aid primary and secondary systems in urban areas, the State will select projects drawn from the annual element endorsed by the Metropolitan Planning Organization. The State may not include a project in the statewide 23 U.S.C. 105 program which is not contained in the annual element unless the project is one for which a substantial commitment of Federal funds has previously been made. The provision affording States the discretion to advance certain projects which may not be included in the metropolitan program but which have reached a specific degree of commitment was discussed at considerable length. We concluded it is reasonable to allow States to proceed with projects which are, in effect, committed from a planning standpoint without again obtaining affirmative action by the Metropolitan Planning Organization. This

provision is not, however, intended to preclude further involvement of local officials in the development of a project. It should be noted that additional revenues for local involvement are provided in regulations implementing section 103 (e) of title 23 which specify responsibilities of local officials in Interstate withdrawals and substitutions.

Under these regulations the process used in devising the program applies also to making revisions in the program. However, at their discretion, the participants may establish special modification procedures for the annual element for certain projects which fall within the purview of 23 CFR Part 655, Subparts A and E. Such projects are generally considered to be of a minor nature or may be emergency-type actions which must be implemented immediately because of safety or related considerations.

Two alternative methods are established for submission by the State of title 23 projects. The preferable approach, and the option which the Department encourages States to adopt, is for the State to submit the metropolitan area program intact by urbanized area as a separate chapter in the statewide program of projects required by 23 U.S.C. 105. Such submission will facilitate program approvals as a single action for each metropolitan area.

A second alternative is for the State to incorporate the urban system portion of each metropolitan area's program intact into the 23 U.S.C. 105 program. This would permit approval of the urban system element as a single action but would require separation of other title 23 projects for the metropolitan area from the 23 U.S.C. 105 program.

The FHWA and UMTA will review the transportation improvement program for consistency with this regulation, and will also review the projects selected for implementation in accordance with established policies for the type of work, status of project, and kind of funds requested. The FHWA and UMTA will arrange for joint discussions with the State, applicant agencies, and the Metropolitan Planning Organization, as appropriate.

In accordance with departmental operating procedures, the Federal Highway Administrator and the Urban Mass Transportation Administrator will jointly approve the urban systems portion of the statewide 105 program. Approval of the other projects (non-urban system projects) will be made individually by the appropriate Federal agency.

Approval of the annual element in accordance with these regulations will indicate eligibility for consideration of a commitment of Federal funds when a request for obligation of FHWA funds or an application for UMTA funds is submitted. Such approval does not constitute a final decision on the use of FHWA or UMTA funds nor does it replace the need to meet other statutory and administrative requirements.

Inquiries, comments, views, and arguments on these proposed regulations may be submitted to the Federal Highway Administration, Room 4226, Docket No. 74-10, 400 7th Street SW., Washington, D.C. 20590. All written communications

received on or before December 6, 1974, will be considered before final action is taken on this proposal. Copies of all written communications received will be available for examination during normal business hours at the foregoing address.

These amendments to title 23 and title 49, Code of Federal Regulations, are proposed under the authority of 23 U.S.C. 105, 134(a), 135(b); 49 U.S.C. 1603(a) and 1607a; and the delegation of authority by the Secretary of Transportation at CFR 1.48(b) and 1.50(f).

In consideration of the foregoing, it is proposed to amend Chapter I of title 23 and Chapter 613 of title 49 of the Code of Federal Regulations by adding a new Part 450 Subpart C and a new Part 613 Subpart A, respectively.

Issued on: November 5, 1974.

FRANK C. HERRINGER,
Urban Mass
Transportation Administrator.

J. R. COUPAL, JR.,
Acting Federal
Highway Administrator.

PART 450—PLANNING ASSISTANCE AND STANDARDS

Subpart C—Transportation Improvement Program

Sec.	Purpose.
450.300	Purpose.
450.302	Applicability.
450.304	Definitions.
450.306	Geographic coverage.
450.308	Transportation improvement program: general.
450.310	Transportation improvement program: content.
450.312	Planning support.
450.314	Annual element: general.
450.316	Annual element: project initiation.
450.318	Annual element: content.
450.320	Annual element: modification.
450.322	Action required by Metropolitan Planning Organization.
450.324	Selection of projects for implementation.
450.326	Submission of title 23 projects selected for implementation.
450.328	Approval.
450.330	Funding eligibility.

AUTHORITY: 23 U.S.C. 105, 134(a), 135(b) and 49 U.S.C. 1603(a), 1607a; 49 CFR 1.48 (b), 1.50(f)

Subpart C—Transportation Improvement Program

§ 450.300 Purpose.

The purpose of these regulations is to establish guidelines for the development, content, and processing of a cooperatively developed transportation improvement program in urbanized areas and also prescribe guidelines for the selection, by implementing agencies, of annual programs of projects to be advanced in urbanized areas.

§ 450.302 Applicability.

(a) After July 1, 1975, the transportation improvement program, including the annual element, described in the regulations in this subpart, shall be a prerequisite to Federal assistance in urbanized areas under

- (1) 23 U.S.C. 104(b) (6), 23 U.S.C. 103 (e), 49 U.S.C. 1602; and
- (2) 23 U.S.C. 104(b) (1), 23 U.S.C. 104 (b) (2), 23 U.S.C. 104(b) (3), 23 U.S.C.

104(b) (5) unless a substantial commitment of Federal funds has previously been made.

(b) The procedures prescribed by the regulations in this subpart shall be effective immediately.

§ 450.304 Definitions.

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

(b) As used herein:
"Annual element" means a list of transportation improvement projects proposed for implementation using Federal funds during the first program year.
"Interstate system projects" means projects funded under 23 U.S.C. 104(b) (5).

"Interstate system projects" means projects funded under 23 U.S.C. 103(e) (4) (withdrawal of Interstate segments and substitution of public mass transit projects).

"Metropolitan Planning Organization" means that organization which is designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, and capable of meeting the requirements of 49 U.S.C. 1603(a).

"Rural primary system projects" means projects funded under 23 U.S.C. 104(b) (1) (Federal-aid primary system).

"Rural secondary system projects" means projects funded under 23 U.S.C. 104(b) (2) (Federal-aid secondary system).

"Transportation improvement program" means a staged multi-year program of federally and non-federally funded transportation improvement projects including an annual element.

"UMTA projects" means Urban Mass Transportation Administration projects funded under 49 U.S.C. 1602 (capital assistance).

"Urban extension projects" means projects including an annual element. (3) (Extensions of the Federal-aid primary and secondary systems within urban areas).

"Urban system projects" means highway or nonhighway public mass transportation projects funded under 23 U.S.C. 104(b) (6) (Federal-aid urban system).

"Transportation improvement projects" includes, but is not limited to: acquisition of right-of-way; construction of highways, busways, and fixed guideways; fringe parking facilities; major street improvements; transit rolling stock acquisition; Traffic Operations Program to Increase Capacity and Safety (TOPICS) projects; bicycle and pedestrian facilities; changes in levels of transit service; initiation of exclusive or preferential bus and carpool lanes; staggering work hours; measures to encourage carpooling; regulation of parking supply and cost; and programs for transit route revisions.

"Substantial commitment of Federal funds" means Federal action which authorizes—

- (1) The acquisition of right-of-way; or
- (2) The physical construction or implementation of the project, if right-of-way acquisition was not previously federally funded.

§ 450.306 Geographic coverage.

The transportation improvement program should encompass the area for which long-range transportation planning is being conducted under titles 23 and 49 of the United States Code and the regulations issued in this part.

§ 450.328 Transportation improvement program: general.

(a) The transportation improvement program shall be developed and updated annually under the direction of the Metropolitan Planning Organization in cooperation with—

- (1) State and local communities;
- (2) Regional and local transit operators;
- (3) Municipal traffic engineers; and
- (4) Other affected transportation and regional planning and implementing agencies.

(b) The program shall be part of the comprehensively-planned development of the urban area so that individual transit and highway projects and programs are consistent with the long-range goals for regional development.

(c) The program shall cover a period of not less than three years but may at local discretion cover five or more years.

§ 450.310 Transportation improvement program: content.

The transportation improvement program shall—

- (a) Identify transportation improvement projects recommended as a result of the cooperative planning process for advancement during the program period;
- (b) Indicate the areas priorities by grouping projects of similar urgency and anticipated staging into appropriate staging periods; and
- (c) Include realistic estimates of total costs and revenues for the program period.

§ 450.312 Planning support.

(a) The transportation improvement program shall be accompanied by documentation of the metropolitan area's planning process which is the basis for transportation investment decisions. The documentation shall include, as a minimum, a discussion of:

- (1) The status of the existing transportation system;
- (2) Alternatives that were investigated to increase the efficiency of the existing transportation facilities and equipment;
- (3) Analysis of alternative capital actions, including modes of transportation and timing of options that were considered during program development, and approaches used to evaluate the alternatives;
- (4) Consistency of the program with the stated long-range goals of the area and its transportation plan; and
- (5) Consideration given to social, economic, and environmental effects and to conservation of energy resources.

(b) In preparing the documentation required under paragraph (a) of this section, previously submitted current documentation which meets the require-

ments in whole or in part of that paragraph may be incorporated by reference.

§ 450.314 Annual element: general.

The annual element shall identify projects recommended as a result of the cooperative planning process to implementing agencies for advancement during the first year.

§ 450.316 Annual element: project initiation.

Projects for inclusion in the annual element shall be initiated in the following manner:

(a) Proposed urban system highway projects shall be initiated by the principal elected officials of general purpose units of local government.

(b) Proposed urban system nonhighway public mass transportation, Interstate transfer, and UMTA projects shall be initiated by principal elected officials of general purpose units of local government in consultation with local transit operating officials or by local transit operating officials.

(c) Proposed rural primary system, rural secondary system, urban extension, and Interstate system projects shall be initiated by the State highway agency.

§ 450.318 Annual element: content.

(a) The annual element shall contain:

- (1) Projects initiated under § 450.316 (a) and (b) of this subpart; and
- (2) Projects initiated under § 450.316(c) of this subpart, within the area of geographic coverage of the program, at all stages in the project development for which program action is proposed, until a substantial commitment of Federal funds has been made.

(b) With respect to each project and phase thereof listed in paragraph (a) (1) and (2) of this section, the annual element shall include—

- (1) Sufficient descriptive material (type of work, termini, length, etc.) to identify the work to be done;
- (2) The estimated cost of the work;
- (3) The proposed source of Federal funds (i.e., Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602) or 23 U.S.C., or both); and
- (4) Identification of the State and local agencies responsible for carrying out the improvements.

(c) The annual element shall be reasonably consistent with the amount of funds expected to be available to the area. Where Federal funds have been allocated to the area pursuant to 23 U.S.C. 150, these shall be indicated.

§ 450.320 Annual element: modification.

The annual element may be modified by the participants at any time during the year consistent with the procedures established in this subpart, except that the participants may establish special modification procedures for projects of an emergency nature which fall within the purview of 23 CFR Part 655 Subparts A and E.

§ 450.322 Action required by Metropolitan Planning Organization.

(a) The transportation improvement program, including the annual element, shall be endorsed annually by the Metropolitan Planning Organization.

(b) The Metropolitan Planning Organization shall submit the transportation improvement program including the annual element to the Urban Mass Transportation Administrator and through the State to the Federal Highway Administrator. These submissions shall constitute endorsement of the program by the Metropolitan Planning Organization.

§ 450.324 Selection of projects for implementation.

(a) The projects proposed to be implemented with Federal assistance under 49 U.S.C. 1602 (Urban Mass Transportation Administration capital assistance programs) shall be those contained in the annual element of the transportation improvement program submitted by the Metropolitan Planning Organization to the Urban Mass Transportation Administrator.

(b) Upon receipt of the transportation improvement program submission, the State shall include in the statewide program of projects required under 23 U.S.C. 105:

(1) Those projects drawn from the annual element and proposed to be implemented with Federal assistance under 23 U.S.C. 104(b) (Federal-aid urban system) and 103(e) (4) (withdrawal of Interstate segments and substitution of public mass transit projects), in which it concurs; and

(2) Those projects it selects from the annual element and proposes to implement with Federal assistance under 23 U.S.C. 104(b)(1) (Federal-aid primary system), 23 U.S.C. 104(b)(2) (Federal-aid secondary system), 23 U.S.C. 104(b)(3) (extensions of the Federal-aid primary and secondary systems in urban areas), and 23 U.S.C. 104(b)(5) (Interstate System).

(c) Nothing in paragraph (b)(2) of this section shall be construed as requiring the State to select from the annual element a project for which a substantial commitment of Federal funds has previously been made. Neither shall these regulations be construed as prohibiting a State from including in the statewide program required under 23 U.S.C. 105 a project for which a substantial commitment of Federal funds has previously been made and which does not appear in the annual element.

(d) With regard to highway projects which include the selection of location or design, the State shall consult with, and consider the views of, the principal elected officials of general purpose units of local government within whose jurisdiction the project is located.

(e) The urbanized area portions of the statewide 23 U.S.C. 105 program submitted annually by the State to the Federal Highway Administrator shall also be submitted to the Urban Mass Transportation Administrator.

PROPOSED RULES

(f) The State shall notify the Metropolitan Planning Organization of actions taken under paragraph (a) of this section.

§ 450.326 Submission of title 23 projects selected for implementation.

(a) Those projects included in the annual element and proposed for funding under the provisions of 23 U.S.C. may be incorporated intact into the statewide program of projects required by 23 U.S.C. 105 for the metropolitan area. If the State elects to do so, necessary Federal program approvals under 23 U.S.C. 105 may be made individually for each metropolitan area; or

(b) The State may elect to incorporate only the urban systems funded portion of the annual element intact into the 23 U.S.C. 105 program. In this case, joint Federal Highway Administration/Urban Mass Transportation Administration approval of the urban systems portion may be made individually for each metropolitan area.

§ 450.328 Approval.

(a) Upon the determination by the Federal Highway Administrator and the Urban Mass Transportation Administrator that the program or portion thereof is in conformance with this subpart and

that the area is under planning certification, approvals will be given to the State and Metropolitan Planning Organization in accordance with the following:

(1) The Federal Highway Administration and the Urban Mass Transportation Administration will jointly approve the urban system projects selected for implementation. This action shall constitute the approval required by 23 U.S.C. 105 for these projects.

(2) Approval of other projects selected for implementation (non-urban system projects) will be given to the applicant agencies by the appropriate Federal agency in accordance with established policy.

(b) The approval granted under paragraph (a) of this section constitutes eligibility for consideration of a commitment when a request for obligation of Federal Highway Administration funds or an application for Urban Mass Transportation Administration funds is submitted.

§ 450.330 Funding eligibility.

Work leading to the preparation of a transportation improvement program and annual element is eligible for Federal assistance with highway planning and research funds, and with Urban Mass Transportation Administration section 9

funds (49 U.S.C. 1607(a)). In addition, highway construction funds may be used for project-related activities.

Proposed Part 613 Subpart A of title 49, Code of Federal Regulations, reads as follows:

PART 613—PLANNING ASSISTANCE AND STANDARDS

Subpart A—Transportation Improvement Program

Sec.
613.100 Transportation improvement program.

AUTHORITY: 23 U.S.C. 105, 134(a), 135(b), and 49 U.S.C. 1603 (a), 1607a; 49 CFR 1.48(b) and 1.50(f).

Subpart A—Transportation Improvement Program

§ 613.100 Transportation improvement program.

The Transportation improvement program regulations establishing guidelines for the development, content, and processing of a cooperatively developed transportation improvement program in urbanized areas and also prescribing guidelines for the selection, by implementing agencies, of annual programs of projects to be advanced in urbanized areas which are set forth in 23 CFR Part 450 Subpart C, are incorporated into this subpart.

[FR Doc.74-26265 Filed 11-7-74;8:45 am]

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PART III



DEPARTMENT OF LABOR

Employment Standards
Administration



MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions,
Modifications, Supersedeas Decisions,
and Cancellations

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTIONGeneral Wage Determination Decisions,
Modifications, Supersedeas Decisions,
and Cancellations

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the

described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New general wage determination decisions.

South Carolina..... AR-4052

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.

Arkansas:
AQ-110 May 24, 1974

Massachusetts:
AR-3131; AR-3137; AR-3138 Aug. 30, 1974

New York:
AR-2051 Sept. 13, 1974
AR-2060 Oct. 18, 1974

Oklahoma:
AR-15 Aug. 16, 1974
AR-35; AR-50 Sept. 27, 1974

Texas:
AR-38; AR-39; AR-40; AR-42; AR-45 Sept. 20, 1974
AR-46; AR-47 Sept. 27, 1974
AR-55 Oct. 4, 1974

Virginia:
AR-2047; AR-2049 Sept. 6, 1974

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 number of the decisions being superseded.

California:
AQ-1094 (AR-1044);
AQ-1095 (R-1045) Mar. 22, 1974

Kentucky:
AQ-4036 (AR-4056) Nov. 23, 1973
AQ-4075 (AR-4054) Feb. 15, 1974
AQ-4084 (AR-4053) Mar. 1, 1974
AQ-4116 (AR-4055) May 17, 1974

Minnesota:
AR-3049; AR-3050; AR-3051; (AR-3166); AR-3052 (AR-3167) July 12, 1974

Nevada:
AQ-1083 (AR-1043) Feb. 15, 1974

Cancellation of general wage determination decisions. General Wage Determination Decision No. AP-450, Washington, D.C.; Montgomery and Prince Georges Counties, Maryland; the cities of Alexandria, Fairfax and Falls Church, Virginia; Arlington and Fairfax Counties, Virginia, is cancelled. Agencies with residential 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. AP-450 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 1st day of November 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: South Carolina
 DECISION NUMBER: AR-4052
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: See below*
 DATE: Date of Publication

*Counties: Clarendon, Darlington, Dillon, Florence, Lee, Marion, Marlboro, Sumter, and Williamsburg

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
		H & W	Pensions	Vacation			
Air conditioning mechanic	\$5.00						
Bricklayers	4.25						
Carpenters	3.60						
Cement masons	4.12						
Dry wall finishers	4.00						
Dry wall hangers	4.00						
Electricians	4.00						
Glaziers	3.50						
Labors:							
Laborers	2.25						
Mason tenders	3.40						
Mortar mixers	3.40						
Painters, brush	3.25						
Plumbers & pipefitters	3.60						
Roofers	3.65						
Sheet metal workers	3.60						
Tile setters	3.75						
Truck drivers	2.23						
Welders - rate for craft							
Power Equipment Operators:							
Asphalt distributor	2.50						
Asphalt paver	2.70						
Backhoe	2.30						
Curbing machine operator	2.60						
Bulldozer	2.88						
Forklift	2.75						
Grader	2.28						
Loader	2.28						
Pan	2.28						
Trenching machine	2.40						

MODIFICATIONS P. 2

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 8.76	.62	.85		.04
10.88	.62	.85		.04
9.76	.62	.85		.04
8.01	.62	.85		.04
10.88	.62	.85		.04
9.01	.62	.85		.04
10.25	.70	.60		.03
9.63	.71	.75		.06
9.63	.50	.70		.08

DECISION #AR-3137 - Mod. #3
(39 FR 31833 - August 30, 1974)
Norfolk County, Massachusetts

Change:
Painters:
Remainder of County:
New Construction:
Brush, Tapers
Steel
Spray
Repaint, alterations, &
Residential
Brush
Steel
Spray
Plumbers:
Bellingham, Braintree, Brook-
line, Canton, Cohasset, Dedham
Foxboro, Franklin, Mills,
Milton, Needham, Norfolk,
N. Weymouth, Norwood, Plain-
ville, Quincy, Sharon, S.
Weymouth, Walpole, Westwood,
Sheet Metal Workers
Sprinkler fitters

MODIFICATIONS P. 1

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$6.65	.25			.04
7.15	.25			.04
7.15	.25			.04
\$ 8.80	.38	1%	.50	.02
7.78	.62	.45		.04
10.88	.62	.45		.04
8.78	.62	.45		.04
9.63	.71	.75		.06
9.63	.50	.70		.08

DECISION NO. AQ-110 - Mod. #4
(39 FR 18410 - May 24, 1974)
Union County, Arkansas

Change:
Carpenters
Millwrights
Piledrivermen

DECISION #AR-3131 - Mod. #3
(39 FR 31806 - August 30, 1974)
Bristol County, Massachusetts

Change:
Electricians:
Attleboro, N. Attleboro, &
Seekonk
Painters:
Remainder of County:
Brush & Taper
Steel
Spray
Sheet Metal workers:
Remainder of County
Sprinkler fitters

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 8.76	.62	.85		.04
10.88	.62	.85		.04
9.76	.62	.85		.04
8.01	.62	.85		.04
10.88	.62	.85		.04
9.01	.62	.85		.04
9.63	.71	.75		.06
9.63	.50	.70		.08
7.65	.30	.25		.05

DECISION #AR-3138 - Mod. #3
(39 FR 31836 - August 30, 1974)
Plymouth County, Massachusetts

Change:
Painters:
Abington, Bridgewater, Brockton
Carver, Duxbury, E. Bridge-
water, Halifax, Hanover,
Hanson, Hingham, Hull, King-
ston, Marshfield, Norwell,
Pembroke, Plymouth, Plympton,
Rockland, Scituate, W. Bridge-
water & Whitman:
New Construction:
Brush, Taper
Steel
Spray
Repaint, alterations &
residential
Brush
Steel
Spray
Sprinkler fitters
Steamfitters; Marshfield
Terrazzo workers helpers

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
	H & W	Pensions	Vacation	Fansions		
\$ 9.79	.50	1%+.50	d		3/8%	
10.54	.50	1%+.50	d		3/8%	
8.81	.50	1%+.50	d		3/8%	
8.30	.50	1%+.50	d		3/8%	
7.90	.50	1%+.50	d		3/8%	
8.30	.50	1%+.50	d		3/8%	
8.695	.50	.55	e+f			
7.965	.375	.55	e+f			
7.965	.375	.55	e+f			

DECISION #AR-2051 - Mod. #2
(39 FR 33185 - September 13, 1974)
Erie County, New York

Change:
Building, Heavy & Highway
Construction:
Line Construction:
Linemen
Cable splicer
Groundman digging machine
operator
Groundman mobile equipment
operator
Groundman truckdriver &
mechanic
Groundman dynamite man

Omit:
Building, Heavy & Highway
Construction:
Truck drivers schedule originally
issued

Add:
Building, Heavy & Highway
Construction:
Contractor drivers
Ready mix
Dump

Footnote:
e. After one year, one weeks
vacation; 2 years, 6 days
vacation; 3 year, 7 days vacation
up to 2 weeks maximum vacation
after completion of 5th year,
full vacations are earned by a
driver who works 1040 hours or
more in the calendar year, if an
employee works less than 1040
hours in any calendar year,
vacation will be prorated for
either 1 or 2 weeks of vacation
on the basis of using the number
of hours worked as the
numerator and 1040 as the
denominator.

Footnote (Cont'd):
f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to election day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid holiday even though laid off.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
				Others

DECISION NO. AR-15 - Mod. #4
(39 FR 29907 - August 16, 1974)
Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie Counties, Oklahoma

Change:
Glaziers
Plasterers

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$6.82 8.60				.01
DECISION NO. AR-35 - Mod. #1 (39 FR 35043 - September 27, 1974) Muskogee County, Oklahoma				
Change: Glaziers	.40	.30		.01
DECISION NO. AR-50 - Mod. #1 (39 FR 35046 - September 27, 1974) Tulsa and Creek Counties, Oklahoma				
Change: Glaziers	.40	.30		.01

NOTICES

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
DECISION #AR-38 - Mod. #3 (39 FR 34000 - September 20, 1974) Kleberg & Nueces Counties, Texas Change: Marble setters' helpers \$4.87 Terrazzo workers' helpers: 4.87 Floor machine operators 5.07 Base machine operators 5.22 Tile setters' helpers 4.87				
DECISION #AR-39 - Mod. #2 (39 FR 34002 - September 20, 1974) Cameron, Hidalgo, Starr & Willacy Counties, Texas Change: Plumbers & pipefitters 6.80	.22			.05
DECISION #AR-40 - Mod. #2 (39 FR 34004 - September 20, 1974) Cameron, Hidalgo, Starr & Willacy Counties, Texas Change: Plumbers & pipefitters 6.80	.22			.05

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DECISION #AR-42 - Mod. #4 (39 FR 34007 - September 20, 1974) Travis County, Texas	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
Change: Carpenters: Carpenters Millwrights Marble setters' helpers Terrazzo workers' helpers: Terrazzo helpers Floor machine operators Base machine operators Tile setters' helpers	\$7.58 7.83 4.87 4.87 5.07 5.22 4.87	.38 .38	.30 .30		.02 .02	
DECISION #AR-45 - Mod. #2 (39 FR 34015 - September 20, 1974) Bexar County, Texas						
Change: Carpenters: Carpenters Millwrights Cement masons Cement masons Machine operators Elevator constructors: Elevator constructors' helpers Elevator constructors' helpers (prob.) Ironworkers Laborers: Common laborers; Pipelayers, concrete & clay (non-metallic) Air tool operators. (jackhammer, vibrator) Bell hole man; Mason tenders Mortar mixers; Plasterers' tenders	7.12 7.42 7.57 7.82 7.77 7.07JR 50%JR 7.15 4.74 4.83 4.85 5.11	.38 .38 .25 .25 .445 .445 .55	.30 .30 .29 .29 .60	.40 .40 3%+a+b 3%+a+b .20	.02 .02 .02 .02 .02 .02 .07 .02 .02 .02 .02	

DECISION #AR-45 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Marble masons' helpers Plasterers Power Equipment Operators: Group 1 Group 2 Group 3 Group 4 Sprinkler fitters Terrazzo workers' helpers: Terrazzo helpers Floor machine operators Base machine operators Tile setters' helpers	\$4.87 8.15 7.82 7.01 5.94 5.72 9.05 4.87 5.07 5.22 4.87	.35 .35 .35 .35 .50	.30 .30 .30 .30 .70		.01 .08
DECISION #AR-46 - Mod. #2 (39 FR 35057 - September 27, 1974) Michita County, Texas					
Change: Lathers	\$7.65				.01
DECISION #AR-47 - Mod. #2 (39 FR 35059 - September 27, 1974) Lubbock County, Texas					
Change: Sprinkler fitters	9.05	.50	.70		.08
DECISION #AR-55 - Mod. #1 (39 FR 35901 - October 4, 1974) Bowie County, Texas					
Change: Sprinkler fitters	9.05	.50	.70		.08

MODIFICATIONS P. 9

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
<p>DECISION #AR-2049 - Mod. #2 (39 FR 32476 - September 6, 1974) York County and the cities of Hampton and Newport News including Langley AFB, Fort Eustis and Fort Monroe, Virginia</p> <p>CHANGE: Carpenters & Soft Floor Layers Sheet Metal Workers: Newport News & Hampton York County Mod. #1 (39 FR 36722 - October 11, 1974) to read: CHANGE: Building Construction Laborers, etc.</p>	.20	.20		.01
<p>DECISION #AR-2047 - Mod. #2 (39 FR 32472 - September 6, 1974) The cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia</p> <p>CHANGE: Carpenters & Soft Floor Layers Sheet Metal Workers</p>	.35 .35	.25 .25		.005 .005
<p>DECISION #AR-2060 - Mod. #1 (39 FR 37354 - October 18, 1974) Dutchess County, New York</p> <p>Change: Carpenters, Building, Heavy & Highway Construction: Wappingers Falls, New Hackensack, Pawling and Beacon: Carpenters, piledrivers, soft floor layers, wharf & dock builders</p>	\$6.60 6.85	.20 .25		.01 .005
	.63	.45+.45	.45	.10

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AR-1044 P. 2

SUPERSEDES DECISION

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NO.: AR-1044

Supersedes Decision No. AQ-1094 dated March 22, 1974, in 39 FR 11004

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			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 10.17	.78	.72		.045
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	8.25	.62	.80		.05
Imperial County	7.90	.65	.70	.40	.12
Inyo, Kern and Mono Counties					
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach); Orange County	8.30	.65	.70		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach	8.53	.65	.70		.07
Riverside and San Bernardino Cos.	7.80	.65	.70		.07
Santa Barbara and San Luis Obispo Cos.	8.55	.65	.45		.02
Ventura County	8.14	.50	1.00		
BRICK TENDERS:					
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	6.05	.65	1.35	.35	
Kern, Los Angeles, Orange, Santa Barbara and Ventura Counties	6.15	.65	1.35	.35	
San Luis Obispo County	6.05	.65	1.35	.35	
CARPENTERS:					
Carpenters	7.05	.74	.95	.70	.01
Saw fillers	7.13	.74	.95	.70	.01
Table power saw operators	7.15	.74	.95	.70	.01
Shinglers; Piledriverman, bridge or dock carpenters; Derrick bargemen; Rock slinger	7.18	.74	.95	.70	.01
Hard wood floor layers; Millwrights	7.25	.74	.95	.70	.01
Head rock slinger	7.28	.74	.95	.70	.01
Pneumatic nailer	* 7.30	.74	.95	.70	.01

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CEMENT MASONS	\$ 7.61	.90	1.20	.80	.08
Cement floating and troweling machine	7.86	.90	1.20	.80	.08
DRYWALL INSTALLERS	8.60	.61	.75	.50	.04
ELECTRICIANS:					
Imperial County	8.80	.50	1 1/2 + .80		
Electricians	9.08	.50	1 1/2 + .80		
Cable splicers					
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)	10.70	.70	1 1/2 + .90		.10
Electricians, Technicians	11.77	.70	1 1/2 + .90		.10
Cable splicers					
Kern County (Remainder of County)	8.70	.70	1 1/2 + .90		.10
Electricians; Technicians	9.57	.70	1 1/2 + .90		.10
Cable splicers					
Los Angeles County	9.64	.50	1 1/2 + 1.05		.06
Electricians	9.94	.50	1 1/2 + 1.05		.06
Cable splicers					
Traffic Signal & Street Lighting:					
Electricians	9.64	.50	1 1/2 + 1.05		.06
Utility Technician No. 1	7.23	.50	1 1/2 + 1.05		.06
Utility Technician No. 2	6.75	.50	1 1/2 + 1.05		.06
Tunnel:					
Electricians	10.60	.50	1 1/2 + 1.05		.06
Cable splicers	10.90	.50	1 1/2 + 1.05		.06
Sound Technicians:					
Sound Technicians (on building construction)	9.50	.50	1 1/2		.02
Sound Technicians (on modification of existing building)	7.66	.50	1 1/2		.02
Orange County					
Electricians	9.65	.45	1 1/2 + .75		.02
Cable splicers	10.09	.45	1 1/2 + .75		.02
Riverside County					
Electricians	9.16	.60	1 1/2 + .40		.04
Cable splicers	9.46	.60	1 1/2 + .40		.04
Inyo, Mono and San Bernardino Cos.					
Electricians	* 8.76	.50	1 1/2 + 1.10		.04
Cable splicers	9.06	.50	1 1/2 + 1.10		.04
Tunnel:					
Electricians	9.32	.40	1 1/2 + .75		.02
Cable splicers	9.62	.40	1 1/2 + .75		.02

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	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
ELECTRICIANS: (Cont'd)						
San Luis Obispo County	\$ 9.18	.60	1% + .55		.01	
Electricians	10.10	.60	1% + .55		.01	
Cable splicers						
Santa Barbara County (Vandenberg AFB)	10.25	.65	1% + .85		.05	
Electricians	11.25	.65	1% + .85		.05	
Cable splicers						
Remainder of County	9.00	.65	1% + .85		.05	
Electricians	10.00	.65	1% + .85		.05	
Cable splicers						
Ventura County	9.57	.60	1% + .45		.02	
Electricians	10.53	.60	1% + .45		.02	
Cable splicers						
ELEVATOR CONSTRUCTORS:						
Imperial, Inyo, Kern (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	9.21	.195	.20 2% + a			
Elevator constructors	70%JR	.195	.20 2% + a			
Elevator constructors' helpers	50%JR					
Elevator constructors' helpers (Prob.)						
Kern County (North of Tehachapi Range)	9.73	.395	.26 2% + a		.02	
Elevator constructors	70%JR	.395	.26 2% + a		.02	
Elevator constructors' helpers						
Elevator constructors' helpers (Prob.)	50%JR					
GLAZIERS:						
Imperial County	8.90	.55	.60		.05	
Inyo, Kern, Mono Counties	7.68	.41	.55	.66		
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Cos.	8.47	.60	.85		.04	
IRONWORKERS:						
Fence erectors	8.64	.73	.975	.85	.02	
Reinforcing	8.75	.73	.975	.85	.02	
Ornamental; Structural	8.78	.73	.975	.85	.02	
IRRIGATION AND LAWN SPRINKLERS:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	6.75	10%	16%	13%	1%	

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
LATHERS:						
Imperial County	\$ 7.00	.24			.01	
Inyo and Kern Counties	6.88	.45	.85	.55		
Los Angeles County (except City of Lancaster)						
Metal furring	7.12	.39	.50		.03	
Nail on (Area I)*	6.985	.29	.35		.045	
Nail on (Areas II, III, IV)**	7.12	.39	.50		.03	
Orange County	8.29	.55	.65	.50	.03	
Riverside County	7.375	.24	.105	.53	.01	
San Bernardino County	8.61	.245	.60		.015	
San Luis Obispo and Santa Barbara Cos.	8.47	.24	.35			
Ventura County	6.11	.30	.50	.60	.01	
LINE CONSTRUCTION						
Imperial County	7.04	.50	1% + .80			
Groundmen	8.80	.50	1% + .80			
Linemen	9.08	.50	1% + .80			
Cable splicers						
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)	8.025	.70	1% + .90		.10	
Groundmen	10.70	.70	1% + .90		.10	
Linemen	11.77	.70	1% + .90		.10	
Cable splicers						
Kern County (Remainder of County)	6.525	.70	1% + .90		.10	
Groundmen	8.70	.70	1% + .90		.10	
Linemen	9.57	.70	1% + .90		.10	
Cable splicers						
Los Angeles County	7.30		1%			
Groundmen	9.73		1%			
Linemen	10.03		1%			
Cable splicers						
Orange County	7.25	.25	1% + .45		.04	
Groundmen, 1st year	7.68	.25	1% + .45		.04	
Groundmen, 2nd year	8.90	.25	1% + .45		.04	
Linemen	9.31	.25	1% + .45		.04	
Cable splicers						
Riverside County	6.87	.60	1% + .40		.04	
Groundmen	9.16	.60	1% + .40		.04	
Linemen; Line Equipment operators	9.46	.60	1% + .40		.04	
Cable splicers						

* See page 10 for definition

** See page 10 for definition

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AR-1044 P. 6

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 6.36	.40	1% + .75		.02
8.48	.40	1% + .75		.02
8.78	.40	1% + .75		.02
8.98	.60	1%		.01
9.88	.60	1%		.01
6.95	.35	1% + .45		.03
8.85	.35	1% + .45		.03
9.10	.35	1% + .45		.03
7.60	.35	1% + .45		.03
7.85	.35	1% + .45		.03
8.39	.60	1% + .45		.02
9.57	.60	1% + .45		.02
10.53	.60	1% + .45		.02
8.57	.76	.51	1.03	
7.26	.55	.65	.60	
8.16	.65	.55		
7.43	.49	.39	.60	.03
7.93	.49	.39	.60	.03
7.68	.49	.39	.60	.03
8.83	.49	.39	.60	.03

LINE CONSTRUCTION: (Cont'd)

Inyo, Mono, San Bernardino Cos.
 Groundmen
 Linemen
 Cable splicers
 San Luis Obispo County
 Linemen
 Cable splicers
 Santa Barbara County (Vandenberg AFB)
 Groundmen
 Linemen
 Cable splicers
 Santa Barbara County (Remainder of Co.)
 Linemen
 Cable splicers
 Ventura County
 Groundmen
 Linemen
 Cable splicers
 MABLE SETTERS:
 Inyo and Mono Counties
 Imperial County
 Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties

PAINTERS:
 Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excl. western portion)
 Brush; Paint burners
 Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper
 Brush (swing stage) Spray
 Steeplejack

PAINTERS: (Cont'd)

Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino west of a line North in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)
 Brush
 Structural steel and bridge;
 Paint burner; Taper
 Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray
 Brush swing stage (over 13 stories)
 Structural steel and bridge, swing
 Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray
 Steeplejack
 Kern County (Remainder of County)
 Brush
 Swing stage (brush-roller)
 Paperhangers; Spray; Sandblasters
 Taping joint sheet rock
 Swing stage and sandblasters
 San Luis Obispo, Santa Barbara and Ventura Counties
 Brush
 Iron and steel; Paperhangers; Paste machine operator; Sandblaster; Taper
 Spraymen
 Steeplejack

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 8.25	.305	.40	.30	
8.37	.305	.40	.30	
8.50	.305	.40	.30	
8.62	.305	.40	.30	
8.65	.305	.40	.30	
8.75	.305	.40	.30	
9.50	.305	.40	.30	
7.82	.35	.41		.01
7.97	.35	.41		.01
8.07	.35	.41		.01
8.02	.35	.41		.01
8.22	.35	.41		.01
8.31	.35	.40		.02
8.56	.35	.40		.02
8.81	.35	.40		.02
9.31	.35	.40		.02

NOTICES

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	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
PLUMBERS: Steamfitters: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties Inyo, Kern (except east of Los Angeles Aqueduct) and Mono Cos. Kern County (east of Los Angeles Aqueduct)	\$ 8.84 7.67 9.67	.10 .60 .60	.16 1.60 1.60	.13 1.00 1.00		.1% .10 .10
REFRIGERATION & AIR CONDITIONING Riverside and San Bernardino Cos.	7.30	.60	.40	.55		.03
ROOFERS: Imperial County Inyo, Kern and Mono Counties Riverside and San Bernardino Cos. Los Angeles, Orange and Ventura Counties San Luis Obispo and Santa Barbara Counties	7.14 7.75 7.05 8.18 7.76	.40 .50 .55 .35 .36	.25 .50 .40 .60 .205	1.00 .50 .50 .60		.025 .0025
SHEET METAL WORKERS: Imperial County Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines) and Mono Counties Los Angeles County (Remaining portion) Orange County Riverside and San Bernardino Cos. San Luis Obispo, Santa Barbara and Ventura Counties	8.93 8.52 9.77 9.52 8.25 9.72	.74 .74 .74 .69 .69 .69	1.20 1.20 1.30 1.20 1.05 1.05			.015 .05
SOFT FLOOR LAYERS: Imperial County Inyo (incl. Inyo-Kern Naval Reservation), Kern (East of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties Kern County (remaining portion)	7.90	.45	.63	.60		.05
SPRINKLER FITTERS: Imperial, Inyo, Kern, Mono, Orange (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	8.70 8.05 11.70	.55 .37 .50	.50 .15 .70	.50 .44		.03 .08

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	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
PAINTERS: (Cont'd) Painters: Parking Lot Striping Work and/or Highway Markers: Inyo and Mono Counties Striper Striper Helper Traffic Delineating Device Applicator; Traffic Surface Sandblaster Helper (Traffic Delineating Device Applicator, Traffic Surface Sandblaster) Remaining Counties Traffic Delineating Device Applicator Traffic Surface Protective Coating Applicator; Wheel Stop Installer; Traffic Surface Sandblaster; Stripper Helper (Traffic Surface Protective Coating Applicator, Wheel Stop Installer, Traffic Surface Sandblaster, Stripper)	\$ 7.92 6.82 6.82 6.32 6.82 6.43 5.43 8.15 7.77 7.495 10.675 9.25 8.69 8.625 7.93 6.50 7.175 6.50 7.0275 6.94 7.10	.40 .40 .40 .40 .40 .40 .40 .45 .45 .53 .70 .55 .65 .65 .65 .65 .65 .65 .65 .65 7.10	.20 .20 .20 .20 .20 .20 .20 .75 1.35 1.60 1.05 .50 1.35 1.80 1.35 1.35 1.35 1.35 1.475	b b		.06 .06 .07 .01 .02 .06 .06 .07 .01 .02 .06 .30 .30 .60 .30 1.00 1.29 1.00
PLASTERERS: Imperial County Inyo, Kern and Mono Counties Los Angeles and Orange Counties Riverside and San Bernardino Cos. San Luis Obispo County Santa Barbara County Ventura County PLASTER TENDERS: Imperial, Inyo, Mono, Riverside and San Bernardino Counties Kern County Los Angeles and Orange Counties San Luis Obispo County Santa Barbara County (except Santa Maria) Santa Barbara County (Santa Maria) Ventura County						

SPRINKLER FITTERS: (Cont'd)
 Los Angeles (Los Angeles City and area within 25 miles; and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)
 TERRAZZO WORKERS:
 Imperial County
 Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties
 TILE SETTERS:
 Imperial County
 Inyo, Kern and Mono Counties
 Los Angeles, Orange and Ventura Counties
 Riverside and San Bernardino Cos.
 San Luis Obispo and Santa Barbara Counties

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 11.14	.54	.60		.09
7.26	.55	.65	.60	
7.02	.25	.40	.60	
7.26	.55	.65	.60	
7.30	.40		.30	
7.65	.495	.65		.04
7.70	.70	.65		.025
8.29	.65	.45		

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% 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.
- b. Employer contributes \$.17 per hour to Holiday Fund plus \$.10 per hour to Vacation Fund for one year's service; \$.30 per hour after one year, but less than 5 years' service, \$.40 per hour after 5 years' but less than 10 years' service, and \$.50 per hour after 10 years' service.
- * Area I - That portion of Los Angeles County including the Cities of Burbanks, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibu Beach, Redondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** Area II; III; and IV:

- Area II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east of San Bernardino County Line, then south along the San Bernardino County Line.
- Area III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrance Boulevard, west to Pacific Ocean, including Catalina Island.
- Area IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County Line, south along County Line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean including San Clemente Island.

NOTICES

NOTICES

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hose man (walls, slab, floors and decks); Mixer-truck chute man (Walls, Slab Decks, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signaling; Slip form raisers; Window cleaner	\$ 6.45	.65	1.35	.38	.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	6.50	.65	1.35	.38	.10
GUINEA CHASER	6.63	.65	1.35	.38	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	6.55	.65	1.35	.38	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	6.57	.65	1.35	.38	.10
UNDERGROUND (INCL. CAISSON BELLOWERS)	6.58	.65	1.35	.38	.10
CHUCKTENDER; Septic tank digger and installer	6.60	.65	1.35	.38	.10
CESSPOOL DIGGER AND INSTALLER	6.63	.65	1.35	.38	.10
CONCRETE CURER - IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stone-paver placing stone or sacked concrete; Sandblaster (pot tender)	6.64	.65	1.35	.38	.10

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING & INCLUDING RUBBER GASKET JOINTS, POINTING & ANY AND ALL OTHER SERVICES	\$ 6.74	.65	1.35	.38	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	6.66	.65	1.35	.38	.10
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting, scoring old or new concrete; Pneumatic wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	6.76	.65	1.35	.38	.10
ROCK SLINGER	6.71	.65	1.35	.38	.10
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	6.84	.65	1.35	.38	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	6.86	.65	1.35	.38	.10
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	6.96	.65	1.35	.38	.10
GAS AND OIL PIPELINE WRAPPER - (6" and over; Kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	6.79	.65	1.35	.38	.10

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LABORERS (Tunnel and Tunnel- Shaft Construction)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
BATCH PLANT LABORERS; Bull gang mucker, trackman; Concrete crew, incl. rodders and spreaders; Dump- man; Dumpman (outside); Swamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	\$ 7.76	.65	1.35	.38	
CABLE TENDER, Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	7.87	.65	1.35	.38	
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pick- erman; Grout gunman; Grout mixer- man; Grout pumpman; Jackleg miner; Jumbo man; Kemper and other pneu- matic concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Retimberman (wood or steel); Tunnel concrete finisher	8.03	.65	1.35	.38	
SHAFT, Raise miner; Diamond driller	8.29	.65	1.35	.38	

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	\$ 6.96	.65	1.35	.38	.10
BLASTER POWDERMAN	7.10	.65	1.35	.38	.10
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	6.87	.65	1.35	.38	.10
SANDBLASTER (Nozzleman)	6.90	.65	1.35	.38	.10
DRILLER (Core-Diamond-Wagon)	7.10	.65	1.35	.38	.10
HEAD ROCK SLINGER	6.97	.65	1.35	.38	.10
GUNNITE LABORERS:					
NOZZLEMEN AND RODMEN	7.22	.65	1.35	.35	
GUNMEN	6.72	.65	1.35	.35	
REBOUNDMEN	5.76	.65	1.35	.35	

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
	H & W	Pensions	Vacation			
\$ 7.28	.75	1.50	.30		.02	
7.52	.75	1.50	.30		.02	
7.76	.75	1.50	.30		.02	
7.87	.75	1.50	.30		.02	
8.06	.75	1.50	.30		.02	
8.16	.75	1.50	.30		.02	
8.26	.75	1.50	.30		.02	
8.40	.75	1.50	.30		.02	
8.50	.75	1.50	.30		.02	

POWER EQUIPMENT OPERATORS
(Except Piledriving & Steel Erection)

- *Group 1:
- Group 2:
- Group 3:
- Group 4:
- Group 5:
- Group 6:
- Group 7:
- Group 8:
- Group 9:

TRUCK DRIVERS

- ** Group 1:
- Group 2:
- Group 3:
- Group 4:
- Group 5:
- Group 6:
- Group 7:
- Group 8:
- Group 9:
- Group 10:
- Group 11:
- Group 12:
- Group 13:

* See Page 17 for definition
** See Page 20 for definition

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
	H & W	Pensions	Vacation			
\$8.65	.75	1.50	.30	.015		
8.16	.75	1.50	.30	.015		
7.76	.75	1.50	.30	.015		
7.70	.75	1.50	.30	.015		
7.24	.75	1.50	.30	.015		
8.65	.75	1.50	.30	.015		
8.16	.75	1.50	.30	.015		
7.76	.75	1.50	.30	.015		
7.70	.75	1.50	.30	.015		
7.24	.75	1.50	.30	.015		

POWER EQUIPMENT OPERATORS
(DREDGING)

HYDRAULIC SUCTION DREDGES

- LEVERMAN
- WATCH ENGINEER; Welder
- DECKMATE
- WINCH MAN (stern winch or dredge)
- BARGE MAN; Deckhand; Fireman; Oiler; Leveehand

(CLAM SHELL DREDGES)

- LEVERMAN
- WATCH ENGINEER
- DECKMATE
- BARGE MATE
- BARGE MAN; Deckhand; Fireman; Oiler

POWER EQUIPMENT OPERATORS

(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, Skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal 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. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or Winch Truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); 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; Dinky locomotive or mortman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Concrete batch plant operator - (oiler or journeyman-trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (ceanal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (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 yd. and up to and including 1 1/2 yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)

POWER EQUIPMENT OPERATORS CONT'D.

(Except Piledriving and Steel Erection)

GROUP 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted) (oiler required); Concrete mixer operator-paving; Crane operator (up to and including 25 tons capacity); Crushing plant operator; Elevating grader; Fork-lift (over 5 tons); Grade checker; Graddall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagbord and similar types); Lift mobile operator; Loader operator (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 (excl. caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and incl. 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skiploader (crawler and wheel type over 1-1/2 yds., up to and incl. 6-1/2 yds.); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and incl. 25 yds. struck); trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over or similar (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu.yds. M.R.C.

GROUP 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6-1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.); Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination

GROUP 8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (push-pull) (.50¢ per hour additional to base rate); Tandem equipment operators (2 units only); Tandem Tractor Op. (Quad 9 or similar type); Tunnel mole boring machine operator

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POWER EQUIPMENT OPERATORS (cont'd)
(Except Piledriving and Steel Erection)

GROUP 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator (\$1.00 per hour additional)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Drivers of Vehicles or Combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load

Group 3: Truck mounted power broom

Group 4: Drivers of Vehicles or Combination of vehicles of 3 axles; Water truck, 2 axles

Group 5: Bootman; Cement distributor; Fuel truck; Driver of road oil spreader truck

Group 6: Transit-mix, under 3 yds.; Dumpcrete, less than 6 1/2 yds.

Group 7: Water Truck, 3 or more axles; Truck repairman helper

Group 8: Truck Greaser and Tiremen (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used

Group 9: Transit-mix, 3 yds. or more; Dumpcrete, 6 1/2 yds. and over

Group 10: Drivers of Vehicles or combination of vehicles of 4 or more axles

Group 11: A-Frame or Swedish Crane, or similar type of equipment; Fork lift; Ross carrier (Hwy)

Group 12: All Off-Highway Equipment within Teamsters Jurisdiction (off highway combination of vehicles or equipment with multiple power sources, \$1.00 per hour additional); Truck repairman

Group 13: Truck Repairman - Welder

AR-1045, P. 2

SUPERSEDES DECISION

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NO.: AR-1045
 Supersedes Decision No. AQ-1095, dated March 22, 1974, in 39 FR 11013
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

DATE: Date of Publication

	Basic Hourly Rates	* Fringe Benefits Payments				App. Tr.
		H & W.	Pensions	Vacation		
ASBESTOS WORKERS	\$ 10.17	.78	.72		.045	
BOILERMAKERS	8.50	.65	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Imperial County	8.25	.62	.80		.05	
Kern County	7.90	.65	.70	.40	.12	
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach); Orange County	8.30	.65	.70		.07	
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach)	8.53	.65	.70		.07	
Riverside and San Bernardino Cos.	7.80	.65	.70		.07	
Santa Barbara and San Luis Obispo Counties	8.55	.65	.45		.02	
Ventura County	8.14	.50	1.00			
BRICK TENDERS:						
Imperial, Riverside and San Bernardino Counties	6.05	.65	1.35	.35		
Kern, Los Angeles, Orange, Santa Barbara and Ventura Counties	6.15	.65	1.35	.35		
San Luis Obispo County	6.05	.65	1.35	.35		
CARPENTERS:						
Carpenters	7.05	.74	.95	.70	.01	
Saw filers	7.13	.74	.95	.70	.01	
Table power saw operators	7.15	.74	.95	.70	.01	
Shinglers; Piledrivers; bridge or dock carpenters; Derrick bargemen; Rock slinger	7.18	.74	.95	.70	.01	
Hard wood floor layers; Millwrights						
Head rock slinger	7.25	.74	.95	.70	.01	
Pneumatic nailer	7.28	.74	.95	.70	.01	
CEMENT MASONS:						
Cement masons	7.30	.74	.95	.70	.01	
Cement floating and troweling machine	7.61	.90	1.20	.80	.08	
	7.86	.90	1.20	.80	.08	

DRYWALL INSTALLERS
 ELECTRICIANS:
 Imperial County
 Electricians
 Cable splicers
 Kern (China Lake Naval Ordnance Test Station, Edwards AFB)
 Electricians; Technicians
 Cable splicers
 Kern County (Remainder of County)
 Cable splicers
 Los Angeles County
 Electricians
 Cable splicers
 Orange County
 Electricians
 Cable splicers
 Riverside County
 Electricians
 Cable splicers
 San Bernardino County
 Electricians
 Cable splicers
 San Luis Obispo County
 Electricians
 Cable splicers
 Santa Barbara County (Vandenberg AFB):
 Electricians
 Cable splicers
 Remainder of County:
 Electricians
 Cable splicers
 Ventura County
 Electricians
 Cable splicers

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
	\$ 8.60	.61	.75	.50	.04	
	8.80	.50	1% + .80			
	9.08	.50	1% + .80			
	10.70	.70	1% + .90		.10	
	11.77	.70	1% + .90		.10	
	8.70	.70	1% + .90		.10	
	9.57	.70	1% + .90		.10	
	9.64	.50	1% + 1.05		.06	
	9.94	.50	1% + 1.05		.06	
	9.65	.45	1% + .75		.02	
	10.09	.45	1% + .75		.02	
	9.16	.60	1% + .40		.04	
	9.46	.60	1% + .40		.04	
	8.76	.50	1% + 1.10		.04	
	9.06	.50	1% + 1.10		.04	
	9.18	.60	1% + .55		.01	
	10.10	.60	1% + .55		.01	
	10.25	.65	1% + .85		.05	
	11.25	.65	1% + .85		.05	
	9.00	.65	1% + .85		.05	
	10.00	.65	1% + .85		.05	
	9.57	.60	1% + .45		.02	
	10.53	.60	1% + .45		.02	

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
PLASTERERS:						
Imperial County	\$ 8.15	.45	.75		.06	
Kern County	7.77	.45	.60	.60	.06	
Los Angeles and Orange Counties	7.495	.53	1.60	.55	.07	
Riverside and San Bernardino Cos.	10.675					
San Luis Obispo County	9.25	.70	1.05		.01	
Santa Barbara County	8.69	.55	.50	.50	.02	
Ventura County	8.625					
PLASTERERS' TENDERS:						
Imperial, Riverside and San Bernardino Counties	7.93	.65	1.35	.30		
Kern County	6.50	.65	1.35	.30		
Los Angeles and Orange Counties	7.175	.65	1.80	.60		
San Luis Obispo County	6.50	.65	1.35	.30		
Santa Barbara County (except Santa Maria)	7.0275	.65	1.35	1.00		
Santa Barbara County (Santa Maria)	6.94	.65	1.35	1.29		
Ventura County	7.10	.65	1.475	1.00		
PLUMBERS; Steamfitters:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.84	10%	15%	13%	1%	
Kern, (except east of Los Angeles Aqueduct)	7.67	.60	1.60	1.00	.10	
Kern County (East of Los Angeles Aqueduct)	9.67	.60	1.60	1.00	.10	
REFRIGERATION & AIR CONDITIONING						
Riverside and San Bernardino Cos.	7.30	.60	.40	.55	.03	
ROOFERS:						
Imperial County	7.14	.40	.25	1.00		
Kern County	7.75	.50	.50			
Los Angeles, Orange and Ventura Counties	8.18	.35	.60		.025	
San Luis Obispo and Santa Barbara Counties	7.76	.36	.205		.0025	
Riverside and San Bernardino Cos.	7.05	.55	.40	.50		

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
SHEET METAL WORKERS						
Imperial County	\$ 8.93	.74	1.20			
Kern, Los Angeles (North of line between Gorman and Big Pines) Los Angeles County (Remaining portion)	8.52	.74	1.20			
Orange County	9.77	.74	1.30		.015	
Riverside and San Bernardino Cos.	9.52	.69	1.20			
San Luis Obispo, Santa Barbara and Ventura Counties	8.25	.69	1.05		.05	
SOFT FLOOR LAYERS:						
Imperial County	9.72	.69	1.05			
(Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct) Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Cos. Kern County (Remaining portion)	7.90	.45	.63	.60	.05	
SPRINKLER FITTERS:						
Imperial, Kern, Orange, (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	8.70	.55	.50	.50	.03	
Kern County	8.05	.37	.15	.44		
Los Angeles (Los Angeles City and area within 25 miles, and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	11.70	.50	.70		.08	
TILE SETTERS:						
Imperial County	11.14	.54	.60		.09	
Kern County	7.26	.55	.65	.60		
Los Angeles, Orange and Ventura Cos.	7.30	.40	.65	.30		
Riverside and San Bernardino Cos.	7.65	.495	.65		.04	
San Luis Obispo and Santa Barbara Cos.	7.70	.70	.65		.025	
	8.55	.65	.45			

POWER EQUIPMENT OPERATORS
(Except Piledriving & Steel Erection)

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% 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.

* AREA I - That portion of Los Angeles County including the Cities of Burbank, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibu Beach, Rondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** AREAS II; III; and IV:

AREA II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east to San Bernardino County line, then south along the San Bernardino County line.

AREA III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrance Boulevard, west to Pacific Ocean, including Santa Catalina Island.

AREA IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean, including San Clemente Island.

TRUCK DRIVERS

**Group 1:
Group 2:
Group 3:
Group 4:
Group 5:
Group 6:
Group 7:
Group 8:
Group 9:
Group 10:
Group 11:
Group 12:
Group 13:

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$ 7.28	.75	1.50	.30	.02
7.52	.75	1.50	.30	.02
7.76	.75	1.50	.30	.02
7.87	.75	1.50	.30	.02
8.06	.75	1.50	.30	.02
8.16	.75	1.50	.30	.02
8.26	.75	1.50	.30	.02
8.40	.75	1.50	.30	.02
8.50	.75	1.50	.30	.02
6.42	.75	.65	1.00	
6.50	.75	.65	1.00	
6.56	.75	.65	1.00	
6.65	.75	.65	1.00	
6.68	.75	.65	1.00	
6.74	.75	.65	1.00	
6.75	.75	.65	1.00	
6.83	.75	.65	1.00	
6.88	.75	.65	1.00	
6.90	.75	.65	1.00	
7.20	.75	.65	1.00	
7.45	.75	.65	1.00	
7.55	.75	.65	1.00	

* See Page 12 for definition
** See Page 15 for definition

NOTICES

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AR-1045 P. 10

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 6.74	.65	1.35	.38	.10
LABORERS (Cont'd) PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING INCLUDING RUBBER GASKET JOINTS, POINTING & ANY AND ALL OTHER SERVICES				
6.66	.65	1.35	.38	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled				
6.76	.65	1.35	.38	.10
6.71	.65	1.35	.38	.10
6.84	.65	1.35	.38	.10
6.86	.65	1.35	.38	.10
6.96	.65	1.35	.38	.10
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; Concrete saw man, cutting, scoring old or new concrete; Impact wrench, multiplate; Pneumatic, i.e. gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type				
ROCK SLINGER				
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER				
CONCRETE VIBRATOR OPERATOR, 70 lbs and over				
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer				

AR-1045 P. 9

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 6.45	.65	1.35	.38	.10
6.50	.65	1.35	.38	.10
6.63	.65	1.35	.38	.10
6.55	.65	1.35	.38	.10
6.57	.65	1.35	.38	.10
6.58	.65	1.35	.38	.10
6.60	.65	1.35	.38	.10
6.63	.65	1.35	.38	.10
6.64	.65	1.35	.38	.10
LABORERS CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer - temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (walls, slabs, deck floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner				
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman				
GUINEA CHASER				
ASPHALT SHOVELER; Fine grader, highway and street paving, air-ports, runways and similar type heavy construction; Landscape gardener and nursery man				
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner				
UNDERGROUND (INCL. CAISSON BELLOWERS)				
CHUCKTENDER; Septic tank digger and installer				
CESSPOOL DIGGER AND INSTALLER				
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER; Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)				

LABORERS (Cont'd)

GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettleman, potmen and men applying asphalt, laykold, creosote, lime caustic and similar type materials

CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING, HAND-GUIDED LAGGING HAMMER

BLASTER POWDERMAN

STEEL HEADERBOARD MAN AND GUIDE LINE SETTER

SANDBLASTER (nozzleman)

DRILLER (Core-Diamond-Wagon)

HEAD ROCK SLINGER

GUNNITE LABORERS: NOZZLEMAN AND RODMEN

GUNNEN

REBOUNDMEN

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 6.79	.65	1.35	.38	.10
6.96	.65	1.35	.38	.10
7.10	.65	1.35	.38	.10
6.87	.65	1.35	.38	.10
6.90	.65	1.35	.38	.10
7.10	.65	1.35	.38	.10
6.97	.65	1.35	.38	.10
7.22	.65	1.35	.35	.10
6.72	.65	1.35	.35	.10
5.76	.65	1.35	.35	.10

POWER EQUIPMENT OPERATORS

(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, Skip type; Conveyor; Firman; Generator, pump or compressor, (2-5 inclusive) portal 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. without attachment; Tar pot firman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or Minch Truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with draagtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt Plant Firman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Concrete batch plant operator - (oiler or journeyman-trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis internal full slab vibrator; Mechanical al berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (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 yd. and up to and including 1 1/2 yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)

NOTICES

POWER EQUIPMENT OPERATORS CONT'D:
(Except Pile-driving and Steel Erection)

GROUP 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BH; Lima Road Factor, Wagner Factor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted) (oiler required); Concrete mixer operator-paving; Crane operator (up to and including 25 tons capacity); Crushing plant operator; Elevating grader; Fork-lift (over 5 tons); Grade checker; Grapple operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeBourneau blob compactor or similar type; Lift slab machine (Wagbord and similar types); Lift mobile operator; Loader operator (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 (excl. caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and incl. 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skip loader (crawler and wheel type over 1-1/2 yds. up to and incl. 6-1/2 yds.); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and incl. 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu.yds. M.R.C.

GROUP 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6-1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination

GROUP 8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50¢ per hour additional to base rate); Tandem equipment operators (2 units only); Tandem Tractor Op. (Quad 9 or similar type); Tunnel mole boring machine operator

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Pile-driving and Steel Erection)

GROUP 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cc. yds.); Remote controlled earth moving equipment operator (\$1.00 per hour additional)

TRUCK DRIVERS

- Group 1: Warehouseman and Teamster
- Group 2: Drivers of Vehicles or Combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load
- Group 3: Truck mounted power broom
- Group 4: Drivers of Vehicles or Combination of vehicles of 3 axles; Water truck, 2 axles
- Group 5: Bootman; Cement distributor; Fuel truck; Driver of road oil spreader truck
- Group 6: Transit-mix, under 3 yds.; Dumpcrete, less than 6 1/2 yds.
- Group 7: Water Truck, 3 or more axles; Truck repairman helper
- Group 8: Truck Greaser and Tirmen (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks appli-cable to pipeline and utility work, where a composite crew is used
- Group 9: Transit-mix, 3 yds. or more; Dumpcrete, 6 1/2 yds. and over
- Group 10: Drivers of Vehicles or combination of vehicles of 4 or more axles
- Group 11: A-Frame or Swedish Crane, or similar type of equipment; Fork lift; Ross carrier (Hwy)
- Group 12: All Off-Highway Equipment within Teamsters Jurisdiction (off highway combination of vehicles or equipment with multiple power sources, \$1.00 per hour additional); Truck repairman
- Group 13: Truck Repairman - Welder

AR-4053 P. 2

KENTUCKY 3-LAB-E (1-1)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$5.99	.25	.25		
6.24	.25	.25		
6.29	.25	.25		
6.89	.25	.25		

LABORERS

HEAVY AND HIGHWAY CONSTRUCTION

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4

Group 1 - Laborers: Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers and placers, landscaping and seeding, planters and tree trimmers, sign, guard rail and fence installers, grade checkers, ageing and curing of concrete, truck spotters and dumpers, flagmen, riprap and grouters, dredging laborers, right-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper

Group 2 - Wagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chippers, green concrete cutting, brickmason tenders and mortar mixer, pipe layers, joint maker, batter board man (sanitary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinderman, hand operated grouter and grinder machine, deckhand scow man, burner and welder, walk behind trenching machine

Group 3 - Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborers (free air), gunnite operators and mixers man, gunnite nozzleman, asphalt luteman and rakeman air tract driller (all types), grout pump operator

Group 4 - Tunnel blasters, tunnel muckers (free air); miners and drillers (free air), caisson workers (free air)

SUPPERSIDESAS DECISION

STATE: Kentucky
 COUNTY: See below*
 DECISION NUMBER: AR-14053
 DATE: Date of Publication
 Supersedes Decision No. AQ-14084, dated March 1, 1974 in 39 FR 8118
 DESCRIPTION OF WORK: Heavy and Highway Construction

1-KV-2-3

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$6.85	.35	.30		.03
6.50	.40	.20		1/4 of 1%
8.80	.25	1%		1/4 of 1%
7.07	.25	1%		
7.40	.45	.50		.02
7.40	.45	.50		.02
7.10	.35	.30		
6.85	.15			
6.85	.15			
7.10	.35	.30		.08
9.10	.45	.50		.08
9.10	.45	.50		.08

*Counties: Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren and Webster

HEAVY AND HIGHWAY CONSTRUCTION

- Carpenters
- Cement masons
- Electricians:
- Linemen (outside)
- Groundmen (outside)
- Ironworkers:
- Structural and ornamental
- Reinforcing
- Millwrights
- Painters:
- Bridge and sandblasting
- Spray
- Pavedrivermen
- Pipefitters
- Plumbers

AR-4053 P. 3

Kentucky 1-PEO-2 D

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

CLASS	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CLASS A	\$8.20	.25	.25	.25	
CLASS B	6.51	.25	.25	.25	
CLASS C	6.02	.25	.25	.25	

Class A - Power Equipment Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, Hoe-Type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), sraifier, shovel, tractor shovel, truck lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, a-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, rock carrier, side boom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, kocal loader, tower cranes, (French, German, and other types), hydrocrane, backfiller, guries, subgrader, tailboom and dredge engineer

Class B - All air compressors (600 cu. ft. per min or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 h.p. and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/self-propelled compactor boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whitley oiler, tractor and road widening trencher, joint sealing machine, rotary drill (under 5"), throttle valve man, tigger, well points, flexplane, firemen, and hoist (one drum)

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 h.p.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deck-hand oiler, and hydraulic post driver

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Kentucky 5-PEO-3-C

HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

CLASS	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CLASS A	\$7.60	.25	.25	.25	
CLASS B	6.30	.25	.25	.25	
CLASS C	5.81	.25	.25	.25	

Class A - Power Equipment Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, concrete derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, Hoe-Type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), sraifier, shovel, tractor shovel, truck lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, a-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, rock carrier, side boom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, kocal loader, tower cranes, (French, German, and other types), hydrocrane, backfiller, guries, subgrader, tailboom and dredge engineer

Class B - All air compressors (600 cu. ft. per min or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 h.p. and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/self-propelled compactor boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whitley oiler, tractor and road widening trencher, joint sealing machine, rotary drill (under 5"), throttle valve man, tigger, well points, flexplane, firemen, and hoist (one drum)

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 h.p.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deck-hand oiler, and hydraulic post driver

KY-1-TD-2-3

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS:

- GROUP I
- GROUP II
- GROUP III
- GROUP IV
- GROUP V

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$6.19		a		
6.24		a		
6.47		a		
6.54		a		
6.55		a		

Group I - Truck Driver: Truck helper

Group II - Driver, 3 tons and under; greaser, tire changer and mechanic helper

Group III - Truck mechanic

Group IV - Driver, over 3 tons, driver of distributors; driver, dump truck tandem axle, driver on mixer trucks (all types); driver, semi-trailer or pole trailer when used to pull building material or equipment

Group V - Driver, euclid and other heavy earth-moving equipment and low boy; driver, fork lift truck when used to transport building materials driver on pavement breakers; driver, which truck and a-frame truck when used in transporting materials

FOOTNOTE:

a. \$22.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

STATE: Kentucky
 DECISION NUMBER: AR-4054
 SUPERSEDES Decision No. AQ-4075 dated February 15, 1974 in 39 FR-5983
 DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTY: See below**
 DATE: Date of Publication

2-KY-2-3

*Counties: Adair, Barren, Bell, Breathitt, Casey, Clay, Clinnton, Cumberland, Estill, Floyd, Garrard, Green, Harlan, Hart, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, McCreary, Magoffin, Martin, Menifee, Metcalfe, Monroe, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley and Wolfe

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
Carpenters	\$6.81	.25	.30	.20		
Cement masons	6.60	.25	.30	.20		
Electricians:					% of 1%	
Linemen (outside)	9.20	.30	1%		% of 1%	
Cable splicers (outside)	9.45	.30	1%		% of 1%	
Groundman:					% of 1%	
1st 6 mos.	50% a	.30	1%		% of 1%	
2nd 6 mos.	60% a	.30	1%		% of 1%	
3rd 6 mos.	65% a	.30	1%		% of 1%	
4th 6 mos.	70% a	.30	1%		% of 1%	
Over 2 years	75% a	.30	1%		% of 1%	
Ironworkers:						
Structural and ornamental	6.85	.25	.30	.20		
Reinforcing	6.65	.25	.30	.20		
Painters:						
Brush and roller	7.00	.25	.30	.20		
Spray	7.00	.25	.30	.20		
Piledriversmen	6.40	.25	.30	.20		
Plumbers and pipefitters	10.05	.25	.60		.02	

Footnote:
 a. Percentage of Lineman rate.

Kentucky 2-LAB-3-E (1-1)

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
GROUP I	\$5.00	.25	.30	.20		
GROUP II	5.05	.25	.30	.20		
GROUP III	5.05	.25	.30	.20		
GROUP IV	5.15	.25	.30	.20		
GROUP V	5.20	.25	.30	.20		
GROUP VI	6.10	.25	.30	.20		
GROUP VII	5.30	.25	.30	.20		
GROUP VIII	5.35	.25	.30	.20		
GROUP IX	5.40	.25	.30	.20		
GROUP X	5.75	.25	.30	.20		
GROUP XI	6.30	.25	.30	.20		

Group I - Laborers

Group II - Hand Blade Operator & Batch Truck Dumpers

Group III - Deckhand or Scow Men

Group IV - Power-Driven Tools: wagon drills, jackhammers, chain saw, concrete saws, sewer pipe layers, bottom men, dry cement handlers, concrete rubbers, mason tenders, sandblaster and concrete chipper, vibrator operators, power wheelbarrow and power buggy

Group V - Asphalt lute & raker men

Group VI - Powderman and drill operator of percussion type drills which are both powered and propelled by an independent air supply; side rail setters

Group VII - Gunnite nozzleman and gunnite operator

Group VIII - Tunnel laborers (free air)

Group IX - Tunnel muckers (free air)

Group X - Tunnel miners & blasters drillers (free air)

Group XI - Caisson workers

HIGHWAY CONSTRUCTION

Power Equipment Operators:

GROUP A
GROUP B
GROUP C

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.45	.25	.30	.20	
6.10	.25	.30	.20	
5.61	.25	.30	.20	

Group A - Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Clamshell, Concrete Pump, Concrete Mixer (21 cu. ft. or over), Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Dredge Engineer, Elevator (regardless of ownership when used for hoisting any building material), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine, Locomotive, LeTourneau or Garry-All Scoop, Bulldozer, Mechanic, Orangepeel, Bucket, Piledriver, Power Blade, Roller (Bituminous), Scarifier, Shovel, Tractor Shovel, Truck Crane, Well Points, Winch Truck, Push Dozer, Grout Pump, High Lift, Fork Lift (Regardless of Lift Height), All Types of Boom Cuts, Multiple Operator, Core Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Grader, Hoist, Hyster, Material Pump, Pumprate, Ross Carrier, Sheep Foot, Side Boom Throttle - Valve Man, Rotary Drill, Power Grader, Mucking Machine, Rock Spreader Attached to Equipment, Scoomobile, Keel Loader, Tower Cranes (French, German, and other types), Hydrocrane, Tugger, Backfiller Gummies, Subgrader, Electric Vibrator Compactor, Welderburner

GROUP B - All Air Compressor (200 cu. ft. per min. or greater capacity), Bituminous Mixer, Concrete Mixer (Under 21 cu. ft.), Welding Machine, Form Grader, Roller (Rock), Tractor (50 H.P. and over), Bull Float, Finish Machine, Outboard Motor Boat, Flexplane, Boom Type Tamping Machine, Truck Crane Oiler, Switchman or Brake Man, Mechanic Helper, Whirley Oiler, Self-propelled Compactor Tractor and Road Widening Trencher, Greaser on Grease Facilities Servicing Heavy Equipment, Fireman.

Group C - Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Pump, Roller (Earth), Tamping Machine, Tractors (under 50 H.P.), Vibrator, Oiler Air Compressors (under 200 cu. ft. per min. capacity), Concrete Saw, Burlap and Curing Machine, Hydro Seeder, Power Form Handling Equipment, Deckhand Oiler, Hydraulic Post Driver.

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

CLASS A
CLASS B
CLASS C

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.20	.25	.25		
6.51	.25	.25		
6.02	.25	.25		

Class A - Power Equipment Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, Hoe-Type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), scarfier, shovel, tractor shovel, truck lift, tow or push boat, a-frame winch truck, types of boom cuts, core drill, tow or more drums, hyster, pumprate, concrete paver, grade-all, hoist (two or more drums), hyster, pumprate, ross carrier, side boom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoomobile, keel loader, tower cranes (French, German, and other types), hydrocrane, backfiller, gummies, subgrader, tailboom and dredge engineer

Class B - All air compressors (600 cu. ft. per min or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 h.p. and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/self-propelled compactor boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractor and road widening trencher, joint sealing machine, rotary drill (under 5"), throttle valve man, tugger, well points, flexplane, firemen, and hoist (one drum)

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 h.p.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deck-hand oiler, and hydraulic post driver

AR-6054 P. 5

KY-2-ID-2-3-D

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vocellen		
TRUCK DRIVERS						
HEAVY AND HIGHWAY CONSTRUCTION						
GROUP I	\$5.33	.25	.30	.20		
GROUP II	5.54	.25	.30	.20		
GROUP III	5.30	.25	.30	.20		
GROUP IV	6.11	.25	.30	.20		
GROUP V	5.35	.25	.30	.20		
GROUP VI	5.45	.25	.30	.20		
GROUP VII	5.20	.25	.30	.20		
GROUP VIII	6.20	.25	.30	.20		
GROUP IX	5.10	.25	.30	.20		
GROUP X	5.40	.25	.30	.20		

GROUP I: Drivers, 3 tons and under, tire changer and mechanic helper

GROUP II: Drivers, over 3 tons

GROUP III: Drivers, distributors; driver, dump truck tandem axle; driver, semi-trailer or pole trailers

GROUP IV: Drivers, Euclid and other heavy earth-moving equipment and low boy

GROUP V: Drivers on mixer trucks (all types)

GROUP VI: Driver on pavement breakers

GROUP VII: Driver, winch truck and A-Frame truck when used in transporting materials

GROUP VIII: Greaser on greasing facilities

GROUP IX: Tire helper

GROUP X: Truck mechanic

AR-4055 P.2

SUPERSEDES DECISION

STATE: Kentucky COUNTY: * (See Below)
 DECISION NUMBER: AR-4055 DATES: Date of Publication
 Supersedes Decision No. AQ-4116 dated May 17, 1974 in 39 FR 17661
 DESCRIPTION OF WORK: Heavy and Highway Construction

KENTUCKY 3-LAB-F (1-1)

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$5.99	.25	.25		
6.24	.25	.25		
6.29	.25	.25		
6.89	.25	.25		

LABORERS

HEAVY AND HIGHWAY CONSTRUCTION

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4

Group 1 - Laborers: Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers and placers, landscaping and seeding, plasterers and tree trimmers, sign, guard rail and fence installers, grade checkers, aging and curing of concrete, truck spotters and dumpers, flagmen, riprap and grouters, dredging laborers, night-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper

Group 2 - Wagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chippers, green concrete cutting, brickmason tenders and mortar mixer, pipe layers, joint maker, batter board man (sanitary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinder, hand operated grouter and grinder machine, deckhand scow man, burner and welder, walk behind trenching machine

Group 3 - Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborers (free air), gunnite operators and mixers man, gunnite nozzleman, asphalt luteman and rakeman air tract driller (all types), grout pump operator

Group 4 - Tunnel blasters, tunnel muckers (free air); miners and drillers (free air); caisson workers (free air)

3-KY-2-3

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
	\$7.01	.30	.30		1/2 of 1%
	8.78	.40	.40		1/2 of 1%
	9.38	.29	1 1/4 .40		1/2 of 1%
	9.38	.29	1 1/4 .40		1/2 of 1%
	5.82	.29	1 1/4 .40		
	9.50	.55	.55		.05
	7.59	.25	.10		.03
	7.94	.25	.10		.03
	8.04	.25	.10		.03
	7.26	.30	.30		.07
	10.10	.35	.60		.07
	9.94	.36	.75		

HEAVY AND HIGHWAY CONSTRUCTION

- Carpenters
- Cement masons
- Electricians:
- Wiremen and Linemen
- Gate splicers
- Groundmen
- Ironworkers:
- Structural, ornamental and reinforcing
- Painters:
- Brush and roller
- Sandblasting
- Spray
- Piledrivermen
- Pipefitters
- Plumbers

Kentucky 1-PEO-2 D

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

CLASS A
CLASS B
CLASS C

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$8.20	.25	.25	.25	
6.51	.25	.25	.25	
6.02	.25	.25	.25	

Class A - Power Equipment Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, Hoe-type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), scrafter, shovel, tractor shovel, truck lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, a-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hystor, pumperete, rock carrier, side boom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, kocal loader, tower cranes, (French, German, and other types), hydrocrane, backfiller, guries, subgrader, tailboom and dredge engineer

Class B - All air compressors (600 cu. ft. per min or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 h.p. and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/self-propelled compactor boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractor and road widening trencher, joint sealing machine, rotary drill (under 5"), throttle valve man, tigger, well points, flexplane, firemen, and hoist (one drum)

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 h.p.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deck-hand oiler, and hydraulic post driver

KY-3-PEO-3 (1-1)

HIGHWAY CONSTRUCTION:
Power Equipment Operators

GROUP I
GROUP II
GROUP III

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$7.60	.25	.25	.25	
6.30	.25	.25	.25	
5.81	.25	.25	.25	

GROUP I: Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Central Compressor Plant Operator, Clamshell, Concrete Mixer (21 cu. ft. or over), concrete pump, crane Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Elevator (regardless of ownership when used for hoisting any building material), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine (two or more drums), Locomotive, Motor Scraper, Bulldozer, Mechanic, Orangepeel Bucket, Piledriver, Power Blade, Roller (Bituminous), Scrafter, Shovel, Tractor Shovel, Truck Crane, Winch Truck, Push Dozer, High Lift, Fork Lift (regardless of lift height), all types of Boom-Cats, Core-Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Grade-All, Hoist (two or more drums), Hyster, Pumperete, Ross Carrier Side Boom, Rotary Drill (5" and over), Mucking Machine, Rock Spreader attached to equipment, Scoopmobile, Kocal Loader, Tower Cranes (French, German, and other types), Hydrocrane, Backfiller, Curries, Subgrader, Tailboom and Dredge Engineer

GROUP II: All Air Compressors (600 ft. per min. or greater capacity), Bituminous Mixer, Concrete Mixer (under 21 cu. ft.), Elevator (one drum or buck hoist), Welding Machine, Form Grader, Grout Pump, Roller (rock), Tractor (50 h.p. and over) Bull Float, Finish Machine, Outboard Motor Boat, Electric Vibrator Compactor/Self-Propelled Compactor Boom Type Tamping Machine, Truck Crane Oiler, Greaser on Grease Facilities Servicing Heavy Equipment, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Tractair and Road Widening Trencher, Joint Sealing Machine, Rotary Drill (under 5"), Throttle Valve Man, Tigger, Well Points, Flexplane, Fireman, and Hoist (one drum)

GROUP III: Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Pump, Roller (earth), Tamping Machine, Tractors (under 50 h.p.), Vibrator, Oiler, Concrete Saw, Burlap and Curing Machine, Gydro Seeder, Power Form Handling Equipment, Deck-hand Oiler, and Hydraulic Post Driver

AR-4055 P.5

Kentucky 3-TD-D

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS:

- GROUP I
- GROUP II
- GROUP III
- GROUP IV
- GROUP V

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & V	Pensions	Vacation	
\$6.04	a	b		
6.15	a	b		
6.33	a	b		
6.36	a	b		
6.43	a	b		

- GROUP I - Truck driver, Truck helper
- GROUP II - Driver, 3 tons and under; greaser, tire changer and mechanic helper
- GROUP III - Truck mechanic, driver, over 3 tons, driver of distributors; driver, dump truck and tandem axle, driver, semi-trailer or pole trailer when used to pull building material or equipment
- GROUP IV - Driver on mixer trucks (all types)
- GROUP V - Driver, euclid and other heavy earth-moving equipment and low boy; driver, fork lift truck when used to transport building materials, driver on pavement breakers, driver winch truck and A-Frame truck when used in transporting materials

FOOTNOTES:

- a. \$13.50 per week for each employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.
- b. \$13.50 per week for each employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.

AR-4056 P. 2

KY-4-LAB-2-3

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
GROUP 1	\$6.70	.50	.30		.02	
GROUP 2	6.825	.50	.30		.02	
GROUP 3	6.90	.50	.30		.02	
GROUP 4	7.05	.50	.30		.02	
GROUP 5	7.35	.50	.30		.02	

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5

GROUP 1: Laborers (construction), plant laborers or yardmen, right-of-way laborer, landscape laborer, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector

GROUP 2: Asphalt raker, concrete puddler, kettle man (pipeline), all machine driven tools (gas, electric, air), mason tender, mortar mixer, sheeting and shoring man, surface grinder man, power buggy or power wheelbarrow

GROUP 3: Form setter, bottom man, welder helper (pipeline), concrete saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, cleaning, repairing and reconditioning), tunnel laborer (without air) and caisson, cofferdam (below 25 feet deep), air track and wagon drill

GROUP 4: Blaster and powder man, muckers, wrencher (mechanical joints and utility pipeline), yarrow, top loader

GROUP 5: Curb setter and cutter, miner (without air), concrete crew in tunnels utility pipeline tapper, gunnite nozzle man, waterline caulker

SUPERSEDES DECISION

STATE: Kentucky
 DECISION NUMBER: AR-4056
 Supersedes Decision No. AQ-4036 date November 23, 1973 in 38-FR-32349
 DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTIES: See below*

DATE: Date of Publication

1973 in 38-FR-32349

4-KY 2-3

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
*Counties: Boone, Campbell, Kenton, and Pendleton						
<u>HEAVY AND HIGHWAY CONSTRUCTION</u>						
Carpenters	\$9.80	.40	.55		.025	
Cement mason	8.34	.49			.02	
Electricians - Linemen	10.00	.60	1%+.30		1/2 of 1%	
Groundmen	6.94	.60	1%+.30		1/2 of 1%	
Ironworkers:	9.995	.55	.55		.03	
Structural and ornamental Reinforcing	9.645	.55	.55		.02	
Painters:						
Brush and roller	9.95		.15			
Sandblasting, hoppers tender and waterblasting	10.05		.15			
Spray	9.80		.15			
Piledrivers	9.80	.40	.55		.025	
Pipefitters	9.80	.70	.975		.05	
Plumbers	10.29	.38	.65		.05	

AR-4056 P. 4

Kentucky 3-TD-D

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation
GROUP I	\$6.04	a	b	
GROUP II	6.15	a	b	
GROUP III	6.33	a	b	
GROUP IV	6.36	a	b	
GROUP V	6.43	a	b	

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS:

- GROUP I
- GROUP II
- GROUP III
- GROUP IV
- GROUP V

Group I - Truck Driver: Truck helper

Group II - Driver, 3 tons and under; greaser, tire changer and mechanic helper

Group III - Truck mechanic

Group IV - Driver, over 3 tons, driver of distributors; driver, dump truck tandem axle, driver on mixer trucks (all types); driver, semi-trailer or pole trailer when used to pull building material or equipment

Group V - Driver, euclid and other heavy earth-moving equipment and low boy; driver, fork lift truck when used to transport building materials driver on pavement breakers; driver, which truck and a-frame truck when used in transporting materials

FOOTNOTE:

a. \$13.50 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

b. \$14.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

KY-4-PEO-2-3

AR-4056 P. 3

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation
CLASS A	\$8.69	.46	.80	.11
CLASS B	8.52	.46	.80	.11
CLASS C	7.63	.46	.80	.11
CLASS D	7.20	.46	.80	.11
CLASS E	6.44	.46	.80	.11

Class A - Power Equipment Operators: Air compressor on steel erection, boiler operator on compressor or generator when mounted on a rig, cableways, combination concrete mixer and tower, concrete plants (over 4 yd. capacity); concrete pumps, cranes (all types, including a-frames, boom trucks, cherry pickers), derricks, draglines, dredge (dipper, clam or suction), elevating grader or euclid loader, floating equipment (all types), helicopter crew (operator-hoist or winch), hoes (all types), hoisting engines on shaft or tunnel work, hoisting engines, industrial type tractor, jet engine dryer (D8 or D9) diesel tractor, locomotives (standard gauge), maintenance operator class A mixer, paving (single or double drum), mucking machines, multiple scraper, pile-driving machines (all types), power shovels, Quad 9 (double pusher), refrigerating machine (freezer operation), Rotary drill on caisson work, slip-form paver, survey crew party chief, tower derricks, tree shredder, trench machines (over 24" wide), truck mounted concrete pumps tug boat, tunnel machine, wheel excavator

Class B - Asphalt paver, automatic subgrade machine, self-propelled (CMI type), bulldozers, endloader, kolman loader (production type - Dirt), lead grease man, maintenance operators Class B, power grader, power scoops and scrapers, push cat, trench machines (24" wide and under).

Class C - Air compressors on tunnel work (low pressure), asphalt plant engineer, locomotive (narrow gauge), mixers, concrete (more than one bag capacity), mixers, one bag capacity (side loader), power boilers over 15 lb. pressure, pump operator installing and operating well points, pumps (4" and over discharge), rollers (asphalt, utility operator (small equipment), welding machines and generators

Class D - Backfillers, bar, joint and mesh installing machines, batch plant, bull floats, burlap and curing machines, compressors (portable, sewer, heavy and highway), concrete plant (capacity 4 yd and under), concrete saw (multiple), conveyors (highway), crushers, deckhand, drill, highway (with integral power), farm type tractors with attachments (highway), finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenchers, hydro seeders, plant mixers, post driver, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grader, macadam), self-propelled power spreaders, self-propelled power subgraders, steam fireman, survey instrument man, tractor (pulling sheepfoot rooler or grader), vibratory compactors (with integral power

Class E - Drum fireman (asphalt plant), helpers, inboard-outboard motor boat-launch, oil heaters (asphalt plants), oilers, power driven heaters, pumps (under 4" discharge), signalmen, survey rodmen or chainmen, tire repairmen

DECISION NO. AR-3166

STATE: Minnesota
 DECISION NUMBER: AR-3166
 SUPERSEDES DECISIONS No. AR-3049, dated July 12, 1974 in 39 FR 25861, AR-3050, dated July 12, 1974 in 39 FR 25864, and AR-3051, dated July 12, 1974 in 39 FR 25867.
 DESCRIPTION OF WORK: Building (including Residential), Construction

COUNTIES: Anoka, Carver, Hennepin, Scott, Dakota, Ramsey, & Washington

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Asbestos Workers	\$9.02	.51	.65	.02	.02
Boilermakers	7.80	.30	.85	.02	.02
Boilermakers' Helpers	7.55	.30	.85	.02	.02
Bricklayers & Stonemasons	8.56	.455	.23	.56	.02
Carpenters:					
S. W. Portion of Scott County	8.60	.30	.30	.50	.02
Remainder of Scott County	8.21	.40	.30	.50	.02
Carpenters, Millwrights & Piledrivers:					
Remainder of Counties	8.21	.40	.30	.50	.02
Soft Floor Layers	8.25	.46	.34	.45	.02
Cement Masons	8.83	.30	.25		.02
Electricians:					
Townships of Anoka & Fridley in Anoka County	8.55	.64	4%	9%	1%
Remainder of Anoka County and the Remaining Counties	8.90	.6%	3%	10%	1.5%
Elevator Constructors:					
Elevator Constructors	8.35	.39	.26	2 1/4%*a	.02
Helpers (Prob.)	70%JR	.39	.26	2 1/4%*a	.02
Helpers (Prob.)	50%JR				
Glaziers	7.70	.15	.10	.13	.02
Ironworkers	8.80	.55	.55		.02
Lathers:					
Anoka and Carver Counties	8.42	.31	.25	.50	.01
Remaining Counties	7.66	.25	.25	.56	.01
Marble Setters	7.585	.455	.23		
Terrazzo Workers	8.46	.30	.25		
Tile Setters	8.59	.37	.50		
Marble & Tile Helpers	7.19	.37	.50		
Painters:					
Dakota, Ramsey & Washington Cos:					
Brush	8.33	.45	.25		.05
Structural Steel & Spray	8.83	.45	.25		.05
Remaining Counties:					
Brush	8.53	.35	.25		.04
Structural Steel & Spray	9.03	.35	.25		.04
Plasterers:					
Dakota, Ramsey & Washington Cos.	8.02	.50	.25	.65	.01
Remaining Counties	8.43	.45	.20		.01

Plumbers, Steamfitters & Pipefitters:
 Dakota, Ramsey & Washington Cos.
 Remaining Counties:
 Plumbers
 Pipefitters & Steamfitters
 Roofers
 Sheet Metal Workers:
 Dakota, Ramsey & Washington Cos.
 Remaining Counties
 Sprinkler Fitters

Welders- receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Years 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, 2% Basic Hourly Rate for 6 months, to 5 years as Vacation Pay Credit; 6 Paid Holidays A through F.

MINN 27 LAB

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
Class 1	\$6.80	.40	.35	.40	
Class 2	6.85	.40	.35	.40	
Class 3	6.90	.40	.35	.40	
Class 4	6.95	.40	.35	.40	
Class 5	7.05	.40	.35	.40	
Class 6	7.10	.40	.35	.40	
Class 7	7.20	.40	.35	.40	
Class 8	7.20	.40	.35	.40	
Class 9	7.505	.40	.35	.40	

- Class 1 Common laborer, Steel joist handler (erection), Power buggy operator, carpenter tender, Earth dumpman flagman
- Class 2 Reinforced Steel Handler
- Class 3 Men handling cement 2 hrs. per day (Bulk or sack, excluding mortar mixer, Mason tender, Concrete joint saw Op., Demolition & wrecking laborer)
- Class 4 Hot tar caulker & corker, Labs on swing stage line scaffold (excl. "patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator op., Sheetting setter & driver on Heavy Bldg., excavation, Jackhammer men
- Class 5 Underground work
- Class 6 Pipe layer
- Class 7 Caisson work, Underpinning
- Class 8 Nozzlemen
- Class 9 Dynamite men, Power drillers for blasting purposes

ZONE 1

SITE PREPARATION, EXCAVATION AND INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
		H & W	Pensions	Vacation		
CARPENTERS	\$8.31	.40	.20	.50	.02	
PILEDRIVERS	8.31	.40	.20	.50	.02	
CEMENT MASONS	8.83	.30	.25			

MINN-9-LAB ZONE 1

SITE PREPARATION, EXCAVATION & INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
LABORERS					
CLASS 1	\$ 6.75	.40	.35	.40	
CLASS 2	6.85	.40	.35	.40	
CLASS 3	6.90	.40	.35	.40	
CLASS 4	7.00	.40	.35	.40	
CLASS 5	7.05	.40	.35	.40	
CLASS 6	7.05	.40	.35	.40	
CLASS 7	7.15	.40	.35	.40	
CLASS 8	7.18	.40	.35	.40	
CLASS 9	7.20	.40	.35	.40	
CLASS 10	7.36	.40	.35	.40	
CLASS 11	7.43	.40	.35	.40	

CLASSIFICATIONS

- CLASS 1 Unskilled laborer; Drill Runner Helper; Landscape Gardener, Sod Layer & Nurseryman; Powder Monkey; Rein. Steel Lab., Rein. Steel Setter Salamander Heater & Blower Tender Carpenter Tender; Winch Handler
- CLASS 2 Laborer, Wrecking & Demolition; Bit Batcherman (Stationary Plant); Bit Shoveler; Blacksmith Helper; Bottom Man (Sewer, Water or Gas Trench); Bricklayer Tender; Cement Handler; Cement Coverman (Batch Trucks); Compaction Equip. Shoveler; Batcherman Conc., Conc. Vibrator Tamper & Puddler (Paving) Conc. Longitudinal Floatmen; Conduit Layer (v.o. wiring); Chipping Hammer; Curb Setter (Stone or Precast Conc.) Kettleman (Bit. or lead); Service connection maker; Power Buggy; Joint Sawyer; Squeege man (Bit. Brick or Block); Stabilizing batchmen (Stationary Plant); Stonemason Tender; Drill Runner (Heavy, including Churn Drill)
- CLASS 3 Chainsaw Man; Conc. Mixer (1 bag); Jackhammer Man & Paving Buster; Mortar Mixer; Pipe Handler; Pipe Derrickman (triped, manual)
- CLASS 4 Bottom Man (Sewer, Water or Gas Trench, more than 8' below starting level of manual work); Tunnel Laborer (atmospheric pressure) Underpinning Work; Caisson Work; Other work more than 8' below level of manual work; Open Ditch Work
- CLASS 5 Bituminous Tamper; Pipe Layer; Sand Cushion & Bedmaker
- CLASS 6 Cement Gun (1 1/2' & over); Leadman
- CLASS 7 Nozzlemen (Gummit)
- CLASS 8 Brick or Block Paving Setter
- CLASS 9 Bituminous Raker, Floater & Utility Man
- CLASS 10 Tunnel Man (Air Pressure); Tunnel Miner
- CLASS 11 Powderman

POWER EQUIPMENT OPERATORS:
BUILDING

MINN-1-PEO-1

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CLASS 1	\$12.25	.35	.25		
CLASS 2	9.85	.35	.25		
CLASS 3	9.50	.35	.25		
CLASS 4	9.40	.35	.25		
CLASS 5	9.30	.35	.25		
CLASS 6	9.05	.35	.25		
CLASS 7	8.93	.35	.25		
CLASS 8	8.85	.35	.25		
CLASS 9	8.58	.35	.25		
CLASS 10	8.30	.35	.25		
CLASS 11	8.30	.35	.25		
CLASS 12	7.85	.35	.25		

CLASSIFICATIONS

- CLASS 1 Helicopter Operators (Hoisting material)
- CLASS 2 Truck & Crawler Cranes with 200' of boom & over incl. jib
- CLASS 3 Truck & Crawler Cranes with 150' of boom up to & not incl. 200' of boom incl. jib.
- CLASS 4 Travelling Tower Crane
- CLASS 5 Master Mechanic
- CLASS 6 Derrick (Guy & Staff Leg); Hoist Engineer (3 drums or more); Locomotive Opr., Overhead Crane Opr., (inside building perimeter); Truck & Crawler Cranes up to 150' of boom incl. jib.
- CLASS 7 Air compressor Opr., Pump Opr., &/or Conveyor, 2 or more machines; Hoist Engineer (2 drums); Mechanic or Welder; Pumpcrete or Comploco Type Machine Opr.
- CLASS 8 Fork Lift Operator
- CLASS 9 Boom truck operator; Concrete mixer opr., Drill rigs (Heavy Duty Rotary or Churn Drill when used for caisson drilling or when drilling for elevator cylinder on building construction; Front end loader opr., Hoist Engineer (1 Drum); Power Plant Engineer (100 KWH & over); Straddle carrier Opr., Tractor Opr. (Over D-2) Well Point Pump Opr.
- CLASS 10 Concrete batch plant operator; Gunitite opr., Tractor opr. (D-2 or similar size & front end loader opr., up to 2 cu. yd.)
- CLASS 11 Air compressor opr., pump &/or Conveyor operator, Fireman, Temporary Heat; Brakeman; Pick up Sweeper (combustion engine operated); Truck Crane Oiler
- CLASS 12 Mechanic Space Heater (Temporary heat) Oiler or Greaser

NOTICES

MINN-7M-PEO-2-1

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$12.35	.35	.25		
GROUP 2	9.06	.35	.25		
GROUP 3	8.80	.35	.25		
GROUP 4	8.67	.35	.25		
GROUP 5	8.58	.35	.25		
GROUP 6	7.90	.35	.25		
GROUP 7	7.60	.35	.25		

GROUP 1
Helicopter Pilot

Crane with over 135' Boom, Excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds & over Mfg. rated capacity

GROUP 2
Cableway Op., Concrete Mixer, Stationary Plant over 3LE, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP 3
Dual Tractor Op., Belvating Grader Op., Pumpcrete Op., Scraper., Struck Capacity 32 cu. yd. & over, Self-Prop. Travelling SoilStabilizer

GROUP 4
Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcher, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machines Op., (power driven Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Actuated Horizontal boring Mach., over 6" Op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power take-off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic

GROUP 5
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Machine Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 11/2S and under, Concrete Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to incl. 1 cu. yd.), Grader Op., (Motor Patrol), Gunitite Op. Gunitite, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op. Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H.P. with power take-off)

GROUP 6

Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Cravel Screening Plant Op., Greaser Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

AR-3166 F. 7

MINN-62-WD-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
	\$ 7.75	.35	.30		
	7.45	.35	.30		
	7.35	.35	.30		
	7.15	.35	.30		

BUILDING, SITE PREPARATION,
EXCAVATION & INCIDENTAL PAVING

TRUCK DRIVERS

- GROUP I
- GROUP II
- GROUP III
- GROUP IV

CLASSIFICATIONS

GROUP I Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-Trailer; Off-Road Truck

GROUP II Tri-Axle (incl. 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP III Bituminous Distributor Driver; Bituminous Distributor (1 Man Operation); Tandem Axle

GROUP IV Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster & Stableman; Tractor Operator (Wheel Type used for any purpose) Pilot car driver; Self Propelled Packer, Slurry Operator; Single Axle Trucks

STATE: Minnesota
 COUNTY: St. Louis (Duluth Only)
 DECISION NUMBER: AR-3167
 DATE: Date of Publication
 Supersedes Decision No. AR-3052, dated July 12, 1974 in 39 FR 25870
 DESCRIPTION OF WORK: Building (Including Residential), Construction

69-MINN

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
Asbestos Workers	\$9.15	.30	.25			
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	8.62	.30	.25	.50		
Carpenters:						
Carpenters, Piledrivermen & SPL	8.35	.30		.30		
Millwrights	8.57	.30		.30		
Cement Masons	8.595	.30				
Electricians	8.69	.4%	4%	11%	1 1/2%	
Elevator Constructors:						
Elevator Constructors	7.93	.39	.26	2 1/2%+a	.02	
Helpers	70%JR	.39	.26	2 1/2%+a	.02	
Helpers (Prob.)	50%JR	.30				
Glaziers	7.95	.30				
Ironworkers	8.95	.30	.55	.10		
Laborers:						
Common Laborer & Flagman	7.10	.25	.15	.25		
Mortar Mixer, Carpenter & Mason						
Tender, Jackhammer & Concrete						
Operator	7.20	.25	.15	.25		
Plasterer Tender	7.32	.25	.15	.25		
Lathers	8.75	.25			.01	
Marble Setters	7.585	.455	.23	.56		
Painters:						
Brush	8.31	.25	.20		.05	
Structural Steel & Spray	8.56	.25	.20		.05	
Plumbers & Pipefitters	7.86	.30	.45	1.00	.05	
Roofers:						
Roofers	7.93	.30	.10	.50		
2nd Roofers	7.68	.30	.10	.50		
Kettlemen	7.48	.30	.10	.50		
Helpers	6.50	.30	.10	.50		
Sheet Metal Workers	8.54	.30	.30			
Sprinkler Fitters	9.40	.50	.70		.08	

Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a-Employer contributes 4% B.H.S. for over 5 years Service & 2% B.H.S. for 6 months to 5 Years Service as Vacation Pay Credit. Six Paid Holidays; A through F

LABORERS

MINN-14-LAB

ZONE 2

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		H & W	Pensions	Vacation		
GROUP I	\$6.93	.25	.15	.25		
GROUP II	7.03	.25	.15	.25		
GROUP III	7.18	.25	.15	.25		
GROUP IV	7.23	.25	.15	.25		
GROUP V	7.28	.25	.15	.25		
GROUP VI	7.33	.25	.15	.25		
GROUP VII	7.43	.25	.15	.25		
GROUP VIII	7.53	.25	.15	.25		

GROUP I Unskilled Laborer; Laborer wrecking and demolition; Bricklayer Tender; Drill Runner Helper; Landscape Gardener; Sod Layer and Nurseryman; Pipe Handler (water, gas or cast iron) Salamander Heater and Blower Tender; Stone Mason Tender

GROUP II Bituminous Shoveler; Bottom Man (sewer, water or gas trench) Cement Handler (bulk or bag) Cement Governman (batch truck) Chain Saw Man; Compaction Equipment (hand operated) Concrete Mixer Operator (1 bag capacity) Concrete Shoveler, Taper and Puddler (paving) Concrete Vibrator Operator; Conduit Layer (without wiring) Dumper (wagon truck) Form Setter (Municipal type curb and sidewalk) Form Setter (paving) Jackhammer man paving buster; Kettleman (bituminous or lead) Mortar Mixer; Power Buggy Operator; Joint Sawyer; Tunnel Laborer(atmo-spheric pressure)

GROUP III Bituminous Taper; Cofferdam Work Calisson Work

GROUP IV Drill Runner (Heavy, including churn drill)

GROUP V Bituminous Raker, Floater and Utility Man; Pipelayer (sewer, water, gas) Leadman

GROUP VI Nozzleman

GROUP VII Powderman

GROUP VIII Tunnel Miner

ZONE 2

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
		H & W	Pensions	Vacation			
CARPENTERS	\$8.33	.25		.30			
PILEDRIVERMEN	8.33	.25		.30			
CEMENT MASONS	8.88	.30					

SITE PREPARATION, EXCAVATION AND INCIDENTAL PAVING

CARPENTERS
 PILEDRIVERMEN
 CEMENT MASONS

MINN-1-PEO-1

POWER EQUIPMENT OPERATORS:

BUILDING

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
CLASS 1	\$12.25	.35	.25		
CLASS 2	9.85	.35	.25		
CLASS 3	9.50	.35	.25		
CLASS 4	9.10	.35	.25		
CLASS 5	9.30	.35	.25		
CLASS 6	9.05	.35	.25		
CLASS 7	8.93	.35	.25		
CLASS 8	8.93	.35	.25		
CLASS 9	8.58	.35	.25		
CLASS 10	8.30	.35	.25		
CLASS 11	8.30	.35	.25		
CLASS 12	7.85	.35	.25		

CLASSIFICATIONS

- CLASS 1 Helicopter Operators (Hoisting material)
 CLASS 2 Truck & Crawler Cranes with 200' of boom & over incl. jib
 CLASS 3 Truck & Crawler Cranes with 150' of boom up to & not incl. 200' of boom incl. jib.
 CLASS 4 Traveling Tower Crane
 CLASS 5 Master Mechanic
 CLASS 6 Derrick (Guy & Staff Leg); Hoist Engineer (3 drums or more); Locomotive Opr., Overhead Crane Opr., (inside building perimeter); Truck & Crawler Cranes up to 150' of boom incl. jib.
 CLASS 7 Air compressor Opr., Pump Opr., &/or Conveyor, 2 or more machinics; Hoist Engineer (2 drums); Mechanic or Welder; Pumpcrete or Complaceo Type Machine Opr.
 CLASS 8 Fork Lift Operator
 CLASS 9 Boom truck operator; Concrete mixer opr., Drill rigs (Heavy Duty Rotary or Churn Drill when used for caisson drilling or when drilling for elevator cylinder on building construction; Front end loader opr., Hoist Engineer (1 Drum); Power Plant Engineer (100 KWH & over); Straddle carrier Opr., Tractor Opr. (Over D-2) well Point Pump Opr.
 CLASS 10 Concrete batch plant operator; Gunitite opr., Tractor opr. (D-2 or similar size & front end loader opr.; up to 2 cu. yd.)
 CLASS 11 Air compressor opr., pump &/or Conveyor operator, Fireman, Temporary Heat; Brakeman; Pick up Sweeper (combustion engine operated); Truck Crane Oiler
 CLASS 12 Mechanic Space Heater (Temporary heat) Oiler or Greaser

MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$12.35	.35	.25		
GROUP 2	9.06	.35	.25		
GROUP 3	8.80	.35	.25		
GROUP 4	8.67	.35	.25		
GROUP 5	8.58	.35	.25		
GROUP 6	7.90	.35	.25		
GROUP 7	7.60	.35	.25		

GROUP 1
Helicopter Pilot

GROUP 2
Crane with over 135' Boom, Excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds & over Mfg. rated capacity

GROUP 3
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP 4
Dual Tractor Op., Belvating Grader Op., Pumpcrete Op., Scraper., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer

GROUP 5
Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcher, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machines Op., (power driven Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power take-off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic

GROUP 6
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Machine Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op., 14S and under, Concrete Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunitite Op. Gunitite Op. Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op. Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H.P. with power take-off)

GROUP 7

Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

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MINN-62-TD-1-2-3

Basic Hourly Rates	Frings Benefits Payments			App. Tr.
	H & W	Pensions	Vacation	
\$ 7.75	.35	.30		
7.45	.35	.30		
7.35	.35	.30		
7.15	.35	.30		

BUILDING, SITE PREPARATION,
EXCAVATION & INCIDENTAL PAVING

TRUCK DRIVERS

- GROUP I
- GROUP II
- GROUP III
- GROUP IV

CLASSIFICATIONS

GROUP I Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-Trailer; Off-Road Truck

GROUP II Tri-Axle (incl. 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP III Bituminous Distributor Driver; Bituminous Distributor (1 Man Operation); Tandem Axle

GROUP IV Bituminous Distributor Spray (rear-end oiler); Dumper; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster & Stableman; Tractor Operator (Wheel type used for any purpose) Pilot car driver; Self Propelled Packer, Slurry Operator; Single Axle Trucks

AR-1043 P. 2

SUPERSEDES DECISION

STATE: Nevada

COUNTIES: Clark and Southern Half of Nye (The Nevada Test Site including The Tonopah Test Range)
 DATE: Date of Publication
 Supersedes Decision No. AQ-1083 dated February 15, 1974, in 39 FR 6001
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 5 stories), heavy and highway construction.

DECISION NO.: AR-1043
 Supersedes Decision No. AQ-1083 dated February 15, 1974, in 39 FR 6001
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 5 stories), heavy and highway construction.

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS					
CARPENTERS (Nevada Test Site):					
Carpenters	8.24	.45	.60	.80	.03
Floorlayers	8.265	.45	.60	.80	.03
Millwrights	8.54	.45	.60	.80	.03
CARPENTERS (Tonopah Test Range):					
Carpenters; Power actuated tools	6.71	.45		2.10	
Floorlayers; Shinglers	6.735	.45		2.10	
Power Saw Operator (overhead)	6.855	.45		2.10	
CEMENT MASONS:					
Cement Masons	7.25	.50		1.60	.08
Floor Finishing Machine	7.40	.50		1.60	.08
ELECTRICIANS:					
Electricians; Equipment Operators;					
Linemen	11.02	.63	1%		.05
Cable Splicers	11.35	.63	1%		.05
Groundman	8.82	.63	1%		.05
IRONWORKERS:					
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
PAINTERS:					
Brush; Roller	7.83	.32	.25	1.00	.02
Paperhangers; Spray; Steel;					
Sandblasters; Swing Stage;					
Tapers	8.08	.32	.25	1.00	.02
Buffing; Sandblasters, Steel	8.29	.32	.25	1.00	.02
PLUMBERS; Steamfitters	9.70	.45	1.30	1.60	.08
SHEET METAL WORKERS	8.93	.63	1.30	1.00	.05

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
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	7.03	.95	1.50	.30	.02
Group 2	7.27	.95	1.50	.30	.02
Group 3	7.51	.95	1.50	.30	.02
Group 4	7.62	.95	1.50	.30	.02
Group 5	7.81	.95	1.50	.30	.02
Group 6	7.91	.95	1.50	.30	.02
Group 7	7.51	.75	1.50	.30	.02
Group 7-A	7.22	.75	1.50	.30	.02
Group 7-B	7.11	.75	1.50	.30	.02
Group 7-C	6.87	.75	1.50	.30	.02
TRUCK DRIVERS					
Group 1	7.915		.50		
Group 2	7.97		.50		
Group 3	8.02		.50		
Group 4	8.18		.50		
Group 5	8.365		.50		

LABORERS

Group 1: Laborers - General or Construction; Demolition (cleaning of brick, lumber, etc.); Dry packing of concrete and filling of form-bolt holes; Gas and Oil Pipeline; Laborer - temporary water lines (portable type); Window Cleaner

Group 2: Cutting Torch Operator (demolition); Tarman and Mortar Man, Kettleman, Potman and man applying asphalt, Lay-kold Creosote, Lime, and similar type materials

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; Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all materials; Riprap Stonepaver; Sandblaster (pot tender); Making and Caulking of all non-metallic Pipe Joints

Group 10: Operators and Tenders of Pneumatic and Electric Tools, Vibrating Machines, hand-propelled Trenching Machines, Impact Wrench Multi-plate and similar mechanical tools not separately classified herein; Asphalt Raker, Ironer, Spreader, Luteman; Buggymobile Man; Cement Dumper (on one yard or larger mixers and handling bulk cement); Concrete Saw Man excluding Tractor type, cutting, scoring old or new concrete; Concrete Core Cutter; Gas and Oil Pipeline Wrapper-pot Tender and Form Man; Operator of Cement Grinding Machine; Roto-scraper; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type brush shredders

Group 11: Rock Slinger; Scaler (using Bos'n Chair or Safety Belt or Power Tools)

Group 12: Driller and/or Pavement Breaker

Group 13: Oversize Concrete Vibrator Operator, 70 lbs. and over; 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, Legging, Sheeting, Trench Bracing, hand guided Lagging Hammer; Powderman-blaster - all work of loading holes, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing

LABORERS (Cont'd)

Group 16: Steel Headboardman

Group 17: Sandblaster (Nozzleman); Driller (Core, Diamond, or Wagon), Joy Driller Model TW-M-ZA, Gardner-Denver Model DH 163 and similar type drills

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air Compressor, Pump or Generator; Engineer Oiler and Signal Man; Heavy Duty Repairman's Helper; Switchman or Brakeman

Group 2: Concrete Mixer, Skip type; Conveyor and Beltman; Fireman; Generator, Pump or Compressor (2-5 units inclusive, over 5 units, \$0.10 per hour for each additional unit up to 10 units, portable units); Generator, Pump or Compressor Plant; Rotary Drill Helper (oilfield type); Skiploader, wheeltpe, Ford, Ferguson, Jeep or similar type, 3/4 yd. or less (w/o dragtype attachments); Temporary Heating Plant; Truck Crane Oiler; Hydrostatic Pump

Group 3: A-Frame or Winch Truck; Dinky Locomotive or Tunnel Motor; Elevator Hoist; Equipment Greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar type equipment; Power Concrete Curing Machine; Power Concrete Saw; Power Driven Jumbo Form Setter; Rodman and Chainman; Ross Carrier; Self-propelled Tar Pipelining Machine; Stationary Pipe Wrapping and Cleaning Machine; Towblade Operator

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixer Box (concrete or asphalt plant); Derrickman (oilfield type); Drilling Machine (including water wells); Highline Cableway Signalman; Instrumentman; Locomotive Engineer; Power Sweeper; Roller, compacting; Screed; Trenching Machine (up to 6 feet depth)

Group 5: Asphalt or Concrete Spreading, Mechanical Tamping or Finishing Machine - Roller (all types and sizes), Soil, Cement, Asphalt - Finish; Asphalt Plant Engineer; Deck Engine; Grade Checker; Heavy Duty Welder; Machine Tool; Pavement Breaker; Pneumatic Heading Shield - Tunnel; Road Oil Mixing Machine; Forklift, under five tons; Rubber Tired, Heavy Duty Equipment (Oshkosh, DW, Euclid, LeTourneau, Laplant-Choate, or similar type equipment with any type attachments); Skiploader, wheeltpe, over 3/4 yards, up to and including 1 1/2 yds.; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Tractor-drag type Shovel, Bulldozer, Tamper, Scraper and Push Tractor

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POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Combination Heavy Duty Repairman and Welder; Concrete Mixer - Paving; Concrete Mobile Mixer; Concrete Pump or Pumcrete Gun; Crushing Plant Engineer; Elevating Gracer; Heavy Duty Repairman; Highline Cableway; Hoist (Chicago Boom and Mine); Kolman Belt Loader and similar type; Lift Slab Machine; Loader-Athey, Euclid, Hancock, Sierra or similar type; Motor Patrol (any type or size); Multiple Engine-earth moving machinery; Party Chief; Pneumatic Concrete Placing Machine - Hackley-Presswell or similar type; Rotary Drill, excluding Calson type; Skiploader, Wheeltype, over 1 1/2 yds.; Surface Heater and Planer; Tractor Loader - crawler type - all types and sizes; Tractor, with boom attachments; Traveling Pipe Wrapping, Cleaning and Bending Machine; Trenching Machine (over 6 feet depth); Universal equipment (Shovel, Backhoe, Dragline, Clamshell, Derrick, Barge, Crane, Piledriver and Mucking Machine) Forklift, over 5 tons

Group 7: Driller Operator; Fishing Tool Engineer

Group 7-A: Derrickman

Group 7-B: Motorman

Group 7-C: Drillers Helpers

TRUCK DRIVERS

Group 1: Light Duty Driver; Warehouseman

Group 2: Bootman; Truck Greaser; Light Vehicle Dispatcher

Group 3: Tircman; Warehouse Clerk

Group 4: Heavy Duty Driver; Forklift Driver; Equipment Parts; Stockroom Clerk

Group 5: Extra Heavy Duty Driver

[FR Doc.74-25957 Filed 11-7-74; 8:45 am]