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PART I

(Part II begins on page 2731)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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Now Available

LIST OF CFR SECTIONS AFFECTED

1949–1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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PROCLAMATION 4104

American Heart Month, 1972

By the President of the United States of America

A Proclamation

More than 27 million Americans—one-eighth of our entire population—are affected by diseases of the heart and blood vessels. The cost in human terms—the most important cost—cannot be counted. We do know, however, that the economic impact of cardiovascular diseases totals some $30.5 billion each year, including the cost of medical care and lost income. Such diseases also result in a loss of about 38 million man-days of production annually.

Despite the remarkable advances that have been made in recent years, cardiovascular diseases remain our Nation's most pressing health problem. The continued cooperation of the public and private sectors is needed if we are to discover the underlying causes of coronary artery diseases, develop more effective methods of detecting and controlling high blood pressure, and find ways of preventing inborn heart defects.

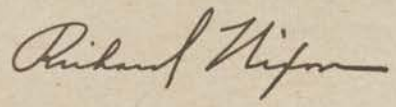
In addition to sustaining research in these fields, professional and public education programs and community services must be intensified in order to bring the benefits of such research promptly to the people. America has the second highest heart disease rate in the world. As I said in my recent message on the state of the Union: the incidence of heart disease can be reduced in this country and we must do all that is possible to achieve such a reduction.

To encourage a continuing effective attack on cardiovascular diseases, the Congress, by a joint resolution approved December 30, 1963 (77 Stat. 843), requested the President to issue annually a proclamation designating February as American Heart Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of February 1972 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States to consider fully the nationwide problem of heart disease and to contribute to efforts aimed at countering it. Widespread support for programs to prevent premature deaths from heart disease and stroke is essential to combat this number-one threat to the Nation's health.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.



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SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—Regulations for Determination of Acreage Allotments and Marketing Quotas for 1972 and Subsequent Crops of Peanuts

The provisions of this subpart are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358, 1359, 1375), and govern the determination of acreage allotments and marketing quotas for 1972 and subsequent crops of peanuts.

The purposes of the regulations in this subpart are (1) to consolidate in the subpart—Allotment and Marketing Quota Regulations for Peanuts of the 1969 and Subsequent Crops (33 F.R. 18351) and ten amendments to such subpart and (2) in § 729.69 require that the record of transfer of allotment or quota be signed by the parties to the lease and transfer and that the signature of either the owner or operator of the transferring farm, as well as the owner or operator of the receiving farm, be witnessed by a representative of the county ASC committee in the county where the farms are located or in any county convenient to the person signing. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas or are in other similar hardship situations, may be met by obtaining signatures by mail to affirm the agreed upon transfer.

Since this subpart is primarily a reissuance of prior substantive rules and because farmers need to know of the transfer provisions in order to plan their 1972 farming operations, it is essential that this subpart become effective as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest and this subpart shall become effective upon publication in the FEDERAL REGISTER.

GENERAL

Sec.

FARM ALLOTMENTS

MISCELLANEOUS PROVISIONS AFFECTING FARM ALLOTMENTS

NOTICES OF FARM ALLOTMENTS AND MARKETING QUOTAS

FINAL ACREAGE, FARM MARKETING QUOTAS, AND ISSUANCE OF MARKETING CARDS

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RECORD AND REPORT OF AND PENALTY ON PEANUTS SHELLED FOR PRODUCERS

GENERAL REQUIREMENTS RELATIVE TO KEEPING RECORDS

TRANSFERS OF FARM ALLOTMENTS

AUTHORITY: The provisions of this subpart issued under secs. 301, 358, 358a, 359, 361–368, 372, 373, 375, 377, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 81 Stat. 658, 55 Stat. 90, as amended, 52 Stat. 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended, 70 Stat. 206, as amended; 7 U.S.C. 1301, 1358, 1358a, 1359, 1361–1368, 1372, 1373, 1375, 1377.

GENERAL

§ 729.1 Applicability.

The provisions of this subpart apply to the determination of acreage allotments and marketing quotas for 1972 and subsequent crops of peanuts. The allotment and marketing quota regulations for peanuts of the 1963 and subsequent crops (27 F.R. 11920, as amended) and the allotment and marketing quota regulations for peanuts of the 1969 and subsequent crops (33 F.R. 18351 and 33 F.R. 18981, as amended) are superseded but remain

effective with respect to the 1963 through the 1971 crops of peanuts.

§ 729.2 Extent of calculations and rule of fractions.

If rounding is prescribed, computations shall be made in accordance with the provisions of Part 793 of this chapter.

(a) The farm peanut allotment shall be expressed in acres and tenths and shall be rounded.

(b) The final acreage shall be expressed in acres and tenths and fractions of less than one-tenth of an acre shall be dropped.

(c) The percentage of excess peanuts for a farm (see § 729.33(d)) shall be expressed in percent and tenths of a percent and shall be rounded, except that the minimum percent excess for a farm having any excess acreage shall be one-tenth of 1 percent.

(d) The converted penalty rate (see § 729.33(d)) shall be expressed in cents and tenths of a cent per pound and shall be rounded, except that the minimum converted penalty rate for a farm having any excess acreage shall be one-tenth of a cent.

(e) The amount of penalty with respect to any lot of peanuts, and the amount of any damages due the Commodity Credit Corporation shall be expressed in dollars and cents and shall be rounded.

(f) The quantity of peanuts marketed, the farm marketing quota, and the normal and the actual yield per acre, shall be expressed in whole pounds and shall be rounded.

§ 729.3 Determination of compliance with allotments.

The provisions of Part 718 of this chapter shall govern the determination of compliance with farm allotments.

§ 729.4 Reconstitution of farms.

The provisions of Part 719 of this chapter shall govern the reconstitution of farms and allotments.

§ 729.5 Expiration of time limitations.

The provisions of Part 720 of this chapter concerning the expiration of time limitations shall apply to this subpart.

§ 729.6 Definitions.

(a) *General terms.* In determining the meaning of the provisions in this subpart, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. The definitions in Part 719 of this chapter shall apply to this subpart.

(b) *Peanut program terms.* The following terms shall have the following meanings:

(1) *Act.* Agricultural Adjustment Act of 1938, as amended.

(2) *Areas.* (i) The Southeastern Area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(ii) The Southwestern Area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(iii) The Virginia-Carolina Area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(3) *Base period.* The 3 calendar years immediately preceding the year for which farm allotments are currently being established or the program year otherwise being considered under this subpart.

(4) *Buyer.* A person who:

(i) Buys or otherwise acquires peanuts in any form from a producer or who buys or otherwise acquires farmers stock peanuts from any person; or

(ii) Markets, as a commission merchant, broker, or cooperative, any peanuts for the account of a producer and is responsible to the producer for the amount received for the peanuts; or

(iii) Receives peanuts as collateral for or in settlement of a price support loan.

(5) *Dryer operator.* A person who processes farmers stock peanuts for a producer by removal of moisture by artificial means.

(6) *Effective farm allotment.* The "farm allotment" as defined in this paragraph minus any part of such allotment released to the county committee, temporarily transferred by lease or by owner and any reduction in allotment resulting from violation of marketing quota regulations in a prior year, plus any acreage added by the county committee through reapportionment of released acreage, temporary transfer by lease or by owner, any increase granted for types of peanuts determined to be in short supply and any acreage of peanuts authorized for experimental purposes. For a farm with an allotment of less than 1 acre or a farm for which an allotment was not established, the effective farm allotment shall be the larger of 1 acre or the farm allotment adjusted for: (i) Release and reapportionment, (ii) temporary transfer by lease or by owner, (iii) increase for type, and (iv) reduction for marketing quota violation. If the farm allotment is adjusted and the allotment remains less than 1 acre and only downward adjustments were made because of acreage released to the county committee, temporarily transferred from the farm or reduced because of a marketing quota violation, the effective allotment shall be 1 acre minus such adjustments. If the farm allotment is adjusted and the allotment remains less than 1 acre and upward and downward adjustments were made, the effective farm allotment shall be 1 acre minus only the downward adjustments. If the acreage harvested for nuts exceeds the effective farm allotment or any producer who shares in the peanuts on the farm shares in the peanuts produced on another farm, the effective farm allotment shall be the farm allotment adjusted for the items listed in subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(7) *Excess acreage.* The amount by which the final acreage exceeds the effective farm allotment.

(8) *Excess peanuts.* Peanuts in excess of the farm marketing quota.

(9) *Farm allotment.* The farm peanut acreage allotment for the current year established pursuant to §§ 729.10 to 729.20, including any transfer to the farm on a permanent basis under § 729.69.

(10) *Farm peanut history acreage.* The acreage determined under § 729.11 which is considered as devoted to peanuts on a farm for purposes of establishing future allotments.

(11) *Farmers stock peanuts.* Peanuts which have been separated from the vines but have not been shelled, crushed, cleaned, or otherwise changed (except for removal of foreign material and excess moisture) from the State in which picked or threshed peanuts are customarily marketed by producers.

(12) *Final acreage.* The acreage, including volunteer acreage, on the farm from which peanuts are picked or threshed as determined and adjusted under § 729.29.

(13) *Inspection service.* The service established and conducted under the provisions of Part 51 of Chapter I of this title for the determination and certification or other identification of the grade, quality, or condition of products.

(14) *Irrigated peanut farm.* A farm for which any part of the peanut acreage is irrigated.

(15) *Market.* To dispose of peanuts, including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed," "marketing," and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to him by anyone. Any lot of farmers stock peanuts will be considered as marketed when delivered by the producer to the buyer pursuant to an oral or written sales agreement. Peanuts which are delivered by the producer as collateral for or in settlement of a price support loan will be considered as marketed at the time of delivery.

(16) *Marketing year.* For each crop of peanuts, the period beginning August 1 of the current year and ending July 31 of the following year.

(17) *New farm.* A farm for which a peanut allotment is established in the current year and for which there is no peanut history acreage in the base period under § 729.11.

(18) *Old farm.* A farm for which there is peanut history acreage under § 729.11 in 1 or more years of the base period.

(19) *Peanuts.* All peanuts produced, excluding any peanuts which were not picked or threshed before or after marketing from the farm, as established by

the producer or otherwise in accordance with this subpart, or were marketed by the producer before drying or removal of moisture from such peanuts by natural or artificial means for consumption exclusively as boiled peanuts (referred to as "green peanuts").

(20) *Productivity pool.* Acreage resulting from downward adjustments because of permanent transfer to higher producing farms.

(21) *Quota peanuts.* The actual production of peanuts on the effective farm allotment.

(22) *Seed sheller.* A person who in the course of his usual business operations shells peanuts for producers for use as seed for the subsequent year's crop.

(23) *Yield per acre or actual yield.* The actual yield per acre for the farm obtained by dividing the final acreage into the total production of peanuts for the farm.

§ 729.7 Types of peanuts.

The generally known types of peanuts have identifying characteristics as follows:

(a) *Runner type peanuts.* Commonly known as African Runner, Alabama Runner, Georgia Runner, Carolina Runner, Wilmington Runner, Dixie Runner, or Runner; produced principally in the Southeastern peanut-producing area of the United States and identified by the following characteristics: Typically two-seeded pods which are practically cylindrical, medium sized, stem end round and the other pointed with a slight keel, having shells fairly thick and strong, with shallow veining and corrugation; seeds crowded in pod with adjacent ends sharply shouldered.

(b) *Spanish type peanuts.* Commonly known as White Spanish, Small Spanish, Medium-Small Spanish, or Spanish; produced principally in the Southeastern and Southwestern peanut-producing areas of the United States and identified by the following general characteristics: Typically two-seeded pods which are small, with both ends rounded, the end opposite the stem having an inconspicuous point or keel, and the waist slender; shells very thin, with veining and corrugation but not deep, and seed globular to oval and practically smooth.

(c) *Valencia type peanuts.* Commonly known as New Mexico Valencia, Tennessee Valencia, Tennessee White, Tennessee Red, or Valencia; produced principally in Tennessee and New Mexico, and identified by the following general characteristics: Typically three-, or four-seeded, and sometimes five-seeded pods which are long and slender, with the end opposite the stem having a definite point or keel with conspicuous veining and corrugation, and seeds globular to oval.

(d) *Virginia type peanuts.* Commonly known as Virginia Runner, Virginia Bunch, North Carolina Runner, North Carolina Bunch, Jumbo, or Virginia; produced principally in North Carolina, Virginia, northeastern South Carolina, and Tennessee, and identified by the following general characteristics: Typically two-seeded pods which are of an average size larger than any other type, pods are roughly cylindrical, with veining and corrugation deep, and seeds cylindrical with pointed ends, length two or three times diameter, and practically smooth.

§ 729.8 Determination of quantity of peanuts.

The quantity of any lot of peanuts shall be expressed in pounds. If a lot of farmers stock peanuts has been graded at the time of marketing, the quantity in the lot shall be the gross weight thereof less foreign material and excess moisture (moisture in excess of 7 percent in the Southeastern and Southwestern areas and 8 percent in the Virginia-Carolina area). If shelled peanuts are marked by a producer, the quantity in the lot (farmers stock basis) shall be determined by multiplying the poundage of shelled peanuts by 1.5.

§ 729.9 Supervisory authority of State committee.

The State committee may take any action required to be taken by the county committee which the county committee fails to take and the State committee may correct or require the county committee to correct any action taken by such committee which is not in accordance with this subpart. The State committee may also require the county committee to withhold taking any action which is not in accordance with this subpart.

FARM ALLOTMENTS

§ 729.10 Basis for old farm allotments.

(a) A farm allotment shall be determined for each old farm on the basis of the following factors: Past acreage of peanuts, taking into consideration the acreage allotments previously established for the farm; abnormal conditions affecting acreage; the farm peanut history acreages for the base period; land, labor, and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts on the farm.

(b) Any acreage of peanuts harvested in excess of the farm allotment, any acreage of peanuts harvested as the result of allotment acreage reapportioned to the farm under provisions of § 729.22 and any acreage of peanuts harvested for peanuts of a type determined to be in short supply shall not be considered in the establishment of the allotment for the farm in succeeding years. The production of peanuts on a farm for which no farm acreage allotment was established shall not make the farm eligible for an allotment as an old farm.

§ 729.11 Determination of farm peanut history acreage.

(a) *Maximum history acreage.* The farm peanut history acreage for any year shall not exceed the farm peanut allotment for such year. The production of peanuts without an allotment but within the one acre exemption provided by section 359(b) of the act shall not constitute farm peanut history acreage.

(b) *Full allotment preserved as history acreage.* For any year the entire farm allotment shall be preserved as peanut history acreage if:

(1) In the current year or either of the 2 preceding years:

(i) The sum of the final peanut acreage, and the acreage regarded as planted under conservation programs and conservation practices, as determined under Part 719 of this chapter, and the acreage transferred from the farm by lease or temporary transfer by owner (except increase for type), was as much as 75 percent of the farm allotment after reduction for violation, temporary release of acreage but before reapportionment of released acreage, or increase for type in short supply.

(ii) The farm allotment is or was in an eminent domain allotment pool under Part 719 of this chapter; or

(2) The farm is Federally owned and there is in effect for the current year a restrictive lease prohibiting the production of peanuts.

(c) *Computation of history acreage.* If, for any year, the full allotment is not preserved as peanut history acreage under paragraph (b) of this section, the farm peanut history acreage for such year shall be the sum of the following acreages, but not in excess of the farm allotment for such year:

(1) The final acreage, adjusted to compensate for abnormal weather, or disease, or condition beyond the control of the farm operator affecting acreage, if the county committee determines that such action is necessary to maintain equitable allotments: *Provided,* That the farm operator files a written request for such an adjustment at the office of the county committe prior to December 1 of the current year;

(2) The acreage regarded as planted to peanuts under conservation programs and conservation practices, determined under Part 719 of this chapter;

(3) The acreage temporarily released to the county committee under provisions of § 729.22;

(4) The amount of any reduction in the current year allotment made pursuant to the provisions of § 729.21; and

(5) Acreage transferred from the farm by lease or temporary transfer by owner (except increase for type).

(d) *Reduction of previously determined history.* Notwithstanding any other provision of this subpart, the peanut history acreage for each year of the base period shall be zero unless in 1 or more years of the base period there is acreage in the peanut history acreage of a kind other than acreage released to the county committee or acreage reduction(s) for the violation of marketing quotas.

§ 729.12 Determination of preliminary allotment.

For each old farm the county committee shall determine a preliminary allotment for the current year. Preliminary allotments shall be determined as follows:

(a) If a farm allotment was not established for the preceding year for a farm which was eligible to receive an allotment for such year, the county committee shall determine an acreage for the farm which shall be the preceding year farm allotment for purposes of establishing a preliminary allotment for the farm. Such acreage shall be established in accordance with the marketing quota regulations applicable to the crop of peanuts produced in the preceding year.

(b) For each farm the county committee shall compare the preceding year farm history acreage with the farm allotment established for such year, and if the farm peanut history acreage is less than 75 percent of the farm allotment, determine the average of the farm peanut allotment and the farm peanut history acreage for the preceding year. The average so determined shall be the preliminary allotment for the farm for the purpose of determining the farm allotment for the current year.

(c) The preliminary allotment for each old farm shall be the preceding year farm allotment minus any adjustment made pursuant to paragraph (b) of this section.

§ 729.13 Reserve for corrections, missed farms, and inequities.

(a) The State committee may establish a reserve acreage for the correction of errors in farm allotments and to establish allotments for missed farms and for inequities. Such acreage shall not exceed 10 percent of the State allotment and shall first be used for correction of errors and for missed farms, to the extent available, before considering any adjustments for inequities.

(b) The State committee may make acreage from the State reserve established under this section available to the county committees for making upward adjustments in farm allotments. The county committee shall examine the preceding year's farm allotment for each farm and may adjust such allotment upward if it determines that such action is necessary to obtain an allotment for the farm which is equitable when compared with other similar old farms in the locality. Upward adjustments shall be made on the basis of the farm peanut history acreage for the base period; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts.

§ 729.14 Computation of allotments for old farms.

The farm allotment for each old farm for the current year shall be computed by multiplying the preliminary allotment for such farm by a State allotment factor (rounded four places beyond the decimal) determined by dividing the total of the preliminary allotments for all old farms in the State into the current year State acreage allotment minus the acreage reserved under §§ 729.13 and 729.18.

§ 729.15 Basis for new farm allotments.

The farm allotment for a new farm shall be that acreage which the county committee, with the approval of a representative of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producer(s) on the farm; land, labor and equipment available for the production of peanuts on the farm; crop rotation practices; and soil and other physical factors affecting the production of peanuts.

§ 729.16 Limitations on new farm allotments.

(a) Not more than 1 per centum of the State acreage allotment shall be apportioned among new farms.

(b) The farm allotment established for a new farm shall not exceed the land available for the production of peanuts.

§ 729.17 Reduction and cancellation of new farm allotments.

The allotment determined under this subpart for a new farm shall be reduced to the acreage planted to peanuts on the farm when it is found that such acreage is less than 75 percent of the allotment. Any farm allotment established and any history acreage credit shall be void as of the date the new farm allotment was issued if the State committee determines that the applicant knowingly furnished false, incomplete or inaccurate information to obtain the allotment. Any new farm allotment established, where incomplete or inaccurate information was unknowingly furnished by the applicant and so determined by the county committee shall be void for the next crop year. However, the cancellation shall not be applicable to the current year or to prior years.

§ 729.18 Establishment of State reserves for new farms.

In addition to the acreage established in the State reserve for correction, missed farms and inequities under § 729.13, the State committee may establish a State reserve for new farms based on estimated requirements in an amount not to exceed 1 per centum of the State allotment.

§ 729.19 Conditions of eligibility for new farm allotment.

(a) A farm which includes land acquired by an agency having the right of eminent domain for which the entire peanut allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm peanut allotment for a period of 3 years from the date the former owner was displaced from the acquired farm. Also, a farm which includes land which has no peanut acreage allotment because the owner did not designate a peanut allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter, shall not be eligible for a new farm peanut allotment for a period of 3 years beginning with the year in which the farm reconstitution becomes effective.

(b) An allotment shall not be established for a new farm from acreage made available from the new farm reserve unless each of the following conditions are met:

(1) A written application for a new farm allotment is filed by the farm operator at the office of the county committee on or before February 15 of the year for which application for an allotment is being filed;

(2) The farm shall be operated by the owner thereof, except that the operator need not be the owner if he has operated the farm for the 5 years immediately preceding the year for which application for an allotment is being filed for such farm. A person who owns only part of a farm cannot be considered the owner of the farm except that both husband and wife shall be considered the owner of the farm if the farm is jointly owned by such husband and wife;

(3) The farm is the only farm in the United States, owned or operated by the farm operator or farm owner, for which a farm peanut allotment is established for the current year;

(4) The type of soil and topography of the available land on the farm for which the allotment is requested is suitable for the production of peanuts and continuous production of peanuts on the farm will not result in an undue erosion hazard;

(5) The farm operator shall own, or otherwise have readily available, adequate equipment and any other facilities of production (including irrigation water) necessary to the production of peanuts on the farm;

(6) (i) The operator shall expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products. In making this computation of income from farming, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for consumption on the farm. Where the farm operator is a partnership, each partner must expect to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership, where applicable, of such farm, and the officers and general manager of the corporation must expect to obtain more than 50 percent of their income from farming. Dividends and salary from the corporation shall be considered as income from farming.

(ii) When the farm operator is a low-income farmer, the county committee may waive the income provision in subdivision (i) of this subparagraph if it determines that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family; and a State committee representative approves such action. The county committee must exercise good judgment to see that its determination is reasonable in the light of all pertinent factors and that this special provision is made applicable only to

those who qualify. In making its determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(7) The farm operator shall have had experience in producing, harvesting, and marketing peanuts either as a sharecropper, tenant, or farm operator during at least 2 of the 5 years immediately preceding the year for which the new farm allotment is requested. Bona fide peanut production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement. If the applicant was in the armed services during any part or all of the 5-year period, the experience period shall be expanded, year for year, for each year of military service during such 5-year period. In making a determination of any person's experience in growing peanuts, no credit shall be given for the person's interest in peanuts grown on a farm for which no farm peanut allotment was established for such year. Experience in growing peanuts on a farm having a farm allotment by temporary transfer shall be given credit.

§ 729.20 Establishing new farm allotments for eligible applicants lacking experience.

If the total of the acreage required to establish allotments for all new farms in the State which are eligible under § 729.19, is less than the acreage available in the State reserve under § 729.16, for establishing such allotments, the balance, upon approval by the State committee, shall be available for establishing new farm allotments for farms for which a written application is filed by the farm operator at the office of the county committee on or before March 1 of the year for which the allotment is requested and the conditions of eligibility of paragraphs (a) and (b) (2) through (6) of § 729.19 are met. Such farm operators are not required to meet the peanut experience requirement of § 729.19(b)(7).

MISCELLANEOUS PROVISIONS AFFECTING FARM ALLOTMENTS

§ 729.21 Reduction of farm allotment for violation.

(a) If peanuts are marketed or are permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact were produced on a different farm, the acreage allotments next established for both such farms shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all peanuts from the farm are accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing.

(b) If complete and accurate proof of the disposition of all peanuts produced on the farm is not furnished in the manner and within the time prescribed under this subpart, the acreage allotment next established for the farm shall be reduced as provided in this section for the failure to furnish such proof, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof or disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the failure to furnish such proof.

(c) Any reduction made under this section shall be made with respect to the current year farm allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located. If the reduction cannot be made effective with respect to the current year crop, such reduction shall be made with respect to a farm allotment subsequently established for the farm. This section shall not apply if the farm allotment for any prior year was reduced for the same violation. For purposes of this section, the following dates are hereby established as the beginning of the normal planting season for peanuts:

STATE AND DATE

Alabama, March 25.
Arizona, March 20.
Arkansas, May 15.
California: Imperial and Riverside Counties, March 15; Fresno, Kern, and Tulare Counties, May 15.
Florida, March 15.
Georgia, March 25.
Louisiana, May 1.
Mississippi, April 20.
Missouri, April 15.
New Mexico, May 1.
North Carolina, May 1.
Oklahoma, May 10.
South Carolina, May 15.
Tennessee, May 1.
Virginia, May 1.

TEXAS, ZONE I, MARCH 10

Comprised of the counties of: (See listing under § 729.22(b)).

TEXAS, ZONE II, APRIL 3

Comprised of the counties of: (See listing under § 729.22(b)).

TEXAS, ZONE III, APRIL 17

Comprised of the counties of: (See listing under § 729.22(b)).

(d) The amount of reduction shall be that percentage which the quantity of peanuts involved in the violation is of the respective farm marketing quota for the farm for the marketing year in which the violation occurred. Where the quantity of peanuts involved in the violation equals or exceeds the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of peanuts determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the quantity of peanuts involved in the violation. If the actual production of peanuts on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the peanut crop during the growing and harvesting season, if known, and the actual yield per acre of peanuts on other farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar. The actual yield per acre of peanuts on the farm, as so estimated by the county committee, multiplied by the smaller of the effective farm allotment or the final acreage, shall be considered the farm marketing quota for the purpose of this section. In determining, for farms on which the final acreage exceeds the effective farm allotment the amount of peanuts for which satisfactory proof of disposition is not shown, the quantity of peanuts involved in the violation shall be deemed to be the actual production of peanuts on the farm, estimated under this paragraph, less the amount of peanuts for which satisfactory proof of disposition has been shown. For farms on which the final acreage does not exceed the effective farm allotment, the quantity of peanuts involved in the violation shall be the quantity of peanuts reported by the farm operator as produced on the farm less the actual production on the farm as determined by the county committee.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be computed on the portion of the allotment derived from the farm involved in the violation.

(f) If the farm involved in the violation has been divided prior to the reduction, the percentage of reduction for the allotments for the divided farms shall be the same as though no division had been made.

(g) Any reduction in the allotment for a farm made under this section shall not operate to reduce the allotment for such farm for any subsequent year.

§ 729.22 Release and reapportionment.

(a) *Release of acreage allotments.* Except as provided in this paragraph, any part of a farm allotment on which peanuts will not be produced and which the operator of the farm voluntarily surrenders in writing to the county committee shall be deducted from the allotment to such farm if such acreage is surrendered not later than the applicable closing date specified in this paragraph. Where the entire farm allotment was released in each of the 2 years preceding the currrent year, the release of the effective farm allotment for the current year

shall be in writing and signed by both the owner and operator of the farm. If any part of the farm allotment is permanently released (i.e., for the current year and all subsequent years), such release shall be in writing and signed by both the owner and operator of the farm. If the entire current year farm allotment is permanently released, the farm peanut history acreage and farm allotment for the current year and prior years shall not be considered in establishing an allotment for the farm for any subsequent year and the farm shall not be eligible for a new farm peanut allotment so long as such farm was credited with peanut history acreage in the base period used in the determination of the current year acreage allotment. Acreage allotments may not be released (1) from new farms, (2) from farms owned by the Federal Government or any agency thereof, if there is in effect a lease or operating agreement prohibiting the production of peanuts, (3) for the current year, if the owner of the farm notifies the county committee in writing, before acreage is released by the operator, that he objects to such a release, and (4) from the allotment pool if an application for transfer from the pool has been filed in accordance with Part 719 of this chapter. In addition, acreage allotments may not be released from a farm covered by a whole farm Conservation Reserve Contract, a whole farm cropland conversion program agreement entered into in 1964 or 1965, a cropland conversion program agreement entered into in 1966 or 1967, or a cropland adjustment program agreement. Acreage allotments may be released from a farm covered by a part-farm Conservation Reserve Contract and a part-farm Cropland Conservation Program Agreement entered into in 1964 or 1965 in an amount not to exceed the permitted acreage but for such farm having more than one allotment crop available for release, the total released acreage for all allotment crops shall not exceed the permitted acreage.

STATE AND CLOSING DATE

Alabama, March 15.
Arizona, March 1.
Arkansas, May 15.
California, April 1.
Florida, March 15.
Georgia, March 25.
Louisiana, July 1.
Mississippi, May 1.
Missouri, May 10.
New Mexico, May 6.
North Carolina, April 15.
Oklahoma, April 1.
South Carolina, April 15.
Tennessee, April 1.
Virginia, April 15.
Texas. (See listing under paragraph (b) of this section.)

(b) *Reapportionment of released acreage allotment.* The acreage released under paragraph (a) of this section may be reapportioned by the county committee to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of land, labor, and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts. A farm shall be eligible to receive reapportionment of released acreage only if a written request is filed by the farm owner or operator at the office of the county committee not later than the applicable dates specified below:

STATE AND CLOSING DATE

Alabama, March 15.
Arizona, March 15.
Arkansas, May 15.
California, April 1.
Florida, March 15.
Georgia, April 1.
Louisiana, July 1.
Mississippi, May 15.
Missouri, May 25.
New Mexico, May 10.
North Carolina, April 15.
Oklahoma, April 1.
South Carolina, April 15.
Tennessee, April 1.
Virginia, April 15.
Texas. (See following list.)

TEXAS

In this State the same closing dates are applicable for purposes of both paragraphs (a) and (b) of this section. These closing dates, by zones within the State are as listed below.

March 1 for Zone 1, comprised of the counties of:

Aransas.
Atascosa.
Austin.
Bandera.
Bee.
Bexar.
Brazoria.
Brooks.
Calhoun.
Cameron.
Chambers.
Colorado.
Comal.
De Witt.
Dimmit.
Duval.
Edwards.
Fort Bend.
Frio.
Galveston.
Goliad.
Gonzales.
Guadalupe.
Hardin.
Harris.
Hidalgo.
Jackson.
Jefferson.
Jim Hogg.
Jim Wells.
Karnes.
Kendall.
Kenedy.
Kerr.
Kinney.
Kleberg.
La Salle.
Lavaca.
Liberty.
Live Oak.
McMullen.
Matagorda.
Maverick.
Medina.
Nueces.
Orange.
Real.
Refugio.
San Patricio.
Starr.
Uvalde.
Val Verde.
Victoria.
Waller.
Webb.
Wharton.
Willacy.
Wilson.
Zapata.
Zavala.

April 4 for Zone 2, comprised of the counties of:

Anderson.
Andrews.
Angelina.
Archer.
Bastrop.
Bell.
Blanco.
Borden.
Bosque.
Bowie.
Brazos.
Brewster.
Brown.
Burleson.
Burnet.
Caldwell.
Callahan.
Camp.
Cass.
Lampasas.
Newton.
Nolan.
Palo Pinto.
Panola.
Parker.
Pecos.
Polk.
Presidio.
Rains.
Regan.
Red River.
Reeves.
Robertson.
Rockwall.
Runnels.
Rusk.
Sabine.
San Augustine.
San Jacinto.
San Saba.
Schleicher.
Scurry.
Shackelford.
Shelby.
Smith.
Somervell.
Stephens.
Sterling.
Sutton.
Tarrant.
Taylor.
Terrell.
Titus.
Tom Green.
Travis.
Trinity.
Tyler.
Upshur.
Upton.
Van Zandt.
Walker.
Ward.
Washington.
Wichita.
Williamson.
Winkler.
Wise.
Wood.
Young.
Zavala.
Cherokee.
Clay.
Coke.
Coleman.
Collin.
Comanche.
Concho.
Cooke.
Coryell.
Crane.
Crockett.
Culberson.
Dallas.
Dawson.
Delta.
Denton.
Eastland.
Ector.
Ellis.
El Paso.
Erath.
Falls.
Fannin.
Fayette.
Fisher.
Franklin.
Freestone.
Gaines.
Gillespie.
Glasscock.
Grayson.
Gregg.
Grimes.
Hamilton.
Harrison.
Hays.
Henderson.
Hill.
Hood.
Hopkins.
Houston.
Howard.
Hudspeth.
Hunt.
Irion.
Jack.
Jasper.
Jeff Davis.
Johnson.
Jones.
Kaufman.
Kimble.
Lamar.
Lee.
Leon.
Limestone.
Llano.
Loving.
McCulloch.
McLennan.
Madison.
Marion.
Martin.
Mason.
Menard.
Midland.
Milam.
Mills.
Mitchell.
Montague.
Montgomery.
Morris.
Nacogdoches.
Navarro.

April 18 for Zone 3, comprised for the counties of:

Armstrong.
Bailey.
Baylor.
Briscoe.
Carson.
Castro.
Childress.
Cochran.
Collingsworth.
Cottle.
Crosby.
Dallam.
Deaf Smith.
Dickens.
Donley.
Floyd.
Foard.
Garza.
Gray.
Hale.
Hall.
Hansford.
Hardeman.
Hartley.
Haskell.
Hemphill.
Hockley.
Hutchinson.
Kent.
King.
Knox.
Lamb.
Lipscomb.
Lubbock.
Lynn.
Moore.
Motley.
Ochiltree.
Oldham.
Parmer.
Potter.
Randall.
Roberts.
Sherman.
Stonewall.
Swisher.
Terry.
Throckmorton.
Wheeler.
Wilbarger.
Yoakum.

(c) *Closing date for reapportionment of released acreage.* Any acreage released to the county committee may be reapportioned by the county committee to other farms in the county at any time

not later than 15 days following the closing date established under paragraph (b) of this section for the filing of a request for an increase in allotment from released acreage.

(d) *Maximum acreage allotment.* No allotment shall be increased under the provisions of paragraph (b) of this section to an acreage greater than the land available for the production of peanuts on the farm.

(e) *Credit for released or reapportioned acreage.* The release of allotment under paragraph (a) of this section for the current year only shall not operate to reduce the allotment for the farm for any subsequent year unless such farm becomes ineligible for an old farm allotment. Any increase in the allotment for a farm resulting from a reapportionment of acreage under paragraph (b) of this section shall not operate to increase the allotment for such farm for any subsequent year.

(f) *Applicability of section to farms acquired by an agency having the right of eminent domain.* (1) Any part or all of a peanut allotment for a farm acquired by an agency having the right of eminent domain and held under lease or other agreement by the former owner may be released to the county committee in accordance with paragraph (a) of this section. Also, such farm is eligible to receive a reapportionment of acreage under paragraph (b) of this section. (2) During any year of the period the peanut acreage allotment from a farm remains in the allotment pool pursuant to Part 719 of this chapter, the displaced owner may release, for one year at a time, all or any part of such allotment to the county committee. Release and reapportionment of such allotments shall be in accordance with the provisions of Part 719 of this chapter.

§ 729.23 Allotments for farms acquired by agency having right of eminent domain.

The allotment determined for any land from which the owner is displaced because of acquisition of the land by any Federal, State, or other agency having the right of eminent domain shall be maintained and reallocated in accordance with Part 719 of this chapter.

§ 729.24 Additional acreage allotment for farms producing types of peanuts in short supply.

(a) Any additional acreage allotment apportioned to any State producing peanuts of a type or types determined to be in short supply for the current year, less a reserve for the correction of errors, shall be apportioned among farms on which peanuts of such type or types were produced in any of the 3 years of the base period. For each farm eligible to share in the additional acreage apportioned to the State, the county committee shall determine that part of the total farm peanut history acreages for the base period that was devoted to, or considered devoted to, the type(s) of peanuts determined to be in short supply. A State total of such acreages shall be obtained and a factor computed by dividing such State total into the additional acreage apportioned to the State (minus the reserve for the correction of errors). Such factor shall be rounded for four places beyond the decimal. The amount of the increase for each farm shall be computed by multiplying the factor by the total acreage determined for each eligible farm. The reserve for the correction of errors shall be determined by the State committee on the basis of experience in past allotment programs and its knowledge as to the reliability of data used in apportioning the additional acreage to farms, and shall not exceed three-fourths of 1 percent of the additional acreage apportioned to the State.

(b) The increase in acreage allotment under this section shall not be considered in establishing future State, county, or farm acreage allotments.

NOTICES OF FARM ALLOTMENTS AND MARKETING QUOTAS

§ 729.25 Approval of farm allotments.

No official notice of farm allotment shall be mailed to a farm operator of an old or new peanut farm until a representative of the State committee has reviewed and approved the farm allotment. The representative of the State committee may revise or require revisions of any determinations made under this subpart. Such prior review shall not be required for revised farm allotments resulting from: (a) Reconstitution of farms that does not require allocation of additional acreage; (b) release and reapportionment of allotments; (c) increase of allotments for type; (d) lease and transfer of allotments; and (e) allotment reductions due only to failure to return marketing cards.

§ 729.26 Notices of farm allotments.

(a) *Initial notice of farm allotment.* (1) The county committee shall mail a written notice of farm allotment to the operator of each old peanut farm and each new peanut farm for which a farm allotment for the current year is established and approved as soon as possible after the farm allotment is established. (2) If application for a new peanut farm allotment is made but the county committee determines that no new farm allotment shall be established, the county committee shall mail a written notice of "None" as the farm allotment to the operator of such farm. (3) If an old peanut farm loses eligibility for a farm allotment as an old peanut farm for the current year, the county committee shall mail a written notice of "None" as the farm allotment to the operator of such farm showing the reason no farm allotment was established for the farm.

(b) *Revised notice of farm allotment.* (1) The county committee shall mail a written notice of revised farm allotment to the operator of the farm as soon as possible after the county committee determines that a revision is required (i) under this subpart, (ii) under the provisions of Part 719 of this chapter, (iii) to correct errors committed by the county committee, or (iv) to correct errors caused by fraud or misrepresentation of facts by or on behalf of the producers on the farm. (2) Such revised notice shall be issued prior to the date when planting of peanuts normally becomes general on farms in the county if at all possible, but if not possible to do so, such revised notice shall be issued after such date and the county committee shall determine whether the erroneous notice of allotment provisions of § 729.27 are applicable.

(c) *Notice to operator constitutes notice to other persons.* (1) Each notice shall contain a statement substantially as follows: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown below be interested in the commodity designated below produced on the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all persons.

(2) A copy of each notice showing the date of mailing to the operator shall be kept among the records of the county committee. Upon request, a certified copy shall be furnished without charge to any person who as an operator, landlord, tenant, or sharecropper is interested in the peanuts produced on the farm in the year for which the notice is issued.

(d) *Effectiveness of notice.* Each notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Farm allotments shall not become effective unless the notice is properly signed, approved, and mailed in accordance with this section.

(e) *Farm operator obligation to inform county committee of changes.* The farm operator shall immediately inform the county committee of any changes in the ownership, operation, or control of the farm, or any part thereof, and any change in the total land in the farm, for a farm with a current farm allotment.

(f) *Review of farm allotment.* Each notice shall contain a brief statement of the procedure for application to obtain a review of the farm allotment and marketing quota by a review committee in accordance with section 363 of the act and the Marketing Quota Review Regulations in Part 711 of this chapter. Unless application for such review is timely filed within 15 days after the mailing of a notice under this section, the farm allotment and marketing quota established by such notice shall be final and not subject to review by the review committee: *Provided,* That the failure of the farmer to apply for such review shall not preclude the county committee from issuing any required revised notice of farm allotment. If such notice is subsequently revised in accordance with this section, the revised farm allotment and marketing quota shall be subject to review in the same manner as the previous allotment and quota.

§ 729.27 Erroneous notice of allotment.

(a) If the county committee determines with the approval of the State

executive director that (1) the official written notice of the farm acreage allotment issued by the State or county office for any farm erroneously stated the acreage allotment to be larger than the final effective allotment for the farm, and (2) the error was not so gross that the operator would reasonably be expected to question the acreage, and that the operator, relying upon such notice and acting in good faith (i) materially changes his position to enable him to produce the allotment crop (for example obligated expenditures of funds for land preparation, additional equipment and labor) or (ii) picked or threshed peanuts from acreage in excess of the finally approved effective farm allotment, the acreage allotment shown on the erroneous notice shall be considered the effective farm allotment.

(b) If the farm operator receives a corrected notice of allotment after peanuts have been planted on the farm but before such peanuts are picked or threshed, the provisions of this section shall not apply unless the county committee and the State executive director determine that the acreage planted for picking or threshing was in excess of the effective farm allotment only because the operator was given the erroneous notice of allotment.

§ 729.28 Notice of excess and penalty.

The county committee shall mail to the farm operator a written notice of excess acreage and farm marketing quota for any farm with excess peanut acreage. The notice shall contain substantially the following statement. "To all persons who as operator, landlord, tenant, or sharecropper, for the crop year shown above, are interested in the peanuts described herein and produced on this farm." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. Such shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. A copy of each notice containing a notation thereon of the date of mailing the notice to the operator of the farm shall be kept among the permanent records of the county committee and, upon request, a copy thereof, duly certified as a true and correct copy shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the peanuts produced in the current year on the farm for which the notice is given.

FINAL ACREAGE, FARM MARKETING QUOTAS, AND ISSUANCE OF MARKETING CARDS

§ 729.29 Determination of final acreage.

The final acreage of peanuts on a farm shall be the acreage determined in accordance with Part 718 of this chapter, adjusted as required under this section for farms on which the initial certification of peanut acreage shows acreage in excess of the farm acreage allotment. Such adjustment is permitted for the purpose of identifying peanut acreage on which the peanuts are left in the ground or hogged-off or on which the peanuts are utilized for green peanuts.

(a) *Planted acreage not in excess of effective farm allotment.* When the acreage planted to peanuts on a farm is not in excess of the effective farm allotment, the planted acreage, less the acreage hogged-off, left in the ground, or harvested as green peanuts and reported in accordance with § 729.53 shall be the final acreage.

(b) *Planted acreage in excess of effective farm allotment.* When the planted acreage is in excess of the effective farm allotment, such planted acreage, less the adjustments under this paragraph, shall be the final acreage.

(1) *Acreage left in ground or hogged-off.* If any of the planted acreage is to be left in the ground or is to be hogged-off, the farm operator shall report the acreage to the county office in accordance with Part 718 of this chapter. If the farm operator fails to notify the county office that an acreage planted to peanuts on the farm has been left in the ground or hogged-off in accordance with Part 718 of this chapter, the entire planted acreage, subject to other provisions of this section shall be the final acreage.

(2) *Acreage utilized for green peanuts.* If all of the planted acreage is utilized for green peanuts and a satisfactory report of the marketing of such peanuts is made pursuant to § 729.53, the final acreage for the farm shall be zero. If only a portion of the planted acreage is utilized for green peanuts, the acreage so utilized, as determined pursuant to Part 718 of this chapter, may be deducted from the planted acreage in determining the final acreage for the farm if a satisfactory report of the marketing of green peanuts is made pursuant to § 729.53: *Provided,* That the farm operator notifies the county office in accordance with Part 718 of this chapter that an acreage planted to peanuts on the farm will be or has been utilized as green peanuts. If the farm operator fails to so notify the county office, the entire planted acreage, subject to other provisions of this section, shall be the final acreage.

§ 729.30 Amount of farm marketing quota.

(a) The farm marketing quota for a farm having no excess acreage shall be the actual production of peanuts equal to the actual yield per acre multiplied by the effective farm allotment.

(b) The farm marketing quota for a farm having excess acreage shall be a quantity of peanuts equal to the actual yield per acre multiplied by the effective farm allotment.

§ 729.31 Marketing quotas transferable only under specified conditions.

A farm marketing quota is established for a farm and, except as specifically provided for in this subpart for release and reapportionment, pooled allotments transfers by sale, lease, or owner and under 7 U.S.C. 1305, may not be assigned or otherwise transferred in whole or in part to any other farm. Peanuts produced on one farm shall not be marketed on a marketing card issued with respect to another farm. If any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm, the allotment subsequently established for each such farm shall be reduced as provided in § 729.21.

§ 729.32 Marketing cards and their uses.

(a) *Within quota card.* Farm MQ–76 Peanuts, Peanuts Within Quota Marketing Card, referred to as a "within quota card," authorizes the marketing of peanuts produced on the farm for which the card is issued without payment of penalty.

(b) *Excess penalty card.* Form MQ–77 Peanuts, Peanut Excess Penalty Marketing Card, referred to as an "excess penalty card," authorizes the marketing of peanuts produced on the farm for which the card is issued subject to a marketing penalty at the rate entered on the card.

§ 729.33 Issuance of marketing cards.

(a) *Issuing officer.* The county executive director shall be the issuing officer and responsible for the issuance of marketing cards. Each card issued shall be validated by the signature, actual or facsimile, of the issuing officer. The facsimile signature may be affixed by an employee of the county office.

(b) *Producers to receive cards.* A marketing card shall be issued in the name of the operator of each eligible farm for use by any producer on the farm for marketing his share of peanuts produced. If the issuing officer finds that it will serve a useful purpose, additional cards may be issued in the name of the operator and delivered to other producers on the farm or the marketing card may be issued in the name of the operator and one or more other producers on the farm. In addition:

(1) If the farm operator does not share in the peanuts produced on the farm the marketing card(s) may be issued to the person(s) sharing in such peanuts without entering thereon the name of the operator.

(2) If all peanuts produced by a person(s) are to be marketed to a person(s) other than an established buyer, marketing cards shall not be issued.

(3) The issuance of a marketing card may be withheld for any farm until an estimate is made of the peanut production on the farm, if the county committee determines such action to be necessary for effective operation of the marketing quota program.

(c) *Within quota card.* A farm is eligible for a within quota card where the final acreage is not in excess of the effective farm allotment and, in the case of federally owned land, is not in excess of the smaller of the effective farm allotment or the acreage permitted by the lease or operating agreement. A farm is also eligible for a within quota card

based on a producer's initial certification where a producer has peanuts ready for market, but has not completed digging all peanuts and cannot make a final certification of dug acreage.

(d) *Excess penalty card.* A farm is eligible for an excess penalty card if the final acreage is determined to be in excess of the effective farm allotment.

(1) The converted rate of penalty to be entered on an excess marketing card for a farm, except as provided under subparagraph (2) of this paragraph, shall be determined as follows:

(i) Compute the percent excess for the farm by dividing the final acreage into the excess acreage.

(ii) Multiply the percent excess for the farm by the basic penalty rate.

(2) The full penalty rate shall be entered on the excess penalty card where the farm operator refuses to permit measurement or where the farm operator fails to timely certify the peanut acreage on the farm pursuant to Part 718 of this chapter.

(3) For Federally owned land, an excess penalty card showing "zero" as the converted penalty rate shall be issued if the final acreage on the farm is within the effective farm allotment but is in excess of the acreage permitted by the lease or operating agreement.

(4) The excess penalty card issued for a farm shall be marked "Eligible for Price Support" if the farm operator certified the acreage to be within the effective farm allotment and a farm acreage check discloses that such allotment has been exceeded by not more than the applicable tolerance specified for peanuts under Part 718 of this chapter.

§ 729.35 Issuance of marketing card when acreage determination is refused.

If the farm operator or any producer on the farm prevents the county committee or its representative, or the State commitee or its representative, from obtaining information necessary to determine the acreage of peanuts on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or any producer on the farm permits a determination of the acreage, all acreage of peanuts on the farm shall be deemed to be in excess of the effective farm allotment for the purpose of issuing a marketing card for the farm.

§ 729.36 Replacement marketing cards.

When (a) all spaces for recording sales on a marketing card have been used, (b) the card is returned to the county office, and (c) there is further need for a marketing card to complete marketings from the farm, a replacement card shall be issued. The replacement card shall be of the same kind, bearing the same name, information, and identification as the card being replaced. Upon application by a producer, a new marketing card of the same kind shall also be issued to replace a card which has been lost, mutilated, destroyed, or stolen.

§ 729.37 Identifying marketing cards for producers indebted to the United States.

If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt record, any marketing card issued for such farm shall bear the notation "Indebted to U.S." and show the amount and type of the indebtedness, the name of the debtor, and other data considered necessary to facilitate proper handling of the debt. A notation showing "PMQ" (peanut marketing quota) as the type of indebtedness shall constitute notice to any peanut buyer that until the amount of penalty and accrued interest is paid, the United States has a lien on the crop of peanuts with respect to which the penalty was incurred and on any subsequent crop of peanuts subject to marketing quotas in which the person liable for payment of the penalty has an interest. A notation showing indebtedness of any type other than "PMQ" shall constitute notice to any peanut buyer that subject to prior liens, the net proceeds, to the extent of the indebtedness shown, from any price support loan or purchase settlement due the debtor must be paid to the "Agricultural Stabilization and Conservation Service, USDA"; except that a representative of the Farmers Home Administration may stamp the marketing card requesting the buyer to issue a check payable jointly to the producer and the Farmers Home Administration. The acceptance and use of a marketing card bearing a notation and information concerning indebtedness to the United States shall not constitute a waiver by the indebted producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

§ 729.38 Rights of successors-in-interest.

Any person who succeeds in whole or in part to the share of a producer in the peanuts to be marketed from a farm shall, to the extent of such succession, have the same rights as the producer to the use of any marketing card issued for the farm.

§ 729.39 When marketing cards are invalid.

(a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) An entry is omitted, incorrect, contradictory or illegible;

(3) It is lost, destroyed, or stolen;

(4) An erasure or alteration, except as to the converted penalty rate, has been made and not initialed by the county executive director; or

(5) The converted penalty rate or an excess penalty card has been erased or altered.

(b) If any marketing card becomes invalid (other than by loss, destruction or theft) the operator, or the person having the card in his possession, shall return it to the county office from which it was issued. If any marketing card is lost, destroyed, or stolen the producer to whom the card was issued shall give immediate written notice of such fact to the county office from which the card was issued.

(c) If a marketing card is invalid because an entry is not made as required, it shall be returned to the county office. The card then may be made valid by entering data previously omitted or by correcting, if initialed by the county executive director, any incorrect data previously entered (except incorrect entry of converted penalty rate). If an invalid card is not so made valid, it shall be canceled and a new card shall be issued in its place if there is further need for a marketing card.

§ 729.40 Report on misuse of marketing cards.

Any information which causes a member of a State, county, or community committee, or an employee of a State or county office or any person engaged in buying or handling peanuts, to believe that a marketing card is being misused in any manner shall be reported immediately by such committeeman, employee, or person to the county ASCS office or the State ASCS office.

§ 729.41 Sales memoranda and their uses.

(a) Form MQ–70 Peanuts, "Sales Memorandum and Record of Peanuts Dried or Shelled for Producer," may be issued in lieu of an excess penalty marketing card to producers on farms on which the acreage of peanuts picked and threshed (final acreage) exceeds the effective farm allotment, and to record the report purchases and the drying or shelling of farmers' stock peanuts as provided in §§ 729.58, 729.60, and 729.62.

(b) Form MQ–94 Peanuts, "Inspection Certificates and Sales Memorandum," may be used by buyers to record data with respect to purchases of peanuts which have been inspected by the Inspection Service.

(c) Excess penalty memorandum, copies of which are attached to each excess penalty card, shall be used by buyers to report data with respect to purchases of excess peanuts which are identified by an excess penalty card.

(d) Buyer's own form may be used to record or to report data with respect to the purchase of any peanuts (except purchases described in paragraph (c) of this section) provided such form is serially numbered and contains the data required by this subpart.

§ 729.42 Determination of normal yields.

(a) *County.* Each year the State committee shall recommend to the Director, Oilseeds and Special Crops Division, a county normal yield for each peanut-producing county. The normal yield for any county shall be the average yield per acre of peanuts for the county, adjusted for abnormal weather conditions, during the 5 calendar years immediately preceding the year in which such normal yield is determined. If for any year in the 5-year period, production data are not available, or there was no actual yield, an appraised yield for such year shall be determined by the State committee

on the basis of yields obtained in similar counties during such year and shall be used as the actual yield for such year. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of the 5-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the county normal yield per acre. County normal yields shall be approved by the Administrator, Agricultural Stabilization and Conservation Service.

(b) *Farm.* The normal yield for a farm shall be determined by the county committee and shall be the average yield per acre of peanuts for the farm, adjusted for abnormal weather conditions, during the 5 calendar years immediately preceding the year in which the normal yield is determined. If for any such year, the data are not available or there is no actual yield, the normal yield for the farm shall be appraised by the county committee, taking into consideration soil and other physical factors, abnormal weather conditions, the normal yield for the county, the yields for other farms in the locality which are similar with respect to soil and other physical factors affecting the production of peanuts, the yield for the farm in years for which data are available, and current production practices on the farm.

§ 729.43 Penalty rate.

The basic penalty rate shall be equal to 75 percent of the support price for peanuts for the marketing year.

(a) *1971 crop.* The basic support price for peanuts for the marketing year beginning August 1, 1971, and ending July 31, 1972, is $268.50 per ton or 13.42 cents per pound. Therefore, the basic penalty rate for the 1971 crop of peanuts is 10.1 cents per pound.

(b) *Future years.* The rate of penalty will be determined for each marketing year and established by amendment to this section.

AMOUNT AND PAYMENT OF MARKETING PENALTIES

§ 729.44 Amount of penalty due from farms with excess acreage.

(a) *Peanuts properly identified.* If the peanuts produced on the farm are properly marketed with an excess penalty card issued for the farm, the penalty shall be paid on each lot marketed from the farm in an amount determined by multiplying the converted penalty rate for the farm by the number of pounds in the lot.

(b) *Peanuts not properly identified.* If the peanuts produced on the farm are not properly marketed with an excess penalty card issued for the farm but the disposition of peanuts produced on the farm is accounted for to the satisfaction of the State committee, the total amount of penalty for the farm shall be determined by multiplying the total quantity of peanuts marketed from the farm by the converted penalty rate for the farm.

(c) *Measurement prevented.* If a representative of the county committee is prevented by the operator or other producer or person from determining the final acreage, the farm will be deemed to have excess acreage and the penalty for the farm shall be determined by multiplying the quantity of peanuts marketed from the farm by the basic penalty rate. If, however, the operator furnishes a complete and correct report containing the information specified in § 729.56 and satisfactory to the State committee, the penalty for the farm shall be determined in accordance with paragraph (b) of this section.

(d) *Peanuts falsely identified or not accounted for.* If the disposition of peanuts produced on the farm is not accounted for to the satisfaction of the State committee or if any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm, a penalty for the farm shall be determined by multiplying the normal yield by the excess acreage by the basic penalty rate and subtracting therefrom penalty paid on marketings.

(e) *Peanuts retained for seed.* Effective beginning with the 1970 crop year, peanuts produced on excess farms and retained for seed or other purposes will be considered as marketed and therefore subject to the marketing quota penalty if such peanuts are used for seed or other purposes on another farm. The amount of penalty on any such peanuts which are considered marketed shall be determined by multiplying the quantity by the converted penalty rate for the farm.

§ 729.45 Penalty due on marketings.

In addition to marketings identified by excess penalty cards, the marketing of peanuts (except marketings under §§ 729.46(b) and 729.50) by a producer without identification by a valid marketing card shall be deemed a marketing subject to penalty at the basic rate. Except as provided in § 729.46(b), the buyer is liable for payment of the penalty due. He may deduct the penalty from the amount paid the producer.

§ 729.46 Persons liable for payment of penalty.

(a) *Marketings to established buyers.* The buyer shall pay the penalty due on peanuts purchased directly from a producer and may deduct the penalty from the price paid to the producer. The producer shall pay the penalty due on any peanuts marketed directly to any person outside the United States. The buyer shall not be relieved of any liability because of any error which may occur in executing a sales memorandum. If the buyer fails to collect or to pay the penalty due on any marketing of peanuts from a farm, the buyer and each of the producers on the farm shall be jointly and severally liable for the amount of the penalty.

(b) *Marketings to persons who are not established buyers.* The producer shall pay the penalty due on any peanuts marketed to persons who are not established peanut buyers. A person who is not engaged in the business of buying peanuts for movement into the regular channels of trade is considered a person who is not an established peanut buyer. The county executive director, upon a finding that peanuts produced on a farm on which there is excess acreage have been or probably will be sold to persons who are not established peanut buyers, and upon a determination that it would be administratively impracticable to effect the collection of penalty from such persons, may estimate the production for the farm and determine the amount of penalty due by multiplying the converted penalty rate by the estimated production for the farm. The amount of penalty may be collected from the operator or producer before he markets his peanuts if he agrees to payment of the penalty in this manner. If the county executive director determines that satisfactory information is not available for estimating the production for the current crop, a normal yield for the farm shall be determined and it shall be considered the estimated actual yield for the purpose of determining production and the amount of penalty. If the entire amount of the estimated penalty is paid before any peanuts are marketed and an excess penalty card is issued for the farm, the penalty rate on the card shall be shown as "zero." If the county committee determines, after marketing of the crop for the farm has been completed, that the actual production for the farm was less than the estimated production, any penalty paid in excess of the amount actually due shall be refunded upon presentation of a request therefor as provided in § 729.51. If the county committee determines, after marketing of the crop for the farm has been completed, that the amount of penalty due has not been paid in full, demand upon the producer for the amount of penalty due shall be made and the producer shall be liable therefor.

§ 729.47 Payment of penalty.

A draft, money order, or check drawn payable to the "Agricultural Stabilization and Conservation Service, USDA" may be used to pay any penalty, other indebtedness, or interest thereon, but any such draft or check shall be received subject to collection and payment at par. The person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of 6 percent per annum from the date the penalty becomes due until the date of payment of penalty. For purposes of this section penalties become due as follows:

(a) Within 2 calendar weeks following the week in which peanuts are marketed subject to penalty. If the buyer of such peanuts does not remit the penalty within this period, interest shall begin to accrue on Monday of the third calendar week following the week in which the peanuts were marketed; or as to any other case;

(b) Two weeks from the date of written notice to the producer, or buyer, of the amount of any penalty owed, including but not limited to penalties determined on the basis of normal yield.

§ 729.48 Lien for penalty.

Until any penalty is paid, a lien on the crop of peanuts with respect to which such penalty is incurred, and on any subsequent crop of peanuts subject to marketing quotas in which the person liable for payment of the penalty has an interest, shall be in effect in favor of the United States. Such lien on the current crop and as to subsequent crops takes precedence as of the time the debt secured is entered on a county debt record in the county ASCS office, for the county in which the subsequent crop is grown. Each ASCS office shall maintain a list of such liens on subsequent crops which have been entered on the county debt record, which list shall be available for examination upon written request by an interested person.

EXEMPTIONS FROM AND REFUND OF MARKETING PENALTIES

§ 729.49 Peanuts grown for experimental purposes.

No penalty shall be collected on the marketings of any peanuts which are grown only for experimental purposes on land owned or leased by a publicly owned agricultural experimental station and produced at public expense by employees of the experiment station, or peanuts produced by farmers for experimental purposes pursuant to an agreement with a publicly owned experiment station: *Provided*, That the director of the publicly owned agricultural experiment station furnishes the State executive director a list by counties showing the following information for farms in the State on which peanuts are grown for experimental purposes only:

(a) Name and address of the publicly owned experiment station;

(b) Name of the owner, and name of the operator if different from the owner, of each farm in the State on which peanuts are grown for experimental purposes only;

(c) The acreage of peanuts grown on each farm for experimental purposes only; and

(d) A signed statement that such acreage of peanuts was grown on each farm for experimental purposes only, was necessary for carrying out experimentation, and the peanuts were produced under the direction of representatives of the publicly owned agricultural experiment station.

§ 729.50 Seed shelling fall through.

The marketing penalty provided by this subpart shall not apply to the shriveled, damaged, split, and broken kernels which fall through the screen in the process of shelling farmers stock peanuts for use by the producer as seed in the following year, provided the quantity of peanuts shelled by or for the producer is not in excess of the seed requirements for his farm as determined by the county executive director.

§ 729.51 Refund of penalties.

(a) After the marketing of peanuts from a farm has been completed and the disposition of all peanuts produced on the farm can be shown, the producer or any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under this subpart. Such request shall be filed with the county ASCS office within 2 years after the payment of the penalty. No refund shall be made solely because of peanuts kept on the farm for seed or for home consumption.

(b) The county executive director shall review each case where the minimum converted penalty rate (one-tenth of a cent) was used on an excess penalty card to determine those cases where the computed converted penalty rate was less than one-tenth of a cent but was rounded upward because of the rule of fractions. For such cases, the county executive director shall recompute the amount of penalty for the farm by multiplying the total pounds of peanuts marketed from the farm by the percent excess by the basic penalty rate. If the penalty for the farm has already been collected and such amount exceeds the revised amount of penalty computed for the farm, a refund may be made to the producer in accordance with this section.

REPORTS REQUIRED OF PRODUCERS

§ 729.52 Report on marketing card.

Each marketing card issued with respect to a farm on which peanuts are produced shall be returned to the county ASCS office as soon as marketings from the farm are completed or at such earlier time as the county executive director may request. Failure to so return a marketing card shall constitute failure to account for disposition of peanuts marketed from the farm in the event that an account, satisfactory to the county committee, of such disposition is not furnished otherwise.,

§ 729.53 Report of marketing green peanuts.

(a) The operator of each farm from which green peanuts are marketed shall, within 15 days after the marketing of green peanuts is generally complete in the county, and at such other date(s) as may be requested by the county executive director, file with the county committee a written report containing a record of the peanuts marketed from the farm before drying or removal of moisture by natural or artificial means for consumption exclusively as boiled peanuts. Such written report shall show for the farm:

(1) The number of acres on the farm planted to peanuts;

(2) The acreage on the farm from which peanuts were marketed as green peanuts;

(3) The name and address of the buyer to or through whom each lot of green peanuts was marketed, the type and quantity in each lot marketed and the date marketed: *Provided*, That where green peanuts are marketed by the producer in small lots direct to consumers, such as in the case of local street sales, the report may be made as either a daily or weekly summary of the quantity so marketed and the name and address of each buyer need not be shown but in lieu thereof the place of marketing shall be shown.

(b) Failure to file any report of the marketing of green peanuts as required by this section, or the filing of a report which the county committee finds to be incomplete or inaccurate shall constitute failure to account for the disposition of the peanuts produced on the acreage involved and such acreage shall not be deducted in determining the final acreage for the farm.

§ 729.54 Report of peanuts marketed to persons who are not established buyers.

(a) If peanuts are marketed to persons other than established peanut buyers (see § 729.46(b)), the operator of the farm shall be responsible for making a report of such marketings. The written report shall be filed with the county committee not later than 15 days after the marketing of peanuts is generally complete in the area. The report shall show for the farm:

(1) The final peanut acreage;

(2) The type and quantity of peanuts in each lot marketed and the date of marketing;

(3) The name and address of the buyer to or through whom each lot of peanuts was marketed: *Provided*, That where peanuts are marketed by the producer in small lots directly to consumers, such as in the case of local street sales, the report may be made as either a daily or a weekly summary of the quantity so marketed and the name and address of each buyer need not be shown but in lieu thereof the place of marketing shall be shown.

(b) Failure to file any report of marketing of peanuts to persons other than established buyers, or the filing of a report which the county committee finds to be incomplete or inaccurate, shall constitute failure to account for the disposition of the peanuts produced on the farm.

§ 729.55 County administrative hearing in connection with violations.

The farm operator involved shall be notified in writing by the county executive director of the time and place for any hearing concerning a violation and the nature of the violation. The farm operator shall be requested to bring to the hearing relevant supporting documents. At least two members of the county committee shall be present at the hearing. Such hearing shall be held before an allotment for the farm is reduced, except in the case of failure to return marketing card.

§ 729.56 Report of production and disposition.

(a) In addition to any other reports which may be required under this subpart, the operator on each farm, or any producer on the farm (even though the farm has no excess acreage) shall, upon written request by certified mail from the State executive director within 15 days after deposit of such request in the

U.S. mail, addressed to such person at his last known address, furnish the State committee a report on MQ–98, Report of Production and Disposition. Such report shall show for the farm:

(1) The final acreage;

(2) The total production of peanuts;

(3) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds marketed in each lot, and the date marketed: *Provided,* That where peanuts are marketed in small lots to numerous persons who are not established buyers of peanuts (see § 729.46 (b)), the report may be made as either a daily or weekly summary of the number of pounds marketed and the name and address of the buyer(s) need not be shown but in lieu thereof the place of marketing shall be shown; and

(4) The quantity and disposition of peanuts not marketed.

(b) Failure to file the MQ–98 as requested, the filing of a false MQ–98 which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of peanuts produced on the farm.

RECORDS AND REPORTS REQUIRED OF BUYERS AND OTHERS

§ 729.57 Records required on purchases and resales.

(a) *Purchases.* Each buyer, excluding persons who are not established buyers (§ 729.46(b)), shall keep such records as will enable him to furnish the State ASCS office the following information with respect to each lot of peanuts marketed to or through him by a producer:

(1) Serial number of the marketing card presented by the producer to identify each marketing;

(2) Name of the seller;

(3) Date of marketing;

(4) Number of pounds marketed;

(5) Type of peanuts;

(6) Amount of any penalty due and the amount of any deduction for penalty from the amount paid the producer.

(b) *Resales.* Each buyer, excluding persons who are not established buyers (§ 729.46(b)), who resells farmers stock peanuts shall keep such records as will enable him to certify, in connection with each resale of farmers stock peanuts that any marketing penalty due when the peanuts were purchased from producers was collected and remitted. The buyer's records shall also show the name and address of each person or firm to whom a resale was made.

§ 729.58 Recording and reporting purchases of farmers stock peanuts.

(a) *Recording purchase on producers marketing card.* Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card issued for the farm on which the peanuts were produced, if such marketing card is presented by the producer.

(b) *Forms to use.* Each buyer, excluding persons who are not established buyers (§ 729.46(b)), shall record and report each purchase of farmers stock peanuts from producers in accordance with this section. Records required by § 729.57 may be maintained on copies of sales memoranda or other documents used by the buyer in the conduct of his business.

(1) "Form MQ–94 Peanuts," may be used by buyers to record purchases of farmers stock peanuts which have been inspected by the Inspection Service. Buyers are not required to send a copy of MQ–94 Peanuts to the State ASCS office or to the Inspection Service.

(2) "Form MQ–70 Peanuts" (i) may be used by buyers to record and report purchases of farmers stock peanuts which are not inspected by the Inspection Service, (ii) shall be used to record and report purchases of farmers stock peanuts which are not identified by valid marketing cards, and (iii) shall be used to report to the State ASCS office the correction of errors.

(3) "Excess Penalty Memoranda," which are attached to each excess penalty card, shall be used to report to the State ASCS office data with respect to the purchase of peanuts which are identified by an excess penalty card. Such memoranda, along with a remittance covering the penalty due on purchases of excess peanuts, shall be forwarded to the State ASCS office by means of Form MQ–80 Peanuts, "Buyer's Transmittal of Sales Memoranda and Marketing Penalty," not later than the end of the second week following the week in which the peanuts were marketed.

(4) Buyer's own form may be used to record or to report data with respect to the purchase of any peanuts (except peanuts which are identified by a peanut excess penalty marketing card, or peanuts which are not identified by a valid marketing card) provided such form is serially numbered and is executed to show the required data.

(5) The Inspection Service copy of Form MQ–70 Peanuts or a copy of the buyer's own form executed in connection with the purchase of peanuts which are not inspected by the Inspection Service, shall be transmitted to the Inspection Service. This may be done by delivering the forms direct to an Inspection Service employee at the buying point or by mailing the form daily to the Inspection Service Officer serving the State in which the buyer's business is located.

(6) The original of each "Form MQ–70 Peanuts" executed for purchases of peanuts which are not identified by valid marketing cards shall be transmitted to the State ASCS office along with a remittance for penalty as provided in subparagraph (3) of this paragraph.

§ 729.59 Recording and reporting purchases of shelled peanuts from producers.

Each buyer, excluding persons who are not established buyers (§ 729.46(b)), shall record and report each purchase of shelled peanuts (excluding shelled peanuts described in § 729.50) and collect and furnish such reports to the State ASCS office in addition to the foregoing, as the State committee may find necessary and require to insure the proper identification of the marketing of peanuts and the collection of penalties due thereon.

RECORD AND REPORT OF AND PENALTY ON PEANUTS SHELLED FOR PRODUCERS

§ 729.62 Record of shelling.

Any person who shells peanuts for a producer shall maintain records of the shelling of each lot of peanuts showing the following information. Form MQ–70 Peanuts or the seed sheller's own form may be used for this purpose:

(a) The date the peanuts were shelled;

(b) The name and address of the producer for whom the peanuts were shelled;

(c) The name of the State and county wherein is located the farm on which the peanuts were produced;

(d) The quantity of peanuts, farmers stock basis, shelled for the producer; and

(e) If any quantity of shelled peanuts is retained by the sheller other than those covered in § 729.50 and the quantity returned to the producer.

GENERAL REQUIREMENTS RELATIVE TO KEEPING RECORDS

§ 729.63 Persons engaged in more than one business.

Any person who is required under this subpart to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business shall keep such records as will enable him to make the required reports separately for each such business.

§ 729.64 Penalty for failure to keep records and make reports.

Any person who dries farmers stock peanuts by artificial means for a producer, any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agency marketing peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut-picking or peanut-threshing machine, who fails to make any report or keep any record as required under this subpart or who makes any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 as provided by section 373(a) of the act.

§ 729.65 Examination of records and reports.

The Deputy Administrator, the Director, Commodity Stabilization Division, the State executive director or any person authorized by any one of such persons, and any auditor or agent of the Office of the Inspector General is authorized to examine any records pertinent to the peanut allotment and marketing quota program. Upon request from any

such person, any person who dries farmers stock peanuts by artificial means for a producer, any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut-picking or peanut-threshing machine, shall make available for examination such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as are under his control which any person hereby authorized to examine records has reason to believe are relevant to any matter under investigation in connection with enforcement of the act and this subpart.

§ 729.66 Length of time records and reports shall be kept.

Records required to be kept and copies of reports required to be made by any person in accordance with this subpart shall be kept by him until 3 years following the end of the marketing year pertaining to such records and reports. Records shall be kept for such longer period of time as may be requested in writing by the Director, Commodity Stabilization Division, or the State executive director.

§ 729.67 Information confidential.

All data reported to or as required by §§ 729.29 through 729.66 shall be kept confidential by all officers and employees of the U.S. Department of Agriculture, by all employees of the Inspection Service and by all members and employees of State or county committee, and only such data so reported or required as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under title III of the act.

TRANSFERS OF FARM ALLOTMENTS

§ 729.68 Authorization of and general explanation of transfers of farm allotments under section 358a of the act.

(a) *Authorization of transfers.* It is hereby determined and found that transfers of peanut acreage allotments in accordance with the provisions of section 358a of the act will not impair the effective operation of the peanut marketing quota or price support programs. Accordingly, such transfers of allotment shall be permitted in accordance with the provisions of this section and § 729.69.

(b) *General explanation.* Three types of transfers of farm allotments within the same county are permitted in accordance with the terms and conditions in § 729.69. Transfer by sale would be permanent transfers of allotment and related acreage history and marketing quota. Transfers by lease would be temporary for the term of the lease not to exceed 5 years. Transfers by owner on a permanent basis or on a temporary basis not to exceed 5 years would be made from a farm owned by him to another farm in the same county owned or controlled by him. The receiving farm need not be an old farm but the total allotment transferred to the receiving farm in the case of transfers by owner on a permanent or temporary basis, shall not exceed 50 acres.

§ 729.69 Terms and conditions applicable to transfers under section 358a of the act.

(a) *Persons eligible to file a record of transfer—(1) Sale or lease.* The owner and operator of any old farm as defined in § 729.6 for which a peanut farm allotment is or will be established for the year in which the transfer by sale or lease is to take effect shall be eligible to file a record of transfer for sale or lease of all or any part of such allotment to any other owner or operator of a farm in the same county. The receiving farm need not be an old farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the record of transfer; however, only the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or other similar hardship cases may be met by mail, provided a verbal request is made by the producer. In the case of a permanent transfer, such request must be accompanied by a statement signed by all parties to the transaction confirming that the sale has been made.

(2) *By owner.* The owner of any old farm as defined in § 729.6 for which a peanut farm allotment is or will be established for the year in which the transfer is to take effect is eligible to file a record of transfer to transfer such allotment from the farm to another farm in the same county owned or controlled by such owner. The county committee shall approve a transfer under this subparagraph requested on a nonpermanent basis to a farm controlled but not owned by the applicant only if such applicant will be the operator of the farm to which transfer is to be made for each of the years for which the transfer is requested. However, if the county committee determines that the applicant is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include, but are not limited to death, illness, incompetency, or bankruptcy of such person.

(b) *Filing record of transfer.* Form ASCS–375 "Record of Transfer of Allotment or Quota" shall be filed not later than April 1 in the year the transfer is to take effect. This final date may be extended by the State committee, with the approval of the Deputy Administrator, to a date not later than the close of the normal planting period for the State or area. The State committee may authorize the acceptance of a late-filed record in cases where the State committee determines that the late-filing resulted from a reasonable misunderstanding by the applicant of the filing requirements.

(c) *Where to file record of transfers.* Record of transfers shall be filed with the county committee of the county where the farm is administratively located.

(d) *Maximum period of transfer by lease or by owner on a temporary basis.* No record of transfer by lease or by owner on a temporary basis shall be for a period of years in excess of 5 years.

(e) *Productivity adjustments—(1) Reduction in farm allotments being transferred.* The county committee shall determine a normal yield per acre, in accordance with the provisions of § 729.42, for each farm from which, and for each farm to which, a peanut acreage allotment or any part thereof is transferred. If the normal yield for the farm to which transfer is made for the year the transfer is to take effect exceeds the normal yield for the farm from which the transfer is made for the year the transfer is to take effect by more than 10 percent, the allotment so transferred shall be reduced for differences in farm productivity. The county committee shall determine the amount of allotment to be transferred by sale, lease, and by owner, where productivity adjustment is required under this paragraph as follows: (i) Multiply the normal yield established for the farm from which the allotment is being transferred by the acreage being transferred, then (ii) divide the result by the normal yield established for the farm to which the allotment is transferred. The amount of allotment so transferred from a farm shall be the full amount and the amount of allotment so transferred to a farm shall be the reduced amount. In the case of temporary transfers of allotment for 1 or more years by lease or by owner, the productivity adjustment and amount of allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect.

(2) *Downward allotment adjustment because of irrigation.* If the county committee so determines, in the event an allotment is transferred to a farm which at the time of such transfer is not irrigated, but within 5 years subsequent to such transfer is placed under irrigation, it shall make an annual downward adjustment in the allotment so transferred by multiplying the normal yield established for the farm from which the allotment is transferred and dividing the result by the actual yield per acre for the previous year, adjusted for abnormal weather conditions, on the farm to which the allotment is transferred.

(3) *No reduction in national or State allotment.* The adjustment made in any peanut allotment because of the transfer to a higher producing farm shall not reduce or increase the size of any future

national or State allotment and an acreage equal to the total of all such adjustments shall not be allotted to any other farms.

(4) *Adjustment in farm history acreage.* The farm history acreage for the immediately preceding 3 years on farms from which and to which permanent transfers of allotment are made shall be adjusted by the county committee for each of the base years to correspond with the amount of allotment transferred between the farms. In the case of temporary transfers of allotment for 1 or more years by lease or by owner, there shall be no reduction in farm history acreage on the farm from which the transfer is made and no farm history acreage shall be transferred to the receiving farm.

(f) *Sale or lease transfers—limit on amount of acreage transferred.* The total peanut allotment transferred by sale or lease, or both, to any farm shall not exceed the smaller of:

(1) The cropland on the farm minus the peanut allotment; or

(2) 50 acres.

The cropland on the farm for the current year for purposes of such transfers shall be the total cropland as defined in Part 719 of this chapter. If the farm to which allotment is to be transferred is made up of two or more separately owned tracts, each separately owned tract shall be considered a farm for the purpose of applying the limitations under this paragraph. In the case of farms consisting of separately owned tracts, such tracts shall not be considered a farm for purposes of computing the 50-acre limitation in any case where the county committee, with the approval of a representative of the State committee, determines that an owner of a tract has an ownership interest in one or more of the other tracts by reason of ownership of stock in a corporate owner of such other tract, or by reason of membership as a partner in a partnership owner of such other tract, or the owner of a tract is a member of the same family living in the same household and the other tract is owned by another member of such family.

(g) *No transfer of reapportioned acreage.* No transfer of allotment shall be made of allotment reapportioned to a farm.

(h) *No transfer of new farm allotment.* No transfer of allotment shall be made from a farm which received a new farm allotment in the current year or within the three immediately preceding crop years.

(i) *No permanent transfers by sale or by owner from farms to which transfer by sale or by owner within 3 years.* No permanent transfer by sale or by owner shall be made from any farm to which allotment was transferred by sale or by owner within the three immediately preceding crop years.

(j) *Transfer of pooled allotments.* Allotments established for a farm as pooled allotment under Part 719 of this chapter may be transferred:

(1) On a permanent basis during the 3-year life of the pooled allotment, or

(2) On a temporary basis for a term of years not to exceed the remaining number of crop years of such 3-year period.

(k) *Consent of lienholder.* No transfer of allotment shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

(l) *New farm eligibility.* Any farm from which the entire farm allotment is transferred shall not be eligible for a new farm peanut allotment during the 5 years following the year in which such transfer is made.

(m) *Farms in conservation programs.* Transfers from a farm covered by a conservation reserve contract, cropland conversion agreement, cropland adjustment agreement, or other similar land utilization agreement shall be made subject to an appropriate adjustment but no adjustment shall be made in such contract or agreement on the farm to which a transfer is made.

(n) *Subleasing prohibited.* No transfer by lease shall be made from a farm receiving allotment under a transfer by lease for the term of the latter lease.

(o) *Limitation on transfers to and from a farm in the same year.* No transfer of allotment for any year shall be made:

(1) From a farm receiving allotment by transfer for such year; or

(2) To a farm which had allotment transferred from it for such year.

(p) *Transfer of acreage history and marketing quota.* Transfer of allotment on a permanent basis shall have the effect of transferring the acreage history and marketing quota attributable to such allotment and in the case of a temporary transfer which has expired, the transferred allotment shall be considered for purposes of establishing future allotments to have been planted on the farm from which such allotment was transferred.

(q) *Liability of operators of farms receiving transferred acreage by lease.* The acreage allotment for a farm determined after transfer by lease shall be the allotment for such farm for the current year only for the purposes of determining:

(1) Excess acreage;

(2) The amount of penalty to be collected on marketings of excess peanuts;

(3) Eligibility for price support; and

(4) The farm marketing quota and the percentage reduction of a violation in the allotment for the farm (see § 729.21). Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any transfer of allotment by lease.

(r) *Farm in violation.* The maximum acreage that can be transferred from a farm is the effective allotment for the current year. If a violation on the transferring farm is determined after the transfer but the operator of the receiving farm was not involved in the violation, the allotment so transferred shall not be subject to a reduction: *Provided,* That if the transfer was by lease, when the allotment is restored to the transferring farm the allotment reduction shall be effected.

(s) *Federally owned land.* No transfer by sale or lease of peanut farm allotment shall be made from any land owned by the United States, or any agency or instrumentality wholly owned by the United States.

(t) *Acreage apportioned to farms for types in short supply.* Acreage apportioned to farms for types in short supply pursuant to § 729.24 shall not be transferred by sale or by owner on a permanent basis but such acreage may be transferred by lease or by owner for the current year only. Applications for transfer of all or part of the effective allotment under this paragraph shall be filed during the period prescribed under paragraph (b) of this section except that the closing date for such filing shall be the later of (1) the closing date prescribed under paragraph (b) of this section, or (2) 15 days after the date of mailing of notice of additional acreage allotment under § 729.24.

(u) *County committee action*—(1) *Approval of transfers.* The county committee shall approve transfers of allotment only if it determines that a timely filed record has been received and that the transfer complies with the requirements of this section. No transfers shall be effective until approval as provided under this paragraph is obtained.

(2) *Notice of revised allotments.* The county committee shall issue revised notices of farm allotment for each farm affected by the transfer of allotment.

(3) *Cancellation of transfers.* Any transfer approved on the basis of incorrect information furnished by the parties to the transfer agreement or approved due to error by the county committee shall be canceled as of the date of approval. However, such cancellation shall not be effective for the current marketing year if:

(i) The transfer approval was made on the basis of incorrect information unknowingly furnished in good faith by the parties to the transfer agreement, or the transfer approval was made in error by the county committee, and

(ii) The parties to the transfer agreement were not notified of the cancellation prior to planting of the crop.

Where cancellation of a transfer is required, the county committee shall issue revised notices of allotment showing the reasons for cancellation.

(4) *Withdrawal or minor revisions.* Where the county committee determines that it is clearly in the best interest of all the producers and that effective operation of the program will not be impaired, the county committee may permit withdrawal or minor revisions of transfers upon written request by all parties to the transfer: *Provided,* That:

(i) Temporary transfers may be withdrawn or revised during any year of the agreement before peanuts are planted, and (ii) permanent transfers may be withdrawn or revised only during the first year of the agreement before peanuts are planted.

NOTE: The recordkeeping and reporting requirements of these regulations have been

approved by, and subsequent reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: Upon publication in the FEDERAL REGISTER (2-4-72).

Signed at Washington, D.C., on January 31, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-1661 Filed 2-3-72;8:48 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1972

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811, as amended, is to revise the determination of sugar requirements for the calendar year 1972, establish quotas and prorations consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201(a) of the Act requires a determination of the amount of sugar needed to meet the requirements of consumers in the continental United States whenever necessary to attain the price objective set forth in section 201(b) of the Act.

Section 202(g)(3) of the Act, which sets forth the procedure to use in attaining such price objective, provides that whenever the simple average of prices of raw sugar for 7 consecutive market days ending after October 31 and before March 1 is 3 per centum or more above or below the average price objective for the preceding 2 calendar months, the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective.

For the 7 consecutive market days ended January 4, 1972, the average price of raw sugar increased to 8.99 cents per pound which exceeded the price objective of 8.72 cents per pound by 3.1 per centum. Accordingly, on January 5, 1972 the Department announced an increase in continental sugar requirements of 400,000 tons in order to curtail increasing raw sugar prices. On January 11, 1972 the Department announced the removal of limitations on raw sugar imports during the remainder of the first quarter of 1972. Neither of these actions caused a significant reduction in the price of raw sugar.

For the 7 consecutive market days ended January 13, 1972, the average price wts 9.22 cents per pound or about 6 per centum above the price objective of the Act. Therefore, sugar requirements were adjusted upward by an additional 200,000 tons to reduce sugar prices as required by the Act.

For the 7 consecutive market days ended January 24, the simple average of the daily price of raw sugar was 9.04 cents per pound and thus more than 3 per centum above the average price objective of 8.75 cents per pound. Therefore, an additional upward adjustment in requirements is considered appropriate at this time to meet the requirements of the Act.

An increase in requirements of 100,000 short tons, raw value, is necessary to obtain the price objective set forth in the Act.

Accordingly, total sugar requirements for the calendar year 1972 are hereby increased by 100,000 short tons, raw value, to a total of 11.9 million short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota.

It was determined in amendment 2 of this Sugar Regulation 811 that the Domestic Beet Sugar Area would be unable to market in 1972 sugar in excess of 3,500,000 short tons, raw value. In previous amendments deficits have been determined in the quota for the Beet area of 192,000 tons representing the amount its quota exceeded 3,500,000 tons. Since this regulation increases the quota for that area by 47,667 tons an additional deficit is herein determined in the 1972 quota for the Domestic Beet Sugar Area of 47,667 short tons, raw value. If production exceeds the present estimates for the Domestic Beet Area, the marketing opportunities for that area within the total quota for that area will not be limited as a result of the deficit determination and proration provided herein.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.10, 811.11, 811.12, and 811.13 as follows:

1. Section 811.10 is revised to read as follows:

§ 811.10 Sugar requirements, 1972.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1972 is hereby determined to be 11,900,000 short tons, raw value.

2. Section 811.11 is amended by revising paragraph (a) to read as follows:

§ 811.11 Quotas for domestic areas.

(a) (1) For the calendar year 1972 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas	Direct consumption limits
	(1)	(2)
	(Short tons, raw value)	
Domestic beet sugar	3,739,667	No limit
Mainland cane sugar	1,660,333	No limit
Hawaii	1,211,000	38,646
Puerto Rico	855,000	166,509

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1972 the Domestic Beet Sugar Area and Puerto Rico will be unable by 239,667 and 550,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.12 is amended by revising paragraph (a) to read as follows:

§ 811.12 Proration and allocation of deficits in quotas.

(a) Of the domestic deficits determined in § 811.11(a)(2), totaling 789,667 short tons, raw value, a quantity of 742,000 tons representing deficits in the quotas of the Domestic Beet Sugar Area and Puerto Rico of 192,000 and 550,000 tons, respectively, were previously determined, allocated and prorated in this Part 811. An additional deficit is herein determined in the quota for the Domestic Beet Area of 47,667 short tons, raw value, and is herein prorated and allocated pursuant to section 204(a) of the Act, by allocating 30.08 percent or 14,338 short tons, raw value, to the Republic of the Philippines and by prorating the remaining 33,329 short tons, raw value, to Western Hemisphere countries on the basis of quotas determined herein pursuant to section 202 of the Act.

* * * * *

4. Section 811.13 is amended by revising paragraphs (b) and (c) to read as follows:

§ 811.13 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1972, the quota for the Republic of the Philippines is 1,363,552 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 237,552 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1972, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of

the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this Sugar Regulation § 811.13 are shown in column (3). New deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
			(Short tons, raw value)		
Dominican Republic	426,189	143,832	109,168	7,014	686,203
Mexico	376,911	127,202	96,546	6,202	606,861
Brazil	367,888	124,055	94,158	6,049	591,850
Peru	263,038	88,771	67,377	4,329	423,515
West Indies	137,179	46,296	35,139	2,257	220,871
Ecuador	54,272	18,316	13,902	893	87,383
Argentina	50,943	17,192	13,049	838	82,022
Costa Rica	45,948	15,507	11,770	756	73,981
Colombia	45,283	15,282	11,599	745	72,909
Panama	28,302	9,551	7,249	466	45,568
Nicaragua	42,952	14,495	11,002	707	69,156
Venezuela	40,954	13,821	10,490	674	65,939
Guatemala	39,289	13,259	10,064	646	63,258
El Salvador	28,635	9,664	7,335	471	46,105
British Honduras	22,641	7,641	5,800	372	36,454
Haiti	20,644	6,967	5,288	340	33,239
Bahamas	17,980	6,068	4,605	297	28,950
Honduras	7,991	2,697	2,047	131	12,866
Bolivia	4,328	1,461	1,109	71	6,969
Paraguay	4,328	1,461	1,109	71	6,969
Australia	167,146	42,002			209,148
Republic of China	69,589	17,487			87,076
India	66,925	16,818			83,743
South Africa	47,280	11,881			59,161
Fiji Islands	36,625	9,204			45,829
Mauritius	24,639	6,191			30,830
Swaziland	24,639	6,191			30,830
Thailand	15,316	3,849			19,165
Uganda	12,319	3,096			15,415
Malagasy Republic	9,989	2,510			12,499
Ireland	5,351				5,351
Total	2,505,213	802,767	518,806	33,329	3,860,115

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

* * * * *

(Sec. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1972 by 100,000 tons, determines an additional deficit in quotas of 47,667 tons and prorates and allocates such deficit to the Philippines and Western Hemisphere quota countries. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on January 31, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-1672 Filed 2-1-72;1:49 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 69, Amdt. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to 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 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 of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive size limitations on fresh shipments of Murcott Honey oranges is consistent with the available supply of and current and prospective demand for such fruit by fresh market outlets. The recommended grade limitation recognizes the degree of similarity in quality characteristics between Murcott Honey oranges and tangerines, and is comparable to quality requirements currently applicable to the supply of Murcott Honey oranges grown in Florida.

(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 amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Murcott Honey oranges grown in Florida.

Order. The provisions of paragraph (a) (7) and (8) and paragraph (c) of § 905.536 (Orange Regulation 69; 36 F.R. 20215, 22054, 22666, 23353, 23617, 23575, 25401) are amended to read as follows:

§ 905.536 Orange Regulation 69.

(a) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than $2^{6}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the regulations of the Florida Citrus Commission.

* * * * *

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective terms in said amended marketing agreement and order; Florida No. 1 grade for oranges and Florida No. 1 grade for murcotts shall have the same meanings as provided in section (1) (a) and (b), respectively, of Regulation 105–1.02, as amended, effective January 19, 1972, of the regulations of the Florida Citrus Commission, and all other terms relating to grade and diameter, as used herein, shall have the same meanings as given to the respective terms in the U.S. Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1178).

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

Dated January 31, 1972, to become effective February 7, 1972.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-1662 Filed 2-3-72;8:47 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

TUBERCULOSIS INFECTED CARCASSES

Pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), Parts 301, 311, and 315 of the meat inspection regulations (9 CFR Parts 301, 311, and 315) are hereby amended as follows.

Statement of considerations. A principal function of the U.S. Department of Agriculture, Meat and Poultry Inspection Program, is to assure that the meat supply is safe, wholesome, and not adulterated. This responsibility requires that studies of inspectional procedures and requirements be conducted periodically, giving cognizance to current scientific knowledge and possible changes in conditions affecting animal health.

Because of interest expressed by public health officials regarding disposition of cattle and swine affected with tuberculosis, committees composed of U.S. Department of Agriculture and public health officials were appointed to evaluate current regulations related to this disease.

Upon reviewing present regulations governing dispositions of cattle and swine carcasses affected with tuberculosis, the committees concluded that current guidelines do not preclude the possibility of passing, for food purposes, carcasses containing organisms of tuberculosis. The committees agreed that changes are necessary in existing regulations concerning disposition and handling of carcasses of tuberculosis reactors and carcasses with lesions of tuberculosis. These amendments to the regulations reflect the recommendations of the committees.

PART 301—DEFINITIONS

1. Section 301.2 paragraph (cc) is amended to read:

§ 301.2 Definitions.

* * * * *

(cc) *U.S. Passed for Cooking.* This term means that the meat or meat byproduct so identified has been inspected and passed on condition that it be cooked or rendered as prescribed by the regulations in Part 315 of this chapter.

* * * * *

PART 311—DISPOSAL OF DISEASED OR OTHERWISE ADULTERATED CARCASSES AND PARTS

2. Section 311.2 is amended to read:

§ 311.2 Tuberculosis.

The following principles shall apply to the disposition of carcasses of livestock based on the difference in the pathogenesis of tuberculosis in swine, cattle, sheep, goats, and equines.

(a) *Carcasses condemned.* The entire carcass of swine, cattle, sheep, goats, and equines shall be condemned if any of the following conditions occur:

(1) When the lesions of tuberculosis are generalized (tuberculosis is considered to be generalized when the lesions are distributed in a manner made possible only by entry of the bacilli into the systemic circulation);

(2) When on ante mortem inspection the animal is observed to have a fever found to be associated with an active tuberculosis lesion on post mortem inspection;

(3) When there is an associated cachexia;

(4) When a tuberculosis lesion is found in any muscle or intermuscular tissue, or bone, or joint, or abdominal organ (excluding the gastrointestinal tract) or in any lymph node as a result of draining a muscle, bone, joint, or abdominal organ (excluding the gastrointestinal tract);

(5) When the lesions are extensive in tissues of either the thoracic or the abdominal cavity;

(6) When the lesions are multiple, acute, and actively progressive; or

(7) When the character or extent of the lesions otherwise is not indicative of a localized condition.

(b) *Organs or other parts condemned.* An organ or other part of a swine, cattle, sheep, goat, or equine carcass affected by localized tuberculosis shall be condemned when it contains lesions of tuberculosis or when the corresponding lymph node contains lesions of tuberculosis.

(c) *Carcasses of cattle passed without restriction for human food.* Carcasses of cattle may be passed without restriction for human food only when the carcass of an animal not identified as a reactor to a tuberculin test administered by an Animal and Plant Health Service, State, or accredited veterinarian [1] is found free of tuberculosis lesions during postmortem inspection.

(d) *Portions of carcasses and carcasses of cattle passed for cooking.* (1) When a cattle carcass reveals a tuberculosis lesion or lesions not so severe or so numerous as the lesions described in paragraph (a) of this section, the unaffected portion of the carcass may be passed for cooking in accordance with Part 315 of this chapter; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

(2) When the carcass of a cattle identified as a reactor to a tuberculin test administered by an Animal and Plant Health Service, State, or accredited veterinarian is found free of lesions of tuberculosis, the carcass may be passed for cooking in accordance with Part 315 of this chapter.

[1] Such testing is conducted in the tuberculosis eradication program of the Animal and Plant Health Service, U.S. Department of Agriculture.

(e) *Portions of carcasses and carcasses of swine passed without restriction for human food.* Swine carcasses found free of tuberculosis lesions during post mortem inspection may be passed for human food without restriction. When tuberculosis lesions in any swine carcass are localized and confined to one primary seat of infection, such as the cervical lymph nodes, the mesenteric lymph nodes, or the mediastinal lymph nodes, the unaffected portion of the carcass may be passed for human food without restriction after the affected organ or other part is condemned.

(f) *Portions of carcasses of swine passed for cooking.* When the carcass of any swine reveals lesions more severe or more numerous than those described in paragraph (e) of this section, but not so severe or so numerous as the lesions described in paragraph (a) of this section, the unaffected portions of such carcass may be passed for cooking in accordance with Part 315 of this chapter; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

(g) *Carcasses of sheep, goats, and equines passed without restriction for human food.* Carcasses of sheep, goats, and equines may be passed without restriction for human food only if found free of tuberculosis lesions during post mortem inspection.

(h) *Portions of carcasses of sheep, goats, and equines passed for cooking.* If a carcass of any sheep, goat, or equine reveals a tuberculosis lesion or lesions that are not so severe or so numerous as the lesions described in paragraph (a) of this section, the unaffected portion of the carcass may be passed for cooking in accordance with Part 315 of this chapter; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

PART 315—RENDERING OR OTHER DISPOSAL OF CARCASSES AND PARTS PASSED FOR COOKING

3. Section 315.2 is redesignated as § 315.3 and a new § 315.2 is added to read:

§ 315.2 Carcasses and parts passed for cooking; utilization for food purposes after cooking.

Carcasses and parts passed for cooking may be used for the preparation of meat food products, provided all such carcasses or parts are heated to a temperature not lower than 170° F. for a period of not less than 30 minutes either before being used in or during the preparation of the finished product.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 29 F.R. 16210, as amended)

The foregoing amendments make more stringent the regulatory provisions for disposition of carcasses and parts

thereof of animals affected with tuberculosis but allow their use in meat food products if they are passed for cooking and if they are subjected to specified heating procedures in lieu of rendering into lard or similar product. The amendments are deemed necessary and adequate to assure that meat and meat food products prepared at federally inspected establishments are wholesome and not adulterated. In order to accomplish their purpose and because of the nature of the problem and the urgency of the need for providing added consumer protection, the amendments should be made effective as soon as arrangements may be made for their implementation.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and contrary to the public interest and good cause is found for making them effective less than 30 days after publication hereof in the FEDERAL REGISTER. Therefore, the foregoing amendments shall become effective on February 14, 1972.

Done at Washington, D.C., on January 26, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-1660 Filed 2-3-72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-4-AD, Amdt. 39-1390]

PART 39—AIRWORTHINESS DIRECTIVES

Allison Model 250 Series Engines

There has been a fatigue failure of a second stage turbine wheel in an Allison 250-C18 model engine which resulted in engine failure. To preclude the possibility that similar failures could occur in other engines of this series, Allison issued Revision 6 to Commercial Service Letter No. 250CSL-10, dated December 9, 1971, to reduce the maximum operating time on Allison P/N 6857912 and 6871872 second stage turbine wheels from 2,300 hours to 1,550 hours. Since the condition described herein is likely to exist or develop in other engines of the same type design, an Airworthiness Directive is being issued requiring removal of all second stage turbine wheels on Allison Model 250 series engines which exceed a life limit of 1,550 hours.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

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

ALLISON: Applies to Models 250-B15A, 250-B15E, 250-B15G, 250-B17, 250-C10B, 250-C10D, 250-C18, 250-C18A, 250-C18B, 250-C18C, 250-C19, and 250-C20 engines.

Compliance: Required as indicated, unless already accomplished.

To insure adequate life limit margin for Allison P/Ns 6857912 and 6871872 second stage turbine wheels, accomplish the following:

(A) Within the next 50 hours' time in service after the effective date of this AD, remove from service all P/Ns 6857912 and 6871872 second stage turbine wheels having over 1,500 hours' time in service.

(B) Prior to their exceeding 1,550 hours' time in service, remove from service all P/Ns 6857912 and 6871872 second stage turbine wheels having 1,500 hours or less time in service on the effective date of this AD.

Allison Commercial Service Letter No. 250CSL-10, dated December 9, 1971, pertains to this subject.

This amendment becomes effective February 8, 1972.

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

Issued in Kansas City, Mo., on January 28, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-1634 Filed 2-3-72;8:46 am]

[Docket No. 11680, Amdt. No. 794]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Form 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets for the FAA in accordance with the procedures set forth in Amendment No. 97-696 (53 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective March 2, 1972.

Beaumont-Port Arthur, Tex.—Jefferson County Airport; VOR-C, Original; Established.
Bellingham, Wash.—Bellingham International Airport; VOR 1 Runway 16, Amdt. 2; Revised.
Bellingham, Wash.—Bellingham International Airport; VOR 2 Runway 16, Amdt. 2; Revised.
Brewton, Ala.—Brewton Municipal Airport; VOR Runway 30, Original; Established.
Charlotte, N.C.—Douglas Municipal Airport; VOR Runway 5, Amdt. 5; Revised.
Charlotte, N.C.—Douglas Municipal Airport; VOR Runway 18, Amdt. 7; Revised.
Charlotte, N.C.—Douglas Municipal Airport; VOR Runway 23, Amdt. 4; Revised.
Charlotte, N.C.—Douglas Municipal Airport; VOR Runway 36, Amdt. 5; Revised.
Chicago (Wheeling), Ill.—Chicagoland Airport; VOR-A, Amdt. 1; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; VOR Runway 22R, Amdt. 11; Revised.
Cleveland, Miss.—Cleveland Municipal Airport; VOR-A, Original; Established.
Corvallis, Oreg.—Corvallis Municipal Airport; VOR Runway 17, Amdt. 7; Revised.
Elkhart, Ind.—Elkhart Municipal Airport; VOR Runway 27, Amdt. 5; Revised.
Grand Forks, N. Dak.—Grand Forks International Airport; VOR Runway 17, Amdt. 4; Revised.
Grand Forks, N. Dak.—Grand Forks International Airport; VOR Runway 35, Amdt. 4; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 4, Amdt. 5; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 13, Amdt. 10; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 22, Amdt. 6; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 31, Amdt. 9; Revised.
International Falls, Minn.—Falls International Airport; VOR Runway 13, Amdt. 7; Revised.
International Falls, Minn.—Falls International Airport; VOR Runway 31, Amdt. 8; Revised.
Moab, Utah—Canyonlands Field; VOR-A, Amdt. 2; Revised.
Newark, Ohio—Licking County Airport; VOR-A, Amdt. 5; Revised.
New Haven, Conn.—Tweed-New Haven Airport; VOR Runway 2, Amdt. 13; Revised.

Olympia, Wash.—Olympia Airport; VOR Runway 17, Amdt. 3; Revised.
Pasco, Wash.—Tri-Cities Airport; VOR-A, Original; Established.
Pasco, Wash.—Tri-Cities Airport; VOR Runway 20R, Amdt. 10; Canceled.
Philadelphia, Pa.—North Philadelphia Airport; VOR Runway 6, Amdt. 5; Revised.
Pottstown, Pa.—Pottstown-Limerick Airport; VOR-A, Amdt. 1; Revised.
Pottstown, Pa.—Pottstown Municipal Airport; VOR-A, Amdt. 3; Revised.
Roseau, Minn.—Roseau Municipal Airport; VOR Runway 34, Amdt. 1; Revised.
Salisbury, Md.—Salisbury-Wicomico County Airport; VOR Runway 4, Amdt. 6; Revised.
Salisbury, Md.—Salisbury-Wicomico County Airport; VOR Runway 22, Amdt. 6; Revised.
Salisbury, Md.—Salisbury-Wicomico County Airport; VOR Runway 31, Amdt. 6; Revised.
Southbridge, Mass.—Southbridge Municipal Airport; VOR-Original; Established.
Waterloo, Iowa—Waterloo Municipal Airport; VOR Runway 24, Amdt. 8; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; VOR Runway 36, Amdt. 9; Revised.
Almyra, Ark.—Almyra Municipal Airport; VOR/DME-A, Original; Established.
Battle Mountain, Nev.—Lander County Airport; VOR/DME Runway 3, Amdt. 1; Revised.
Beaumont-Port Arthur, Tex.—Jefferson County Airport; VOR/DME-A, Original; Canceled.
Bellingham, Wash.—Bellingham International Airport; VOR/DME-A, Amdt. 2; Revised.
Brookhaven, Miss.—Brookhaven Municipal Airport; VOR/DME-A, Amdt. 3; Revised.
Corvallis, Oreg.—Corvallis Municipal Airport; VOR/DME Runway 35, Amdt. 1; Revised.
Ephrata, Wash.—Ephrata Municipal Airport; VOR/DME Runway 2, Amdt. 1; Revised.
Hoquiam, Wash.—Bowerman Airport; VOR/DME Runway 24, Amdt. 2; Revised.
Lebanon, Tenn.—Lebanon Municipal Airport; VOR/DME-A, Original; Established.
Macon, Ga.—Herbert Smart Airport; VOR/DME-A, Amdt. 5; Revised.
McComb, Miss.—McComb Pike County Airport; VOR/DME-A, Amdt. 2; Revised.
McMinnville, Oreg.—McMinnville Municipal Airport; VOR/DME Runway 21, Original; Canceled.
McMinnville, Oreg.—McMinnville Municipal Airport; VOR/DME-A, Original; Established.
Meridianville, Ala.—North Huntsville Airport; VOR/DME-A, Original; Established.
Nashville, Tenn.—Nashville Metropolitan Airport; VOR/DME Runway 2L, Original Established.
Olympia, Wash.—Olympia Airport; VOR/DME Runway 35, Amdt. 6; Revised.
Oneida, Tenn.—Scott Municipal Airport; VOR/DME-A, Original; Established.
Southbridge, Mass.—Southbridge Municipal Airport; VOR/DME-A, Amdt. 3; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; VORTAC Runway 30, Amdt. 6; Revised.
Youngstown, Ohio—Youngstown Municipal Airport; VORTAC Runway 18, Amdt. 9; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective March 2, 1972.

Anniston, Ala.—Anniston-Calhoun County Airport; LOC Runway 5, Amdt. 4; Revised.
Chicago, Ill.—Chicago Midway Airport; LOC Runway 4R, Original; Established.
Chicago, Ill.—Chicago O'Hare International Airport; LOC Runway 4L, Amdt. 6; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; LOC (BC) Runway 9R, Amdt. 3; Canceled.
Chicago, Ill.—Chicago O'Hare International Airport; LOC (BC) Runway 22R, Amdt. 6; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; LOC Runway 27L, Amdt. 4; Canceled.
Chicago, Ill.—Chicago O'Hare International Airport; Parallel LOC Runway 27L, Amdt 2; Canceled.
Dayton, Ohio—James M. Cox Dayton Municipal Airport; LOC (BC) Runway 24R, Amdt. 2; Revised.
Erie, Pa.—Erie International Airport; LOC (BC) Runway 24, Amdt. 3; Revised.
Morristown, N.J.—Morristown Municipal Airport; LOC Runway 23, Amdt. 2; Revised.
Nashville, Tenn.—Nashville Metropolitan Airport; LOC (BC) Runway 20R, Amdt. 9; Revised.
Daytona Beach, Fla.—Daytona Beach Regional Airport; LOC (BC) Runway 24R, Original; Established.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective March 2, 1972.

Alma, Mich.—Gratiot Community Airport NDB Runway 9, Amdt. 2; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 9R, Amdt. 2; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 9R, Amdt. 2; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 27R, Amdt. 11; Revised.
Dayton, Ohio—James M. Cox Dayton Municipal Airport; NDB Runway 24L/R, Amdt. 10; Revised.
Greenville, Maine—Greenville Municipal Airport; NDB Runway 3, Original; Established.
International Falls, Minn.—Falls International Airport; NDB Runway 31, Amdt. 1; Revised.
Juneau, Wis.—Dodge County Airport; NDB Runway 2, Amdt. 3; Revised.
Juneau, Wis.—Dodge County Airport; NDB Runway 20, Amdt. 1; Revised.
Kosciusko, Miss.—Kosciusko-Attala County Airport; NDB Runway 14, Amdt. 2; Revised.
Kosciusko, Miss.—Kosciusko-Attala County Airport; NDB Runway 32, Amdt. 2; Revised.
Macon, Ga.—Lewis B. Wilson Airport; NDB Runway 5, Amdt. 16; Revised.
Memphis, Tenn.—Memphis International Airport; NDB Runway 35R, Amdt. 11; Revised.
Milwaukee, Wis.—General Mitchell Field; NDB Runway 25L, Amdt. 1; Canceled.
Minocqua-Woodruff, Wis.—Lakeland Airport; NDB Runway 10, Original; Established.
Minocqua-Woodruff, Wis.—Lakeland Airport; NDB Runway 18, Amdt. 3; Revised.
Minocqua-Woodruff, Wis.—Lakeland Airport; NDB Runway 28, Original; Established.
Minocqua-Woodruff, Wis.—Lakeland Airport; NDB Runway 36, Amdt. 1; Revised.
Morristown, N.J.—Morristown Municipal Airport; NDB Runway 5, Amdt. 8; Revised.
Morristown, N.J.—Morristown Municipal Airport; NDB Runway 23, Amdt. 2; Revised.
Omak, Wash.—Omak Airport, NDB (ADF)-1, Amdt. 3; Canceled.
Omak, Wash.—Omak Airport; NDB-A, Original; Established.
Ontonagon, Mich.—Ontonagon County Airport; NDB-A, Original; Established.
Rochester, N.Y.—Rochester-Monroe County Airport; NDB Runway 28, Amdt. 17; Revised.
Rockford, Ill.—Greater Rockford Airport; NDB Runway 36, Amdt. 12; Revised.
Roseau, Minn.—Roseau Municipal Airport; NDB Runway 34, Amdt. 1; Canceled.
Waterloo, Iowa—Waterloo Municipal Airport; NDB Runway 12, Amdt. 11; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective March 2, 1972.

Baton Rouge, La.—Ryan Airport; ILS Runway 13, Amdt. 14; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 9R, Original; Established.
Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 27L, Original; Established.
Cricago, Ill.—Chicago O'Hare International Airport; Parallel ILS Runway 27L, Original; Established.
Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 27R, Amdt. 13; Revised.
Covington, Ky.—Greater Cincinnati Airport; ILS Runway 9R, Original; Established.
Denver, Colo.—Stapleton International Airport; ILS Runway 35, Amdt. 12; Revised.
El Paso, Tex.—El Paso International Airport; ILS Runway 22, Amdt. 23; Revised.
International Falls, Minn.—Falls International Airport; ILS Runway 31, Amdt. 1; Revised.
Macon, Ga.—Lewis B. Wilson Airport; ILS Runway 5, Amdt. 17; Revised.
Memphis, Tenn.—Memphis International Airport; ILS Runway 35R, Amdt. 13; Revised.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; ILS Runway 11R (BC), Amdt. 1; Revised.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; ILS Runway 22 (BC), Amdt. 1; Revised.
New Haven, Conn.—Tweed-New Haven Airport; ILS Runway 2, Original; Established.
Pasco, Wash.—Tri-Cities Airport; ILS Runway 20R, Original; Established.
Rochester, N.Y.—Rochester-Monroe County Airport; ILS Runway 28, Amdt. 21; Revised.
Salisbury, Md.—Salisbury-Wicomico County Airport; ILS Runway 31, Original; Established.
Waterloo, Iowa—Waterloo Municipal Airport; ILS Runway 12, Amdt. 12; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective March 2, 1972.

Macon, Ga.—Lewis B. Wilson Airport; Radar-1, Amdt. 10; Revised.
Meridianville, Ala.—North Huntsville Airport; Radar-1, Original; Established.
Oklahoma City, Okla.—Will Rogers World Airport; Radar-1, Amdt. 11; Revised.

6. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective March 2, 1972.

Auburn, Ala.—Auburn-Opelika Airport; RNVA Runway 18, Amdt. 1; Revised.
McComb, Miss.—McComb-Pike County Airport; RNAV Runway 33, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 27, 1972.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-1487 Filed 2-3-72;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-723, Amdt. 15]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Submission of Information Accompanying Tariffs Proposing Price Increases Under Price Stabilization Program

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of February 1972.

On January 12, 1972, the Price Commission issued a revised § 300.16 of its regulations providing a detailed set of rules for the granting of price increases to public utilities under the price stabilization program.[1] In general, the regulation provides that a public utility may increase its prices if the Price Commission does not make a negative finding on any of the following criteria: The increase is cost-based and does not reflect inflationary expectations; is needed to assure continued, adequate, and safe service, or to provide for necessary expansion; will achieve the minimum rate of return or profit margin needed to attract capital at reasonable rates and not impair the credit of the public utility; has been certified as required; and is, in the opinion of the Price Commission, consistent with its goals. The rules also require each regulatory agency to certify, with respect to each rate increase it approves, the former price, the new price, and percentage of the increase; the dollar amount of the increase; the amount by which the public utility's profit margin or rate of return as a percentage of sales will be increased; that in its proceedings sufficient evidence was taken to determine whether the Price Commission's criteria are or are not met; and that the price increase does or does not meet these requirements. The regulation also requires prenotification utilities (i.e., those with annual gross revenues of $100 million or more) to report increases to the Price Commission involving an increase of more than one percent of gross annual revenues, together with a copy of the regulatory agency's certification. The Price Commission will have 10 days after receiving the report within which to take such action as may be warranted.

The regulation herein adopted provides for the furnishing of information to the Board as part of the tariff transmittal sufficient to enable the Board to carry out its certification functions under the Price Commission's regulation. Our regulation will require such information to be furnished with respect to their increases involving more than 1 percent of annual aggregate gross revenues not only by all prenotification carriers, but in addition by all major classes of scheduled certificated carriers.[2] In addition, the regulation requires any other carrier to furnish similar information if requested to do so by the Board's staff. The regulation also notes that, in the case of agreements of IATA traffic conferences involving increases in rates or fares, the required information should accompany the justification submitted with such agreement.

Order 71-11-97, dated November 24, 1971, which sets forth requirements under former § 300.16 of the Commission regulations, is being vacated.

Since the foregoing amendment is essential in order to permit compliance with current price stabilization requirements, the Board finds that notice and public procedure thereon is impracticable, and that good cause exists for making the amendment effective less than 30 days after publication.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221), effective February 1, 1972, as follows:

1. Amend the Table of Contents of Subpart M by adding new § 221.165a to read as follows:

Sec.
221.165a Special provisions under price stabilization program.

2. Add a new § 221.165a to read as follows:

§ 221.165a Special provisions under price stabilization program.

(a) This section requires the filing of certain additional information for the purpose of enabling the Board to perform its functions under the Economic Stabilization Act of 1970 as amended, Executive Order 11627, 36 F.R. 20139, October 16, 1971, and § 300.16 of the regulations of the Price Commission (6 CFR 300.16).

(b) The information required under paragraph (c) of this section shall accompany each tariff transmittal under § 221.165 filed by each air carrier holding a certificate of public convenience and necessity issued under section 401(d)(1) or (2) of the Act, and each direct or indirect air carrier which has annual revenues of $100 million or more: *Provided,* That any other air carrier shall supply such information accompanying or following each tariff transmittal if directed to do so by the Chief, Passenger and Cargo Rates Division, Bureau of Economics. Except as the Chief may otherwise direct, the information specified in paragraph (c) of this section shall be furnished only with respect to any tariff filing which would have the effect of increasing the carrier's aggregate annual revenues by more than 1 percent.

(c) Each air carrier shall, as required by paragraph (b) of this section, submit sufficient evidence under the certification of a responsible officer to enable the Board to determine:

(1) The existing rate, fare, or charge, the proposed rate, fare, or charge, and the percentage increase;[3]

(2) The dollar amount of increased revenue which the increase is expected to provide;

(3) The amount by which the increase will increase the carrier's profits as a percentage of its total revenue;

(4) The amount by which the increase will increase the carrier's overall rate of return on capital;

(5) That the increase is cost-based and does not reflect future inflationary expectations;

(6) That the increase is the minimum required to assure continued, adequate and safe service or to provide for necessary expansion to meet future requirements; and

(7) That the increase will achieve the minimum rate of return or profit margin needed to attract capital at reasonable costs, and not impair the credit of the carrier.

(d) The information required under paragraph (c) of this section shall include, for the year subsequent to the proposed increase, forecasts (with and without such increase) of operations applicable to the rate making entity affected by the proposed increase, and shall include capacity and traffic, revenue and expenses (broken down by normal Form 41 or Form 244 categories and functional accounts), operating profit, interest expense, Federal income taxes, investment, and rate of return on investment. All assumptions and allocation procedures should be fully explained, and all forecasts should reflect the Board's established rate making standards. The forecasts should specifically itemize cost increases, should be limited to actual increases incurred during, but not fully reflected in, the most recent year for which the carrier has filed its Form 41 or Form 244 reports, actual increases which have been incurred since, and contracted future increases. Anticipated cost increases and expected inflationary increases should not be included.

(e) Each air carrier which, with respect to any tariff filing involving an increase in any rate, fare or charge, does not file the information specified in paragraph (c) of this section, shall state that such filing is not required by paragraph (b) of this section and shall set forth the basis for that conclusion.

(f) In the case of a tariff involving an increase in any rate, fare or charge, the carrier shall state whether or not the Price Commission has been advised of such increase.

NOTE: The data required by this section should be included with the documentation accompanying the filing of any agreement under section 412 of the Act embodying increases in rates, fares or charges.

[1] 37 F.R. 652, January 14, 1972.

[2] Carriers not filing the information are required to set forth the basis for their determination that the regulation is not applicable to the specific tariff. It should be stressed that the regulation does not preclude the voluntary submission of price stabilization data in cases where our regulation does not require it. In addition, in cases of requests for suspension of tariffs proposing price increases, sufficient data would have to be filed with the Board by the carrier either with the tariff transmittal or in the answer to the complaint, in order to enable the Board to certify the increase if it determines not to suspend the tariff.

[3] The foregoing requirement may be satisfied by the employment of the sampling methodology prescribed in § 221.165(c).

(Secs. 204(a), 403, and 412 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 [as amended by 74 Stat. 445] and 770; 49 U.S.C. 1324, 1373 and 1382; and the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; Executive Order No. 11627, 36 F.R. 20139, October 16, 1971; and section 300.16 of the regulations of the Price Commission, 37 F.R. 652; January 14, 1972.)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1725 Filed 2-3-72;8:51 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-45]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Importation of Motor Vehicles and Motor Vehicle Engines

Correction

In F.R. Doc. 72-1446 appearing at page 2430 in the issue of Tuesday, February 1, 1972, the heading for paragraph (d) of § 12.73, now reading *"Merchandise refunded entry"*, should read *"Merchandise refused entry"*.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

[DESI 8311]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

PART 148n—OXYTETRACYCLINE

Confirmation of Order Revoking Provisions for Certification of Certain Preparations for Inhalation, Topical or Otic Use

An order was published in the FEDERAL REGISTER of October 27, 1971 (36 F.R. 20597), amending the antibiotic drug regulations to repeal provisions for certification of oxytetracycline hydrochloride, chlortetracycline hydrochloride, tetracycline hydrochloride, and bacitracin preparations for inhalation, topical, or otic use. The order amended Part 141c by amending § 141c.208 and revoking §§ 141c.211, 141c.213, 141.214, and 141c.-227; amended Part 146c by amending § 146c.208 and revoking §§ 146c.211, 146c.213, 146c.214, and 146c.227; amended Part 146e by amending § 146e.403; and amended Part 148n by revoking § 148n.15.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above identified order. Accordingly the amendment promulgated thereby became effective December 6, 1971. Certification of new stocks has been discontinued.

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1684 Filed 2-3-72;8:50 am]

[DESI 50125]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Confirmation of Effective Date of Order Revoking Provisions for Certification of Penicillins in Combination With Probenecid

An order was published in the FEDERAL REGISTER of October 9, 1971 (36 F.R. 19695), amending the antibiotic drug regulations to repeal provisions for certification of penicillins in combination with probenecid. The order amended Part 146a by amending §§ 146a.28 and 146a.51 and revoked all antibiotic certificates issued thereunder for drugs containing penicillins in combination with probenecid.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective November 18, 1971.

Firms affected by the order will be allowed 30 days after publication hereof in the FEDERAL REGISTER to recall outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1687 Filed 2-3-72;8:50 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter VI—Office of Assistant Secretary for Community Planning and Management, Department of Housing and Urban Development

[Docket No. R-72-164]

PART 600—COMPREHENSIVE PLANNING ASSISTANCE

These regulations provide requirements and guidelines for filing a Comprehensive Planning Assistance grant application. Specifically, the regulations define who are eligible applicants, the submission procedures required for grant assistance, the application package and its work program format, coordination procedures and special requirements for each applicant.

The handbook which previously provided the guidelines does not reflect current Department policy. Because early promulgation of these regulations is necessary to permit the commitment of program funds by the Department on an orderly basis during the remainder of this fiscal year, comment and public procedure would be impracticable and contrary to the public interest and good cause exists for making Part 600 effective upon publication.

However, all interested persons are invited to submit written comments or suggestions with respect to the regulations, which may be later revised in the light of comments received. Three copies of such comments should be filed within 30 days of publication of these regulations in the FEDERAL REGISTER, and addressed to the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. A copy of each communication will be available for public inspection during business hours at the above address.

Title 24 of the Code of Federal Regulations is amended by adding a new Part 600 to read as follows:

Subpart A—General Information

Subpart B—Special Requirements

Subpart C—Procedural Requirements

Subpart D—State Procedures for Local Planning and Management Service

Subpart E—Evaluation and Coordination Procedures

AUTHORITY: The provisions of this Part 600 issued under sec. 701, Housing Act of 1954, 68 Stat. 640; 40 U.S.C. 461; Secretary's delegation of authority published at 36 F.R. 5004, effective March 8, 1971.

Subpart A—General Information

§ 600.1 Purpose.

The purpose of this subpart is to set forth provisions of general applicability with respect to the regulations in this part. Such provisions relate to (a) encouraging State, local, and areawide officials to improve executive planning, decision-making, and management capability and to establish and improve their staffs and techniques; (b) encouraging community planning and management as a continuous process; and (c) assisting State and local governments and areawide agencies to solve problems, realize opportunities and formulate and implement policies related to community development and growth for urban and rural areas.

§ 600.5 Scope of comprehensive planning.

For the purpose of the regulations in this part, "comprehensive planning" means a continuing process whereby State and local governments and areawide planning organizations formulate and coordinate community strategies and management decisions. It spans the broad range of governmental activities, services, and investments for which assisted governments are responsive. Through comprehensive planning and management, chief executives are able to identify problems and opportunities, determine development objectives, analyze alternate solutions, prepare implementation programs, and evaluate performance in meeting these objectives.

§ 600.10 Financial support.

Comprehensive planning assistance grants shall not exceed two-thirds of the total cost of eligible activities, except in certain circumstances when the grant may cover up to three-fourths of the costs.

(a) Three-fourths grants may be made when the applicant or recipient is:

(1) Located in a redevelopment area or economic development district designated by the Secretary of Commerce under Title IV of the Public Works and Economic Development Act of 1965;

(2) Located in a local development district, certified under Title IV of the Public Works and Economic Development Act of 1965;

(3) A federally impacted area where there has been at least a 5 percent decrease in employment over a 2-year period attributable to reduction in Federal activity;

(4) Any regional commission established by the Appalachian Regional Development Act of 1965 or under the Public Works and Economic Development Act of 1965; or

(5) Any governmental agency or organization of public officials for planning activities that are necessary to the development of planning for States, regions, or other multijurisdictional areas whose development has significance for purposes of national growth and urban development objectives and which otherwise meets the tests of 701(j) of the Housing Act of 1954, as amended.

(b) Non-Federal share: The non-Federal share of the total cost of assisted activities may be provided in the form of cash and/or services from the applicant, or from other non-Federal sources.

§ 600.15 Staff and consultant services.

(a) *Planning staff services.* To be eligible for assistance, the applicant and each areawide planning agency recipient must demonstrate that it has a staff of sufficient size and professional competence to effectively discharge the program for which assistance is sought. The planning agency must establish, and periodically update, standards for the recruitment and retention of professional personnel consonant with or superior to State or local merit or civil service system standards. The standards established shall be subject to HUD approval.

(b) *Provision of consulting services.* Staff capability may be supplemented through consulting services by other public agencies (State, areawide, local), by instrumentalities of State and local governments (such as universities, municipal leagues and county officer associations), and by private contractors and consulting firms.

§ 600.20 Inservice training.

Applicants may engage in inservice training to increase the level of knowledge and skills of their staff.

(a) *Eligible trainees.* Eligible trainees are limited to members of staffs of eligible applicants.

(b) *Maximum costs.* Except for work-study programs, the total cost of an inservice training program shall not exceed 5 percent of the agency's total grant under the Comprehensive Planning Assistance Program for any one year.

§ 600.25 Who may be assisted.

Currently, grants are authorized to the following:

(a) States, for statewide planning and management;

(b) States, for local planning and management assistance to counties, cities and municipalities, groups of adjacent communities having a total population of less than 50,000, Indian reservations, disaster areas, federally impacted areas, and metropolitan and nonmetropolitan areawide planning organizations;

(c) Metropolitan and regional agencies involved in comprehensive planning and management. Also, district agencies which are organizations composed of public officials representative of political jurisdictions within the district.

(d) Cities within metropolitan areas, having populations of 50,000 or more; and

(e) Other applicants, including interstate regional planning commissions, tribal planning councils, disaster areas, federally impacted areas, local development districts, and economic development districts, including cities, other municipalities and counties located within economic development districts.

§ 600.30 Legal status and authority.

Applicants must:

(a) Be authorized by State law or interstate compact or other agreement to perform the comprehensive planning work for which the grant is requested;

(b) Have authority to receive and expend Federal and other funds, and to contract with Federal and other units of government, private concerns, or individuals for performance of planning work and services; and

(c) Assure HUD that the non-Federal share of the program cost will be provided.

§ 600.35 Assistance to States for statewide planning.

Eligible applicants for Comprehensive Planning Assistance for Statewide Planning and Management are:

(a) The Office of the Governor (the preferred applicant); or

(b) The State agency designated by the Governor or by State law, provided applications are endorsed by the Governor.

§ 600.36 Assistance to States for assistance and services to localities.

Eligible applicants for Comprehensive Planning Assistance and services are:

(a) *For assistance and services to localities.* (1) The Office of the Governor; or

(2) The State agency designated by State law (or the Governor) for the provision of comprehensive planning and management services to local governments and for the administration of Comprehensive Planning Assistance

grant funds. Where feasible, this should be the same State agency designated for statewide planning. Eligible local recipients are:

(i) Cities and other municipalities having populations of less than 50,000 according to the latest decennial census. The planning area must include, at the minimum, the entire geographic area of the general local government, plus any contiguous territory over which the local government has authority for planning purposes.

(ii) Counties of any population size. In this case, the minimum planning area must include the unincorporated areas over which the county government has statutory or other authority for planning purposes. Assistance to a county having a population of over 50,000 within a metropolitan area, will be made only if planning for such a county is coordinated with planning for the metropolitan area of which it is a part and with prior HUD approval.

(iii) Any group of adjacent communities, either incorporated or unincorporated, having a total population of less than 50,000 according to the latest decennial census. The group's planning jurisdiction must be the entire area having such problems. Insofar as feasible, the boundaries of the planning area must conform to the jurisdictional boundaries of the general local governments comprising the group.

(iv) General purpose local governments, regardless of population size, in redevelopment areas or Economic Development Districts designated by the Secretary of Commerce under title IV of the Public Works and Economic Development Act of 1965; Local Development Districts in accordance with the Appalachian Regional Development Act of 1965.

(v) Metropolitan and nonmetropolitan areawide planning organizations.

(vi) Indian reservations, disaster areas, and federally impacted areas.

(b) *For State Community Development Services.* The State agency designated by State law or the Governor is responsible for conducting Community Development Services. The services should be based on a multidisciplinary staff of specialists in the State planning agency, other State agencies or instrumentalities, and, where appropriate, include consultant support.

§ 600.37 Provision of planning assistance to localities by areawide planning organizations.

Metropolitan and nonmetropolitan areawide planning organizations, with the approval of the State agency (or Governor of the State), may also provide local planning and management assistance to any of the recipients listed in § 600.36(a) (other than the federally impacted areas) within the respective areawide planning jurisdictions.

§ 600.40 Grants for areawide planning and management assistance.

(a) *Eligible applicants.* Areawide planning organizations include metropolitan planning agencies and nonmetropolitan district agencies. These agencies may be:

(1) Organizations of public officials representative of the political jurisdictions within the metropolitan area, region, or district. Among such organizations are councils of government, joint city-county planning commissions, multijurisdictional or regional planning agencies, economic development districts, and local planning districts;

(2) Agencies under State law or by interlocal agreement responsible for comprehensive planning; or

(3) States authorized by State law to perform areawide planning.

(b) *Areawide planning requirements.* (1) Planning area jurisdiction is determined by consideration of the following factors:

(i) The planning area jurisdiction for a metropolitan area should include the Standard Metropolitan Statistical Area (SMSA) plus any contiguous county or counties now urbanized or likely to become urbanized in the foreseeable future. Where feasible, contiguous SMSA's should be included in the same metropolitan areawide planning jurisdiction. Where the State has established substate planning and development areas, or districts, the boundaries of proposed areawide planning jurisdictions should conform to the State-designated areas.

(ii) The planning area jurisdiction for a nonmetropolitan area must include one or more counties and one or more other units of general local government, but may not include any portion of any SMSA. Where the State has established substate planning and development areas, or districts, the boundaries of proposed areawide planning jurisdictions should conform to the State-designated areas.

(2) Areawide planning organizations must meet the HUD areawide planning requirements in accordance with HUD 6415 Issuance Series.

(c) *Application submission.* Metropolitan planning agencies and nonmetropolitan organizations of local elected officials may apply directly to the appropriate HUD office for Comprehensive Planning Assistance. Nonmetropolitan areawide planning agencies which are not organizations of local elected officials, shall apply to the eligible State agency. HUD prefers that all nonmetropolitan agencies apply through the eligible State agency so that the State may coordinate and package programs, thereby eliminating duplication of effort and inefficiencies in processing.

§ 600.45 Assistance to large cities.

On behalf of a city within a metropolitan area, and having a population of 50,000 or more, eligible applicants are:

(a) The Office of the Chief Executive, (i.e., the mayor), the preferred applicant; or

(b) The agency designated by the chief executive, provided applications are endorsed by the chief executive.

§ 600.50 Planning and management assistance for other applicants.

Planning and management assistance may also be provided for the following:

(a) *Interstate regional commissions.* Interstate regional commissions, established under the Appalachian Regional Development Act of 1965 or the Public Works and Economic Development Act of 1965, are eligible for Comprehensive Planning Assistance. However, the Department is prohibited from funding Interstate Commissions.

(b) *Indian reservations*—(1) *Intent.* To provide financial assistance to conduct planning programs for Indian Reservations.

(2) *Eligible applicants.* (i) State agencies. State planning agencies are eligible to apply on behalf of tribal councils in order to provide planning services.

(ii) Areawide planning organizations. Areawide planning organizations are eligible applicants if the State has formally delegated them responsible for the administration of such planning assistance.

(iii) With the approval of the Secretary of Interior, State multitribal organizations representing more than 50 percent of the reservations within a State which have been delegated authority by member organizations to conduct planning activities on their behalf.

(iv) Tribal planning councils or other tribal bodies which may apply through the eligible State agency or directly to HUD.

(3) *Financial support.* Funds and services of the Bureau of Indian Affairs or of any other Federal agency are not eligible as a portion of the non-Federal share of cost of the assisted planning program.

(c) *Federally impacted areas.* (1) Intent: To provide financial assistance to federally impacted areas to plan adjustments occasioned by Federal impacts upon the economic, social, physical and governmental structure occasioned by

(i) Rapid urbanization due to the establishment of rapid and substantial expansion of a Federal installation, or for areas where rapid urbanization is expected to result on land developed or to be developed as a new community under title VII of the Housing and Urban Development Act of 1970.

(ii) Substantial reduction in employment opportunities as the result of:

(*a*) The closing (in whole or in part) of a Federal installation, or

(*b*) A decline in the volume of government orders for the procurement of articles or materials produced or manufactured in the area. The actual or foreseen change in employment over a 2-year period must be at least 5 percent of the preimpact level.

(2) Eligible applicants shall be official governmental planning agencies.

(d) *Disaster areas.* (1) Comprehensive Planning Assistance may provide financial assistance to plan for the recovery from disaster. Any city, other municipality or county which is designated by the President as a "major disaster area" in accordance with the Disaster Relief Act of 1970 may apply for assistance. HUD prefers that such areas apply through the eligible State agency.

(2) Eligible applicants are official governmental planning agencies with planning responsibility for jurisdictions in the disaster area.

(3) Application submittal: Applications shall be submitted within 180 days after an area is designated by the President as a disaster area.

(4) Coordination: All applications submitted for Comprehensive Planning Assistance disaster relief must be reviewed and commented upon by the designated State disaster relief agency, if such an agency exists, as prescribed in section 206 of the Federal Disaster Relief Act of 1970. Also, any assisted planning work leading to short range actions for recovery from the disaster should be coordinated with the State between State planning agencies and State disaster relief agencies.

§ 600.55 Eligible activities: All assisted agencies.

Applicant, as a part of their assisted Comprehensive Planning work, may:

(a) Support and strengthen State and local government chief executive management capability including:

(1) Improving the chief executive's ability to establish goals, objectives and policies, allocate resources, evaluate programs for achieving objectives, devise methods for obtaining effective public participation in policy decisions and assess program performance;

(2) Modernizing State and local governmental institutions and areawide structures to address community development issues and to provide more responsive service delivery systems;

(3) Improving governmental systems and operations;

(4) Analyzing, recommending and evaluating fiscal policies and arrangements for providing governmental services and facilities; and

(5) Establishing a framework for coordinating intergovernmental planning and development activities and public and private development.

(b) Conduct general community and/or statewide planning and programming with respect to:

(1) Development of human, economic and natural resources;

(2) Community development, growth, and revitalization policies, including land use planning and identification of growth areas, new community development sites and areas of critical environmental concern where development should be restricted;

(3) Housing, transportation, the environment, public facilities and services, health, education, and employment; and

(4) Historic preservation.

(c) Conduct housing work program activities with respect to:

(1) Current and projected population and housing characteristics of neighborhoods, communities, and other subareas of the planning jurisdiction;

(2) Income levels of families in the jurisdiction and its parts;

(3) The location and structural and other qualities of existing housing;

(4) The level and quality of housing-related public services presently available to all racial, ethnic, and socio-economic groups;

(5) Special problems of minority groups in securing adequate housing;

(6) Obstacles to the provision of adequate housing for all groups and citizens, including obstacles in regulations, building codes and zoning regulations, inspection practices, public services, private sector production capability, and housing sales and rental practices;

(7) The availability of sites for various types of housing for all people, especially low- and moderate-income persons, and the adequacy of sites relative to employment, education, transportation commercial facilities, and other public services, and to suburbs and central cities;

(8) The capacity of governmental agencies and private organizations for implementing housing action plans, and the adequacy of laws and public policy to stimulate needed housing production;

(9) The impact of current and proposed housing projects on patterns of racial concentration;

(10) The extent to which current and proposed housing projects of varying income levels are distributed throughout the planning area;

(11) The Federal, State, and local programs which might be utilized to meet the planning area's housing needs; and

(12) Plans for the promotion of market aggregation.

(d) Delineate areawide planning jurisdictions or substate planning jurisdictions.

(e) Provide technical assistance to State and local governments and areawide agencies, including technical assistance to establish and improve planning staffs and techniques on a substate basis.

(f) Support State Community Development Services including but not limited to:

(1) Direct technical assistance to local or areawide officials on problems of community development;

(2) Advice on pending development decisions;

(3) Professional studies concerning local development problems, objectives, alternatives, and priorities, and organization and administrative processes;

(4) Preparation of technical guides and manuals dealing with the planning, programing, or management of public services, facilities, and resources; or suggesting new approaches to concerns such as housing, community relations, or capital improvement programing.

(g) Meet and carry out other HUD programs and procedures such as:

(1) Workable program planning;

(2) All HUD and other Federal planning requirements;

(3) New community planning;

(4) Preparation of water resources and flood plain management measures to meet the standards for eligibility under the National Flood Insurance Program; and

(5) Support for Federal urban growth and development objectives, as provided in section 701(j) of the Housing and Urban Development Act of 1954, as amended.

§ 600.58 Ineligible activities: All assisted agencies.

(a) Applicants, as part of their assisted Comprehensive Planning work, may not include the following:

(1) Project design and engineering;

(2) Routine administration not directly connected to the grant;

(3) Political activities; and

(4) Assistance to businesses in relocating to the detriment of communities where businesses currently are located and assistance to subcontractors in acquiring business customarily performed by other subcontractors.

Subpart B—Special Requirements

§ 600.60 Purpose.

The purpose of this subpart is to describe special requirements that applicants must comply with to receive Comprehensive Planning Assistance.

§ 600.65 Environmental considerations.

HUD requires that planning activities funded under the Comprehensive Planning Assistance Program be conducted in full accord with the policies and provisions of the National Environmental Policy Act of 1969 (Public Law 91–190).

(a) *Environmental goals.* The environmental goals of the Comprehensive Planning Assistance Program are to:

(1) Improve and conserve the quality of the air, water and earth resources for the benefit of present and future generations in the planning and shaping of manmade environments;

(2) Assure that environmental concern and awareness becomes an integral part of the comprehensive planning process, since comprehensive planning is a major means for accomplishing community development on a sound environmental basis; and

(3) Achieve those goals set forth in the National Environmental Policy Act of 1969 (section 101), some of which are:

(i) "* * * Assure for all Americans safe, healthful, productive and aesthetically and culturally pleasing surroundings;

(ii) "* * * Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iii) "* * * Achieve a balance between population and resource use which permits high standards of living and a wide sharing of life's amenities."

(b) *Inclusion of environmental planning in the comprehensive planning process.* Each applicant in the developmental planning aspects of its assisted comprehensive planning work should:

(1) Identify salient elements of the natural and the manmade environments, their interrelationships, and major problems and/or opportunities they present for community development;

(2) Assess those environmental factors which will:

(i) Minimize or prevent undue damage, unwise use, or unwarranted preempting of natural resources and opportunities;

(ii) Recognize and make prudent allowance for major latent environmental dangers or risks (e.g. floods, mud slides, earthquakes, air and water pollution); and

(iii) Foster the human benefits obtainable from use of the natural environment by wise use of the opportunities available (e.g. use of natural drainage systems for park and recreational areas); and

(3) Seek, under the above policies and goals, to:

(i) Avoid adverse environmental impacts on neighborhood or community areas through the planning and careful location and development of community facilities;

(ii) Provide environmental amenities to all areas being planned for, and access to such amenities; and

(iii) Equalize the impact and burden of community change and development on living areas, rather than concentrate them in areas where "sites are cheap"; and

(4) Incorporate State environmental policies and standards, particularly those developed in response to Federal law regarding protection on air and water quality and control and abatement of noise.

(c) *Environmental assessment.* Each applicant shall prepare an environmental assessment when the assisted work program results in developmental planning policies such as for land use development and arrangement, major community facilities and utility and transportation systems. This environmental assessment shall:

(1) Include the following:

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(2) Be appended to the resulting proposed plan and accompany the plan through all deliberations leading to approval and subsequent amendment; and

(3) Be available to the public on a timely basis, including availability before public hearings regarding the plan.

§ 600.70 Required housing element.

(a) Section 701(a) of the Housing Act of 1954 provides that:

> Planning carried out with assistance under this section shall also include a housing element as a part of the preparation of comprehensive land use plans, and this consideration of the housing needs and land use requirements for housing in each comprehensive plan shall take into account all available evidence of the assumptions and statistical bases upon which the projection of zoning, community facilities, and population growth is based, so that the housing needs of both the region and the local communities studied in the planning will be adequately covered in terms of existing and prospective in-migrant population growth.

(b) HUD requires that each assisted State, areawide agency and large city (over 50,000 population) include a housing work program in its Overall Program Design and that each local planning assistance recipient include a housing element in its comprehensive land use plan. The housing element or program must be coordinated with the other planning and management activities identified in the work program.

(c) The housing goals of the Comprehensive Planning Assistance Program are requirements and include the following:

(1) To assure that housing concerns and needs become an integral part of the community planning and management process;

(2) To eliminate effects of past discrimination in housing based on race, color, religion, or national origin and to provide safeguards for the future;

(3) To develop housing growth policies which would insure the provision of an adequate supply of housing, a variety of housing types, and proximity of housing to jobs and daily activities; and

(4) To provide a decent residential environment throughout the planning area by ensuring that all housing receives a proper and equitable delivery of public facilities and services.

(d) Each agency's housing work program must be included as a part of its Overall Program Design. The housing work program must be coordinated with the other planning and management activities indentified in the agency's annual work program.

(e) The housing work program shall analyze the existing housing market in terms of supply and demand by user group. The work program shall further identify:

(1) Needs met by private market;

(2) Needs met with public assistance; and

(3) Needs not being met.

(f) The housing work program shall:

(1) Identify and analyze the need, problems and opportunities for the construction, conservation and rehabilitation of all housing of the planning jurisdiction;

(2) Define strategies and specific steps by which housing needs, and its related public services and facilities, can be met through responsive governmental programs and private action;

(3) Establish housing planning, programing and technical services where there are none; and

(4) Be coordinated with and build upon the housing efforts of other public and private agencies having housing programs and coordinated with all units of government within the planning area.

(g) The housing work program, including any zoning and subdivision legislation prepared or revised using Comprehensive Planning Assistance, must promote equal housing opportunity.

§ 600.75 Equal opportunity requirements.

(a) All planning assisted under the Comprehensive Assistance Program is subject to the provisions of:

(1) Title VI of the Civil Rights Act of 1964, which provides that no person on the grounds of race, color or national origin shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(2) Title VIII of the Civil Rights Act of 1968, which provides that it is the policy of the United States to provide, within constitutional limitations, fair housing throughout the United States, and requires the Secretary of HUD to administer the Department's programs and activities in a manner affirmatively to further the policies of title VIII.

(3) The Equal Employment Opportunity clause contained in Part II—Terms and Conditions, Comprehensive Planning Grant Agreement, which provides that the grantee "shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin" and will take affirmative action to ensure equal opportunity in its employment practices.

(b) Each applicant must:

(1) Submit in its application package, a Statement of Assurance of Compliance With Title VI, HUD Form 41901.

(2) Indicate in the Overall Program Design those work activities which will contribute to correcting the effects of past discrimination and the manner in which they will do so, and describe how those work activities that relate to the provision of opportunities, services and facilities will benefit residents of the planning area on a nondiscriminatory basis.

(3) Comply with Equal Employment Opportunity Requirements in accordance with HUD's Notice of Grant Award and Guide Form of Contract for Personal Services (see Comprehensive Planning Assistance Handbook—II, CPM 6042.1A). Each applicant and recipient must take affirmative action for equal employment opportunity.

(c) States providing planning and management services to local governments and areawide planning organizations shall obtain from them similar assurance of compliance with equal opportunity requirements and, on a continuing basis, evaluate their performance in fulfilling the conditions of such assurance.

§ 600.80 Citizen involvement.

(a) HUD requires citizen involvement in programs assisted under the Comprehensive Planning Assistance Program. Specific techniques for securing citizen involvement are not imposed, but all applicants are responsible for:

(1) Ensuring that comprehensive planning is responsive to the needs of citizens within the planning jurisdiction;

(2) Reporting on the various means employed to ensure that assisted activities are responsive to the citizens; and

(3) Selecting means of obtaining citizen involvement that can be evaluated according to the following performance criteria in paragraph (b) of this section.

(4) Including a Statement of Citizen Involvement in each Progress Report called for by HUD. Such statement shall identify specific activities undertaken to meet the criteria in (b) of this section and shall show the relation between the activities and the basic objectives of the applicant's Overall Program Design.

(b) The following criteria will be used to measure the citizen involvement required by paragraph (a) of this section:

(1) *Extent of interaction and involvement.* Meaningful and effective communication works both ways: citizens, in addition to being informed, should be able to respond. They should have the opportunity to help initiate and implement plans, as well as react to proposals. Communication and interaction between citizens and the grantee should be continuous.

(2) *Access to the decision making process.* The grantee should provide citizens with clear and direct access to the decision making process. Citizens should be involved when goals, objectives, priorities, and policies are formulated. They should help develop methods of communication that are effective in reaching people. Meeting places and times should be widely publicized on a regular basis.

(3) *Improving communcation techniques.* Effective communication produces information that is readily available, timely, and easily understood by citizens. All grantee's information pertaining to the activity (except when the disclosure of such information would be a breach of public trust) should be available to citizens upon request. Information should be provided on a continuous basis and sufficiently in advance of public decisions to permit a thorough citizen review of the proposals and an opportunity to react. Grantees should relate technical data and other professional material to the average neighborhood resident so that he understands the impact of public programs, available options, and alternative decisions. When the lack of technical resources is a barrier to effective citizen involvement, the planning agency should provide citizens with technical assistance to enable them to make knowledgeable decisions.

Subpart C—Procedural Requirements

§ 600.85 Purpose.

This subpart sets forth the procedures required of agencies requesting a Comprehensive Planning Assistance grant.

§ 600.90 Steps for application submission, negotiation, and approval.

The following are the basic steps in the process of submitting application proposals:

(a) Notification of the appropriate HUD Area Office Director of the intention to submit an application for Comprehensive Planning Assistance. This notification procedure refers primarily to agencies applying for the first time.

(b) Notification of the appropriate designated clearinghouse(s) of the intent to submit an application consistent with OMB Circular A–95. Submission of a copy of a draft Overall Program Design to other agencies for coordination purposes is required by § 600.150.

(c) Submission of a preliminary application upon request to the appropriate HUD Area Office. This should be accomplished well in advance of expiration of any current grant.

(d) Holding a negotiation conference with HUD officials. The chief executive (i.e. Governor, mayor, or city or county executive) or the highest officer on the areawide policy body shall be represented at the negotiation conference.

(e) Resubmission of the application with changes as agreed upon following the negotiation with HUD officials.

(f) Receipt of approval of applications and notifications from HUD of the grant award which the applicant accepts by legally authorizing and executing the Notice of Grant Award and returning two executed copies to the appropriate HUD office.

(g) Forwarding of a fully executed copy will be forwarded to the applicant following HUD's execution of the Notice of Grant Award. No Federal funds will be released under the grant until the Notice of Grant Award is fully executed.

§ 600.95 Applications by States.

States are required to submit a single application (Overall Program Design) including statewide planning, nonmetropolitan assistance and local planning and management services. Grant assistance shall cover a 12-month work period. States may request separate grants based upon one Overall Program Design, but there must be only one grant recipient per State even though there may be more than one grant. The grant shall be made to the governor's office or designee, who shall be the single responsible party to HUD for the total grant.

§ 600.100 The application package.

Applicants must use a standard application package in applying for Comprehensive Planning Assistance. The application package includes:

(a) A letter formally requesting grant assistance which should identify the grant amount being requested and any changes affecting the legal status of the applicant since its last application. The letter shall be signed by the chief elected official (governor, mayor, city or county executive) or, in the case of areawide planning organizations, be signed by the highest policy officer or be accompanied by a resolution from the governing body.

(b) An Overall Program Design which includes the annual work to be assisted. (See § 600.105.) The following are required to prepare a brief and concise Overall Program Design:

(1) State agencies.

(2) Areawide planning organizations, including both metropolitan and nonmetropolitan planning organizations.

(3) Cities having a population of 50,000 or more.

(c) An annual work program summary which identifies the objectives of the proposed program and which summarizes, by objective, the cost of work involved in pursuing each objective.

(d) An annual grant budget which shall be the basis for fiscal audit of the grant.

(e) Applicants may be requested to provide more information regarding such items as legal status, geographic area, etc., as deemed necessary by HUD. This will generally only apply to agencies applying for the first time. Supporting documentation need not be submitted with each application package except where changes have occurred and, then, only the changes need be submitted.

(1) A brief statement of the applicant's organizational characteristics, including policy board composition and representation for areawide planning organizations as described in the HUD 6415 Issuance Series. Also included should be the agency's staffing profile by type, number and racial composition of staff positions, authorized and filled, and by salary range for each.

(2) A copy of all A–95 review comments (and any other review comments) received regarding the proposed Overall Program Design.

(3) A signed copy of "Assurance of Compliance with Department of Housing and Urban Development Regulations under title VI of the Civil Rights Act of 1964." (HUD Form 41901).

§ 600.105 Overall Program Design.

Each applicant shall prepare a concise Overall Program Design (OPD) which shall be the major part of its application. The Overall Program Design is a multiyear work program statement which focuses on specific objectives to be achieved by the applicant. The OPD covers a minimum of 3 years and must be annually updated. The first work year includes the major work elements to be assisted under the annual grant. This comprises the annual work program. The second and third work year of the OPD need not include a description of major work elements and estimated costs by program objectives. The OPD includes all major planning and management objectives to be undertaken by the applicant, not merely those assisted by HUD and provides the applicant and HUD with a base line for evaluation of performance.

(a) *Format.* The following program format provides for the presentation of the applicant's problems, opportunities, goals and achievable objectives. This format is prescribed unless the HUD Area Office approves a different work format which yields essentially the same data outlined below.

(1) *Program categories.* Each program category, which represents a general planning and management activity, shall include:

(i) The title and reference number of the program category (e.g., 100.0 Growth and Development or 200.0 Executive Management.)

NOTE: A separate program category for general administration may be included in the Overall Program Design;

(ii) A brief description of the key issues, problems and opportunities covered by each category; and

(iii) A brief statement of program category goals.

(2) *Program subcategories.* Each program subcategory shall include:

(i) The title and reference number of the program subcategory (e.g., 100.1 Land Use or 200.1 Policy and Program Development);

(ii) A brief statement of specific or measurable program objectives to be achieved in addressing issues, problems and opportunities;

(iii) A brief identification of major work elements to be conducted in achieving objectives of the first work year of the Overall Program Design. To the extent possible, this would include deliverable end products and anticipated results of work;

(iv) Estimated manpower costs and man months required for each program objective. This should be identified by agency staff, other public agency or consultant; and

(v) Identification of funding source for each subcategory.

(b) *Related data.* The following shall be included with each Overall Program Design:

(1) A bar chart identifying a time schedule for completing objectives over the time period covered by the Overall Program Design;

(2) A brief statement which describes how the applicant will coordinate its work with related work being performed by other agencies; and

(3) A brief description of how the applicant will communicate and interact with citizens through its planning process.

Subpart D—State Procedures for Local Planning and Management Services

§ 600.110 Purpose.

This subpart sets forth procedural requirements by which States submit Overall Program Designs for statewide planning and assistance and services for localities and nonmetropolitan planning areas.

§ 600.115 State Overall Program Design.

State Overall Program Design must be presented in the format defined in Subpart C, or in an approved substitute format. A State OPD must include the following:

(a) A statewide planning and management section that identifies statewide planning and management objectives to be achieved.

(b) A local planning and management services section that reflects local issues and identifies a strategy to achieve goals and objectives for local services. This strategy shall include how the State agency will select, monitor and evaluate the local communities and agencies to be assisted. This section shall include all services to local governments, including State Community Development Services; and

(c) A nonmetropolitan areawide planning section that identifies a strategy of goals and achievable objectives for assisting nonmetropolitan planning areas. This strategy shall include how the State agency will select, monitor and evaluate nonmetropolitan areawide programs to be assisted or serviced.

§ 600.120 Summary of local planning and management assistance procedures.

The following describes procedures which States must employ for managing local planning and management assistance. It is HUD's intent to give States major responsibility and discretion for administering a program of local planning and management services, with flexibility as to the selection of services and the recipients to be assisted. The annual grant will support a State program of planning and management services responsive to the key problems of local governments. HUD's main concern will be with the State's planning and management program, rather than with specific activities undertaken on behalf of individual recipients.

(a) *Application submission.* After the HUD Office has identified a bench mark grant figure, the State agency may submit an application, based on which a single total amount of assistance for local planning and management services will be negotiated.

(b) *Grant coverage.* The grant amount for local assistance normally will be included in the State annual grant and will appear as a single subtotal in the annual grant budget (Form HUD–6703, Revised). A separate grant covering local assistance and services may be requested, provided a single OPD covering statewide planning and local assistance and services is presented to HUD.

(c) *Eligible recipients.* Eligible recipients request Community Planning and Management Assistance from the State agency at times and in the manner established by the State. Unless otherwise prohibited by State law, services should be made available to the locality's chief executive official. Such officials, or their designees, should be the locally responsible party and should have agreed on the manner in which services are provided.

(d) *Expenditure of funds.* The grant will be available to the State agency only for the duration of the project period.

(e) *Commitment of funds.* After receiving from HUD the formal notification of grant approval, the State agency may commit and/or expend funds effective with the beginning of the project period and without further HUD concurrence.

§ 600.125 Design of the State program for localities.

The State's planning and management services program shall be set forth in its Overall Program Design and shall:

(a) Describe the objectives of the State's planning and management services program. In establishing these objectives, due consideration should be given to the general goals of the Community Planning and Management Assistance Program as stated in § 600.5.

(b) Identify the criteria to be used in establishing priorities among localities requesting planning and management services (and for determining the particular mix of planning and management services to individual localities).

(c) Describe the procedures to be followed in assisting localities.

(d) Provide for the accomplishment of paragraphs (a) through (c) of this section and of § 600.128 with the cooperation of the locality. State Community Development Services may be employed as the vehicle for making the determinations and accomplishing the work involved in making them.

§ 600.128 Considerations in State assistance to localities.

In determining the nature and extent of assistance to be provided to any locality, the Overall Program Design shall with the cooperation of the elected officials of the locality:

(a) Identify and analyze their key issues, pressing problems, needs, priorities, opportunities, and objectives;

(b) Identify the public and private organizations, agencies and programs at the various levels of government having an impact on the localities, problems, issues, etc.;

(c) Evaluate their previous planning efforts and progress;

(d) Identify their housing problems and the status of their housing planning efforts, including housing opportunities for all income groups;

(e) Identify their environmental problems;

(f) Meet Workable Program, Relocation and similar planning requirements, if desirable or advantageous to an assisted locality;

(g) Secure other local background data as necessary for dealing adequately with their issues, problems and opportunities; and

(h) Evaluate the localities fulfillment of the conditions of the Statement of Assurance consistent with § 600.75.

§ 600.130 Negotiations with HUD.

State negotiations with HUD will focus on:

(a) Relevance of the proposed program to specific statewide objectives and critical problems of local recipients;

(b) Past State agency performance in managing the program, and achieving objectives;

(c) Recipient performance and progress; and

(d) State capability for providing a variety of planning assistance and services.

§ 600.135 State agency review and evaluation.

The State agency must review the planning activities of recipient areas on a continuing basis. The following specific items must be reviewed:

(a) The quality of the local planning work performed;

(b) The timeliness of the work performance;

(c) The recipients' coordination efforts;

(d) The quality of the citizen involvement in the planning effort;

(e) The value of the planning work in improving the chief executive's management capability; and

(f) The recipient's compliance with Equal Opportunity Requirements.

Subpart E—Evaluation and Coordination Procedures

§ 600.140 Purpose.

This subpart sets forth procedures required to assure the evaluation of programs and the coordination of assisted planning among agencies and governmental levels which may enhance or be affected by such planning.

§ 600.145 Evaluation and review.

Certain evaluation and review procedures are established.

(a) *Evaluation.* Required monitoring and reporting activities are defined in Chapter A of HUD Handbook CPM 6042.1A "Comprehensive Planning Assistance Handbook II" (July 1971). With the Annual Program Completion Report described therein and required to be submitted, applicants must include a brief evaluation statement that relates the following:

(1) Agency progress in meeting the Overall Program Design objectives;

(2) Changes or impacts resulting from the agency's assisted work on the social, physical, environmental, and governmental aspects of the planning jurisdiction; and

(3) Outstanding achievements, such as new governmental policies and public and private actions taken resulting from the agency's work.

(b) *HUD review of agency evaluation.* HUD review of evaluations made by assisted applicants will be reported and discussed at the time of negotiations concerning new applications. This review will cover prior work and proposed work as presented in a new application. The review will cover:

(1) The quality of work performed;

(2) The quality of proposed updating in the Overall Program Design and applicant objectives;

(3) The technical competence of applicant staff and consultants in completing previous work and in relation to proposed work;

(4) The adequacy of the applicant's administrative, fiscal and accounting procedures; and

(5) For States, the applicant's ability to identify and respond to needs of communities, to schedule and complete work in timely fashion and to maintain effective management of local assistance and services.

§ 600.150 Coordination and intergovernmental review procedures.

The following procedures required by §§ 600.160 and 600.170 are established to assure intergovernmental coordination and review of planning and management programs proposed for assistance.

§ 600.160 OMB Circular A–95 coordination procedures.

In accordance with HUD procedures set forth in HUD Handbook CPM 6041.1A, "Comprehensive Planning Assistance: Requirements and Guidelines for a Grant", and Office of Management and Budget Circular A–95 guidelines and procedures, established pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, and Title IV of the Intergovernmental Cooperation Act of 1968, planning agencies must notify the State, regional or metropolitan clearinghouse of the intent to submit an applicant for HUD Comprehensive Planning Assistance.

(a) The application notification will include a summary description of the work to be funded containing the following information:

(1) The identity of the applicant agency;

(2) The geographic location of the project to be assisted;

(3) A brief description of the work to be funded under the grant;

(4) The Federal program and agency under which assistance will be sought; and

(5) The estimated date by which time the applicant expects to formally file an application.

(b) When a State's applicant for Comprehensive Planning Assistance is not the designated State clearinghouse, the applicant agency shall notify the clearinghouse agency of its intention to submit an application.

(c) Interstate Regional Commissions submitting applications for a HUD Comprehensive Planning Assistance grant shall notify the Governors' and/or the designated State clearinghouse(s) of their intent to apply to HUD.

(d) Applicants must notify the appropriate State, regional and metropolitan clearinghouses well in advance of the HUD negotiations conference. In no instance will applications be processed without having fulfilled the A–95 requirements.

§ 600.170 Overall Program Design review.

(a) In addition to the A–95 review, referred to in § 600.160, assisted agencies should submit a draft copy of the Overall Program Design to agencies likely to be asked to implement portions of the plans and programs; and to State, areawide, local and Federal agencies and private agencies expected to contribute cash or services to the planning effort.

(b) Each nonmetropolitan areawide planning organization must submit a copy of its Overall Program Design to the chairman of the State Rural Development Committee of the U.S. Department of Agriculture, in accordance with agreed upon procedures between the State planning agency and the State rural development committee.

(c) Each areawide planning organization designated as an economic development district (EDD) or adjacent to an EDD must submit a copy of its Overall Program Design to the regional office of the Economic Development Administration, U.S. Department of Commerce.

(d) Each areawide planning organization designated as a local development district (LDD) must submit a copy of its Overall Program Design to the central office of the Appalachian Regional Commission.

(e) Coordination between areawide planning organization and large cities. Executive bodies of areawide planning organizations and the chief executive officials of cities over 50,000 population within the areawide jurisdiction must exchange draft Overall Program Designs for comment by the reciprocating office. Referral by the applicant areawide organization to the city executive and by applicant cities to their areawide organization is required in any case.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (2–4–72).

SAMUEL C. JACKSON,
Assistant Secretary for Community Planning and Management.

[FR Doc.72–1677 Filed 2–3–72;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1801—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Construction

Part 1801 of Chapter XVIII of Title 32 of the Code of Federal Regulations is amended by addition of a new section, reading as follows:

§ 1801.12 Construction.

(a) *Facility selection.* When feasible, the State or political subdivision, in providing for civil defense needs must make use of (1) existing facilities, or (2) a facility which is to be acquired or constructed for a principal function other than civil defense (e.g., municipal office building, courthouse, police or fire station). OCD may contribute toward such of the planning, design, construction, and equipment costs as it determines to be directly attributable to use of a portion of the facility for civil defense functions (e.g., inclusion of an Emergency Operating Center in the basement area of a courthouse). When neither of these two alternatives can be effected, OCD will consider requests for financial contributions toward the costs of planning, designing, constructing, and equipping a facility which is determined by OCD to be required principally for civil defense functions.

(b) *Environmental considerations.* OCD contributions toward the costs of planning, designing, constructing, and equipping a facility which is determined by OCD to be required principally for civil defense functions are subject to the

requirements of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. sec. 4332) including the requirement of section 102(2)(C) of NEPA for a detailed environmental statement where the action is a major action significantly affecting the quality of the human environment. Before making the final selection of a site for a facility which is determined by OCD to be required principally for civil defense functions and for which OCD is requested to make a financial contribution toward any of the planning, design, construction, and equipment costs, the State shall assess the environmental consequences of the proposed action. Such assessment will be made in accordance with guidance, including regulatory material, furnished by OCD (such as the guidelines of the Council on Environmental Quality). If it is determined that the action is not a major action significantly affecting the quality of the human environment, the assessment will be reduced to writing and made an attachment to the project application for inclusion in the review process. If it is determined that the action is a major action significantly affecting the quality of the human environment, the State shall prepare a draft environmental impact statement and process it in accordance with guidance furnished by OCD, which statement will accompany the project application through the review process.

(c) *Real property acquisition.* (1) When acquiring real property for a facility which is determined by OCD to be required principally for civil defense functions and for which OCD is requested to make a financial contribution toward any of the planning, design, construction, and equipment costs, the State or political subdivision, as the case may be, will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91–646, 84 Stat. 1894 (hereinafter referred to as the Relocation Act) and property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of the Relocation Act. No project application will be approved for a financial contribution toward the costs of planning, design, construction, or equipping of any facility which is determined by OCD to be required principally for civil defense functions and for which the acquisition of real property will result in the displacement of any person, unless OCD receives satisfactory assurances from the State, and where applicable its political subdivision, that the above referenced requirements will be met and that: (i) Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of the Relocation Act; (ii) relocation assistance programs offering the services described in section 205 of the Relocation Act shall be provided to such displaced persons; (iii) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of the Relocation Act; and (iv) the affected persons will be adequately informed of the available benefits and the policies and procedures relating to the payment of these benefits.

(2) Until July 1, 1972 the assurances are required only to the extent the requirements can legally be met. The assurances of the State or political subdivision shall be accompanied by a statement in which it specifies any provisions of the assurances which it is legally unable to provide in whole or in part. In the event a State or political subdivision maintains that it is legally unable to provide all or any part of the required assurances, its statement shall be supported by an opinion of its chief legal official. The opinion shall contain a full discussion of the issues involved, and shall cite legal authority in support of the conclusion of legal inability to provide any part of the required assurances. On or after July 1, 1972, all the assurances, applicable to all persons to be displaced, must be provided OCD prior to its approval of the project application.

(3) Compliance with sections 301 and 302 of the Relocation Act is required where legally possible under State law. In providing the assurance that it will be guided to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302 of the Relocation Act, if the State or political subdivision indicates it is unable to comply fully, its statement shall be supported by an opinion of its chief legal officer containing a full discussion of the issues involved and citing legal authority in support of its conclusion.

(4) The cost to the State or political subdivision in providing payments and assistance pursuant to sections 206, 210, 215, and 305 of the Relocation Act shall be included as part of the cost of the OCD approved project, and shall be eligible for a financial contribution in the same manner and to the same extent as other costs of the project, except that OCD will pay the first $25,000 of the cost to the State or political subdivision of providing payments and assistance pursuant to the cited sections of the Relocation Act on account of any acquisition or displacement occurring prior to July 1, 1972. No payment or assistance under section 210 or 305 of the Relocation Act shall be included as a project cost if the displaced person receives a payment required by the State law of eminent domain which is determined by OCD to have a substantially equivalent purpose and effect and to be part of the cost of the project.

(d) *Labor standards.* Contributions for projects involving construction are subject to compliance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-7) respecting wage rates for federally assisted construction contracts in excess of $2,000; the Copeland "Anti-Kickback" Act (40 U.S.C. 276c); and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.). See OCD regulations at Part 1808 of this chapter and regulations of the Secretary of Labor at 29 CFR Parts 3, 5, 5a, and 1518.

(e) *Civil rights.* In addition to the provisions of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.), as amended, and implementing regulations, applying to federally assisted programs, contributions for projects involving construction are subject to compliance with the provisions of Executive Order 11246 dated September 24, 1965, as amended, regarding equal employment opportunity. See OCD regulations at Parts 1811 and 1812 of this chapter and regulations of the Secretary of Labor, including those appearing at 41 CFR Part 60–1.

(f) *Bonding and insurance.* In contracting for construction or facility improvement covered by a contributions project application, the State or political subdivision, as the case may be, shall follow its own requirements relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding $100,000. For contracts exceeding $100,000, the following minimum requirements shall be met:

(1) Obtain from each bidder a bid guaranteed equivalent to 5 percent of the bid price. The bid guarantee shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) Obtain a performance bond for 100 percent of the contract price to secure fulfillment of all the contractor's obligations under the contract.

(3) Obtain a payment bond on the part of the contractor for 100 percent of the contract price to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(64 Stat. 1250, 1255, 50 U.S.C. App. 2281; 2253; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799–1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Dated: January 26, 1972.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.72–1628 Filed 2–3–72;8:49 am]

PART 1808—LABOR STANDARDS FOR FEDERALLY ASSISTED CONTRACTS

Miscellaneous Amendments

Part 1808 of Chapter XVIII of Title 132 of the Code of Federal Regulations is amended as follows:

§ 1808.1 [Amended]

1. In § 1808.1, the first and last sentences are amended by substituting the words "29 CFR Parts 5 and 5a" in place of the words "29 CFR Part 5."

2. In § 1808.3, paragraph (a) is revised to read as follows:

§ 1808.3 Project applications.

* * * * *

(a) The State hereby agrees, as a condition of this project application, to conform to each and every obligation required on its part by the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297) and by regulations Part 1808 and guidance material of the Office of Civil Defense, Office of the Secretary of the Army as now or hereafter provided. The obligations of the State include without limitation: The requirement that the State include, verbatim, in each contract involving construction work in excess of $2,000 and cause to be included, verbatim, in each subcontract thereunder, the provisions prescribed in § 1808.4(a) of the Office of Civil Defense, Office of the Secretary of the Army and cause to be attached the applicable wage determination decision of the Secretary of Labor; and, in addition, the requirement that the State include, verbatim, in each construction contract in excess of $10,000, and cause to be included in each subcontract thereunder, the provisions prescribed in § 1808.4(b) of the Office of Civil Defense, Office of the Secretary of the Army.

* * * * *

3. Section 1808.4 is revised to read as follows:

§ 1808.4 Contract provisions.

(a) Each contract involving construction work in excess of $2,000 and all subcontracts thereunder shall include as a part thereof the following labor standards provisions, in completed form, verbatim:

(1) *Minimum wages.* (i) All mechanics and laborers employed by the contractor or subcontractor in the performance of construction work hereunder will be paid unconditionally and not less than once a week and without subsequent deduction or rebate on any account, except such payroll deductions as are permitted by the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor, the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv). Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particularly weekly period, are deemed to be constructively made or incurred during such weekly period.

(ii) The contracting officer of the (write in the name of the State or political subdivision) shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the State through the Office of Civil Defense, Office of the Secretary of the Army to the Secretary of Labor. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics, including apprentices and trainees, to be used, the question accompanied by the recommendation of the contracting officer of the (write in the name of the State or political subdivision) shall be referred by the State through the Office of Civil Defense, Office of the Secretary of the Army to the Secretary of Labor for final determination.

(iii) The contracting officer of the (write in the name of the State or political subdivision) shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question accompanied by the recommendation of the contracting officer of the (write in the name of the State or political subdivision) shall be referred by the State through the Office of Civil Defense, Office of the Secretary of the Army to the Secretary of Labor for determination.

(iv) If the contractor does not make payments to a trustee or other third person, he may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: *Provided, however,* The Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) *Overtime requirements.* (As used in this clause, the terms "laborers" and "mechanics" include watchmen and guards.) No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic to be employed on such work in excess of 8 hours in any calendar day or in excess of 40 hours in any workweek unless such laborer or mechanic receives compensation at a rate of not less than 1½ times his basic rate of pay for all hours worked in excess of 8 hours in any such calendar day or in excess of 40 hours in any such workweek, as the case may be.

(3) *Violations; liability for unpaid wages; liquidated damages.* In the event of any violation of clauses (1) or (2) the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, in the event of any violation of clause (2), such contractor and subcontractor shall be liable to the United States (in the case of work under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic (including watchmen and guards) employed in violation of clause (2), in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by clause (2).

(4) *Withholding for liquidated damages and unpaid wages.* The (write in the name of the State or political subdivision) may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in clause (3).

In the event of failure to pay any laborer or mechanic, including apprentices and trainees, employed by the contractor or subcontractor in the performance of construction work hereunder, all or part of the wages required by the contract, the (write in the name of the State or political subdivision) may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance or guarantee of funds until such violations have ceased.

(5) *Payrolls and basic records.* (i) Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of 3 years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

(ii) The contractor will submit weekly a copy of all payrolls to the (write in the name of the State or political subdivision) accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "weekly Statement of Compliance" which is required under this contract and the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under 20 CFR 5.5(a)(1)(iv) shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the (write in the name of the State and the political subdivision, if any); the Office of Civil Defense, Office of the Secretary of the Army; and the Department of Labor; and will permit such representatives to interview employees during working hours on the job.

(6) *Apprentices and trainees*—(i) *Apprentices.* Apprentices will be permitted to work as such only when they are registered, individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted

to the contractor as to his entire work force under the registered program. Any employee lised on a payroll at an apprentice wage rate, who is not a trainee as defined in subdivision (ii) of this subparagraph or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the contracting officer written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, for the area of construction prior to using any apprentices on the contract work.

(ii) *Trainees.* Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and, where subdivision (iii) of this subparagraph is applicable, in accordance with the provisions of Part 5a of this subtitle.

(iii) *Application of 29 CFR Part 5a.* On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR Part 5.2(c) shall also be subject to the provisions of 29 CFR Part 5a. Apprentices and trainees shall be hired in accordance with the requirements of 29 CFR Part 5a.

(b) The following contract clauses set forth apprentice and trainee employment requirements as prescribed by the Secretary of Labor, under 29 CFR Part 5a, and shall be included as conditions of each construction contract in excess of $10,000 ("Contract" or "contractor" includes any construction contract or construction subcontractor regardless of tier as well as the primary contract or prime contractor unless otherwise specified):

(1) The contractor agrees: (i) That he will make a diligent effort to hire for the performance of the contract a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the contract the applicable ratio as determined by the Secretary of Labor;

(ii) That he will assure that 25 percent of such apprentices or trainees in each occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (*a*) the availability of training opportunities for first year apprentices, (*b*) the hazardous nature of the work for beginning workers, (*c*) excessive unemployment of apprentices in their second and subsequent years of training.

(iii) That during the performance of the contract he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of subdivisions (i) and (ii) of this subparagraph.

(2) The contractor agrees to maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen. The contractor agrees to make these records available for inspection upon request of the Department of Labor and the Federal agency concerned.

(3) The contractor who claims compliance based on the criterion stated in 29 CFR 5a.4(b) agrees to maintain records of employment, as described in 29 CFR 5a.3(a)(2), on non-Federal and nonfederally assisted construction work done during the performance of this contract in the same labor market area. The contractor agrees to make these records available for inspection upon request of the Department of Labor and the Federal agency concerned.

(4) The contractor agrees to supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of Federal agency compliance officers. The contractor also agrees to supply at 3-month intervals during performance of the contract and after completion of contract performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to the agency concerned, and one to the Secretary of Labor.

(5) The contractor agrees to insert in any subcontract under this contract the requirements contained in this paragraph (29 CFR 5a.3(a)(1), (2), (3), (4), and (5). Sections 5a.4, 5a.5, 5a.6, and 5a.7 of 29 CFR Part 5a shall also be attached to each such contract for the information of the contractor. The term "contractor" as used in such classes in any subcontract shall mean the subcontractor.

(c) The following contract clauses are also prescribed by the Secretary of Labor under 29 CFR Part 5a and are to be included for information of the contractor in each construction contract in excess of $10,000:

(1) *Criteria for measuring diligent effort.* A contractor will be deemed to have made a "diligent effort" as required by 29 CFR 5a.3 if during the performance of his contract he accomplishes at least one of the following three objectives:

(i) The contractor employs on this project a number of apprentices and trainees by craft as required by the contract clauses at least equal to the ratios established in accordance with 29 CFR 5a.5.

(ii) The contractor employs, on all his public and private, construction work combined in the labor market area of this project, an average number of apprentices and trainees by craft as required by the contract clauses, at least equal to the ratios established in accordance with 29 CFR 5a.5.

(iii) (*a*) Before commencement of work on the project, the contractor if covered by a collective bargaining agreement will give written notice to all joint apprenticeship committees; the local U.S. Employment Security Office; local chapter of the Urban League, Workers Defense League, or other local organization concerned with minority employment; and the Bureau of Apprenticeship and Training Representative, U.S. Department of Labor, for the locality. The Contractor if not covered by a collective bargaining agreement will give written notice to all the groups stated above except joint apprenticeship committees; this contractor also will notify all nonjoint apprenticeship sponsors in the labor market area.

(*b*) The notice will include at least the contractor's name and address, the job site address, value of contract, expected starting and completion dates, the estimated average number of employees in each occupation to be employed over the duration of the contract, and a statement of his willingness to employ a number of apprentices and trainees at least equal to the ratios established in accordance with 29 CFR 5a.5.

(*c*) The contractor must employ all qualified applicants referred to him through normal channels (such as the Employment Service, the Joint Apprenticeship Committees and, where applicable, minority organizations and apprentice outreach programs who have been delegated this function) at least up to the number of such apprentices and trainees required by the applicable provision of 29 CFR 5a.5.

(2) *Determination of ratios of apprentices or trainees to journeymen.* The Secretary of Labor has determined that the applicable ratios of apprentices and trainees to journeymen in any occupation shall be as follows:

(i) In any occupation the applicable ratio of apprentices and trainees to journeymen shall be equal to the predominant ratio for the occupation in the area where the construction is to be undertaken, set forth in collective bargaining agreements or other employment agreements, and available through the Regional Manager for the Bureau of Apprenticeship and Training for the applicable area.

(ii) For any occupation for which no such ratio is found, the ratio of apprentices and trainees to journeymen shall be determined by the contractor in accordance with the recommendations set forth in the standards of the National Joint Apprentice Committee for the occupation, which are filed with the U.S. Department of Labor's Bureau of Apprenticeship and Training.

(iii) For any occupation for which no such recommendations are found, the ratio of apprentices and trainees to journeymen shall be at least one apprentice or trainee for every five journeymen.

(3) *Variations, tolerances, and exemptions.* Variations, tolerances, and exemptions from any requirement of this part with respect to any contract or subcontract may be granted when such action is necessary and proper in the public interest, or to prevent injustice, or undue hardship. A request for a variation, tolerance, or exemption may be made in writing by any interested person to the Secretary, U.S. Department of Labor, Washington, D.C. 20210.

(4) *Enforcement.* (i) Each Federal agency concerned shall insure that the contract clauses required by 29 CFR 5a.3(a) are inserted in every federally assisted construction contract subject thereto. Federal agencies administering assistance programs for construction work for which they do not contract directly shall promulgate regulations and procedures necessary to insure that contracts for the construction work subject to 29 CFR 5a.3(a) will contain the clauses required thereby.

(ii) Enforcement activities, including the investigation of complaints of violations, to assure compliance with the requirements of this part, shall be the primary duty of the Federal agency providing the Federal assistance. The Department of Labor will coordinate its efforts with the Federal agencies, as may be necessary, to assure consistent enforcement of the requirements of this part. Enforcement of these provisions shall be in accordance with the procedures outlined in 29 CFR 5.6.

(64 Stat. 1250, 1255, 50 U.S.C. App. 2281; 2253; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799–1801, 23 F.R. 4991 E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Effective date. These revisions shall be applicable to every invitation for bids, and to every negotiation, request for proposals, or request for quotations, for a federally assisted construction contract, issued after January 30, 1972, and to every such contract entered into on the basis of such invitation or negotiation.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.72-1629 Filed 2-3-72;8:49 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Release of Information

Part 1 of Chapter I of Title 38 is amended as follows:

1. In § 1.526(i), subparagraph (7) is amended to read as follows:

§ 1.526 Copies of records and papers.

* * * * *

(i) Schedule of fees:

* * * * *

(7) Fees to be determined based on actual costs.

The fee to be charged for special information, statistics, reports, tapes (direct copies of existing tapes or special tapes created to contain specific data such as a listing of veterans by name and address), audiovisual items (motion pictures, film strips, slide sets, sound recordings, video tapes, or combinations thereof), drawings, specifications, photographs, etc., will be based on the actual cost to the agency, including labor, reproduction machine time, computer time, material and overhead expenses.	Fee to be determined by the official authorized to release the information or his designee under § 1.556(a).

* * * * *

2. Section 1.553 is revised to read as follows:

§ 1.553 Public access to other identifiable records.

Identifiable records in Veterans Administration custody, or copies thereof, other than records made available to the public under the provisions of §§ 1.551 and 1.552, will be made promptly available, except as provided in § 1.554, to any person upon request. Such request must be in writing, over the signature of the requester and must contain a reasonably specific description of the record desired so that it may be located with relative ease. The request should be made to the office concerned (having jurisdiction of the record desired) or, if not known, to the Director or Veterans Assistance Officer in the nearest Veterans Administration regional office or to the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8 a.m. to 4:30 p.m. Monday through Friday for Veterans Administration Central Office and most field stations.

3. Section 1.555 is revised to read as follows:

§ 1.555 Fees.

(a) Charges will not be made for the use of reading facilities for examination of materials which are to be available to the public under § 1.552. Charges will be made, except as provided in paragraphs (c), (d), (e), and (f) of this section, in accordance with the schedule of fees in § 1.526, to recover the costs of duplicating, reproducing, certifying or authenticating copies of such materials in response to requests from the public. The desired copy will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposited over the lawful charge will be returned.

(b) Charges will be made, except as provided in paragraphs (c), (d), (e), and (f) of this section, on each request from the public to examine, copy, or to be furnished copies of other identifiable records under § 1.553. Such charges, in accordance with the schedule of fees in § 1.526, will be made to recover direct and indirect costs for searching requested records and, if requested, reproducing copies and certifying or authenticating them. Searches will not be undertaken until the requester has paid, or has provided sufficient assurance that he will pay, whatever fee is determined to be appropriate. Desired copies will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposited over the lawful charge will be returned. When a deposit is received with a request, such a deposit will be returned if the request is denied.

(c) Where a contract with a reporting service requires that copies of transcripts be sold only by the service, the copy in Veterans Administration's possession may be made available for inspection. If a copy is requested, the requester will be referred to the reporting service.

(d) No charges will be made for services rendered to or for other agencies or branches of the Federal Government, or State and local governments when the Veterans Administration, veterans and their beneficiaries, or the general public has a substantial interest in the purpose for which the service is requested.

(e) When information, statistics, or reports are approved by the Administrator or the Deputy Administrator for release under § 1.550, the fee charge, if any, will be determined upon the merits of each individual application.

(f) Under the following circumstances services may be provided free at the discretion of station heads or responsible Central Office officials:

(1) When requested by press, radio, television, or other information representatives for dissemination to the general public.

(2) When furnishing the service free is in conformance with generally established business custom, such as furnishing personal reference data to prospective employers of former Government employees.

(3) To the extent of one copy, to those who require copies of records or information from the records in order to obtain financial or other benefits to which they may be entitled (e.g., employees with workmen's compensation claims).

(4) To an individual directly concerned in a hearing or other formal proceeding involving security requirements for Federal employment, one copy of any transcript made of such hearing or other proceeding.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: January 28, 1972.

By direction of the Administrator.

FRED B. RHODES,
Deputy Administrator.

[FR Doc. 72-1674 Filed 2-3-72;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Fenthion

A petition (PP 1F1019) was filed by Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide fenthion (*O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate) and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities rice straw at 0.5 part per million and rice at 0.1 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to the proposed tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material it is concluded that:

1. The established tolerances in meat, fat, and meat byproducts of cattle and poultry at 0.1 part per million and in milk at 0.01 part per million (negligible residue) are adequate for residues from dermal application and from feeding treated crops. A tolerance regarding eggs is unnecessary because § 180.6(a)(3) applies.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic

Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.214 is amended by adding the new paragraph "0.5 part per million * * *" after the paragraph "5 parts per million * * *", by revising the paragraph "0.1 part per million * * *", and by adding the new paragraph "0.1 part per million in or on rice" after the revised paragraph, as follows:

§ 180.214 Fenthion; tolerances for residues.

* * * * *

0.5 part per million in or on rice straw.
0.1 part per million in meat, fat, and meat byproducts of cattle and poultry.
0.1 part per million in or on rice.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20250, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-4-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 28, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-1642 Filed 2-3-72;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 2—RECORDS AND TESTIMONY

Availability of Final Opinions and Orders of the Oil Import Appeals Board

Departmental regulations concerning availability of final opinions and orders, contained in Part 2, Subtitle A, Title 43, are amended, as set forth below, to provide a change of address for the location at which members of the public may make requests for copies of records, or to inspect or copy records, of the Oil Import Appeals Board within the Office of Hearings and Appeals of the Department of the Interior, under provisions of 5 U.S.C. section 552 (1970).

1. In § 2.4, paragraph (d) is amended to read as follows:

§ 2.4 Opinions in adjudications of cases; administrative manuals.

* * * * *

(d) Copies of final opinions and orders issued by the Oil Import Appeals Board are available for inspection and copying in the Office of Hearings and Appeals, Ballston Building No. 3, 4015 Wilson Boulevard, Arlington, VA 22203.

* * * * *

Dated: January 27, 1972.

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-1679 Filed 2-3-72;8:49 am]

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5154]

[Utah 15498]

UTAH

Withdrawal for National Forest Geological Site

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

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ASHLEY NATIONAL FOREST

SALT LAKE MERIDIAN

Little Brush Creek Cave

T. 1 S., R. 21 E.,
Sec. 24, lots 1-4, inclusive, E½NE¼, W½NW¼, S½;
Sec. 25, all;
Sec. 36, NE¼.
T. 1 S., R. 22 E.,
Sec. 19, lots 1-4, inclusive, E½, E½W½;
Sec. 29, NW¼, S½;
Sec. 30, lots 1-4, inclusive, E½, E½W½;
Sec. 31, lots 1, 2, NE¼, E½NW¼;
Sec. 32, N½.

The area described contains 3,538.18 acres in Uintah County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 31, 1972.

[FR Doc.72-1681 Filed 2-3-72; 8:49 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1089]

PART 1033—CAR SERVICE

New York Dock Railway Authorized To Operate Over Trackage Abandoned by Bush Terminal Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 2d day of February 1972.

It appearing, that the Bush Terminal Railroad Co., in Finance Docket No. 25896, was authorized to abandon its entire line of railroads; that the Bush Terminal Railroad Co. ceased railroad operations on December 15, 1971; that the New York Dock Railway has agreed to operate the trackage abandoned by the Bush Terminal Railroad Co.; that the Commission is of the opinion that there is need for railroad service to industries located on this trackage; that operations over this trackage by the New York Dock Railway are necessary to restore railroad service to these industries in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1089 Service Order No. 1089.

(a) *New York Dock Railway authorized to operate over trackage abandoned by Bush Terminal Railroad Co.* The New York Dock Railway be, and it is hereby, authorized to operate over trackage abandoned by the Bush Terminal Railroad Co.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 11:59 p.m., February 3, 1972.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 3, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the 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 notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1766 Filed 2-3-72;8:50 am]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTIONS AND CLASSIFICATION OF ECONOMIC UNITS

Miscellaneous Amendments

Part 101, Coverage, Exemptions and Classification of Economic Units was added to a new Title 6 and a new Chapter I of the Code of Federal Regulations on November 13, 1971 (36 F.R. 21788). Part 101 was subsequently amended on November 17, 1971 (36 F.R. 21952), December 16, 1971 (36 F.R. 23974), and further amended and republished on January 27, 1972 (37 F.R. 1237).

The purpose of these amendments is to further amend and modify Part 101 to reflect certain 1971 amendments to the Economic Stabilization Act and certain decisions of the Cost of Living Council.

Subpart A is amended to include in § 101.2 a new definition for "retail firm".

Subpart D is amended: In § 101.33, to revise the exemption for rehabilitated dwellings to reflect more clearly the purpose of the original exemption; to exempt certain residential rental property and certain residential land leases; in § 101.34, to exempt certain retail firms including restaurants with annual sales or revenues of less than $100,000; and in § 101.35, to delete the exemption of pay adjustments below the Federal minimum wage which is now unnecessary as a result of the new provision in § 101.104 of subpart F.

Subpart F is amended to add § 101.104 relating to pay adjustments for individuals whose earnings are less than $1.90 per hour, in accordance with section 203(d) of the Economic Stabilization Act of 1970, as amended.

Among the factors considered in making an exemption are: (1) The objectives and requirements of the Act and the economic stabilization program; (2) whether the economic sector is characterized by a large number of sellers and frequent price fluctuations, with a minimum of inflationary pressure; (3) whether international transactions are involved or whether, in some special situations such as insurance, domestic firms would be at a disadvantage with respect to international competition because of economic controls on price increases; (4) whether there is a clear basis for establishing a fair and equitable price because of the nature of the product and the selling process; (5) whether prices are self-assessed or characterized by a strong element of mutuality; (6) whether other controls have been established by law or by other regulatory authorities; (7) whether other nonexempt sectors will serve as an effective restraint on an exempt sector; (8) considerations of administration and enforcement, including the ability to effectively enforce the controls in sectors with significant inflationary impact.

Because the purpose of these regulations is to amend and modify Part 101, to provide immediate guidance and information as to Cost of Living Council decisions and to implement certain 1971 amendments of the Act, the Cost of Living Council finds that their publication in accordance with usual rule making procedures is impracticable and that good cause exists for making these regulations effective in less than 30 days.

These amendments shall become effective when filed with the FEDERAL REGISTER.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640)

DONALD RUMSFELD,
Director, Cost of Living Council.

Part 101 of Chapter I of Title 6 of the Code of Federal Regulations is amended as follows:

1. Subpart A is amended in § 101.2 to add a definition for: "Retail firm", after the definition of "Price Commission", to read as follows:

§ 101.2 Definitions.

* * * * *

"Retail firm" means a firm whose annual sales or revenues are primarily from the sale of goods to ultimate consumers.

* * * * *

2. Subpart D is amended by revising § 101.33(a)(2)(iii), and adding §§ 101.33(a)(2)(iv) and (v) and (3), and 101.34(j), to read as follows:

§ 101.33 Real estate and insurance premiums.

* * * * *

(a) * * *

(2) * * *

(iii) Rehabilitated dwellings offered for rent in the newly rehabilitated condition for the first time after August 15, 1971, if the cost of rehabilitation exceeds one-half of either the undepreciated cost or the fair market value of the dwelling preceding the rehabilitation.

(iv) Single family dwelling units and rental units in owner-occupied multifamily dwellings which were rented for a term longer than month-to-month on January 19, 1972, or, if not rented on that date, were rented during the base rental period (as defined in Subpart C of Part 301 of this title) for a term longer than month-to-month: *Provided*, That the owner of such units and members of his family (as defined in section 318 of the Internal Revenue Code of 1954, as amended) do not own or have an interest, directly or indirectly, in more than an aggregate of four such units.

(v) Single family dwelling units and rental units in multifamily dwellings for which the monthly rent (as defined in § 301.3 of this title) was $500 or more on January 19, 1972, or if unoccupied on that date, was $500 or more during the base rental period, as defined in Subpart C of Part 301 of this title.

(3) Real estate land leases if:

(i) A residence is established on the leasehold;

(ii) The ground rent charged under such lease is fixed for a period of 20 years or more; and

(iii) Any extension, renewal or renegotiation of such land lease is for a period of 10 years or more and is computed on a percentage of the appraised value of the leased land.

* * * * *

§ 101.34 Certain price adjustments.

* * * * *

(j) *Retail firms including restaurants.* Retail firms including restaurants, with annual sales or revenues of less than $100,000.

§ 101.35 [Amended]

3. Subpart D is further amended by deleting "§ 101.35(c) *Minimum wages.*"

4. Subpart F is amended to add § 101.104, to read as follows:

§ 101.104 Pay adjustments to those individuals earning less than $1.90 per hour.

Notwithstanding the provisions of this title, this title shall be implemented in such a manner that pay adjustments to any individual who is paid at a rate of less than $1.90 per hour shall not be limited in any manner.

[FR Doc.72-1797 Filed 2-3-72;10:22 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 43h]

ENROLLMENT OF ALASKA NATIVES

Applications, Preparation and Approval of Roll

Notice is hereby given that it is proposed to revise Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in section 25 of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, Public Law 92–203.

The purpose of this revision is to provide regulations to govern preparation of a roll of Alaska Natives.

Since this revision will affect the rights of Alaska Natives to participate in the Alaska Native Claims Settlement and imposes a deadline for applying for enrollment, public comment and expression are deemed advisable. Accordingly, all persons who desire to submit comments, views, or arguments in connection with the proposed revision shall file the same with the Commissioner of Indian Affairs, Bureau of Indian Affairs, Washington, D.C. 20242, not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Subchapter F of Chapter I, Title 25 of the Code of Federal Regulations, is revised to include Part 43h which shall read as follows:

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

Sec.

AUTHORITY: The provisions of this Part 43h issued under 5 U.S.C. section 301; R.S. §§ 463 and 465, 25 U.S.C. sections 2 and 9; and sec. 25, 85 Stat. 688, 715.

§ 43h.1 Definitions.

(a) "Act" means the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, Public Law 92–203.

(b) "Secretary" means the Secretary of the Interior or his authorized representative.

(c) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(d) "Area Director" means the Area Director, Bureau of Indian Affairs, Juneau, Alaska, or his authorized representative.

(e) "Coordinator" means the head of the Enrollment Coordinating Office, Pouch 7–1971, Anchorage, Alaska 99501, having the responsibility for coordinating all activities regarding preparation of the roll.

(f) "Roll" means the roll of Alaska Natives prepared pursuant to the Act.

(g) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians whose Alaska Native ancestry predates the Treaty of March 30, 1867, and who are not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group.

(h) "Village" means any tribe, band, clan, group, village, community or association in Alaska listed in sections 11 and 16 of the Act, or which meets the requirements of the Act, and which the Secretary determines was, on the 1970 census enumeration date (April 1, 1970), composed of 25 or more Natives.

(i) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than 25 Natives, who comprise a majority of the residents of the locality.

(j) "Region" means the geographic area covered by the operation of one of the 12 existing Native associations recognized in section 7(a) of the Act, or its successor regional corporation, and may include the 13th region if established as provided by section 7(c) of the Act.

(k) "Permanent residence" shall mean the place of domicile on April 1, 1970, which is the location of the permanent place of abode intended by the applicant to be his actual home.

(l) "Regional Solicitor" means the officer in charge of the Anchorage Region of the Office of the Solicitor, Department of the Interior.

(m) "Sponsor" means a parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Area Director or other person who files an application for enrollment on behalf of another person. It does not include an enumerator.

§ 43h.2 Purpose.

The regulations in this part are to govern exclusively the preparation of a roll of Alaska Natives pursuant to section 5 of the Act. The provisions of Parts 2 and 42 of Title 25 of the Code of Federal Regulations shall not be applicable to enrollment procedures and appeals provided for in this Part 43h.

§ 43h.3 Requirements for enrollment.

The roll shall consist of the names of all persons who meet the definition of Native and who were born on or before and were living on December 18, 1971.

§ 43h.4 Enrollment in regions.

(a) *Residents of Alaska.* A Native residing in Alaska at the time of filing his application for enrollment shall be enrolled in the region in which he was a permanent resident on April 1, 1970.

(b) *Nonresidents of Alaska.* A Native who at the time of filing his application for enrollment is not a permanent resident of one of the regions in Alaska shall be enrolled according to the following order of priority:

(1) In the 13th region, if it is formed and he so elects, or

(2) In the region where he resided on April 1, 1970, if he had resided there without substantial interruption for 2 or more years, or

(3) In the region where he previously resided for an aggregate of 10 years or more, or

(4) In the region where he was born, or

(5) In the region from which an ancestor came.

A Native may be enrolled in a different region when necessary to avoid enrolling members of the same family in different regions or otherwise avoid hardship.

(c) Eligible children born on or after April 2, 1970, and on or before December 18, 1971, shall be enrolled in the region in which one of their parents is enrolled.

§ 43h.5 Enrollment in a 13th region.

A Native eligible for enrollment who is 18 years of age or older and is not a permanent resident of one of the 12 regions may, on the date he files an application for enrollment, elect to be enrolled in a 13th region for Natives who are nonresidents of Alaska, if such region is established pursuant to subsection 7(c) of the Act. If such region is not established, he shall be enrolled as provided in subsection 4(b) of these regulations. His election shall apply to all dependent members of his household who are less than 18 years of age, but shall not affect the enrollment of anyone else.

§ 43h.6 Applications for enrollment.

(a) All applications for enrollment shall be in writing on forms provided by the Bureau of Indian Affairs and shall be signed by or for the head of each household, spouse, and/or the dependent members of his household under 18 years of age. A separate application shall be completed and signed by or for other members of a household 18 years of age or older.

(b) The application shall contain, among other information, the applicant's social security number, name, address, sex, date and place of birth, residence as of April 1, 1970, the village from which his ancestors came, and for a nonresident of Alaska, his election regarding establishment and enrollment in a 13th region. Social security numbers and cards will be issued to those persons who do not have them.

(c) Completed applications must be filed with the Coordinating Office (Kaloa Building, 16th and C Streets), Pouch 7–1971, Anchorage, AK 99501, not later than March 30, 1973. For purposes of these regulations, "filed" means received by the Coordinating Office.

(d) *Residents of Alaska.* Enumerators shall be sent to the principal villages to assist in the completion and filing of applications and centers will be established in urban areas to furnish assistance in the completion and filing of applications. Persons who are missed by the enumerators may apply to the Coordinating Office by mail or in person.

(e) *Nonresidents of Alaska.* Natives not residing in Alaska shall be furnished application forms, together with instructions for completing the forms, upon request made to the Commissioner, the Area Director, or the Coordinator.

§ 43h.7 Determination of eligibility.

Determinations of eligibility shall be made by the Coordinator. Each applicant shall be notified in writing of the decision. If such determination is favorable, the name of the applicant shall be placed on the roll. If the decision is adverse, the applicant or sponsor shall be notified by certified mail, return receipt requested, of the decision together with the reasons for rejection and of his right of appeal.

§ 43h.8 Appeals.

Appeals from rejected applications must be in writing and filed with the Coordinating Office not later than 45 days after the date of receipt of the rejection notice. Prior to submission of the appeal to the Regional Solicitor, the Coordinator may reconsider the prior determination and may enroll the applicant. If the Coordinator does not enroll the applicant, he shall forward the appeal, application, and all pertinent information to the Regional Solicitor. Determinations on appeals shall be made by the Regional Solicitor on behalf of the Secretary and shall be final. The applicant shall be notified in writing of such decision.

§ 43h.9 Preparation, certification and approval of the roll.

The Coordinating Office shall prepare a roll listing enrollees by village or appropriate region. The roll shall contain for each person, his Social Security number, name, last known address, sex, date of birth, degree of Native blood, residence as of April 1, 1970, and the village and/or region in which he is enrolled. Upon completion the Coordinator shall affix to the roll a certificate indicating that to the best of his knowledge and belief the roll contains only the names of persons who were determined to meet the requirements for enrollment as Alaska Natives. The roll shall be submitted to the Secretary for approval.

§ 43h.10 Establishment of a 13th region.

If a majority of all eligible Natives 18 years of age or older who are not permanent residents of Alaska elect, pursuant to subsection 5(c) of the Act, to be enrolled in a 13th region for Natives who are nonresidents of Alaska, a region for the benefit of the Natives who elected to be enrolled therein shall be established and they may establish a regional corporation pursuant to the Act.

§ 43h.11 Non-Tsimshian Metlakatla Community members.

Applications for non-Tsimshian Native Alaska members of the Metlakatla Indian Community will be conditionally accepted subject to a determination of their eligibility for inclusion on the Alaska Native roll.

§ 43h.12 Special instructions.

To facilitate the work of the Area Director, the Commissioner may issue special instructions not inconsistent with these regulations.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 1, 1972.

[FR Doc.72-1710 Filed 2-3-72;8:49 am]

Office of the Secretary

[41 CFR Part 14–10]

INSURANCE UNDER FIXED-PRICE CONTRACTS AND COST-REIMBURSEMENT TYPE CONTRACTS

Notice of Proposed Rule Making

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 1949, as amended (41 U.S.C. 251 et seq.), the Office of the Secretary is considering an amendment to 41 CFR Chapter 14 by adding a new § 14–10.451 under Subpart 14–10.4, a new Subpart 14–10.5 and a new § 14–10.501.

Any person who wishes to submit written data, views, or comments pertaining to the proposed additions may do so by filing them in duplicate with the Director, Office of Survey and Review Office of the Assistant Secretary—Management and Budget, Department of the Interior, 19th and E Streets NW., Washington, DC 20240, within 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed amendment defines situations in which insurance requirements will be included in Interior Department contracts for aircraft. It also sets forth clauses for use in such contracts.

The additions to the Interior Procurement Regulations as proposed would read as follows:

PART 14–10—BONDS AND INSURANCE

Subpart 14–10.4—Insurance Under Fixed-Price Contracts

§ 14–10.451 Insurance requirements for contract aircraft.

(a) Interior bureaus and offices contract for use of aircraft (including helicopters) with or without pilot. Depending on the degree of Government control and the circumstances present if an accident occurs, the Government may be totally or partially liable for personal injury, death, or property damage claims. The cost of insurance coverage is relatively small compared to potential liability. Therefore, in accordance with FPR § 1–10.301, and under the conditions set forth below, minimum insurance requirements are prescribed to protect contractors and the Government.

(b) At 14 CFR 298.42, the Civil Aeronautics Board (CAB) prescribes certain minimum insurance requirements for air taxi operators and commercial operators of small aircraft, i.e., fixed-wing aircraft under 12,500 pounds gross takeoff weight and helicopters under 6,000 pounds gross takeoff weight. Following the CAB minimums, contracts for small aircraft with pilot, except those defined in § 14–10.451 (f), shall include the following clause:

INDEMNITY AND MINIMUM INSURANCE REQUIREMENTS

(a) The Contractor shall indemnify and hold the Government harmless from any and all losses, damages, or liability, or claims therefor, on account of personal injury, death, or property damage of any nature whatsoever, arising out of the activities under the contract of the Contractor, his employees, subcontractors, or agents. For the purpose of fulfilling his obligation under this clause, the Contractor shall procure and maintain during the term of contract, and any extension thereof, liability insurance acceptable to the Contracting Officer. The insured parties named under the policy or policies shall be the Contractor and the United States of America.

(b) The minimum limits of liability insurance coverage shall be:

(1) *Liability for personal injury to or death of aircraft passengers.* A limit for any one passenger of at least seventy-five thousand dollars ($75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars ($75,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

(2) *Liability for personal injury to or death of persons (excluding passengers).* A limit of at least seventy-five thousand dollars ($75,000) for any one person in any one occurrence, and a limit of at least three

hundred thousand dollars ($300,000) for each occurrence.

(3) *Liabiltiy for loss of or damage to property.* A limit of at least one hundred thousand dollars ($100,000) for each occurrence.

(c) In lieu of the separate coverages specified in paragraph (b) of this clause, the Contractor may be insured for a single limit of liability for each occurence. In that event, the single limit coverage must be equal to or greater than the combined required minimums set forth in paragraph (b) of this clause.

(d) In the case of a single limit of liability, the aircraft may be insured by a combination of primary and excess policies. Such policies must have combined coverage equal to or greater than the combined minimums set forth in paragraph (b) of this clause.

(e) If the Contractor and his aircraft are covered by an Air Taxi Commercial Operator's Certificate issued under 14 CFR Part 135, the terms, conditions, and exclusions set forth in 14 CFR 298.43 and 298.44 are applicable.

(f) Prior to the commencement of work hereunder, the Contractor shall furnish the Contracting Officer a copy of the insurance policy or policies or a certificate of insurance issued by the underwriter(s) showing that the coverage required by this clause has been obtained.

(c) As an example, for a four-passenger aircraft, the minimum single limit coverage in lieu of the three individual coverages prescribed in the Indemnity and Minimum Insurance Requirements clause in § 14–10.451(b) is computed as follows: $75,000×0.75×4 =$225,000; $225,000+$300,000+$100,000 =$625,000 (Single Limit Coverage). Single limit insurance has an advantage in that up to the entire coverage may be used to pay under any one of the three liability categories, if necessary.

(d) Insurance coverages prescribed in the Indemnity and Minimum Insurance Requirements clause in § 14–10.451(b) should be appropriately changed or deleted by contracting officers in the following circumstances:

(1) In contracts for large aircraft, with pilot, increase the minimum coverages in paragraphs (b) (2) and (3) of the clause so that the limit for each occurrence is $500,000 or more.

(2) In contracts for aerial spraying services, increase the limit of coverage in paragraph (b) (3) of the clause to $500,000 or more. Also, in such contracts, and in those for aerial tanker services, delete paragraph (b) (1) of the clause.

(e) In one-time charters or hires of large or small aircraft, with pilot, if Government exposure appears minimal, and time limitations are present, a formal indemnity-insurance clause need not be included in the contract document.

(f) Hull insurance is usually very costly and most aircraft owners do not carry it. However, if Government liability is established after an accident, it is likely that the Government will also be responsible to a contractor for the fair market value of the aircraft. Accordingly, in contracts for aircraft with pilot where an aircraft is valued at more than $500,000, an additional requirement for hull insurance shall be added as paragraph (b) (4) of the Indemnity and Minimum Insurance Requirements clause in § 14–10.451(b) as follows:

(4) *Liability for damage or destruction of aircraft hull.* A limit equal to the fair market value of the aircraft, when it is put in service to the Government.

(g) Contracts for aerial photography, aerial surveys, meteorological studies, or other work similar in character need not contain the Indemnity and Minimum Insurance Requirements clause in § 14–10.451(b), if there will be no direct Government control or supervision of flight operations. Such contracts are basically for end products rather than for flight services. Contractors will be "independent" and therefore solely responsible for any torts committed. Contracts for this type work shall include a statement that the contractor will be considered an independent contractor, and he will obtain all necessary insurance to protect himself from liability arising out of the contract. Contracts also shall include an indemnity, consisting of the first sentence of the clause.

(h) In contracts for aircraft without pilot, there is a high probability of Government liability for claims arising out of an accident, because flight operations and the Government pilot will be under Government control. However, Government liability will be avoided if it can be proven that the aircraft owner was negligent in maintenance, or that a latent defect led to the accident. In contracts for aircraft without pilot it is Departmental policy to assume its own risks, just as with Government-owned aircraft, and not to require insurance. Accordingly, in such contracts the clause set forth below shall be included:

LIABILITY FOR LOSS OR DAMAGE

(a) The Government assumes all risk and liability for loss (including loss of life, personal injury, damage to private property, and damage to or loss of the aircraft) for the term of this contract, while the aircraft is in the Government's possession, except for (1) normal wear and tear to the aircraft, or (2) loss which occurs as a result of negligence or fault in maintenance of the aircraft by the Contractor, or (3) loss resulting from a latent defect in the construction of the aircraft or a component thereof.

(b) In the event of damage to the aircraft, the Government may, at its option, make the necessary repairs with its own facilities, or by contract, or pay the Contractor the reasonable cost of repair of the aircraft. If damage to the aircraft is established to be the fault of the Government, rental payments to the Contractor during the repair period will be made as set forth elsewhere in this contract.

(c) In the event the aircraft is lost, destroyed, or damaged so extensively as to be beyond repair, no rental payment will be made to the Contractor thereafter, but the Government will pay to the Contractor a sum equal to the fair market value of the aircraft just prior to such loss, destruction, or extensive damage, less the salvage value of the aircraft.

(d) The Contractor certifies that the contract price does not include any cost attributable to insurance or to any reserve fund it has established to protect its interests in or use of the aircraft, regardless of whether or not the insurance coverage applies for the period during which the Government has possession of the aircraft. If, in the event of loss or damage to the aircraft, the Contractor receives compensation for such loss or damage, in any form, from any source, the amount of such compensation shall be credited to the Government in determining the amount of the Government's liability under this clause; except that this shall not apply to proceeds of insurance received solely as an advance of insurance pending determination of Government liability, or for an increment of value of the aircraft beyond the value for which the Government is responsible.

(e) In the event of loss or damage, the Government shall be subrogated to all rights of recovery by the Contractor against third parties for such loss or damage and such rights shall be immediately assigned to the Government. Except as the Contracting Officer may permit in writing, the Contractor shall neither release nor discharge any third party from liability for such loss or damage nor otherwise compromise or adversely affect the Government's subrogation or other rights hereunder. The Contractor shall cooperate with the Government in any suit or action undertaken by the Government against any such third party.

(f) Any failure to agree as to the responsibility of the Government or the Contractor under this clause shall, after a final finding and determination by the Contracting Officer, be considered a dispute within the meaning of the "Disputes" clause of this contract.

Subpart 14–10.5—Insurance Under Cost-Reimbursement Type Contracts

§ 14–10.501 Policy.

(a) Indemnity and insurance requirements set forth in § 14–10.450 and § 14–10.451 are also applicable to cost-reimbursement type contracts.

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

JANUARY 28, 1972.

[FR Doc.72–1608 Filed 2–3–72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 66]

[CGFR 72–19]

PORTS OF DOCUMENTATION

Notice of Proposed Rule Making

The Coast Guard is considering an amendment to the documentation and measurement of vessels regulations to—

(a) Revoke the designations of ports of documentation of—

(1) Annapolis, Md.;
(2) Cambridge, Md.;
(3) Crisfield, Md.;
(4) Washington, D.C.;
(5) Elizabeth City, N.C.;
(6) Washington, N.C.;
(7) Alexandria, Va.;
(8) Cape Charles, Va.;
(9) Newport News, Va.;
(10) Norfolk, Va.; and
(11) Reedville, Va.; and

(b) Designate Portsmouth, Va., as a port of documentation.

If the regulations are so amended, the Coast Guard would close the documentation offices listed in paragraph (a), and—

(a) Transfer the documentation records at Alexandria, Va.; Annapolis, Cambridge, and Crisfield, Md.; and Washington, D.C., to the office of the Officer in Charge, Marine Inspection, Customhouse, Baltimore, Md. 21202, and make Baltimore the home port of all vessels now having home ports at the above named ports;

(b) Transfer the documentation records at Cape Charles, Newport News, Norfolk, and Reedville, Va., and Elizabeth City, N.C., to the office of the Officer in Charge, Marine Inspection, Federal Building, Portsmouth, Va. 23705, and make Portsmouth the home port of all vessels now having home ports at the above named ports; and

(c) Transfer the documentation records at Washington, N.C., to the office of the Documentation Officer for Beaufort-Morehead City, U.S. Coast Guard, Post Office Building, Morehead City, N.C. 28557, and make the port of Beaufort-Morehead City the home port of all vessels now having Washington, N.C., as home port.

If the proposals in this document are adopted, all vessels marked with the name of a home port that is proposed to be revoked will be deemed to be properly marked within the meaning of R.S. 4178, as amended (46 U.S.C. 46), and the regulations issued thereunder, for a period of 2 years from the effective date of the adopted rules.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Fifth Coast Guard District, U.S. Coast Guard, Federal Building, 431 Crawford Street, Portsmouth, VA 23705. Each person submitting comment should identify the notice (CGF 72-19), the subject to which the comment is directed, the reason or basis for views expressed, and the name, address, and business firm or organization of the submitter. Each communication received before April 4, 1972, will be considered and evaluated before final action is taken on the proposal. The proposals may be changed in the light of comments received.

At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the office of the Commander, Fifth Coast Guard District. Any data or views presented during such informal conferences must be submitted in writing to the Commander, Fifth Coast Guard District, in accordance with this notice in order that they may become part of the docket. Copies of all written comments received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District, U.S. Coast Guard, Federal Building, 431 Crawford Street, Portsmouth, VA 23705, both before and after the closing date.

The Coast Guard is making this proposal to reduce the cost of vessel documentation without substantial reduction of services to the public.

In consideration of the foregoing, it is proposed to amend Subpart 66.05 of Title 46, Code of Federal Regulations, as follows:

1. By amending § 66.05-1 by revising the list of ports of documentation for the Fifth Coast Guard District to read as follows:

§ 66.05-1 Ports of documentation.

* * * * *

Coast Guard districts	Marine inspection zones	Ports of documentation
* * *	* * *	* * *
Fifth	Portsmouth	Portsmouth, Va.
	Baltimore	Baltimore, Md.
	Wilmington	Beaufort-Morehead City, N.C.
		Wilmington, N.C.
* * *	* * *	* * *

This proposal is made under the authority of sec. 2, 23 Stat. 118, as amended (46 U.S.C. 2), sec. 1, 43 Stat. 947, as amended (46 U.S.C. 18), sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 1655(b)(1)); and 49 CFR 1.46(b).

Dated: January 31, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72-1668 Filed 2-3-72;8:48 am]

[46 CFR Part 193]

[CGFR 72-20]

FIRE MAIN SYSTEM

Notice of Proposed Rule Making

The Coast Guard is considering a revision of its fire main system regulation to provide on all vessels engaged in oceanographic research constant water pressure on the fire main or for remote control of fire pumps, as an alternative to maintenance of constant water pressure as presently required. This alternative is considered to provide equivalent safety to presently required arrangements, and offers greater flexibility to the designer.

Interested persons are invited to submit written views, data, arguments or comments to U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received within 45 days after the date of publication of this notice in the FEDERAL REGISTER will be fully considered before final action is taken on this notice. Each submission should identify the notice (CGFR 72-20) and the section, give reasons for any recommendations, and include the name and address of the commentator. The proposed amendments may be changed in the light of comments received.

Copies of all written communications will be available for examination at U.S. Coast Guard Headquarters, in Room 8234, 400 Seventh Street SW., Washington, DC 20590.

In consideration of the foregoing, it is proposed to amend Part 193 of Chapter I of Title 46 of the Code of Federal Regulations by revising § 193.05-5(b) to read as follows:

§ 193.05-5 Fire main system.

* * * * *

(b) Except as provided for in section 193.10-10(e), water pressure from the fire main shall be immediately available by maintenance of water pressure on the fire main at all times, or by remote control of fire pumps which control shall be easily operable and readily accessible. When remote controls are not installed, an alarm shall be fitted which will sound in a continuously manned space indicating a drop of water pressure on the system.

* * * * *

The amendment is proposed under the authority of 46 U.S.C. 363, 367, 375, 391, 395, 416, 435, 445, 481, 526p; 49 U.S.C. 1655(b); 49 CFR 1.4(b), 1.46(b).

Dated: January 31, 1972.

W. F. REA III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.72-1669 Filed 2-3-72;8:48 am]

FEDERAL AVIATION ADMINISTRATION

[14 CFR Part 71]

[Airspace Docket No. 72-SO-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Covington, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Covington transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Covington Municipal Airport (lat.

33°37'54" N., long. 83°51'07" W.); within 5 miles each side of Rex VORTAC 093° radial, extending from the 6.5-mile-radius area to 34 miles east of the VORTAC.

The proposed designation is required to provide controlled airspace protection for IFR operations at Covington Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Rex, Ga., VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 27, 1972.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.72-1639 Filed 2-3-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-NW-04]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Eugene, Oreg., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangement for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

An amendment to the VOR/DME Runway 34 procedure to the Mahlon-Sweet Airport requires a modification to the Eugene, Oreg., transition area in order to provide additional controlled airspace protection to aircraft executing the procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Eugene, Oreg., transition area is amended as follows:

In line five of the text, delete, "* * * and that airspace southwest of Eugene bounded on the east by a line 4.5 miles east of and parallel to the Eugene VOR TAC 172° radial, on the south by an arc of an 18-mile-radius circle centered on the Eugene VORTAC, on the northwest by a line 2 miles northwest of and parallel to the Eugene VORTAC 224° radial, * * *" and substitute therefor, "* * * and that airspace south of Eugene bounded on the east by a line 4.5 miles east of and parallel to the Eugene VORTAC 172° radial, on the south by an arc of a 21-mile-radius circle centered on the Eugene VORTAC, on the northwest by a line 5 miles northwest of and parallel to the Eugene VORTAC 224° radial; * * *".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on January 28, 1972.

C. B. WALK, Jr.,
Director.

[FR Doc.72-1637 Filed 2-3-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SO-7]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Statesboro, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Statesboro transition area described in § 71.181 (37 F.R. 2143) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Statesboro Municipal Airport (lat. 32°29'25" N., long. 81°44'08" W.); within 3 miles each side of the 120° and 326° bearings from Statesboro RBN (lat. 32°28'50" N., long 81°44'22" W.), extending from the 6.5-mile-radius area to 8.5 miles southeast and northwest of the RBN.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Statesboro Municipal Airport. Since the original designation of controlled airspace at Statesboro, U.S. Army Aviation activities at designated TAC sites in this area have been reduced to the extent that the arc reduction to the southeast and the restriction to departing aircraft utilizing Runway 13 are no longer required. This permits a reduction in the 8.5-mile arc to the northwest to 6.5 miles and an increase in the 5-mile arc to the southeast to 6.5 miles. The extension predicated on the 120° bearing from Statesboro RBN is required to provide controlled airspace protection for the proposed NDB RWY 31 Instrument Approach Procedure.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 27, 1972.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.72-1638 Filed 2-3-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-113]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Vichy, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted

in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A control zone is being designated for the Rolla National Airport, Vichy, Mo., inasmuch as that airport now meets the requirements for such a designation. It is also necessary to alter the Vichy, Mo., transition area to more adequately provide controlled airspace protection for aircraft executing approach procedures at the Rolla National Airport, to comply with criteria when control zones are established and to change that portion of the present transition area south of the Vichy VORTAC from 3,000 feet MSL to 1,200 feet MSL.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is added:

VICHY, MO.

Within a 5-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles each side of the 067° radial of the Vichy VORTAC extending from the 5-mile-radius zone to 6½ miles northeast of the Vichy VORTAC.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

VICHY, MO.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles of each side of the 067° radial of the Vichy VORTAC, extending from 6½ radius area to 8½ miles northeast of the Vichy VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the Vichy VORTAC 067° and 247° radials, extending from 4 miles southwest to 18½ miles northeast of the VORTAC; within 8 miles southeast and 6½ miles northwest of the Vichy VORTAC 062° and 242° radials, extending from 7 miles northeast to 24 miles southwest of the VORTAC; and within the arc of a 22½-mile-radius circle centered on the Vichy VORTAC, extending from the Vichy VORTAC 216° radial clockwise to the Vichy VORTAC 321° radial and that airspace south of Vichy VOR TAC bounded on the northeast by the Vichy 138° radial, southeast by the 052° radial of Maples VORTAC, south by the 086° radial of the Forney AAF VOR, northwest by the Vichy 216° radial.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on January 7, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-1640 Filed 2-3-72;8:46 am]

[14 CFR Part 121]

[Docket No. 9003; Reference Notice 70-18]

PILOT-IN-COMMAND ROUTE AND AIRPORT QUALIFICATION

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 70-18 (35 F.R. 7021) in which the Federal Aviation Administration solicited comments on a proposed amendment to Part 121 of the Federal Aviation Regulations that would have provided new procedures for pilot in command route and airport qualification.

Since the issuance of Notice 70-18, further study has revealed that the regulation should be substantially changed to reflect current qualification needs, capabilities, and technology; consequently, a second notice of proposed rule making would be required.

The FAA wishes to thank those commentators who responded to Notice 70-18, and wants to assure all interested persons that the area of pilot in command route and airport qualification will be carefully examined for the purpose of updating these requirements.

By reason of the foregoing, the FAA has determined that rule making action on the proposed amendment is not appropriate at the present time and that Notice 70-18 should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future nor does it commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (35 F.R. 7021) on May 2, 1970, and circulated as Notice 70-18, entitled "Pilot-in-Command Route and Airport Qualifications," is hereby withdrawn.

This withdrawal is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 28, 1972.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.72-1635 Filed 2-3-72;8:47 am]

DEPARTMENT OF LABOR

Manpower Administration

[20 CFR Part 620]

HOUSING FOR AGRICULTURAL WORKERS

Proposed Revision of Standards

Pursuant to proposed rule making (37 F.R. 743, January 18, 1972), the Occupational Safety and Health Administration of the Department of Labor invited interested persons to submit written comments to the Office of Safety and Health Standards, Room 308, 400 First Street NW., Washington, DC 20210 by February 18, 1972, in order to assist the Assistant Secretary of Labor for Occupational Safety and Health.

(1) In identifying any conflicts existing between the "national concensus standard" which is published in § 1910.142 and the "established Federal standards" which are published in 20 CFR Part 620 as they apply to agricultural employment; and

(2) In adopting under section 6(a) of the Williams-Steiger Occupational Safety and Health Act the standards which assure the greatest protection of safety and health to affected employees.

Notice is hereby given that determinations made pursuant to the above-mentioned rule making will, subject to final publication, be incorporated in the Manpower Administration Standards for Housing for Agricultural Workers as published at 20 CFR Part 620.

Pending a determination pursuant to the above-mentioned proceeding, if an Occupational Safety and Health Administration Compliance Safety and Health Officer has conducted an inspection and has not alleged any violation, such inspected premises shall be considered in compliance with the requirement of 20 CFR Part 620.

Signed at Washington, D.C., this 27th day of January 1972.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary
of Labor for Manpower.

[FR Doc.72-1643 Filed 2-3-72;8:48 am]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

ARKANSAS, CALIFORNIA, MISSISSIPPI, WYOMING

Definitions of Known Geologic Structures of Producing Oil and Gas Fields

Pursuant to 43 CFR 3100.7 notice is hereby given that the known geologic structures of producing oil and gas fields have been defined as follows:

NAMES OF FIELD, EFFECTIVE DATE, ACREAGE

(4) ARKANSAS

Rock Creek, August 6, 1971, 5,164.

(5) CALIFORNIA

Midway, November 29, 1971, 32,927.

(24) MISSISSIPPI

Kirby, September 13, 1971, 273.
Mills Branch, September 14, 1971, 191.
Northeast Freewoods-Zeigler Creek, December 15, 1971, 967.
North Freewoods, October 21, 1971, 984.
Providence, September 15, 1971, 239.
South Providence, September 14, 1971, 627.

(50) WYOMING

Joe Creek, October 7, 1971, 1,103.
Lazy B, October 5, 1971, 1,000.
Springen Ranch, September 13, 1971, 7,172.
Star Corral East, September 14, 1971, 2,408.
Whisler, November 1, 1971, 600.

Maps and diagrams showing the boundaries of the defined structures have been filed with the appropriate land office of the Bureau of Land Management and are also of record in the Geological Survey, Washington, D.C.

Dated: January 31, 1972.

W. A. RADLINSKI,
Acting Director.

[FR Doc.72-1682 Filed 2-3-72;8:49 am]

Bureau of Land Management

LIVESTOCK GRAZING ON PUBLIC LANDS

Schedule of Fees for 1972

Pursuant to the authority vested in the Secretary of the Interior, notice is hereby given of the schedule of fees for the 1972 fee year beginning March 1, 1972, and ending February 28, 1973, for livestock grazing on the public lands.

For the purpose of establishing charges, one animal unit month (AUM) shall be considered equivalent to grazing use by one cow, five sheep, or one horse for 1 month. The charge for one horse is at twice the rate for one cow.

Bills shall be issued in accordance with the rates prescribed in this notice.

INSIDE STATUTORY GRAZING DISTRICTS

Pursuant to Departmental regulations (43 CFR 4115.2-1(k)) as amended January 7, 1972 (32 F.R. 213), fees within districts, except as otherwise provided herein, shall be 66 cents per AUM of which 43 cents is the grazing use fee and 23 cents is the range improvement fee.

Exceptions to the above rates are hereby set as follows for certain LU project lands (national grasslands) in order to continue the basis of fees that has heretofore been established:

Arizona: For the San Simon project (Cienega area) transferred to the Department by E.O. 10322, the fees shall be $1.27 per AUM of which 43 cents is the grazing fee and 84 cents is the range improvement fee.

Colorado: For the Great Divide project transferred to the Department by E.O. 10046, the fees shall be 83 cents per AUM of which 43 cents is the grazing use fee and 40 cents is the range improvement fee.

Montana: For all LU lands within districts transferred to the Department by E.O. 10787, the fees shall be 85 cents per AUM of which 43 cents is the grazing use fee and 42 cents is the range improvement fee.

New Mexico: For the Hope Land project transferred to the Department by E.O. 10787, the fees shall be 76 cents per AUM of which 43 cents is the grazing use fee and 33 cents is the range improvement fee.

OUTSIDE STATUTORY GRAZING DISTRICTS (EXCLUSIVE OF ALASKA)

Pursuant to departmental regulations (43 CFR 4125.1-1(m)), the rate for grazing leases except as otherwise provided herein, shall be 66 cents per AUM of which 25 percent is the range improvement fee.

Exceptions to the above rate are hereby set as follows for certain LU project lands and for all O&C and intermingled public domain lands in western Oregon in order to continue the basis of fees that has heretofore been established:

Montana: For those Milk River Land project lands outside districts transferred to the Department by E.O. 10787, the fee shall be 85 cents per AUM of which 25 percent is the range improvement fee.

Wyoming: For the Northeast Wyoming project transferred to the Department by E.O. 10046 and amended by E.O. 10175, the fee shall be 83 cents per AUM of which 25 percent is the range improvement fee.

Western Oregon: For western Oregon the fee shall be 90 cents per AUM.

W. T. PECORA,
Acting Secretary of the Interior.

JANUARY 28, 1972.

[FR Doc.72-1680 Filed 2-3-72;8:49 am]

Bureau of Reclamation

[INT DES 72-11]

AUTHORIZED PALMETTO BEND PROJECT, TEX.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a draft environmental statement on a proposed water supply project designed to furnish a dependable municipal and industrial water supply in the Gulf coast area near Edna, Tex.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, E&R Center, Technical Services Branch, Building 67, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 234-3007.
Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, TX 79101, Telephone (806) 376-2408.
Austin Development Office, Bureau of Reclamation, Post Office Box 1946, Federal Building, Austin, TX 78767, Telephone (512) 475-5641.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation, Regional Director, or Austin Planning Officer. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: January 26, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-1631 Filed 2-3-72;8:45 am]

[INT DES 72-10]

COLORADO RIVER FRONT WORK AND LEVEE SYSTEM, ARIZ.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed project to prevent the seepage of saline water from the Main Outlet Drain into the ground-water of the South Gila Valley, thereby allowing improvement of the quality of water delivered to Mexico and eliminating the deterioration of the ground water in the South Gila Valley.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, E&R Center, Technical Services Branch, Building 67, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 243-3007.
Office of the Regional Director, Bureau of Reclamation, Post Office Box 427, Boulder City, NV 89005, Telephone (702) 293-8560.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: January 26, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-1630 Filed 2-3-72;8:45 am]

[INT DES 72-12]

PUEBLO DAM AND RESERVOIR FRYINGPAN-ARKANSAS PROJECT, COLO.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for continuing construction of Pueblo Dam and Reservoir, an authorized feature of the Fryingpan-Aranksas Project. This environmental statement concerns construction of the dam and appurtenant facilities. Its principal functions are to provide storage and regulation of municipal, industrial, and agricultural water, flood protection, recreation, fish and wildlife enhancement and sediment reduction. Copies are available from:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Office of the Regional Director, Bureau of Reclamation, Denver, Colo., Building 20, Denver Federal Center, Telephone (303) 234-4441.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation and the Regional Director. In addition copies are available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151, for $3 each. Please refer to the statement number above.

Dated: January 26, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-1632 Filed 2-3-72;8:45 am]

National Park Service

ISLE ROYALE NATIONAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Isle Royale National Park, proposes to issue a concession permit to Sivertson Bros., Duluth, Minn., authorizing them to provide concession facilities and services for the public at Isle Royale National Park for a period of 5 years from January 1, 1972 through December 31, 1976.

The foregoing concessioners have performed their obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, are entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Isle Royale National Park, Post Office Box 27, Houghton, MI 49931, for information as to the requirements of the proposed permit.

Dated: January 7, 1972.

HUGH P. BEATTIE,
Superintendent, Isle Royale National Park.

[FR Doc.72-1641 Filed 2-3-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

IMPORTED SUGAR

Notice of Hearing To Determine Whether or Not the Weighing of Shipments Should Be Permitted Only by Persons Having No Direct Financial Interest

This hearing is being held in order that the Secretary may obtain information to make a determination if necessary pursuant to paragraph (c) of section 403 of the Sugar Act of 1948 as amended on October 14, 1971, which reads as follows:

Whenever the Secretary determines that such action is necessary to protect the interests of the United States, consumers of sugar, or the exporters or importers of sugar, he is authorized to require, in accordance with such rules and regulations as he may prescribe, any or all shipments of imported sugar to be weighed by persons not controlled, directly or indirectly, by any person having a direct financial interest in such sugar.

An informal public hearing on the matter will be held in Room 2096, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, DC, beginning at 10 a.m. on February 29, 1972.

At the hearing all interested parties are invited to give testimony or to submit information relating to the weighing of imported sugar by "independent" and "dependent" weighers as it enters the United States, especially information relating to the accuracy or inaccuracy of final outturn weights on which customs duty and refiners' payments are based. Independent weighers are those weighers of sugar who are not directly or indirectly engaged in the buying or selling of sugar while dependent weighers are those which may be controlled through ownership or otherwise by a buyer or seller of imported foreign raw sugar. The Department also desires information on customary procedures used in weighing imported sugar, as well as types of scales used and frequency and methods used in the testing of scales for accuracy by government officials and others.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)). All such written submissions shall be submitted in triplicate and shall be in documentary form.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than announcement thereof at the hearings by the presiding officers.

Tom O. Murphy, Leo L. Sommerville, Robert R. Stansberry, Jr., Edwin H. Matzen, and Ellsworth R. DeMasters are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on January 31, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-1673 Filed 2-1-72;1:49 pm]

Consumer and Marketing Service

EGG PRODUCTS INSPECTION ACT

Cooperative Agreement With Food and Drug Administration for Administration and Enforcement

The Consumer and Marketing Service—USDA (hereinafter called C&MS) and the Food and Drug Administration (hereinafter called FDA) do hereby agree to the following terms and conditions as stated herein.

Purpose. To establish a cooperative agreement in administering and enforcing the Egg Products Inspection Act (Public Law 91-597).

I. Responsibilities under Egg Products Inspection Act.

A. C&MS shall:

1. Have exclusive jurisdiction in official egg products plants and exempted egg products plants.

2. Have exclusive jurisdiction in checking egg producers, packers, and other firms engaged in marketing eggs, including hatcheries, to determine the disposition of restricted eggs (check, dirty, incubator reject, inedible, leaker, or loss).

3. Have jurisdiction over imported egg products.

B. FDA shall:

Have exclusive jurisdiction over restaurants, institutions, food manufacturing plants, and other similar establishments, that break and serve eggs or use them in their products to determine, among other things, that the eggs used do not contain more restricted eggs than are allowed in U.S. Consumer Grade B.

II. Services to be performed:

A. C&MS shall:

1. Notify FDA whenever it has reason to believe that shell eggs or egg products have been shipped in commerce in violation of the Act to a receiver for which FDA has exclusive jurisdiction.

2. Have primary responsibility for determining that retail stores comply with the Act, with respect to their purchases and sales of shell eggs.

3. Check imported shell eggs for the proper labeling and disposition of restricted eggs, and will notify FDA before release of any lot for domestic commerce.

4. Notify FDA when applications are made to import shell eggs into the United States.

B. FDA shall:

1. Be responsible for exercising the administrative detention authority provided in the Act with respect to shell eggs and egg products located on the premises of establishments for which FDA has jurisdiction.

2. Notify C&MS of violations under item I.B, Responsibilities of FDA, so that USDA can check on the seller of the restricted eggs for a possible violation of the Act. If food manufacturers decide to break eggs below U.S. Consumer Grade B, the egg breaking portion of their operation would require C&MS inspection.

3. Continue to be responsible for standards of identity for egg products.

4. Be responsible for food products containing eggs that are not egg products as defined by the Act except where on an individual basis, C&MS and FDA agree to C&MS responsibility for such food products being produced in an egg product plant.

5. Notify C&MS of any unwholesome egg products it encounters, including imported shell eggs which contain restricted eggs not in accordance with USDA regulations and labeling requirements.

6. Continue to monitor imported shell eggs and domestic shell eggs for the presence of pesticides, etc.

III. Field liaison will be maintained between C&MS and FDA through the C&MS regional offices of Poultry Division (Appendix A, set forth below) and FDA Regional Offices (Appendix B, set forth below).

IV. Name and address of participating agency:

Consumer and Marketing Service—USDA, Washington, D.C.

V. Liaison officers:

A. Mr. Kelvin Keath, Executive Director of Regional Operations, 5600 Fishers Lane, Room 12–72, Rockville, MD 20852, 301–443–1240.

B. Mr. William E. Hauver, Director of Poultry Division, Marketing Services, C&MS, Washington, D.C. 20250, 202–388–4476.

C. Mr. Richard S. Nacewicz, Division of Regulatory Guidance—Bureau of Foods, Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–963–5078.

VI. Period of agreement:

This Agreement when accepted by both parties will run indefinitely. However, this Agreement or any of its specific provisions may be revised or amended only by signature of the parties to the Agreement, their designees, or their respective official successors. Cancellation may be made upon thirty (30) days written notice of either party to the other.

415 556–6488.

VII. Authority:

This Agreement is entered into under the authority of the Economy Act, approved June 30, 1932, as amended, 31 U.S.C. 686.

Approved and accepted for the Food and Drug Administration.

JOHN C. DRAKE,
Acting Assistant Commissioner for Administration.

Dated: December 1, 1971.

Approved and accepted for the Consumer and Marketing Service—USDA.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

Dated: December 9, 1971.

APPENDIX A

CONSUMER AND MARKETING SERVICE REGIONAL OFFICES OF POULTRY DIVISION

Eastern Region

James B. York, Regional Director.
Henry J. Binnix, Assistant Regional Director.
Reba Rosenzweig, Administrative Assistant.
1006 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, PA 19106, Telephone—Area Code 215 597–4554.

States Supervised by Philadelphia Regional Grading Office

Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Maine.
Maryland.
Massachusetts.
New Hampshire.
New Jersey.
New York.
North Carolina.
Pennsylvania.
Puerto Rico.
Rhode Island.
South Carolina.
Vermont.
Virginia.
West Virginia.
Virgin Islands.

East Midwest Region

Dale H. Shearer, Regional Director.
Jack H. Brownlow, Assistant Regional Director.
Majorie Mason, Administrative Assistant.
610 South Canal Street, Room 803, Chicago, IL 60607, Telephone—Area Code 312 353–6226.

States Supervised by Chicago Regional Grading Office

Alabama.
Arkansas.
Illinois.
Indiana.
Kentucky.
Louisiana.
Michigan.
Mississippi.
Ohio.
Tennessee.
Wisconsin.

West Midwest Region

Frank J. Santo, Regional Director.
Donald A. Niebuhr, Assistant Regional Director.
Grace C. Hagedorn, Administrative Assistant.
210 Walnut Street, Room 777, Des Moines, IA 50309, Telephone—Area Code 515 284–4581.

Colorado.
Iowa.
Kansas.
Minnesota.
Missouri.
Nebraska.
New Mexico.
North Dakota.
Oklahoma.
South Dakota.
Texas.

States Supervised by Des Moines Regional Grading Office

Western Region

R. A. Dorsett, Regional Director.
Rodney Voorhees, Assistant Regional Director.
Sue Takahashi, Administrative Assistant.
630 Sansome Street, Room 807, San Francisco, CA 94111, Telephone—Area Code

States Supervised by San Francisco Regional Grading Office

Alaska.
Arizona.
California.
Hawaii.
Idaho.
Montana.
Nevada.
Oregon.
Utah.
Washington.
Wyoming.

APPENDIX B

A. DIRECTORY OF HEW REGIONAL OFFICES

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
J. F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

Region II: New Jersey, New York, Puerto Rico, and Virgin Islands.
Federal Building, 26 Federal Plaza, New York, N.Y. 10017.

Region III: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
401 North Broad Street, Mail: Post Office Box 8796, Philadelphia, PA 19108.

Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Room 404, 50 Seventh Street NE., Atlanta, GA 30323.

Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
Room 712, New Post Office Building, 433 West Van Buren Street, Chicago, IL 60607.

Region VI: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
1114 Commerce Street, Dallas, TX 75202.

Region VII: Iowa, Kansas, Missouri, Nebraska.
601 East 12th Street, Kansas City, MO 64106.

Region VIII: Colorado, Montana, North Dakota, Utah, Wyoming, South Dakota.
9017 Federal Office Building, 19th and Stout Streets, Denver, CO 80202.

Region IX: Arizona, California, Hawaii, Nevada, Guam, American Samoa, Trust Territory of Pacific Islands, Wake Island.
Federal Office Building, 50 Fulton Street, San Francisco, CA 94102.

Region X: Alaska, Idaho, Oregon, Washington.
Arcade Building, 1321 Second Avenue, Seattle, WA 98101.

1.1 FIELD ROSTERS

a. Regional Food and Drug Directors

Region I—Arthur J. Beebe.
Region II—Weems L. Clevenger.
Region III—Theo. C. Maraviglia.
Region IV—Leslie O. McMillin.
Region V—Donald C. Healton.
Region VI—Louis C. Weiss.
Region VII—Lloyd Claiborne.
Region VIII—Fred L. Lofsvold.
Region IX—Irwin B. Berch.
Region X—J. W. Swanson, Acting.

Signed at Washington, D.C., this 31st day of January 1972.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[FR Doc.72–1620 Filed 2–3–72;8:45 am]

Rural Electrification Administration

CENTRAL ELECTRIC POWER COOPERATIVE, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement

in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a reclassification of loan funds requested by the borrower. This reclassification provides for the installation of a 20 mw. gas turbine on Hilton Head Island, S.C.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4322, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Myers at the address given above. Comments must be received within thirty (30) days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 1st day of February 1972.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.72-1690 Filed 2-3-72;8:50 am]

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan to Colorado-Ute Electric Association, Inc., Post Office Box 1149, Montrose, CO 81401. This loan, together with funds from other sources, includes financing for 20 percent (approximately 50 mw.) of a generating unit to be installed in an existing plant in Hayden, Colo.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4322 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 1st day of February 1972.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.72-1688 Filed 2-3-72;8:50 am]

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan to Colorado-Ute Electric Association, Inc., Post Office Box 1149, Montrose, CO 81401. This loan includes financing for approximately seventy (70) miles of 230 kv. transmission line between the Hayden substation and Wolcott, Colo., and approximately twenty (20) miles of 115 kv. transmission line between Wolcott and Vail, Colo.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4322 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 1st day of February 1972.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.72-1689 Filed 2-3-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-343; NDA 6-653]

BREON LABORATORIES, INC.

p-Nitrosulfathiazole for Rectal Use; Notice of Withdrawal of Approval of New Drug Application

On July 23, 1971, there was published in the FEDERAL REGISTER (36 F.R. 13695) a notice of opportunity for hearing (DESI 6653) 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 new drug application No. 6-653, Nisulfazole (p-nitrosulfathiazole) Suspension; Breon Laboratories, Inc., subsidiary of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, on the grounds that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In response to that notice Breon Laboratories, by letter dated July 27, 1971, voluntarily requested withdrawal of the NDA, and thereby waived opportunity for a hearing, stating that the product is no longer marketed.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that Nisulfazole Suspension will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing findings, approval of the above new drug application, and all amendments and supplements thereto, is withdrawn effective on the date of publication of this document.

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1685 Filed 2-3-72;8:50 am]

[Docket No. FDC-D-413; NDA No. 7-663]

GLENWOOD LABORATORIES

Potassium Aminobenzoate Oral Preparations; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 7663) published in the FEDERAL REGISTER of August 28, 1970

(35 F.R. 13755) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below, stating that the drug is regarded as possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided.

NDA 7-673; Potaba Capsules, Envules, Powder, and Tablets containing potassium aminobenzoate; Glenwood Laboratories, Inc., 83 Summit Street, Tenafly, N.J. 07670.

Therefore, notice is given to Glenwood Laboratories and to any interested person who may be adversely affected, that the Commissioner proposes 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 listed new drug application and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug application should not be withdrawn. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of an opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970.)

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1686 Filed 2-3-72;8:50 am]

[DESI 8021; Docket No. FDC-D-411; NDA's 8-021, 8-895]

SCHERING CORP.

Certain Drugs Containing Meparfynol; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 8021) published in the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13604), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Dormison (meparfynol) Capsules; Schering Corp., 1011 Morris Avenue, Union, New Jersey 07083 (NDA's 8-021 and 8-895). The notice stated that the drug is regarded as possibly effective for the labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided.

Therefore, notice is given to Schering Corp. and to any interested person who may be adversely affected, that the Commissioner proposes 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 new drug applications Nos. 8-021 and 8-895 and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis

of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1683 Filed 2-3-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 72-21]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from September 24, 1970 to December 23, 1971 (List No. 35–71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFERAFTS FOR MERCHANT VESSELS

The Frank Morrison & Son Co., 1330 West 11th Street, Cleveland, OH 44113, Approval No. 160.018/5/1 expired and was terminated effective December 13, 1971.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, Approval No. 160.033/59/0 expired and was terminated effective November 23, 1971.

LIFEBOATS

The Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, NY 11231, Approval No. 160.035/89/3 expired and was terminated effective December 4, 1971.

The Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, Approval No. 160.035/320/1 expired and was terminated effective December 22, 1971.

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, Approval No. 160.035/331/2 expired and was terminated effective October 4, 1971.

The Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, Approval Nos. 160.035/338/1 and 160.035/444/0 expired and were terminated effective September 24, 1970.

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, Approval No. 160.035/440/0 expired and was terminated effective December 23, 1971.

The Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, Approval No. 160.035/449/0 expired and was terminated effective December 8, 1971.

Dated: February 1, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-1670 Filed 2-3-72;8:48 am]

[CGFR 72-22]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 9, 1971, to December 22, 1971 (List No. 36–71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/1/0, Type A Sea Anchor, U.S.C.G. Drawing No. MMI–562 and Specification, dated November 1, 1943, revised August 24, 1944, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective December 13, 1971. (It is an extension of Approval No. 160.-019/1/0 dated February 17, 1967.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/60/3, Rottmer type releasing gear, approved for a maximum working load of 15,000 pounds per hook, identified by Disengaging Apparatus dwg. No. 9090–111 Rev. C dated October 27, 1971, manufactured by Whittaker Corp., 5159 Baltimore Drive, La Mesa, CA 92042, effective December 9, 1971. (It supersedes Approval No. 160.-033/60/2 dated August 12, 1971, to show change in construction.)

LIFEBOATS

Approval No. 160.035/288/2, 26.0′ x 9.0′ x 3.83′ steel, oar-propelled lifeboat, 53-person capacity, identified by general arrangement dwg. No. 26–001–04, Rev. C dated December 14, 1971, 46 CFR 160.-035–13(c) Marking. Weights: Condition "A"=3,800 pounds; Condition "B"=13,-649 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective December 14, 1971. (It reinstates and supersedes Approval No. 160.035/288/1 terminated July 3, 1968.)

KITS, FIRST-AID, FOR MERCHANT VESSELS

Approval No. 160.041/1/0, First-Aid Kit, Model M 2, dwg. No. 99, dated July 1, 1951, manufactured by E. D. Bullard, 2680 Bridgeway, Sausalito, CA 94965, effective December 13, 1971. (It is an extension of Approval No. 160.041/1/0 dated February 27, 1967.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

NOTE: For Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire.

Approval No. 160.047/544/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047 and COMDT(MMT–3) letter, file number 5946/160.047/gen, dated December 15, 1971, to Buddy Schoellkopf Products, Inc., manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, TX 75207, effective December 15, 1971. (It supersedes Approval No. 160.047/544/0 dated January 29, 1968 to show change in description.)

Approval No. 160.047/545/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047 and COMDT(MMT–3) letter file number 5946/160.047/gen, dated December 15, 1971, to Buddy Schoellkopf Products, Inc., manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas TX 75207, effective December 15, 1971. (It supersedes Approval No. 160.047/545/0 dated January 29, 1968 to show change in description.)

Approval No. 160.047/546/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.047 and COMDT(MMT–3) letter, file number 5946/160.047/gen, dated December 15, 1971, to Buddy Schoellkopf Products, Inc., manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, TX 75207, effective December 15, 1971. (It supersedes Approval No. 160.047/546/0 dated January 29, 1968 to show change in description.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire.

Approval No. 160.052/340/0, Type II, Model BVA, adult vinyl-dip coated unicellular plastic foam buoyant vest, Dwg. No. 1001, Rev. 1 dated December 23, 1966, manufactured by Texas Water Crafters, Post Office Drawer 539, Wichita Falls, TX 76307, effective December 10, 1971. (It is an extension of Approval No. 160.052/340/0 dated February 3, 1967.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/66/0, Type IB, Model 63, adult, cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055–IB (sheets 1 and 2), manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, effective December 10, 1971. (It is an extension of Approval No. 160.055/66/0 dated February 3, 1967.)

Approval No. 160.055/67/0, Type IB, Model 67, child, cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055–IB (sheets 3 and 4), manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, effective December 10, 1971. (It is an extension of Approval No. 160.055/67/0 dated February 3, 1967.)

FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/11/2, Audible and visual supervised photoelectric optical smoke detection system, Model ESDS–2, one through 70 lines on main cabinet with wheelhouse annunciator, normally furnished with three supervised alarm bells, with provision for addition of a fourth supervised alarm bell, manufactured by Norris Industries, Fire & Safety Equipment Division, Post Office Box 2750, Newark, NJ 07114, effective December 22, 1971. (This aproval supersedes Approval No. 161.002/11/1 dated June 19, 1970. Drawings approved under 161.002/11/0 and 161.002/11/1 remain approved.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/279/0, Style HC–MS–75 carbon steel body pop safety valve nozzle type, exposed spring fitted with cover 2,000 p.s.i. primary service pressure rating and 675° F. maximum temperature with standard inlet flange or optional inlet flange, dwg. No. HV–53–MS issued January 6, 1967, approved for sizes 1½", 2", 2½" and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective December 17, 1971. (It is an extension of Approval No. 162.001/279/0 dated February 24, 1967.)

Approval No. 162.001/280/0, Style HC–MS–76 carbon steel body pop safety valve nozzle type, exposed spring fitted with cover 2,000 p.s.i. primary service pressure rating and 750° F. maximum temperature with standard inlet flange or optional inlet flange, dwg. No. HV–53–MS issued January 6, 1967, approved for sizes 1½", 2", 2½" and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective December 17, 1971. (It is an extension of Approval No. 162.001/280/0 dated February 24, 1967.)

Approval No. 162.001/281/0, Style HCA–MS–77 alloy steel body pop safety valve nozzle type, exposed spring fitted with cover 2,000 p.s.i. primary service pressure rating and 900° F. maximum temperature with standard inlet flange; 1,750 p.s.i. primary service pressure rating and 900° F. maximum temperature with optional inlet flange, dwg. No. HV–52–MS issued January 5, 1967, approved for sizes 1½", 2", 2½" and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective December 17, 1971. (It is an extension of Approval No. 162.001/281/0 dated February 24, 1967.)

Approval No. 162.001/282/0, Style HCA–MS–78 alloy steel body pop safety valve nozzle type, exposed spring fitted with cover 1,655 p.s.i. primary service pressure rating and 1050° F. maximum pressure with standard inlet flange; 995 p.s.i. primary service pressure rating and 1050° F. maximum temperature with optional inlet flange, dwg. No. HV–52–MS issued January 5, 1967, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective December 17, 1971. (It is an extension of Approval No. 162.001/282/0 dated February 24, 1967.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/12/1, Marinite-36, asbestos incombustible binder board type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG3619–23; FR1274 dated March 21, 1939; approved as meeting Class B–15 requirements in a ¾-inch thickness, formerly J–M Marinite, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective December 15, 1971. (It is an extension of Approval No. 164.008/12/1 dated February 24, 1967.)

Approval No. 164.008/13/1, Marinite-30 asbestos incombustible binder board type bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 146 dated November 15, 1946; approved as meeting Class B–15 requirements in a ¾-inch thickness, formerly J–M Light Weight Marinite, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective December 15, 1971. (It is an extension of Approval No. 164.008/13/1 dated February 24, 1967.)

Approval No. 164.008/14/1, Marinite-65, asbestos incombustible binder board type bulkhead panel identical to that described in Johns-Manville letter of March 6, 1947; approved as meeting Class B–15 requirements in a ¾-inch thickness, formerly J–M Marine Sheathing, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective December 15, 1971. (It is an extension of Approval No. 164.008/14/1 dated February 24, 1967.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/43/0, "Thermobestos" asbestos-hydrous calcium silicate type pipe and block insulation identical to that described in Commandant, U.S. Coast Guard letter dated April 9, 1957, file 164.009/43, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective December 15, 1971. (It is an extension of Approval No. 164.009/43/0 dated February 24, 1967.)

INTERIOR FINISHES FOR MERCHANT VESSELS

Approval No. 164.012/1/0, "NEVAMAR" laminated plastic interior finish, Type FP–1, 1/16" identical to that described in Enjay Fibers & Laminates Co. letter dated October 14, 1971 and Underwriters' Laboratories Reference R–4642, 71NK2184 issued April 7, 1971, bonded with Koppers Penacolite G1124 adhesive in accordance with instructions accompanying the adhesive, manufactured by Enjay Fibers & Laminates Co., a division

of Enjay Chemical Co., Odenton, Md. 21113, effective December 21, 1971.

Dated: February 1, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-1671 Filed 2-3-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 581]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 31, 1972.

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 list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 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 cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below 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] BEN F. WAPLE,
Secretary.

[1] All applications listed below 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 cutoff rules apply to those applications listed below 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

4376-C2-ML-72—Salinas Valley Radio Telephone Co. (KMA837), modification of license to delete base facilities operating on 152.03 and 152.06 MHz at Location No. 3: 4095 Sun Ridge Road, Pebble Beach, CA.

4582-C2-P-72—Credit Bureau of Decatur, Inc. (New), for a new one-way station to be located at 1616 North State, Alton, IL, to operate on 43.58 MHz.

4585-C2-P-(4)-72—Miami Valley Radiotelephone (KQK592), for additional facilities to operate on 454.200 and 454.300 MHz at Location No. 2: 1775 Old Oxford Road, near Hamilton, Ohio, and add 454.025 and 454.125 MHz at Location No. 3: Cox Road and State Route No. 42, Pisgah, OH.

4587-C2-P-72—Norman County Telephone Co. (New), for a new two-way station to be located at 1.2 miles west of Highway No. 9, 3.7 miles south of Ada, Minn., to operate at 152.51 MHz.

4588-C2-P-72—Rural Telephone Service Co., Inc. (KAF641), change the antenna system operating on 152.81 MHz located south of Lenora, Kans.

4589-C2-P-72—Susquehanna Mobile Communications, Inc. (KGC599), replace the base transmitter operating on 152.03 MHz located on Blue Mountain at the WHP-TV site, near Harrisburg, Pa.

4590-C2-P-(2)-72—Ellensburg Telephone Co. (KON907), for additional facilities to operate on 152.60 MHz; replace transmitter operating on 152.57 MHz and change the antenna system at 1203 East Eighth Avenue, Ellensburg, WA.

4626-C2-AL-72—L. H. Smith, involuntary consent to assignment from Anna H. Smith, as Executrix of the Estate of Lawrence H. Smith, deceased, Assignor, to Anna H. Smith, Executrix of the Estate of Lawrence H. Smith, Assignee. Station: KEA855, Manorville, N.Y.

4636-C2-AL-(2)-72—Tel-Illinois Eastern, Inc., consent to assignment of license from Tel-Illinois Eastern, Inc., Assignor, to Tel-Illinois, Inc., Assignee. Stations: KSJ627 (2-way) and KSJ811 (one-way), Champaign, Ill.

4637-C2-P-(2)-72—Navajo Communications Co., Inc. (New), for a new two-way station to be located at Preston Mesa, 15 miles northwest of Tuba City, Ariz., to operate on 152.570 and 152.780 MHz.

4660-C2-P-72—Telegraph-Herald, Inc. (New), for a new one-way station to be located on Highway No. 35, 1.6 miles north of Kieler, Wis., to operate on 152.24 MHz.

4661-C2-P-72—United Telephone Co. of Kansas, Inc. (New), for a new two-way station to be located at 114 North Seventh Street, Hiawatha, KS, to operate on 152.51 MHz.

Major Amendment

2045-C2-P-71—Philadelphia Mobile Telephone Co. (KGI775), change base frequency to 545.075 MHz. See Public Notice dated Oct. 19, 1970, Report No. 514.

186-C2-P-72—Lett Electronics, Inc. (KEK275), change base frequency to 152.12 MHz, replace transmitter and change the antenna system. See Public Notice dated July 26, 1971 and Sept. 27, 1971.

Correction

4402-C2-P-72—Mahaffey Message Relay (KDT223), correct to read: For a new two-way station to be located at 1.7 miles southeast of Collierville, Tenn., to operate on 152.030 MHz.

RURAL RADIO SERVICE

4586-C1-P/L-72—Mountain States Telephone & Telegraph Co. (New), for a new rural subscriber station to be located at 7.2 miles southwest of Meeteetse, Wyo., to operate on 158.04 MHz communicating with Station KOE512, Cody, Wyo.

4638-C1-P-72—Mountain States Telephone & Telegraph Co. (KPV99), replace transmitter operating on 157.77 MHz communicating with Station KOE511, Tensleep, Wyo. Subscriber and location: Federal Aviation Agency, Medicine Mountain, 23.8 miles east of Lovell, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3171-C1-R-72—General Telephone Co. of California (KZI31), renewal of Developmental license expiring Mar. 1, 1971. Term: Mar. 1, 1971 to Mar. 1, 1972.

4561-C1-P-72—RCA Alaska Communications, Inc. (WGF63), 12 miles north-northeast of Kenai, Alaska. C.P. to change antenna height and add frequencies 2121.8H MHz toward Anna Platform and 2114.6H MHz toward Baker Platform, Alaska.

4562-C1-P-72—RCA Alaska Communications, Inc. (New), 29 miles north of Kenai, Alaska. C.P. for a new station at latitude 60°58'37" N., longitude 151°18'46" W., on frequency 2171.8 MHz toward Nikishka, Alaska.

4563-C1-P-72—RCA Alaska Communications, Inc. (New), 18.5 miles north-northeast of Kenai, Alaska, at latitude 60°49'55" N., longitude 151°29'00" W., on frequency 2164.6H MHz toward Nikishka, Alaska.

The following seven construction permits were filed by American Telephone & Telegraph Co. They request one additional pair of Western Electric Co. Type TD-2 radio relay channels between Jackie Jones Mountain, N.Y., and Montville, Conn., and one additional pair of Type TD-2/TD-3 channels between Montville and Greenhill, R.I.

4570-C1-P-72—Stony Point, N.Y. (KEA63), frequency 3710V MHz toward White Plains, N.Y.

4571-C1-P-72—White Plains, N.Y. (KED51), frequency 3750V MHz toward Plainview, N.Y.

4572-C1-P-72—Melville, N.Y. (KEB47), frequencies 3730H MHz toward White Plains, N.Y., and 3870H MHz toward Shirley, N.Y.

4573-C1-P-72—Shirley, N.Y. (KEE50), frequencies 3910H MHz toward Plainview, N.Y., and Noyack, N.Y.

4574-C1-P-72—Noyack, N.Y. (KEE51), frequency 3870H MHz toward Shirley, N.Y., and Montville, Conn.

4575-C1-P-72—Montville, Conn. (KCJ80), frequency 3910H MHz toward Noyack, N.Y., and Green Hill, R.I.

4576–C1–P–72—Charlestown, R.I. (KOC34), frequency 3870H MHz toward Montville, Conn.

4577–C1–P–72—The Pacific Telephone & Telegraph Co. (KMN30), 345 North San Joaquin Street, Stockton, CA. C.P. to add frequencies 4090V MHz and 4170V MHz toward Lodi, Calif.

4578–C1–P–72—The Pacific Telephone & Telegraph Co. (KNL75), 1.2 miles west-northwest of Lodi, Calif. C.P. to add frequencies 4050V and 4130V MHz toward Stockton, Calif.

4579–C1–P–72—The New England Telephone & Telegraph Co. (KCL57), 234 Washington Street, Providence, RI. C.P. to add frequency 11,175V MHz toward Providence, R.I. (WSBE–TV).

4580–C1–ML–72—American Telephone & Telegraph Co. (KEA49), Albany, N.Y. Modification of license to change polarization from vertical on horizontal on frequencies 3730H, 3810H, 3890H, 3970H, and 4050 H MHz toward Kinderhook, N.Y.

4581–C1–ML–72—American Telephone & Telegraph Co. (KEG61), Kinderhook, N.Y. Modification of license to change polarization from vertical to horizontal on frequencies 3770H, 3850H, 3930H, 4010H, 4090H, and 4170H MHz toward Albany, N.Y.

4584–C1–P–72—American Telephone & Telegraph Co. (KIJ94), 4.5 miles south of Batesville, Va. C.P. to add frequency 11,385V MHz toward Bucks Elbow, Va.

4602–C1–P–72—New Jersey Bell Telephone Co. (New), C.P. for a new station to be located at 2 Federal Hill Road, Pompton Lakes, NJ. Latitude 41°00′41″ N., longitude 74°18′04″ W., frequency 11,035V MHz toward Paterson West, N.J.

4603–C1–P–72—New Jersey Bell Telephone Co. (KEK95), Paterson-Hamburg Turnpike west of Bennell Avenue, Wayne Township, N.J. C.P. to change antenna and replace transmitter operating on frequency 11,485V MHz toward Pompton Lakes, N.J., and add 11,285V MHz toward Mine Hill, N.J.

4608–C1–P–72—American Telephone & Telegraph Co. (KRS93), 5 miles east-southeast of Dahlonega, Ga., C.P. to add frequency 3870H MHz toward Sawnee Mountain, Ga., on azimuth 218°01′.

4609–C1–P–72—American Telephone & Telegraph Co. (KID64), 2 miles northwest of Cumming, Ga. C.P. to add frequency 3910H MHz toward Dahlonega, Ga., on azimuth 37°52′.

4610–C1–P–72—American Telephone & Telegraph Co. (KCD30), 0.4 mile west of Peru, Mass. C.P. to add frequency 4130V MHz toward Granville, Mass., on azimuth 164°46′.

4611–C1–P–72—American Telephone & Telegraph Co. (KCE33), 2.8 miles northwest of Granville, Mass. C.P. to add frequencies 4170V MHz toward Peru, Mass., on azimuth 344°53′ and 4K110V MHz toward Springfield, Mass., on azimuth 85°52′.

4612–C1–P–72—American Telephone & Telegraph Co. (KCE34), 295 Worthington Street, Springfield, MA. C.P. to add frequency 4150V MHz toward Granville, Mass., on azimuth 266°06′.

4613–C1–P–72—The Western Union Telegraph Co. (KQG35), Carew Tower, Fifth and Vine Streets, Cincinnati, OH. C.P. to replace transmitters operating on frequencies 5945.2V and 6063.8V MHz toward Belleview, Ky.

4614–C1–P–72—The Western Union Telegraph Co. (KJJ52), 2.5 miles northeast of Grant, Ky. C.P. to replace transmitters operating on frequencies 6226.9V and 6345.5V MHz toward Cincinnati, Ohio, and 6256.5V and 6375.2V MHz toward Wheatley, Ky.

4615–C1–P–72—The Western Union Telegraph Co. (KJJ24), 1.5 miles west of New Liberty, Wheatley, Ky. C.P. to replace transmitters operating on frequencies 6034.2V and 6152.8V MHz toward Belleview, Ky.

4616–C1–P–72—The Western Union Telegraph Co. (New), 1.3 miles southwest of El Granada, Point Pillar, Calif. Latitude 37°29′52″ N., longitude 122°29′51″ W. C.P. to add frequency 6123.1V MHz toward Scarper Peak, Calif.

4617–C1–P–72—The Western Union Telegraph Co. (New), 3 miles northeast of El Granada, Scarper Peak, Calif. C.P. for a new station on latitude 37°31′45″ N., longitude 122°25′35″ W. Frequency 6375.2V MHz toward Pine Ridge, Calif.

4618–C1–P–72—The Western Union Telegraph Co. (KNK49), 6 miles south of Mount Hamilton, Calif. C.P. to add frequency 6123.1V MHz toward Hollister, Calif.

4619–C1–P–72—The Western Union Telegraph Co. (KNG47), 10.9 miles east-northeast of Hollister, Calif. C.P. to add frequency 6404.8V MHz toward Call Mountain, Calif.

4620–C1–P–72—The Western Union Telegraph Co. (KNG46), 8.3 miles west of Llamada, Calif. C.P. to add frequency 6152.8V MHz toward San Benito, Calif.

4621–C1–P–72—The Western Union Telegraph Co. (KNG45), 3.8 miles south-southeast of Idria, San Benito, Calif. C.P. to add frequency 6404.8V MHz toward Table Mountain, Calif.

4622–C1–P–72—The Western Union Telegraph Co. (KNE80), 3.4 miles northeast of Parkfield, Table Mountain, Calif. C.P. to add frequency 6152.8V MHz toward Cedar Canyon Park, Calif.

4623–C1–P–72—The Western Union Telegraph Co. (KNE79), 23.5 miles southeast of Shandon, Cedar Canyon Peak, Calif. C.P. to add frequency 6404.8V MHz toward Plowshare Peak, Calif.

4624–C1–P–72—The Western Union Telegraph Co. (KNE78), 23 miles east-northeast of Santa Maria, Plowshare Peak, Calif. C.P. to add frequency 6123.1V MHz toward Vandenberg AFB, Calif.

4625–C1–P–72—The Western Union Telegraph Co. (KNE77), Vandenberg AFB, Calif. C.P. to add frequency 6375.2V MHz toward Vandenberg, Calif.

4627–C1–P–72—American Telephone & Telegraph Co. (KAH84), 1010 Pine Street, St. Louis, MO. C.P. to add frequency 4070V MHz toward Hillsboro, Mo.

4628–C1–P–72—American Telephone & Telegraph Co. (New), 3.5 miles north of Plano, Ill. Latitude 41°42′20″ N., longitude 88°30′27″ W. C.P. for a station to add frequencies 3730V, 3810V, 3390V, and 3970V MHz toward Bartlett, Ill.

4629–C1–P–72—American Telephone & Telegraph Co. (New), 2.4 miles southwest of Bartlett, Ill. Latitude 41°58′24″ N., longitude 88°13′25″ W. C.P. for a new station to add frequencies 3770V, 3850V, 3930V, and 4010V MHz toward Plano, Ill., and 3770H, 3850H, 3930H, and 4010H MHz toward Northbrook, Ill.

4630–C1–P–72—American Telephone & Telegraph Co. (New), 2305 Sanders Road, Northbrook, IL. Latitude 42°06′44″ N., longitude 87°52′16″ W. C.P. for a new station to add frequencies 3730H, 3810H, 3890H, and 3970H MHz toward Bartlett, Ill. and 10,795V and 11,035V MHz toward Morton Grove, Ill.

4631–C1–P–72—American Telephone & Telegraph Co. (KSO56), on Naraganset Street, 525 feet south of Main Street, Morton Grove, Ill. C.P. to add frequencies 11,285H and 11,525H MHz toward Northbrook, Ill., and 11,285V and 11,525V MHz toward Chicago 6, Ill.

4632–C1–P–72—American Telephone & Telegraph Co. (KOC26), 10 South Canal Street, Chicago, IL. C.P. to add frequencies 10,795H, and 11,035 H MHz toward Morton Grove, Ill.

4633–C1–ML–72—American Telephone & Telegraph Co. (KGO86), 0.6 mile north of Mount Nebo, Pa. Modification of license to change polarization from V to H on frequencies 3750H, 3830H, and 4150H MHz toward Pittsburgh, Pa., and change H to V on frequencies 3770V, 3850V, 3930V, 4010V, 4090V, and 4170V MHz toward Pittsburgh, Pa.

4634–C1–P–72—American Telephone & Telegraph Co. (KGH97), 416 Seventh Avenue, Pittsburgh, Pa. Modification of license to change polarization from V to H on frequencies 3710H and 4110H MHz toward Mount Nebo, Pa., and frequencies H to V, 3730V, 3810V, 3890V, 3970V, 4050V, and 4130V MHz toward Mount Nebo, Pa.

4640–C1–P–72—The Chesapeake & Potomac Telephone Co. of Virginia (KZS66), 1 mile west of Fort Defiance, Va. C.P. to add frequency 6145.3H MHz toward Harrisonburg, Va. (WVPT–TV).

4641–C1–P–72—The Chesapeake & Potomac Telephone Co. of Virginia (KIB23), 3.3 miles northwest of Crozet, Va. C.P. to add frequency 6412.2V MHz toward Fort Defiance, Va.

4642–C1–P–72—General Telephone Co. of Wisconsin (New), 3.4 miles east of the junction of STH and CTH J on the north side of CTH J. Latitude 45°53′19″ N., longitude 89°-36′34″ W. C.P. for a new station to add 11,245V and 11,565V MHz toward Minocqua, Wis.

4643–C1–P–72—General Telephone Co. of Wisconsin (New), on west side of U.S. Highway 51 approximately 800 feet north of junction STH 70 and U.S. Highway 51. Latitude 45°53′23″ N., longitude 89°42′11″ W. C.P. for a new station to add frequencies 10,795.0V and 11,035.0V MHz toward Clear Lake, Wis.

4646–C1–P–72—American Television & Communications Corp. (New), C.P. for a new station 2.5 miles east-northeast of Wilmer, La., at latitude 30°49′34″ N., longitude 90°19′37″ W. Frequency 6152.8V MHz on azimuth 347°05′.

4647–C1–P–72—American Television & Communications Corp. (New), C.P. for a new station in McComb, Miss., at latitude 31°14′59″ N., longitude 90°26′24″ W. Frequency 6226.9V MHz on azimuth 358°44′.

4648–C1–P–72—American Television & Communications Corp. (New), C.P. for a new station at Brookhaven, Miss., at latitude 31°33′42″ N., longitude 80°26′53″ W. Frequency 6152.8H MHz on azimuth 1°18′.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4649-C1-P-72—American Television & Communications Corp. (New), C.P. for a new station 5 miles west of Crystal Springs, Miss., at latitude 31°59'10" N., longitude 90°26'12" W. Frequency 6226.9H MHz on azimuth 31°52'. Applicant proposes to provide the television signal of Station WWOM-TV of New Orleans, La., to Capitol Cablevision, Inc., in Jackson, Miss., and to McComb Cablevision, Inc., in McComb, Miss.

2469-C1-ML-72—Microwave Transmission Corp. (KPR32), Ravens Roost Mountain, 15 miles south-southeast of Lester, Wash. Modifications of license at Ravens Roost Mountain, Wash., to derive, via audio subcarrier, one audio program channel for transmission.

2470-C1-ML-72—Microwave Transmission Corp. (KPR33), Mission Ridge, 11 miles south-southwest of Wenatchee, Wash. Modification of license at Mission Ridge, Wash., to deliver, via audio subcarrier, one audio program channel for FM broadcast service to Wenatchee, Wash.

[FR Doc.72-1606 Filed 2-3-72;8:45 am]

[Docket No. 19267]

WESTERN UNION TELEGRAPH CO.

Order Extending Time

In regard application of The Western Union Telegraph Co., New York, NY, Docket No. 19267, File No. TD-17972, consolidation of 22 public telegraph offices into single public message center.

1. The Chief, Common Carrier Bureau, has before him for consideration a motion for extension of time for the filing of proposed findings and briefs in support of proposed findings and responses to the aforementioned documents in Docket No. 19267, filed by Western Union International, Inc. (WUI) on January 26, 1972, and an Opposition to the motion for extension of time filed by the Western Union Telegraph Co. (Western Union) on January 28, 1972.

2. Pursuant to the direction of the Commission in the ultimate paragraph of the memorandum opinion and order herein (FCC 71-651), released June 23, 1971, the Presiding Officer in this proceeding certified the hearing record in Docket 19267 to the Commission for its consideration. The ultimate paragraph of the memorandum opinion and order herein (FCC 71-651) also directed that the Chief of Common Carrier Bureau issue a recommended decision in this matter. Thus, it appears that said motions are properly before the Chief, Common Carrier Bureau, for action.

3. In view of the reasons given by WUI their request to extend the date of filing of proposed findings and briefs in support of proposed findings from February 1, 1972 to February 8, 1972, and responses to the above mentioned documents from February 23, 1972 to March 1, 1972, does not appear unreasonable. While we agree with Western Union that the public interest would best be served by a prompt disposition of these proceedings, we do not believe that the extension requested by WUI will cause such an excessive delay as to be detrimental to the public interest. Moreover, we do not believe that it would be reasonable to grant WUI's request for an extension of time for filing proposed findings and briefs in support of those findings and not grant their request for an extension of time for filing replys to the above mentioned documents, as Western Union has also requested.

4. *Accordingly, it is ordered,* That the time for filing proposed findings and briefs in support of proposed findings in Docket No. 19267 is extended from February 1, 1972 to February 8, 1972. In addition, the time for filing responses to the above-mentioned documents in Docket No. 19267 is extended from February 23, 1972 to March 1, 1972. Western Union's opposition to the motion for extension of time is denied.

Adopted: January 31, 1972.

Released: January 31, 1972.

[SEAL] CHARLES COWAN,
Acting Chief,
Common Carrier Bureau.

[FR Doc.72-1691 Filed 2-3-72;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-87]

WESTINGHOUSE ELECTRIC CORP.

License Termination Order

The Atomic Energy Commission (the Commission) has found that the Westinghouse Electric Corp.'s (WEC) Critical Experiment Station (CES) Facility located at Waltz Mill, Pa., has been dismantled and decontaminated, and that satisfactory disposition has been made of the component parts, fuel and other special nuclear material (pursuant to the Commission's order dated February 12, 1971), in accordance with the Commission's regulations 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. Therefore, pursuant to the application by WEC dated December 18, 1970, as supplemented September 15, 1971, and Commission regulations, Facility License No. CX-11 is hereby terminated as of the date of this order.

Dated at Bethesda, Md., this 26th day of January 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-1645 Filed 2-3-72;8:46 am]

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY, CITY OF NEW YORK

Notice of Reconvened Proceeding

Notice is hereby given that the appellate proceeding in the above captioned matter will reconvene at 10 a.m. on February 15, 1972, at Room 2008, Federal Office Building No. 7,726, Jackson Place NW. (enter on 17th Street), Washington, D.C. 20503. This proceeding is held for the purpose of permitting cross examination of the parties' witnesses on their rebuttal testimony in accordance with the Appeal Board's Memoranda and Orders dated January 5 and January 31, 1972.

Dated January 31, 1972 at Washington, D.C.

By the Atomic Safety and Licensing Appeal Board.

WILLIAM L. WOODARD,
Executive Secretary.

[FR Doc.72-1646 Filed 2-3-72;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23785; Order 72-2-3]

ALL UNITED STATES AND FOREIGN AIR CARRIERS

Order Regarding Stabilization of Fares, Rates, and Charges for Passengers and Property

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of February 1972.

Order 71-11-97, dated November 24, 1971, set forth certain requirements with respect to price stabilization matters to be included in tariff transmittals. By ER-723, dated February 1, 1972, the Board has adopted an amendment to its tariff regulations to reflect recent changes in the Price Commission's regulations. Since ER-723 supersedes our previous order on this subject, the latter should be vacated.

Accordingly, it is ordered, That order 71-11-97 be, and it hereby is, vacated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1726 Filed 2-3-72;8:51 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 192]

T. J. HANSON, INC.

Order of Revocation

On December 31, 1971, T. J. Hanson, Inc., Post Office Box 587, Beaumont, TX

77704 voluntarily surrendered its FMC License No. 192.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated September 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 192 of T. J. Hanson, Inc., be and is hereby revoked effective December 31, 1971, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon T. J. Hanson, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.72-1693 Filed 2-3-72;8:51 am]

[Independent Ocean Freight Forwarder License 551]

LANG & MARSHALL CO., INC.

Order of Revocation

By letter of January 14, 1972, Mr Stephen Marshall, Attorney, Rubin Wachtel Baum & Levin, 598 Madison Avenue, New York, NY 10022, returned FMC License No. 551 of Lang & Marshall Co., Inc., for voluntary revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License No. 551 of Lang & Marshall Co., Inc., be and is hereby revoked effective January 14, 1972, without prejudice to reapply for a license at a later date.

It is further ordered, That copy of this order be published in the FEDERAL REGISTER and served upon Mr. Stephen Marshall, Attorney for Lang & Marshall Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.72-1696 Filed 2-3-72;8:51 am]

PORT OF OAKLAND AND SEA-LAND SERVICE, INC.

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, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. 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:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-2270-1, between the Port of Oakland (Port) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement which provides for the 4-year lease of certain premises at Oakland, Calif., which Sea-Land will use for establishing and maintaining general offices and a truck and rail terminal. The purpose of the modification is to (1) change the sizes of Parcels 1 and 2 of the leased premises for a net loss of 103 square feet; (2) add a Parcel 3 to the leased premises, consisting of approximately 3.35 acres, with easements granted to the Port for the construction of a railroad track and a sewer; (3) amend the provision covering future modifications of the leased area; (4) change the date of expiration of the agreement to December 31, 1996; (5) amend the payment to the Port for the cost of improvements; (6) provide for certain improvements to be made to Parcel 3 by the Port and for the payment by Sea-Land for the improvements; and (7) adjust the rental for the leased premises as set forth in detail in the agreement.

Dated: January 31, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-1695 Filed 2-3-72;8:51 am]

MITSUI O.S.K. LINES (PASSENGER), LTD. AND MITSUI O.S.K. LINES, LTD.

Certificates of Financial Responsibility; Order of Revocation

Certificates of Financial Responsibility for idemnification of Passengers for Nonperformance of Transportation No. P-49 and No. P-94 and Certificates of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,029 and No. C-1,089.

Whereas, Mitsui O.S.K. Lines, Ltd., and Mitsui O.S.K. Lines (Passenger), Ltd., have ceased to operate the passenger vessel Sakura Maru, and

Whereas, Mitsui O.S.K. Lines, Ltd., has returned Certificate (Performance) No. P-49 and Certificate (Casualty) No. C-1,029 and Mitsui O.S.K. Lines (Passenger), Ltd., 3-3, 5-Chome Akasaka, Minatoku Tokyo, Japan, has returned Certificate (Performance) No. P-94 and Certificate (Casualty) No. C-1,089 for revocation.

It is ordered, That Certificates (Performance) No. P-49 and No. P-94 and Certificates (Casualty) No. C-1,029 and No. C-1,089 covering the Sakura Maru be and are hereby revoked effective January 28, 1972.

It is further ordered, that a copy of this order be published in the FEDERAL REGISTER and served on the certificants.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-1697 Filed 2-3-72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. CP72-184]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JANUARY 31, 1972.

Take notice that on January 18, 1972, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-184, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a metering station and the use of existing facilities to provide natural gas storage service to Wisconsin Southern Gas Co., Inc. (Wisconsin Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to accept delivery of up to 1,000 Mcf of natural gas per day and an annual volume of 200,000 for storage and redelivery to Wisconsin Southern at a daily rate of up to 2,000 Mcf during the period November 1, 1972, through March 1, 1973, and each year thereafter. Applicant states that Wisconsin Southern has excess volumes of gas available to it on an annual basis, which it purchases from Natural Gas Pipeline Company of America, and that the storage service proposed herein will enable Wisconsin Southern to meet its market requirements during the heating seasons. Wisconsin Southern will pay applicant a demand charge of $3.22 per month per Mcf for the storage service. Applicant also requests authorization to construct a metering station at a point in Walworth, Wis., which will enable it to provide the proposed storage service. Applicant estimates the cost of the metering station at $48,740 which it plans to finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said

application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1655 Filed 2-3-72;8:47 am]

[Docket No. CP72-186]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JANUARY 31, 1972.

Take notice that on January 21, 1972, Texas Gas Transmission Corp. (applicant), 3800 Frederica Street, Owensboro, KY 42301, filed in Docket No. CP72-186 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas by applicant for Consolidated Gas Supply Corp. (Consolidated), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport for Consolidated on an interruptible basis up to 20,000 Mcf of natural gas per day from Consolidated's production in Blocks 287, 307, and 315, Eugene Island Area, South Addition, offshore Louisiana to Columbia Gulf Transmission Co.'s facilities in Block 250, Eugene Island Area, for further transportation to Consolidated's Appalachian market area. Applicant states that no new facilities are required to render the proposed transportation service. Applicant proposes to charge 2 cents per Mcf for the service.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1656 Filed 2-3-72;8:47 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Filing of Proposed Curtailment Plan

JANUARY 28, 1972.

Take notice that on January 17, 1972, Transcontinental Gas Pipe Line Corp. (Transco) submitted for filing revised tariff sheets[1] to its presently effective FPC Gas Tariff, Original Volume No. 1 constituting its permanent curtailment plan pursuant to the Commission's order of November 15, 1971, approving Transco's interim curtailment plan in Docket No. RP71-118. Transco requests its tendered sheets to become effective March 1, 1972; however, since its presently effective interim curtailment plan terminates on November 15, 1972, Transco requests the Commission to suspend the effectiveness of the tariff sheets for the full statutory period of 5 months. Further, Transco represents that it will not move to make such tariff sheets effective prior to November 16, 1972.

In summary Transco's proposed permanent curtailment plan provides:

(1) During the Winter Period, November 16, through April 15, a mandatory curtailment on a ratable basis will be effected on Transco's system. During this time, a customer may obtain partial or complete exemption if it curtails all of its interruptible service, except for certain minor exceptions;

(2) Any customer receiving an exemption during such Winter Period shall make up exempted volumes as soon as practicable by reducing its takes to a level below that to which it would otherwise be entitled;

(3) Any customer receiving an exemption during the Winter Period shall not, except in emergency situations make any deliveries to its interruptible customers until such exempted volumes are made up;

(4) Any customer that has not made up the exempted volumes by the end of the Winter Period will curtail its purchases during the succeeding Summer Period of April 16, through November 15, so that the weighted average curtailment percentage over the entire year, shall be the same for every customer affected by curtailment;

(5) In the event Transco is unable to meet the firm requirements of all its customers an end-use curtailment program will be instituted;

(6) A demand charge adjustment to customers under certain rate schedules will be made for curtailments due to system gas supply deficiency;

(7) At the end of the Winter Period, on April 15, Transco will determine the net curtailment volumes for each customer affected by curtailment, as well as a systemwide weighted average curtailment percentage. Any customer whose curtailment exceeds the systemwide weighted average curtailment during the Winter Period will receive a credit of 25 cents per Mcf for the volumes curtailed in excess of the systemwide weighted average curtailment;

(8) Transco will seek reimbursement for the credits to be granted by it in its billings to its customers for curtailments, in accordance with the provisions of section 20 of the General Terms and Conditions of its FPC Gas Tariff.

(9) ACQ customers will be exempt from all curtailments.

Transco states that the above-described permanent curtailment plan was formulated for the purpose of protecting

[1] The tariff sheets are designated as follows: Original Sheets Nos. 44-B.3, 44-B.4, 44-B.5, 44-B.6, 46-G, and 46-H; First Revised Sheets Nos. 44-B.1, and 44-B.2; Second Revised Sheets Nos. 8-A, 8-B, 15-A, 15-B, 17-E.1, 17-E.2, 25-A, 26-A, 26-F, 26-I, 26-K, 26-N, 26-P, 26-S, 28-X.1, 28-Y, 44-A, 44-B; and Third Revised Sheets Nos. 18, 23, 26-D, 46-B.1, 46-C; Fourth Revised Sheets Nos. 17-E, 21, 26-C, 26-H, 26-M, and 26-R; Fifth Revised Sheets Nos. 8, 15, 20, 25, and 46-B; Seventh Revised Sheets Nos. 28-X.5 and 28-cc; Thirty-Fifth Revised Sheet No. 17-B; and Thirty-Eight Revised Sheets Nos. 5 and 12.

the firm requirements of Transco's customers.

Transco's permanent curtailment plan is on file with the Commission and is available for public inspection.

Transco states that copies of its filing have been mailed to its customers and interested state commissions. Additionally, Transco states that copies of this filing are available for public inspection during regular business hours in its office in Houston, Tex.

Any person desiring to be heard or to make any protest with reference to this filing should on or before February 15, 1972, file with the Federal Power Commission, 441 G Street NW., Washington, DC 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 participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Any order issued in this proceeding will be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799, as amended by Public Law 92–15, 85 Stat. 38) and Executive Order 11615 including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1657 Filed 2-3-72;8:47 am]

[Docket No. G-3711, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

JANUARY 27, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3711 D 1-11-72	Union Oil Co. of California, Post Office Box 7600, Los Angeles, CA 90051.	Transcontinental Gas Pipe Line Corp., Vinton Field, Calcasieu Parish, La.	(1)	.....
G-3894 C 1-4-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	El Paso Natural Gas Co., Langlie Mattix, et al., Fields, Lea County, N. Mex.	[2] 11.0	14.65
G-3973 D 1-5-72	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, TX 77001.	Texas Eastern Transmission Corp., Waskom Field, Harrison County, Tex.	Assigned	.....
G-6085 E 1-10-72	Alice-Sidney Oil Co. (successor to J. S. Rushing Estate), 310 Armstrong Bldg., El Dorado, Ark. 71730.	Arkansas Louisiana Gas Co., Ada Field, Webster Parish, La.	14.3533	15.025
G-12455 D 1-10-72	Texaco, Inc., Post Office Box 2420, Tulsa, OK 74102.	Panhandle Eastern Pipe Line Co., Northeast Greenough Field, Beaver County, Okla.	(3)	.....
CI61-1088 E 12-21-71	Pennzoil Producing Co. (successor to Sun Oil Co.), 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., Tecula Field, Cherokee County, Tex.	11.9004	14.65
CI62-706 12-13-71 [4]	Petroleum, Inc., et al., 300 West Douglas, Wichita, KS 67202.	El Paso Natural Gas Co., Recapture Creek Field, San Juan County, Utah.	[5] 22.1925	15.025
CI63-234 D 12-27-71	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, TX 77001.	Arkansas Louisiana Gas Co., Red Oak Area, Latimer, Le Flore, et al., Counties, Okla.	Assigned	.....
CI63-1410 E 12-20-71	Gulf Oil Corp. (Operator) et al. (successor to Falcon Seaboard Inc., et al.), Post Office Box 1589, Tulsa, OK 74102.	Michigan-Wisconsin Pipe Line Co., North Oakdale Field, Woods County, Okla.	[6] 18.500	14.65
CI64-440 E 12-20-71	Apache Corp. (successor to Amerada Hess Corp.), Post Office Box 2299, Tulsa, OK 74101.	Cities Service Gas Co., Deer Creek North Field, Grant County, Okla.	14.0	14.65
CI67-248 C 12-16-71	Beacon Gasoline Co., Post Office Box 1126, Shreveport, LA 71163.	Welcome Field,[7] Columbia County, Ark.	0.25	15.025
CI68-527 C 12-17-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Transcontinental Gas Pipe Line Corp., Fordoche Field, Pointe Coupee and Iberville Parishes, La.	[8] 28.0	15.025
CI72-414 A 1-10-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Florida Gas Transmission Corp., Jay Field, Santa Rosa County, Fla.	[25] 32.5	14.65
CI72-415 B 11-15-71	Marshall Exploration, Inc., Post Office Box 729, 305 West Rusk St., Marshall, TX 75670.	Lone Star Gas Co., Oak Hill Field, Rusk County, Tex.	Depleted	.....
CI72-416 B 1-11-72	Amoco Production Co., Post Office Box 3092, Houston, TX 77001.	Natural Gas Pipeline Co. of America, Old Ocean Field, Matagorda County, Tex.	Depleted	.....
CI72-417 B 1-11-72	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Panhandle Eastern Pipe Line Co., Acreage in Seward County, Kans.	Depleted	.....
CI72-418 B 1-11-72	do	Arkansas Louisiana Gas Co., Sibley Field, Webster Parish, La.	Depleted	.....
CI72-419 A 1-11-72	Texas Gas Exploration Corp., 1111 First City National Bank Bldg., Houston, Tex. 77052.	Texas Gas Transmission Corp., Block 287 and Block 307, Eugene Island Area, Offshore Louisiana.	[24] 26.0	15.025
CI68-603 C 1-7-72	Mapco, Inc., 1320 19th St. NW., Washington, DC 20036.	Northern Natural Gas Co., acreage in Pecos and Crockett Counties, Tex.	[9] 15.5435 [10] 16.5 [11] 24.25	14.65
CI69-1008 E 12-15-71	Anadarko Production Co. (successor to Apache Corp.), Post Office Box 296, Liberal KS 67901.	Natural Gas Pipeline Co. of America High Island Area, east addition, Blocks 128 and 129, Offshore eastern Texas.	24.0	14.65
CI70-467 12-13-71 [12]	Dixilyn Corp. et al., 2100 First City National Bank Bldg., Houston, Tex. 77002.	Sea Robin Pipeline Co., Block 16, South Marsh Island Area, Offshore Louisiana.	[13] 21.25	15.025
CI72-294 A 11-19-71 [14]	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Northern Natural Gas Co., Gomez Field, Pecos County, Tex.	26.5	14.65
CI72-351 A 12-9-71 [15]	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Transwestern Pipeline Co., North Woodward Field, Woodward County, Okla.	18.78 20.3	14.65
CI72-396 A 1-5-72	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Grand Gas Corp., Cisco Dome Area, Grand County, Utah.	[16] 15.0	15.025
CI72-402 (CI65-134) F 1-3-72	Geological Exploration Co. (successor to Sun Oil Co.), Post Office Box 1644, Longview, TX 75601.	Lone Star Gas Co., Penn Griffith Field, Rusk County, Tex.	14.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI72-403 1-5-72 [13]	Coquina Oil Corp., 418 Bldg. of the Southwest, Midland, Tex. 79701.	Arkansas Louisiana Gas Co., Red Oak Field, Le Flore County, Okla.	20.0	14.65
CI72-404 1-7-72 [17]	Anadarko Production Co., Post Office Box 296, Liberal, KS 67901.	Northern Natural Gas Co., Curtis No. 2 Gas Unit, Panoma Council Grove Field, Stevens County, KS.	16.0	14.65
CI72-405 B 1-10-72	McCulloch Oil Corp., 10880 Wilshire Blvd., Suite 1500, Los Angeles, CA 90024.	Transwestern Pipeline Co., Crawar Field, Tubb Formation, Ward and Crane Counties, Tex.	([16])	----------
CI72-406 A 1-10-72	Hunt Oil Co., 1401 Elm St., Dallas, TX 75202.	United Gas Pipeline Co., Carthage Field, Panola County, Tex.	([19])	----------
CI72-407 1-10-72 [20]	Anadarko Production Co., Post Office Box 296, Liberal, KS 67901.	Panhandle Eastern Pipe Line Co., Bergner, Haar et al. Gas Units, Hugoton Field, Morton and Stevens Counties, Kans.	[21] 12.5	14.65
CI72-408 1-10-72 [22]	do	Panhandle Eastern Pipe Line Co., Light, Nix et al. Gas Units, Hugoton Field, Stevens and Morton Counties, Kans.	[21] 12.5	14.65
CI72-409 1-10-72 [23]	do	Panhandle Eastern Pipe Line Co., Beaver, Brubaker et al. Gas Units, Hugoton Field, Seward, Morton, and Stevens Counties, Kans.	[21] 12.5	14.65
CI72-410 B 1-10-72	Midwest Oil Corp. (Operator) et al., 1700 Broadway, Denver, CO 80202.	Columbia Gas Transmission Corp., Ellis Field, Acadia Parish, La.	Depleted	----------
CI72-411 B 1-7-72	Phillips Petroleum Co., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Copper Lease, Lea County, N. Mex.	([24])	----------
CI72-412 B 1-10-72	Columbia Gas Development Corp., Operator et al., Post Office Box 1350, Houston, TX 77001.	Texas Gas Transmission Corp., Ellis Field, Acadia Parish, La.	Depleted	----------
CI72-413 B 1-10-72	Union Texas Petroleum, a division of Allied Chemical Corp., Operator et al., Post Office Box 2120, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp., Leleux Field, Vermilion Parish, La.	Depleted	----------
CI72-420 (G-9616) F 1-10-72	Rogars Oil & Gas Co. (successor to Humble Oil & Refining Co.), Post Office Box 2930, Alice, TX 78332.	Coastal States Gas Producing Co., Brownlee Field, Jim Wells County, Tex.	12.1602	14.65
CI72-421 1-13-72 [27]	Anadarko Production Co., Post Office Box 296, Liberal, KS 67901.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hagan No. 1-19 Gas Unit, Keyes Field, Cimarron County, Okla.	[28] 17.0	14.65
CI72-422 1-13-72 [29]	do	Northern Natural Gas Co., Taylor, Bass et al. Gas Units, Southwest Camp Creek Field, Beaver County, Okla.	[30] 16.0	14.65
CI72-423 A 1-13-72	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Cities Service Gas Co., East Niles Field, Canadian County, Okla.	[10] [13] 20.2	14.65
CI72-424 A 1-13-72	Hassie Hunt Trust, 1401 Elm St., Dallas, TX.	El Paso Natural Gas Co., North Puckett (Wolfcamp) Field, Pecos County, Tex.	[15] 30.0	14.65
CI72-426 B 1-13-72	Petroleum, Inc. (Operator), et al., 300 West Douglas, Wichita, KS 67202.	Panhandle Eastern Pipe Line Co., Hurley Gas Unit, Texas County, Okla.	Depleted	----------
CI72-427 (CI60-182) F 1-10-72	Texaco, Inc. (successor to Mobil Oil Corp., Box 2420, Tulsa, OK 74102.	Cities Service Gas Co., Waynoka, Northeast Field, Woods County, Okla.	[31] 14.25	14.65

[1] Applicant released acreage to Mrs. Matilda Gray Stream.
[2] Casinghead gas.
[3] Expiration of lease.
[4] Applicant proposes to continue the sale of natural gas to cover its interests formerly covered by Ladd Petroleum Corp. (Operator) et al., FPC Gas Rate Schedule No. 5.
[5] Includes 0.1925 cent per Mcf tax reimbursement. Rate in effect subject to refund in Docket No. RI70-787.
[6] Applicant is willing to accept a permanent certificate in conformance with the provisions of Opinion No. 586, at an initial rate of 18.500 cents per Mcf plus B.t.u. adjustment and tax reimbursement; however, the contract price is 24.647 cents per Mcf which includes 1.110 cents per Mcf B.t.u. adjustment and 1.537 cents per Mcf tax reimbursement.
[7] Applicant proposes to gather and process the gas produced by MacDonald Oil Corp., Wm. D. McBee Estate, nd Vaughn Petroleum Inc.
[8] As per contract on date of deliveries.
[9] Old gas.
[10] Gas under 1968 amendment to contract.
[11] New gas.
[12] Applicant, a small producer certificate holder, proposes to sell gas from reserves acquired in place from a large producer.
[13] Subject to upward and downward B.t.u. adjustment. Rate in effect subject to refund in Docket No. RI71-608.
[14] Application previously noticed Dec. 9, 1971, in G-10202 et al., at a rate of 24.5 cents per Mcf, subject to upward and downward B.t.u. adjustment. By letter filed Jan. 17, 1972, applicant amended its application to reflect a rate of 26.5 cents per Mcf.
[15] Application previously noticed Jan. 4, 1972, in CI62-825 et al., at a rate of 20 cents per Mcf, subject to upward and downward B.t.u. adjustment. By letter filed Jan. 13, 1972, applicant amended its application to reflect rates of 18.78 cents per Mcf for casinghead gas and 20.3 cents per Mcf for gas-well gas.
[16] Gas-well gas.
[17] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI60-658 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 22.
[18] Low production.
[19] Subject to upward and downward B.t.u. adjustment.
[20] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 26.
[21] Pursuant to Opinion No. 586; however, the contract price is 13 cents per Mcf.
[22] Applicant proposes to continue the sale of natural gas hertofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 19.
[23] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 18.
[24] Production has ceased and lease has been released.
[25] Adjusted for B.t.u.
[26] The applicable area rate is 26 cents per Mcf; however, the contract price is 27 cents pers Mcf.
[27] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-14953 to be made pursuant to Hughes Seewald (Operator) et al., FPC Gas Rate Schedule No. 1.
[28] Adjusted downward for B.t.u. plus 50% Oklahoma tax increase.
[29] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12110 to be made pursuant to Harper Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 3.
[30] The initial rate is 16 cents per Mcf, adjusted for B.t.u.; however, the contract price is 18 cents per Mcf.
[31] Includes dehydration charge.

[FR Doc.72-1545 Filed 2-3-72;8:45 am]

FEDERAL RESERVE SYSTEM

CARLTON AGENCY, INC.

Order Denying Action To Become a Bank Holding Company and Request for Determination

Carlton Agency, Inc., Carlton, Minn., 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 the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Carlton National Bank, Carlton, Minn. (Bank).

At the same time, applicant 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 engage in certain permissible insurance agency activities through the acquisition of certain assets of the First National Bank Insurance Agency, Carlton, Minn.

Notice of receipt of these applications has been given in accordance with sections 3 and 4 of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and finds that:

Applicant is a newly-formed organization and has no operating history. Upon acquisition of Bank ($5.9 million of deposits), applicant would control about 0.1 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1971.) As the proposed transaction represents a transfer of an individual's ownership of Bank into a presently nonoperating holding company, consummation would not eliminate any existing or potential banking competition and would not result in any increase in the concentration of banking resources in any relevant area. Bank's management and financial condition are consistent with approval and its capital presently is adequate. However, because of the proposed method of financing the acquisition of Bank, the financial condition and prospects of applicant and Bank would be adversely affected by consummation of the proposed transaction.

Applicant, upon consummation of the proposed acquisition, would incur acquisition debt of $175,000 (now owed by the principal to a third-party bank), which would amount to approximately 66 percent of applicant's equity. The balance of the debt, $100,000, would be held personally by the principal and would be secured by stock of applicant. Applicant would require more than 60 percent of Bank's earnings to service the debt, and its ability to do so is considered marginal.

The Board views the debt split arrangement present in this application as a method to circumvent the problem of debt servicing by one-bank holding companies. The fact that the principal personally has assumed part of the bank acquisition debt does not mean that the

holding company will not be expected to satisfy, directly or indirectly, some of the obligation. After analysis of the proposed debt of applicant and its principal and other circumstances of record, the Board concludes that the acquisition debt involved in this proposal presents adverse circumstances bearing on the financial condition and prospects of applicant and Bank. Such circumstances are not outweighed by any procompetitive factors or by circumstances relating to the convenience and needs of the communities to be served. On the basis of the record, the Board concludes that approval of the section 3 application is not in the public interest, and it is accordingly denied.[1]

By order of the Board of Governors,[2] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1649 Filed 2-3-72;8:47 am]

NORTH ATLANTIC BANCORP.

Order Approving Acquisition of Bank

North Atlantic Bancorp., Newton, Mass., 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 51 percent or more of the voting shares of University Trust Co., Cambridge, Mass. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls one bank with total deposits of $33.9 million, representing 0.3 percent of total commercial deposits in the State. (Banking data are as of June 30, 1971.) Acquisition of Bank (deposits of $10.2 million) would not significantly increase applicant's share of total deposits in the State.

Bank operates its sole office in the Boston SMSA and the area it presently serves is approximated by the towns of Cambridge, Somerville, Arlington, and Belmont. Bank controls 0.1 percent of the deposits in the Boston SMSA and ranks 41st of 55 banks in that market. Applicant's subsidiary office closest to Bank is located 6.5 miles away and is also located in the Boston SMSA; however, it serves a different area, which is approximated by the cities of Newton, Wellesbay, Watertown, Brookline, Bedford, and Woburn. There is only nominal existing competition between Bank and applicant's existing subsidiary and there are numerous banking offices in the intervening area. Consummation of the proposal would eliminate only a small amount of existing competition and would not adversely affect any competing bank in any relevant area.

Some potential competition between applicant and Bank would be foreclosed upon consummation of the proposal since both applicant's subsidiary bank and Bank can branch de novo into each others service area. However, the high ratio of commercial banking offices to population in the relevant areas, and the relatively static economic and population growth in those areas minimize any effect on potential competition.

The financial and managerial resources of applicant and Bank are generally satisfactory and consistent with approval. It appears that consummation of this proposal would not have any immediate effects on the convenience and needs of the communities, although improvement and expansion of services may be facilitated by the operational structure of a holding company. Moreover, applicant will assist Bank in loan participation arrangements, auditing, advertising, and general operating procedures. Considerations related to the convenience and needs of the communities to be served therefore, lend some weight for approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[1] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1650 Filed 2-3-72;8:47 am]

PATAGONIA CORP.

Order Approving Acquisition of Model Finance Company

Patagonia Corp.,[2] Tucson, Ariz., a bank holding company within the meaning of the Bank Holding Company Act of 1956, as amended, 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 Model Finance Co., Phoenix, Ariz. Notice of the application affording opportunity for interested persons to submit comments and views has been duly published. Time for filing comments and views has expired and all those received have been considered.

mined to be closely related to banking (12 CFR 225.4(a)(1) and (9)). A bank holding company may acquire a com-

The operation of a finance company and acting as insurance agent or broker are activities that the Board has deterpany engaged in either of these activities as long as the activities of the institution proposed to be acquired are not conducted in a manner inconsistent with the limitations the Board has established pursuant to section 4(c)(8) of the Act.

Applicant's banking subsidiary, Great Western Bank and Trust (Great Western), is the sixth largest bank in Arizona. Its deposits of $124.7 million represent 3.5 percent of total deposits in the State. Great Western makes consumer installment loans through its headquarters office in Phoenix and in branch offices throughout Arizona. Installment credit by all Arizona banks, as of December 31, 1970, totaled $648.1 million, of which Great Western had but $5 million.

Model Finance Co. is a small consumer finance holding company with total assets of $7.2 million.[3] It has 13 offices, of which 8 are in areas of Arizona served by Great Western; the 5 out-of-State offices are located in Albuquerque, Las Vegas, and Denver. Model Finance Co. makes small consumer loans and sells credit insurance in connection with its lending activities. The local markets for high-risk consumer loans, in which Model Finance Co. competes, encompass a relatively large number of competitors. For example, in the Tucson and Phoenix metropolitan areas there are 39 and 117 licensed consumer finance companies, respectively.

Most potential borrowers in the small high-risk consumer loan market either cannot or would not consider commercial banks as alternative sources. Since finance companies and commercial banks do not compete for loans to the same class of borrowers, the Board concludes that consummation of the acquisition would not eliminate existing or potential competition between Great Western and Model Finance Co. Nor is there any significant possibility that the acquisition will have adverse effects on credit availability to independent finance companies. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

It is anticipated that Model Finance Co.'s affiliation with applicant will give Model Finance Co. access to the greater resources of applicant, and enable it to compete more effectively with other consumer finance companies in the area in which it operates. There are also certain economies likely to be derived from the affiliation. On balance, the Board concludes that the public benefits factors the Board is required to consider under section 4(c)(8) outweigh any possible adverse effects that might result from the proposed acquisition.

[1] Denial of applicant's 3(a)(1) application requires denial of the attendant 4(c)(8) proposal.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Sheehan.

[2] Patagonia Corp. presently controls various nonbanking subsidiaries acquired prior to the date it became a bank holding company under the Act. It is its intention to clarify the status of certain of these subsidiaries as soon as possible, and to comply with the requirements of the Act, including the divestiture provisions of section 4, where applicable, as to all of these subsidiaries.

[3] Data as of June 30, 1971.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to revocation by the Board if the facts upon which it is based change in any material respect.

By order of the Board of Governors,[4] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1651 Filed 2-3-72;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2804]

AMERICAN EUROPEAN SECURITIES CO.

Notice of Filing of Application for Exemption

JANUARY 31, 1972.

Notice is hereby given that American European Securities Co. (applicant), 268 Center Street, Southport, CT 06490, a Delaware corporation and a closed-end investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act on its own behalf and on behalf of a fully owned subsidiary closed-end investment company, American European Securities, Inc., to be incorporated by it under the laws of the Republic of Panama (Panama Company) for an order exempting from the provisions of section 7(d) of the Act the proposed Plan of Reorganization (Plan) of applicant insofar as such proposed Plan involves use of the mails or any means or instrumentality of interstate commerce to offer for sale, sell or deliver after sale, in connection with a public offering, any security of Panama Company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The applicant states that it was incorporated in 1925 as successor to a Swiss company organized in 1910 to serve as a vehicle for investment by Europeans in securities of corporations organized in the United States. Applicant has outstanding 768,900 shares of common stock which are listed and traded in Switzerland on the Geneva Stock Exchange.

If the proposed Plan is consummated, applicant, a Delaware corporation which is registered and regulated as a closed-end investment company under the Act, will transfer its entire business to Panama Company, which will operate as a closed-end investment company but which will not be subject to regulation as such under the Act; and the stockholders of applicant will be entitled to exchange their shares of applicant for shares of the nonregistered Panama Company.

In general, the proposed Plan provides for (1) the amendment of applicant's certificate of incorporation to provide that, on the sale or exchange of all or substantially all of applicant's assets pursuant to a reorganization of applicant into a corporation organized under the laws of the Republic of Panama, stockholders who vote against such reorganization and demand in writing payment of the net asset value of their shares will be entitled to receive in cash an amount equal to such net asset value as determined therein as of the close of business on the day such sale or exchange becomes effective; (2) the organization of Panama Company as a fully owned subsidiary under the laws of the Republic of Panama to operate as a closed-end investment company; (3) the transfer to Panama Company of all of applicant's assets (other than an amount of cash required to pay a final income dividend and capital gain distribution, the net asset value of shares of objecting stockholders, the expenses of the reorganization and any other liabilities of applicant) in exchange for (a) such number of shares of Panama Company as will equal the number of applicant's outstanding shares other than those held by objecting stockholders of applicant who have demanded payment of the net asset value of their shares and (b) the assumption by Panama Company of any liabilities of applicant in excess of the amount of cash to be retained by the latter; (4) the declaration and payment on the shares of applicant's stock outstanding on the date set for the exchange (other than shares of objecting stockholders) of a final income dividend and capital gain distribution payable in cash, one equal to the investment company taxable income of applicant for the period January 1, 1972, to the effective date of the reorganization and the other equal to the excess, if any, of the net long-term capital gain over the net short-term capital loss of applicant for the same period; (5) the distribution of shares of Panama Company received by it to applicant's stockholders, other than objecting stockholders on the basis of one share of Panama Company for each share of applicant, as described in the application; (6) the proposed sale of substantially all of the assets of applicant and all other proposed acts designed to change the nature of applicant's business so that it will cease to be an investment company.

The affirmative vote of two-thirds of the total number of outstanding shares of common stock of applicant are required for adoption of the proposed Plan. Notwithstanding such stockholder approval, the board of directors of applicant will abandon the proposed Plan (a) if the Commission refuses to grant the exemption order requested by applicant, (b) if the amount payable to objecting stockholders who demand payment in cash for their shares is so great that it would or might prevent the reorganization from qualifying as tax-free under the tax ruling described below, or (c) if for any other reason it is, in the opinion of the board of directors, no longer possible or advisable to put the proposed Plan into effect.

Applicant states that application will be made to list the stock of Panama Company on the Geneva Stock Exchange in place of the stock of applicant and that Panama Company will invest primarily in U.S. securities and will maintain the same investment policies as those followed by applicant in recent years. The five Swiss directors of applicant (or other representatives of four Swiss banking firms which have sponsored applicant since its organization) who constitute a majority of applicant's board of directors will be directors of Panama Company; and none of the U.S. citizens or residents who are presently officers or directors of applicant and no other U.S. citizen or resident will be an officer or director of Panama Company.

Applicant states that it has received rulings from the Internal Revenue Service that (1) the acquisition of all the stock of Panama Company in exchange for assets of applicant, and the related acquisition of stock of Panama Company by those stockholders of applicant who are U.S. persons in exchange for their stock of applicant, pursuant to the Plan, will be exempt from the Federal Interest Equalization Tax, and (2) the Plan is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes within the meaning of sections 267 and 1492 of the Internal Revenue Code and the acquisition by Panama Company of substantially all of the assets of applicant in exchange for stock of Panama Company and the assumption of liabilities of applicant will constitute a reorganization within the meaning of section 368(a)(1)(D) of the Internal Revenue Code, provided that at least 90 percent of the fair market value of the net assets, and at least 70 percent of the fair market value of the gross assets of applicant (other than cash retained and used to pay dividends) are acquired by Panama Company.

Insofar as the proposed Plan may involve a public offering of shares of Panama Company, such offering would appear to be prohibited by section 7(d) of the Act, which provides, in part, that no investment company, unless organized or otherwise created under the laws of the United States or of a State, and no depositor or trustee of or underwriter for such a company not so organized or created, shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to offer for sale, sell, or deliver after sale, in connection with a public offering, any security of which such company is the issuer.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or of any rule or

[4] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Mitchell.

regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, applicant contends that there is lacking any significant U.S. investor interest in applicant. The application states that applicant's shares are listed and traded in Switzerland on the Geneva Stock Exchange; that its shares are not listed on any securities exchange in the United States; that there is virtually no market for its shares in the United States; and that approximately 97 percent of its shares are owned beneficially by persons who are neither citizens nor residents of the United States. Applicant represents further that as of January 3, 1972, it had 94 stockholders of record having addresses in the United States, representing 33,769 shares out of a total 768,900 shares outstanding. One corporate stockholder of record of 68 shares was liquidated 35 years ago and two individual stockholders of record of 26 and one share, respectively, have been missing for years. The application states that applicant has concluded after extensive research that only about 83 persons who are beneficial owners of its shares are citizens or residents of the United States.

The application also states that in late 1967 and early 1968 counsel for applicant discussed the proposed organization with the staff of the Commission and that the staff of the Commission in April of 1968 advised counsel that it would not oppose an application for the relief requested if the Plan was amended as suggested by the staff and if, when the application was filed, applicant had no more than 100 beneficial stockholders who were citizens or residents of the United States and that, accordingly, the Plan was amended as suggested by the staff and an alternate plan of liquidating applicant was abandoned.

Notice is further given that any interested person may, not later than February 29, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That applicant shall cause a copy of this notice to be mailed on or before February 3, 1972 to each of the stockholders of applicant at each stockholder's last known address.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–1647 Filed 2–3–72;8:46 am]

[812–3097]

LEON B. ALLEN FUND, INC.

Notice of Filing of Application for an Order Granting Exemption

JANUARY 31, 1972.

Notice is hereby given that Leon B. Allen Fund, Inc. (Fund), 120 Broadway, New York, NY, an open-end management investment company registered under the Investment Company Act of 1940 (the Act) and incorporated in the State of New York, has filed an application pursuant to section 6(c) of the Act for an order exempting Gillen & Co. (Adviser), the investment advisor to the Fund under an investment advisory agreement dated December 28, 1971, from the provisions of section 15(a) of the Act which prohibit any person from serving as an investment advisor to a fund except under a contract which has been approved by a vote of a majority of the outstanding voting securities of such fund. The Fund requests that the exemption be effective from October 27, 1971, through March 15, 1972: *Provided*, That a special meeting of shareholders of the Fund is held on or before March 15, 1972, for the purpose of submitting to such shareholders for their approval or disapproval a new investment advisory agreement. The fund further requests an order pursuant to section 6(c) exempting from the provisions of section 15(a) of the Act all actions of the Adviser which may have been taken as investment adviser of the Fund from October 27, 1971, through March 15, 1972. All interested persons are referred to the application on file with the Commission for a statement of the Fund's representations which are summarized below.

The Adviser, a partnership, has acted as investment adviser to the Fund pursuant to an investment advisory agreement entered into on June 20, 1952, and continued or amended from time to time thereafter, which provided, among other things, for its automatic termination in the event of its assignment. An assignment is defined in section 2(a)(4) of the Act as including any direct or indirect transfer of control by the assignor.

On October 27, 1971, Leon B. Allen, a partner in the Adviser, died, and, due to his substantial financial and management interests in the Adviser, a transfer of control of the partnership may be deemed to have been effected by his death, resulting in an assignment of the investment advisory agreement.

The surviving partners of the Adviser have agreed among themselves to continue the firm under the same style and name and the partnership has entered into a new investment advisory agreement, dated December 28, 1971, with the Fund. The application states that the new agreement has been approved by the Board of Directors of the Fund with the concurrence of a majority of the directors who are not parties to the agreement or interested persons of any such parties. The Fund represents that the new agreement provides that the Adviser will continue to render advisory services to the Fund under the same terms and conditions as provided for in the terminated contract.

The Fund further represents that, as a condition to the granting of the requested exemptions, it will hold a special meeting of shareholders on or before March 15, 1972, for the purposes of submitting a new investment advisory agreement to the shareholders of the Fund for their approval or disapproval.

Section 15(a) of the Act provides in part that it shall be unlawful for any person to serve or act as investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the outstanding voting securities of such registered company and which provides, in substance, for its automatic termination in the event of its assignment.

The Commission may exempt transactions from the requirements of the Act pursuant to section 6(c) thereof to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 21, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant herein, i.e., the Fund, at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon

said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1648 Filed 2-3-72;8:47 am]

SMALL BUSINESS ADMINISTRATION

[License No. 04/05-5103]

FLORIDA CROWN MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT CO.

Notice of Issuance of License to Operate as a Minority Enterprise Small Business Investment Company

On December 4, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 23182) stating that Florida Crown Minority Enterprise Small Business Investment Co. had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1971)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business December 19, 1971, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 04/05-5103 to Florida Crown Minority Enterprise Small Business Investment Co., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: January 28, 1972.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Operations and Investment.

[FR Doc.72-1633 Filed 2-3-72;8:45 am]

TARIFF COMMISSION

FLAT GLASS AND TEMPERED GLASS

Reports to the President

JANUARY 31, 1972.

The Tariff Commission today reported to the President the results of its investigation under the Trade Expansion Act of 1962 of a petition for an increase in import restrictions on flat glass (sheet, plate and float, and rolled and polished wire) and tempered glass. The vote of the Commission was equally divided on sheet glass and unanimously negative on all other glass. The petition had been filed by the principal domestic producers of such glass. The investigation (No. TEA-I-23) was conducted under the provisions of section 301(b)(1) of the Trade Expansion Act of 1962.

With respect to sheet glass, Chairman Bedell and Commissioners Sutton and Moore found (1) that such glass is, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to threaten serious injury to the domestic industry producing like or directly competitive articles; and (2) that increases in the rates of duty on most window glass to the escape-clause rates which were in effect between 1962 and 1967 are necessary to avoid serious injury. Following an earlier escape-clause investigation by the Tariff Commission in 1962, the President had increased the rates of duty applicable to U.S. imports of sheet glass; this action was modified in 1967, the escape-action rates on most window glass being reduced and those on other sheet glass being eliminated (restoring the trade-agreement concession rates).

Vice Chairman Parker and Commissioners Leonard and Young found that sheet glass is not, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles. Under the law, the President may consider the findings of either group as the findings of the Commission.

With respect to plate and float glass, rolled and polished wire glass, and tempered glass, the Commission unanimously found that such products are not, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to cause or threaten serious injury to the domestic industry or industries producing like or directly competitive articles.

A part of the material contained in the Commission's report to the President may not be made public since it includes information that would disclose the operations of individual firms. The Commission, therefore, is releasing to the public only those portions of the report that do not contain such information.

Copies of the public report (TC Publication 459), which contains statements of the reasons for the Commissioners' findings, will be released as soon as possible. Copies will be available upon request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-1665 Filed 2-3-72;8:48 am]

[TEA-W-129]

C. P. CLARE AND CO.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Rapid City, S. Dak., plant of C. P. Clare & Co., Division of General Instruments Corp., Newark, N.J., the U.S. Tariff Commission, on January 31, 1972, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with mercury-wetted contact relays (of the type provided for in item 685.90 of the Tariff Schedules of the United States) produced by said plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing plant.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 31, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-1666 Filed 2-3-72;8:48 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification to Area Determination Decision for Specified Locality in Florida

Area wage determination decision published in the FEDERAL REGISTER on the following date:

Decision No.:	*Date*
AM-456	Aug. 20, 1971

is hereby modified as set forth below.

This modification is based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since this determination was issued.

The determination of prevailing rates and fringe benefits made in this modification has been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decision, as hereby modified, 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 locality described therein.

The modification is effective from the date of publication in the FEDERAL REGISTER until the end of the period for which the determination being modified was issued and is to be used in accordance with the provisions of 29 CFR, Part 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, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. section 553 is set forth in the document being modified.

The modification to the area wage determination decision listed above is set forth below.

Signed at Washington, D.C., this 1st day of February 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

MODIFICATION

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-458—36 F.R. 16390, Escambia, Okaloosa, Walton, and Santa Rosa Counties, Fla., Modification No. 4						
CHANGE:						
Painters:						
Commercial	$3.90	$0.10			$0.05	
Industrial	4.25	.10			.05	

[FR Doc.72–1659 Filed 2–3–72;8:48 am]

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification to Area Determination Decisions for Specified Localities in Certain States

Modification and/or supersedeas decisions to area wage determination decisions for specified localities in Florida, Illinois, Indiana, Michigan, and Texas.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM–330, AM–331, AM–332, AM–333, AM–341, AM–342, AM–354, AM–355, AM–356, AM–370	Aug. 13, 1971
AM–373, AM–377, AM–390	Aug. 18, 1971
AM–452, AM–453, AM–454, AM–455, AM–457, AM–460, AM–461	Aug. 20, 1971
AM–3555, AM–3556 (AM–11,386), AM–3557 (AM–11,387) AM–3558 (AM–11,388), AM–3559 (AM–11,389), AM–3560 (AM–11,390), AM–3561 (AM–11,391), AM–3562 (AM–11,392), AM–3563 (AM–11,393), AM–3564 (AM–11,394), AM–3565 (AM–11,395), AM–3566 (AM–11,396), AM–3567 (AM–11,397), AM–3568 (AM–11,398), AM–3569 (AM–11,399), AM–3570 (AM–11,400), AM–3571 (AM–11,401), AM–3572 (AM–11,402)	Aug. 25, 1971
AM–7489	Nov. 12, 1971
AM–7714, AM–7715, AM–7717	Nov. 19, 1971

are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modifications and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or 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 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area 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.

The modification and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 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, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. sec. 553 is set forth in the document being modified.

The modification and/or supercedeas decisions to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 28th day of January 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-452—86 F.R. 16870, Broward County, Fla., Modification No. 2						
CHANGE:						
Fla.-Dredging 1:						
Dredges 20" and over:						
Leverman	$5.13	$0.25	$0.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Dredges 16" up to but not including 20":						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler	3.55	.25	.15	a		
Fireman	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill barge and spider barge	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.26	.15	a		
Messman and janitor	3.18	.25	.15	a		
Dredges under 16":						
Leverman	2.25					
First assistant engineer	1.85					
Second assistant engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					
Dipper and clamshell dredges:						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First engineer	4.20	.25	.15	a		
Second engineer	4.09	.25	.15	a		
Third engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.25	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		

A. 5% of straight time rate, and (6) six paid holidays, A to F.
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-453—36 F.R. 16378, Dade County, Fla., Modification No. 5						
CHANGE:						
Fla-Dredging 1:						
Dredges 20" and over:						
Leverman	5.13	.25	.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Dredges 16" up to but not including 20":						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler	3.55	.25	.15	a		
Fireman	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill barge and spider barge	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		
Dredges under 16":						
Leverman	2.25					
First assistant engineer	1.85					
Second assistant engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					
Dipper and clamshell dredges:						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First engineer	4.20	.25	.15	a		
Second engineer	4.09	.25	.15	a		
Third engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.25	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		

A. 5% of straight time rate, and six (6) paid holidays. A to F.
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-454—36 F.R. 16377, Duval County, Fla., Modification No. 4						
CHANGE:						
Fla-Dredging 1:						
Dredges 20" and over:						
Leverman	5.13	.25	.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Dredges 16" up to but not including 20":						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler	3.55	.25	.15	a		
Fireman	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill barge and spider barge	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		
Dredges under 16":						
Leverman	2.25					
First assistant engineer	1.85					
Second assistant engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					
Dipper and clamshell dredges:						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First Engineer	4.20	.25	.15	a		
Second Engineer	4.09	.25	.15	a		
Third Engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.25	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman & janitor	3.18	.25	.15	a		
A. 5% of straight time rate, and (6) six paid holidays. A to F.						
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
WD No. AM-455—36 F.R. 16381, Hillsborough County, Fla., Modification No. 5						
CHANGE:						
Fla-Dredging 1:						
Dredges 20" and over:						
Leverman	5.13	.25	.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Dredges 16' up to but not including 20":						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler	3.55	.25	.15	a		
Fireman	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill barge and spider barge	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
CHANGE—Continued						
Fla-Dredging 1—Continued						
Dredges under 16":						
Leverman	2.25					
First assistant engineer	1.85					
Second assistant engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					
Dipper and clamshell dredges:						
Operator	5.00	.25	.15		a	
Craneman	4.87	.25	.15		a	
First engineer	4.20	.25	.15		a	
Second engineer	4.09	.25	.15		a	
Third engineer	3.84	.25	.15		a	
Welder	4.46	.25	.15		a	
Mate	4.15	.25	.15		a	
Fireman	3.60	.25	.15		a	
Deckhand	3.29	.25	.15		a	
Launchman	3.61	.25	.15		a	
Scowman	3.37	.25	.15		a	
Cook	3.55	.25	.15		a	
Mess cook	3.27	.25	.15		a	
Messman and janitor	3.18	.25	.15		a	

A. 5% of straight time rate, and (6) six paid holidays. A to F.
Paid Holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

WD No. AM-457—36 F.R. 16388, Monroe County, Fla., Modification No. 1

CHANGE:						
Fla-Dredging 1:						
Dredges 20" and over:						
Leverman	5.13	.25	.15		a	
Engineer	5.13	.25	.15		a	
Spill barge and spider barge	4.77	.25	.15		a	
Mate	4.51	.25	.15		a	
Welder	4.69	.25	.15		a	
Derrick operator	4.90	.25	.15		a	
Tug mate	4.20	.25	.15		a	
Carpenter	4.87	.25	.15		a	
Electricians	5.00	.25	.15		a	
Machinists	4.82	.25	.15		a	
Oiler	3.61	.25	.15		a	
Fireman	3.61	.25	.15		a	
Deckhand	3.29	.25	.15		a	
Tug deckhand	3.29	.25	.15		a	
Shoreman	3.21	.25	.15		a	
Second cook	3.29	.25	.15		a	
Messman	3.21	.25	.15		a	
Dredges 16" up to but not including 20":						
Leverman	4.65	.25	.15		a	
First engineer	4.37	.25	.15		a	
Second engineer	4.25	.25	.15		a	
Third engineer	4.12	.25	.15		a	
Welder	4.46	.25	.15		a	
Mate	3.84	.25	.15		a	
Oiler	3.55	.25	.15		a	
Fireman	3.55	.25	.15		a	
Deckhand	3.29	.25	.15		a	
Launchman	3.61	.25	.15		a	
Shoreman	3.21	.25	.15		a	
Spill barge and spider barge	3.97	.25	.15		a	
Cook	3.55	.25	.15		a	
Mess cook	3.27	.25	.15		a	
Messman and janitor	3.18	.25	.15		a	
Dredges under 16":						
Leverman	2.25					
First assistant engineer	1.85					
Second assistant engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					
Dipper and clamshell dredges:						
Operator	5.00	.25	.15		a	
Craneman	4.87	.25	.15		a	
First engineer	4.20	.25	.15		a	
Second engineer	4.09	.25	.15		a	
Third engineer	3.84	.25	.15		a	
Welder	4.46	.25	.15		a	
Mate	4.15	.25	.15		a	
Fireman	3.60	.25	.15		a	
Deckhand	3.29	.25	.15		a	
Launchman	3.61	.25	.15		a	
Scowman	3.37	.25	.15		a	
Cook	3.55	.25	.15		a	
Mess cook	3.27	.25	.15		a	
Messman and janitor	3.18	.25	.15		a	

A. 5% of straight time rate, and six (6) paid holidays. A to F.
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-460—36 F.R. 16397, Palm Beach County, Fla., Modification No. 2						
CHANGE:						
Fla-Dredging 1:						
Dredges 20" and over:						
Leverman	5.13	.25	.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Dredges 16" up to but not including 20":						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler	3.55	.25	.15	a		
Fireman	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill barge and spider barge	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		
Dredges under 16":						
Leverman	2.25					
First assistant engineer	1.85					
Second assistant engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					
Dipper and clamshell dredges:						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First engineer	4.20	.25	.15	a		
Second engineer	4.09	.25	.15	a		
Third engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.25	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		
A. 5% of straight time rate, and (6) six paid holidays. A to F.						
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
WD No. AM-461—36 F.R. 16401, Pinellas County, Fla., Modification No. 3						
CHANGE:						
Fla-Dredging 1:						
Dredges 20" and over:						
Leverman	5.13	.25	.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Dredges 16" up to but not including 20":						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler	3.55	.25	.15	a		
Fireman	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill barge and spider barge	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
CHANGE—Continued						
Fla-Dredging 1—Continued						
Dredges under 16":						
Leverman	2.25					
First assistant engineer	1.85					
Second assistant engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					
Dipper and clamshell dredges:						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First engineer	4.20	.25	.15	a		
Second engineer	4.09	.25	.15	a		
Third engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.15	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Cook	3.56	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		
A. 5% of straight time rate, and six (6) paid holidays. A to F.						
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
WD No. AM-850—36 F.R. 15155, Cook County, Ill., Modification No. 5						
Change:						
Tile setters	7.75	.30⅝	.325			
Tile setters' helpers	6.80	.30⅝	.325			
WD No. AM-851—36 F.R. 15161, DuPage County, Ill., Modification No. 5						
Change:						
Tile setters	7.75	.30⅝	.325			
Tile setters' helpers	6.80	.30⅝	.325			
WD No. AM-833—36 F.R. 15170, Lake County, Ill., Modification No. 3						
Change:						
Tile setters	7.75	.30⅝	.325			
Tile setters' helpers	6.80	.30⅝	.325			
WD No. AM-832—36 F.R. 15166, Kane County, Ill., Modification No. 6						
Change:						
Tile setters	7.75	.30⅝	.325			
Tile setters' helpers	6.80	.30⅝	.325			
WD No. AM-841—36 F.R. 15215, Will County, Ill., Modification No. 6						
Change:						
Tile setters	7.75	.30⅝	.325			
Tile setters' helpers	6.80	.30⅝	.325			
WD No. AM-842—36 F.R. 15218, Winnebago County, Ill., Modification No. 6						
Change:						
Millwrights	7.38	.20	.25		$0.02	
WD No. AM-854—36 F.R. 15293, Dearborn County, Ind., Modification No. 5						
CHANGE:						
Building construction:						
Bricklayers and stonemasons	6.95					
Carpenters and soft floor layers (building)	6.575	.25	.25		.02	
Millwrights (building)	6.825	.25	.25		.02	
Piledrivermen (building)	6.825	.25	.25		.02	
Plasterers	6.25	.30	.25		.01	
Indiana Area I-E:						
Line construction:						
Linemen	6.77	.15	1%		0.25%	
Cable splicers	6.77	.15	1%		.25%	
Heavy equipment operator A	6.47	.15	1%		.25%	
Heavy equipment operator B	5.33	.15	1%		.25%	
Powderman	5.21	.15	1%		.25%	
Equipment mechanic	5.21	.15	1%		.25%	
Senior groundman truck driver with winch	4.47	.15	1%		.25%	
Groundman truck driver with winch	4.30	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Senior groundman after 5 years	4.29	.15	1%		.25%	
Senior groundman after 12 months	4.17	.15	1%		.25%	
Groundman 0-12 months	3.55	.15	1%		.25%	
WD No. AM-855—36 F.R. 15297, Delaware County, Ind., Modification No. 5						
CHANGE:						
Building construction:						
Asbestos workers	8.10	.20	$0.20		$0.02	
Carpenters and soft floor layers	7.00	.25			.03	
Millwrights	7.30	.25			.03	
Piledrivermen	7.20	.25			.03	
Electricians	7.65	.20	1%		0.1%	
Ironworkers:						
(Northeastern one-third of county) Structural, ornamental, and reinforcing	8.25	.40	$0.65		$0.01	
Sheet metal workers	7.18	.40	.40		.02	
Indiana Area I-E:						
Line construction:						
Linemen	6.77	.15	1%		0.25%	
Cable splicers	6.77	.15	1%		.25%	
Heavy equipment operator A	6.47	.15	1%		.25%	
Heavy equipment operator B	5.33	.15	1%		.25%	
Powderman	5.21	.15	1%		.25%	
Equipment mechanic	5.21	.15	1%		.25%	
Senior groundman truck driver with winch	4.47	.15	1%		.25%	
Groundman truck driver with winch	4.30	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Senior groundman after 5 years	4.29	.15	1%		.25%	
Senior groundman after 12 months	4.17	.15	1%		.25%	
Groundman 0-12 months	3.55	.15	1%		.25%	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-356—36 F.R. 15303, Grant County, Ind., Modification No. 4						
CHANGE:						
Carpenters and soft floor layers	6.98	.25	$0.25		$0.05	
Millrights	7.23	.25	.25		.05	
Piledrivermen	7.18	.25	.25		.05	
Ironworkers (all)	8.25	.40	.65		.01	
Painters:						
Brush and high work, 0–30 ft	5.70	.22	.15		.05	
High work, 31–60 ft	6.10	.22	.15		.05	
High work, 61–100 ft	6.50	.22	.15		.05	
High work, over 100 ft	6.70	.22	.15		.05	
Spray and sandblasting	6.70	.22	.15		.05	
Roller	5.70	.22	.15		.05	
WD No. AM-370—36 F.R. 15386, Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Ohio, Orange, Ripley, Scott, Switzerzerland, and Washington Counties, Ind., Modification No. 2						
CHANGE:						
Cement masons:						
Bartholomew and Brown Counties	6.70					
Clark, Floyd, and Harrison Counties	7.98					
Ironworkers:						
Northwest one sixth of Lawrence County and the northern portion of Martin County, excluding the city of Shoals	8.20	.40	.65			
Dearborn, Franklin, Ohio, Ripley, and Switzerland Counties and the eastern one half of Decatur County:						
Structural and ornamental	7.935	.40	.55		.015	
Reinforcing	7.835	.40	.65		.02	
Power equipment operators:						
Remainder of Counties:						
Group I	6.60	.25	.20		.04	
Group II	6.25	.25	.20		.04	
Group III	5.90	.25	.20		.04	
Group IV	5.25	.25	.20		.04	
WD No. AM-373—36 F.R. 15777, Allegan County, Mich., Modification No. 6						
CHANGE:						
Building and heavy construction:						
Cement masons	6.90	.32	.18		.02	
WD No. AM-377—36 F.R. 15795, Charlevoix County, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:						
Sheet metal workers	7.02	.35	.23	$0.60	.10	
WD No. AM-390—36 F.R. 15855, Muskegon and Oceana Counties, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:						
Cement masons	6.53	.32	.18		.02	
WD No. AM-3,555—36 F.R. 16773, Bexar County, Tex., Modification No. 6						
CHANGE:						
Building construction:						
Cement masons:						
Cement masons	6.40					
Machine operators	6.65					
WD No. AM-7,489—36 F.R. 21737, Harris County, Tex., Modification No. 5						
CHANGE:						
Building construction:						
Carpenters:						
Carpenters	6.35	.40	.22		.05	
Lathers	6.75	.20	.15		.02	
Power Equipment Operators:						
Asphalt plant mixer operator; back filler; blade grader (self-propelled); building elevator (used on construction); bull clam; bulldozer and all types cat tractors; cable way; clam shells, draglines, backhoe; concrete batch plant operator; concrete mixer (14 cu. ft. or more); crane—power operated (all types); crusher operator; derrick—power operated (all types); DW–10 caterpillar, S–18 euclid and similar tractors; elevating grader (self-propelled); forklift used on construction (not including warehousing); foundation boring machine; gasoline or diesel-driven welding machines (7 or more); gradall; heavy duty mechanic; high-lift; hoist (motor driven, 2 drums or more); locomotive crane; mix mobile; paving mixer (all types); pile driver; pneumatic rollers (self-propelled); pumperete machine operator; push cat operator; scoopmobiles; scrapers (heavy type, over 3 cu. yds.); shovel (power operated); trenching machine (all sizes); tugboat operator (assigned to construction); turnapulls; water well drilling machines (used on construction); well point pump; winch truck. All other equipment of similar nature coming under the heavy equipment class, when power-operated	6.35	.20	.30		.01	
Air compressors; blade grader (towed); concrete mixer (less than 14 cu. ft.); conveyor; flex plant; form grader; gasoline- or diesel-driven welding machines (on 3 or more, up to 6 machines); generator (gasoline or diesel driven, over 1,500 watts); hoist (single drum); pulsometer; pumps; rubber-tired farm tractor with attachments; scraper (3 cu. yds. or less); truck crane driver; wagon drill operator; a light equipment operator may run one or two 105-c.f.m. compressors. All other equipment of similar nature coming under the light equipment class, when power-operated	5.77	.20	.30		.01	
Fireman	5.37	.20	.30		.01	
Oiler	5.26	.20	.30		.01	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-7,714—36 F.R. 22119, Travis County, Tex., Modification No. 2						
CHANGE:						
Building construction:						
Power equipment operators:						
Backfiller; backhoe; blade grader—self-propelled; bull clam; bulldozer and all types of cat tractors; cableway; clamshell operator; crane-power operated, all types; derricks—power operated, all types; dragline; elevating grader—self-propelled; Euclid operator; foundation boring machine; gradall; heavy duty mechanic; high lifts and loader, over ¼ cu. yd. capacity; hoist-motor driven, two drums or more; locomotive; mixer, 14 cu. ft. or over; mixmobile; paving mixer—all types; pumperete machine; push cat operator; rock crusher operated on job; scoopmobile; scraper; shovel—power operated; trenching machine—all types; two 125 cu. ft. compressors; welding machines—6 to 12; winch truck; well points, including installations	6.375					
Air compressor, anytime there are two or more attachments operating on a 125 cu. ft. air compressor, or less, a light equipment operator shall be employed, any compressor over 125 cu. ft. shall have a light equipment operator; blade grader-towed; flex plane; fork lift, 1,500-lbs. capacity or less; hoist, single drum; pump 2½ inches or larger; pneumatic roller; mixer—less than 14 cu. ft.; pulsometer; truck crane driver and oiler combination man; form grader, gasoline or diesel driven welding machine, 3 to 6; high-lifts and loaders, ¼ cu. yd. or less	5.585					
Fireman	4.72					
Oiler	4.62					
WD No. AM-7, 715—36 F.R. 22121, Galveston County, Tex., Modification No. 3						
CHANGE:						
Building construction:						
Carpenters:						
Carpenters	6.35	.40	.22		.05	
Cement masons	6.00	.30	.35			
Plasterers	6.525	.27	.30		.05	
Plumbers and pipefitters	7.075	.225	.20		.02	
Power equipment operators:						
Asphalt plant mixer operator; back filler; blade grader (self-propelled); building elevator (used on construction); Bull clam and all types cat tractors; cable way; clam shells, draglines, backhoe; concrete batch plant operator; concrete mixer (14 cu. ft. or more); crane-power operated (all types); DW-10 caterpillar, S-18 Euclid and similar tractors; elevating grader (self-propelled); fork lift used on construction (not including warehousing); foundation boring machine; gasoline or diesel driven welding machines (7 or more); gradall; heavy duty mechanic; high-lift; hoist (motor driven, 2 drum or more); locomotive crane; mix mobile; paving mixer (all types); pile driver; pneumatic rollers (self-propelled); pumpcrete machine operator; push cat operator; scoopmobiles; scraper (heavy type, over 3 cu. yds.); shovel (power operated); trenching machine (all sizes); tug boat operator (assigned to construction); turnapulls; water well drilling machines (used on construction); well point pump; winch truck. All other equipment of similar nature coming under the heavy equipment class, when power operated	6.35	.20	.30		.01	
Air compressors; blade grader (towed); concrete mixer (less than 14 cu. ft.); conveyor; flex plant; form grader; gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); generator (gasoline or diesel driven, over 1,500 watts); hoist (single drum); pulsometer; pumps; rubber tired farm tractor with attachments; scraper (3 cu. yds. or less); truck crane driver; wagon drill operator; a light equipment operator may run one or two 105-c.f.m. compressors. All other equipment of similar nature coming under the light equipment class, when power operated	5.77	.20	.30		.01	
Fireman	5.37	.20	.30		.01	
Oiler	5.26	.20	.30		.01	
WD No. AM-7, 717—36 F.R. 22124, Jefferson and Orange Counties, Tex., Modification No. 2						
OMIT:						
Bricklayers; stonemasons	6.625	.175	.30			
ADD:						
Bricklayers; stonemasons:						
Southern part of Jefferson County including the cities of Port Arthur, Sabine, Port Neches, and Nederland	6.625	.175	.30			
Remainder of Jefferson County and all of Orange County	7.255	.175	.30		.04	

SUPERSEDES DECISIONS

State: Texas; County: Bexar Decision No. AM-11,368; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,556, dated Aug. 25, 1971, in 36 F.R. 16776.
Description of work: Heavy construction.
16—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$1.85					
Asphalt heaterman	2.50					
Asphalt raker	2.50					
Batching plant sealeman	2.75					
Carpenter	2.75					
Carpenter helper	2.50					
Concrete finisher (paving)	3.00					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	2.85					
Concrete finisher helper (structures)	2.40					
Concrete rubber	2.10					
Electrician	4.60					
Form builder (structures)	2.95					
Form builder helper (structures)	2.00					
Form setter (paving and curb)	3.00					
Form setter (structures)	2.95					
Form setter helper (structures)	2.50					
Laborer, common	1.60					
Laborer, utility man	2.00					
Manhole builder, brick	2.00					
Mechanic	3.00					
Mechanic helper	2.50					
Oiler	2.30					
Painter (structures)	4.25					
Painter helper (structures)	2.25					
Pipelayer	2.50					
Pipelayer helper	1.85					
Powderman	2.75					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Powderman helper	2.25					
Reinforcing steel setter (paving)	3.00					
Reinforcing steel setter (structures)	2.80					
Reinforcing steel setter helper	2.00					
Steel worker (structural)	3.60					
Spreader box man	2.30					
Swamper	2.00					
Power equipment operators:						
Asphalt distributor	2.50					
Asphalt paving machine	2.75					
Bulldozer, 150 h.p. and less	2.50					
Bulldozer, over 150 h.p.	3.25					
Concrete paving finishing machine	2.75					
Concrete paving saw	2.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	2.85					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Crusher or screening plant operator	2.50					
Foundation drill operator (crawler mounted)	4.90					
Foundation drill operator (truck mounted)	3.85					
Foundation drill operator helper	3.15					
Front end loader (2½ cu. yd. and less)	2.55					
Front end loader (over 2½ cu. yd.)	2.75					
Motor grader operator, fine grade	3.25					
Motor grader operator	3.00					
Roller, steel wheel (plant—mix pavements)	2.60					
Roller, steel wheel (other—flat wheel or tamping)	2.00					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yd. and less)	2.50					
Scrapers (over 17 cu. yd.)	2.75					
Tractor (crawler type) 150 h.p. and less	2.20					
Tractor (crawler type) over 150 h.p.	2.50					
Tractor (pneumatic) 80 h.p. and less	2.05					
Tractor (pneumatic) over 80 h.p.	2.50					
Trenching machine, light	2.55					
Wagon drill, boring machine or post hole driller operator	2.50					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.00					
Tandem axle or semitrailer	2.00					
Winch	2.15					
Welders	4.00					
1—Texas—LCb:						
Line construction:						
Lineman	6.615	$0.17	1%		1/2%	
Ground mechanics	5.33	.17	1%		1/2%	
Groundmen	4.51	.17	1%		1/2%	
Groundmen, first 6 months	3.36	.17	1%		1/2%	

State: Texas; Counties: Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, and Wilbarger.
Decision No. AM-11,387; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,557, dated Aug. 25, 1971, in 36 F.R. 16777.
Description of work: Highway construction.
19—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt heaterman	$3.00					
Asphalt raker	3.50					
Batching plant scaleman	3.70					
Carpenter	3.25					
Carpenter helper	2.50					
Concrete finisher (paving)	3.55					
Concrete finisher helper (paving)	3.00					
Concrete finisher (structures)	3.80					
Concrete rubber	3.25					
Form builder (structures)	3.65					
Form builder helper (structures)	3.00					
Form liner (paving and curb)	3.50					
Form setter (structures)	4.20					
Form setter helper (structures)	3.15					
Laborer, common	2.15					
Laborer, utility man	2.65					
Manhole builder, brick	2.50					
Mechanic	3.50					
Mechanic helper	3.10					
Oiler	3.00					
Serviceman	2.90					
Pipelayer	2.70					
Pipelayer helper	2.15					
Powderman	3.20					
Reinforcing steel setter (structures)	3.25					
Reinforcing steel setter helper	2.55					
Sign erector	3.00					
Sign erector helper	2.50					
Spreader box man	3.00					
Swamper	2.25					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Power equipment operators:						
Asphalt distributor	3.30					
Asphalt paving machine	4.20					
Broom or sweeper operator	2.55					
Bulldozer, 150 h.p. and less	3.00					
Bulldozer, over 150 h.p.	3.50					
Concrete paving curing machine	3.10					
Concrete paving form grader	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	3.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yds. and over)	4.35					
Crusher or screening plant operator	3.30					
Foundation drill operator (truck mounted)	3.90					
Front end loader (2½ cu. yds. and less)	3.25					
Front end loader (over 2½ cu. yds.)	3.65					
Motor grader operator, fine grade	4.35					
Motor grader operator	3.75					
Roller, steel wheel (plant—mix pavements)	3.30					
Roller, steel wheel (other—flat wheel or tamping)	3.00					
Roller, pneumatic (self-propelled)	2.55					
Scrapers (17 cu. yd. and less)	3.00					
Scrapers (over 17 cu. yd.)	3.50					
Tractor (crawler type) 150 h.p. and less	2.90					
Tractor (crawler type) over 150 h.p.	3.00					
Tractor (pneumatic) 80 h.p. and less	2.40					
Tractor (pneumatic) over 80 h.p.	2.65					
Traveling mixer	3.20					
Wagon drill, boring machine or post hole driller operator	2.80					
Truck drivers:						
Single axle, light	2.50					
Single axle, heavy	2.85					
Tandem axle or semitrailer	2.25					
Lowboy-float	3.60					
Winch	3.50					
Weighman (truck scales)	2.30					
Welder	4.35					

State: Texas; Counties: Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum and Young.
Decision No. AM-11,388; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,558, dated Aug. 25, 1971, in 36 F.R. 16778.
Description of work: Highway construction.
24—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.60					
Asphalt heaterman	2.50					
Asphalt raker	2.90					
Batching plant scaleman	2.75					
Carpenter	3.75					
Carpenter helper	2.65					
Concrete finisher (structures)	2.90					
Fireman	2.70					
Form builder (structures)	2.80					
Form builder helper (structures)	2.50					
Form setter (structures)	3.25					
Form setter helper (structures)	2.50					
Laborer, common	2.00					
Laborer, utility man	2.50					
Mechanic	3.10					
Mechanic helper	2.80					
Oiler	2.50					
Serviceman	2.70					
Powderman	3.25					
Spreader box man	2.70					
Power equipment operators:						
Asphalt distributor	2.60					
Asphalt paving machine	3.25					
Bulldozer, 150 h.p. and less	3.00					
Bulldozer, over 150 h.p.	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.15					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.75					
Crusher or screening plant operator	3.00					
Front end loader (2½ cu. yd. and less)	2.80					
Front end loader (over 2½ cu. yd.)	3.00					
Motor grader operator, fine grade	3.85					
Motor grader operator	3.50					
Roller, steel wheel (plant—mix pavements)	2.60					
Roller, steel wheel (other—flat wheel or tamping)	2.55					
Roller, pneumatic (self-propelled)	2.50					
Scrapers (17 cu. yd. and less)	2.75					
Scrapers (over 17 cu. yd.	3.00					
Tractor (crawler type) 150 h.p. and less	2.50					
Tractor (crawler type) over 150 h.p.	3.50					
Tractor (pnuematic) 80 h.p. and less	2.50					
Tractor (pneumatic) over 80 h.p.	2.65					
Traveling mixer	2.80					
Wagon drill, boring machine or post hole driller operator	2.75					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.50					
Tandem axle or semitrailer	2.25					
Transit-mix	2.75					
Welder	3.50					

SUPERSEDES DECISIONS—Continued

State: Texas; Counties: Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward, and Winkler.
Decision No. AM-11,389; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,559, dated Aug. 25, 1971, in 36 F.R. 16779.
Description of work: Highway construction.
29—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.40					
Asphalt heaterman	2.60					
Asphalt raker	2.75					
Batching plant scaleman	2.65					
Carpenter	3.30					
Carpenter helper	2.50					
Concrete finisher (structures)	3.00					
Concrete finisher helper (structures)	2.75					
Concrete rubber	3.10					
Form builder (structures)	3.15					
Form builder helper (structures)	2.25					
Form setter (paving and curb)	3.00					
Form setter helper (paving and curb)	2.40					
Form setter (structures)	3.00					
Form setter helper (structures)	2.55					
Laborer, common	2.00					
Laborer, utility man	2.35					
Mechanic	3.00					
Mechanic helper	2.50					
Oiler	2.30					
Serviceman	2.60					
Powderman	3.00					
Reinforcing steel setter (structures)	3.00					
Reinforcing steel setter helper	2.25					
Spreader box man	2.60					
Power equipment operators:						
Asphalt distributor	2.90					
Asphalt paving machine	2.75					
Bulldozer, 150 h.p. and less	2.85					
Bulldozer, over 150 h.p.	3.00					
Concrete paving saw	2.75					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.25					
Crusher or screening plant operator	2.75					
Elevating grader	2.75					
Foundation drill operator (truck mounted)	4.10					
Front end loader (2½ cu. yd. and less)	2.70					
Front end loader (over 2½ cu. yd.)	3.00					
Motor grader operator, fine grade	3.25					
Motor grader operator	3.00					
Roller, steel wheel (plant—mix pavements)	2.75					
Roller, steel wheel (other—flat wheel or tamping)	2.35					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yd. and less)	2.85					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) 150 h.p. and less	2.60					
Tractor (crawler type) over 150 h.p.	2.75					
Tractor (pneumatic) 80 h.p. and less	2.50					
Tractor (pneumatic) over 80 h.p.	2.75					
Traveling mixer	2.80					
Wagon drill, boring machine or post hole driller operator	2.50					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.00					
Lowboy-float	2.90					
Weighman (truck scales)	2.00					
Welder	3.00					

State: Texas; Counties: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves and Terrell.
Decision No. AM-11,390; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,560, dated Aug. 25, 1971, in 36 F.R. 16780.
Description of work: Highway construction.
12—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt heaterman	$2.50					
Asphalt raker	2.50					
Batching plant scaleman	2.60					
Carpenter	3.10					
Concrete finisher (paving)	3.50					
Concrete finisher (structures)	2.25					
Concrete finisher helper (structures)	2.00					
Electrician	4.85					
Form builder (structures)	2.55					
Form builder helper (structures)	2.10					
Form setter (structures)	2.70					
Form setter helper (structures)	2.40					
Laborer, common	1.60					
Laborer, utility man	2.00					
Mechanic	3.00					
Mechanic helper	2.35					
Oiler	2.50					
Serviceman	2.50					
Piledriverman	3.00					
Pipelayer	2.50					
Reinforcing steel setter (paving)	2.00					
Reinforcing steel setter (structures)	2.60					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Reinforcing steel setter helper	1.75					
Spreader box man	2.45					
Swamper	2.00					
Power equipment operators:						
Asphalt distributor	2.50					
Asphalt paving machine	2.75					
Broom or sweeper operator	2.20					
Bulldozer, over 150 h.p.	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yds. and over)	3.50					
Crusher or screening plant operator	3.00					
Front end loader (2½ cu. yds. and less)	2.70					
Front end loader (over 2½ cu. yds.)	3.00					
Motor grader operator, fine grade	3.45					
Motor grader operator	3.25					
Roller, steel wheel (plant—mix pavements)	2.55					
Roller, steel wheel (other—flat wheel or tamping)	2.25					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yds. and less)	2.85					
Scrapers (over 17 cu. yds.)	3.00					
Tractor (crawler type) over 150 h.p.	$2.75					
Tractor (pneumatic) over 80 h.p.	2.50					
Wagon drill, boring machine or post hole driller operator	2.25					
Truck drivers:						
Single axle, light	2.25					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.25					
Transit-mix	2.25					
Weighman (truck scales)	2.50					
Welder	3.00					

State: Texas; Counties: Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, La Salle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson, and Zavala.
Decision No. AM-11,391; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,561, dated Aug. 25, 1971, in 36 F.R. 16781.
Description of work: Highway construction.
16—Texas—3f.

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$1.85					
Asphalt heaterman	2.50					
Asphalt raker	2.50					
Batching plant scaleman	2.75					
Carpenter	2.75					
Carpenter helper	2.50					
Concrete finisher (paving)	3.00					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	2.85					
Concrete finisher helper (structures)	2.40					
Concrete rubber	2.10					
Electrician	4.60					
Form builder (structures)	2.95					
Form builder helper (structures)	2.00					
Form setter (paving and curb)	3.00					
Form setter (structures)	2.95					
Form setter helper (structures)	2.50					
Laborer, common	1.60					
Laborer, utility man	2.00					
Manhole builder, brick	2.00					
Mechanic	3.00					
Mechanic helper	2.50					
Oiler	2.30					
Painter (structures)	4.25					
Painter helper (structures)	2.25					
Pipelayer	2.50					
Pipelayer helper	1.85					
Powderman	2.75					
Powderman helper	2.25					
Reinforcing steel setter (paving)	3.00					
Reinforcing steel setter (structures)	2.80					
Reinforcing steel setter helper	2.00					
Steel worker (structural)	3.60					
Spreader box man	2.30					
Swamper	2.00					
Power equipment operators:						
Asphalt distributor	2.50					
Asphalt paving machine	2.75					
Bulldozer, 150 h.p. and less	2.50					
Bulldozer, over 150 h.p.	3.25					
Concrete paving finishing machine	2.75					
Concrete paving saw	2.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	2.85					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Crusher or screening plant operator	2.50					
Foundation drill operator (crawler mounted)	4.90					
Foundation drill operator (truck mounted)	3.85					
Foundation drill operator helper	3.15					
Front end loader (2½ cu. yd. and less)	2.55					
Front end loader (over 2½ cu. yd.)	2.75					
Motor grader operator, fine grade	3.25					
Motor grader operator	3.00					
Roller, steel wheel (plant—mix pavements)	2.60					
Roller, steel wheel (other—flat wheel or tamping)	2.00					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yd. and less)	2.50					
Scrapers (over 17 cu. yd.)	2.75					
Tractor (crawler type) 150 h.p. and less	2.20					
Tractor (crawler type) over 150 h.p.	2.50					
Tractor (pneumatic) 80 h.p. and less	2.05					
Tractor (pneumatic) over 80 h.p.	2.50					
Trenching machine, light	2.55					
Wagon drill, boring machine or post hole driller operator	2.50					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.00					
Tandem axle or semitrailer	2.00					
Winch	2.15					
Welder	4.00					

State: Texas; Counties: Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy, and Zapata.
Decision No. AM-11,392; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,562, dated Aug. 25, 1971, in 36 F.R. 16782.
Description of work: Highway construction.
36—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$1.85					
Asphalt raker	2.70					
Carpenter	2.70					
Carpenter helper	2.00					
Concrete finisher (structures)	2.75					
Concrete finisher helper (structures)	2.25					
Electrician	3.75					
Form setter (structures)	2.75					
Form setter helper (structures)	2.30					
Laborer, common	1.85					
Laborer, utility man	2.25					
Mechanic	2.75					
Oiler	2.15					
Painter (structures)	2.35					
Piledriverman	3.00					
Pipelayer	2.30					
Reinforcing steel setter (structures)	2.70					
Reinforcing steel setter helper	2.25					
Spreader box man	2.60					
Power equipment operators:						
Asphalt distributor	2.55					
Asphalt paving machine	3.00					
Bulldozer, over 150 h.p.	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1¼ cu. yd.)	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1¼ cu. yd. and over)	3.50					
Crusher or screening plant operator	2.70					
Front end loader (2½ cu. yd. and less)	2.55					
Front end loader (over 2½ cu. yd.)	2.75					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.00					
Roller, steel wheel (plant—mix pavements)	2.50					
Roller, steel wheel (other—flat wheel or tamping)	2.35					
Roller, pneumatic (self-propelled)	2.10					
Scrapers (17 cu. yd. and less)	2.75					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) over 150 h.p.	2.55					
Tractor (pneumatic) 80 h.p. and less	2.50					
Tractor (pneumatic) over 80 h.p.	2.85					
Trenching machine, light	3.25					
Truck drivers:						
Single axle, light	1.85					
Single axle, heavy	2.00					
Tandem axle or semitrailer	1.85					

State: Texas; Counties: Aransas, Bee, Calhoun, De Witt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio, and Victoria.
Decision No. AM-11,393; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,563, dated Aug. 25, 1971, in 36 F.R. 16783.
Description of work: Highway construction.
15—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt raker	$2.50					
Asphalt shoveler	2.00					
Carpenter	2.80					
Carpenter helper	2.15					
Concrete finisher (paving)	3.00					
Concrete finisher (structures)	2.80					
Concrete finisher helper (structures)	2.25					
Form builder (structures)	2.90					
Form builder helper (structures)	2.25					
Form liner (paving and curb)	3.25					
Form setter (paving and curb)	2.40					
Form setter (structures)	3.00					
Form setter helper (structures)	2.25					
Laborer, common	2.00					
Laborer, utility man	2.15					
Mechanic	3.35					
Mechanic helper	2.30					
Oiler	2.50					
Pipelayer	2.20					
Reinforcing steel setter (paving)	2.40					
Reinforcing steel setter (structures)	2.75					
Reinforcing steel setter helper	2.15					
Spreader box man	2.85					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Power equipment operators:						
Asphalt distributor	2.75					
Asphalt paving machine	3.00					
Bulldozer, 150 h.p. and less	2.85					
Bulldozer, over 150 h.p.	3.20					
Concrete paving curing machine	2.00					
Concrete paving finishing machine	3.00					
Concrete paving longitudinal float	2.75					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Crusher or screening plant operator	3.25					
Front end loader (2½ cu. yd. and less)	2.50					
Front end loader (over 2½ cu. yd.)	2.75					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.00					
Roller, steel wheel (plant—mix pavements)	2.45					
Roller, steel wheel (other—flat wheel or tamping)	2.05					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yd. and less)	2.75					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) over 150 h.p.	2.50					
Tractor (pneumatic) 80 h.p. and less	2.00					
Tractor (pneumatic) over 80 h.p.	2.15					
Traveling mixer	2.15					
Truck drivers:						
Single axle, light	2.10					
Single axle, heavy	2.10					
Tandem axle or semitrailer	2.50					
Winch	2.75					
Welder	3.15					

State: Texas; Counties: Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis, and Williamson.
Decision No. AM-11,394; Date of decision: Feb. 4, 1962.
Supersedes Decision No. AM-3,564, dated Aug. 25, 1971, in 36 F.R. 16784.
Description of work: Highway Construction
18—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.15					
Asphalt heaterman	2.50					
Asphalt raker	3.35					
Batching plant scaleman	2.75					
Carpenter	3.20					
Carpenter helper	2.25					
Concrete finisher (structures)	3.00					
Concrete finisher helper (structures)	2.25					
Electrician	5.25					
Fireman	3.30					
Form builder (structures)	3.25					
Form builder helper (structures)	2.25					
Form setter (paving and curb)	2.90					
Form setter helper (paving and curb)	2.75					
Form setter (structures)	3.00					
Form setter helper (structures)	2.00					
Laborer, common	1.75					
Laborer, utility man	2.00					
Mechanic	3.15					
Mechanic helper	2.25					
Oiler	2.25					
Pipelayer	2.90					
Powderman	2.65					
Reinforcing steel setter (structures)	3.25					
Reinforcing steel setter helper	2.75					
Spreader box man	2.60					
Power equipment operators:						
Asphalt distributor	2.65					
Asphalt paving machine	3.50					
Bulldozer, 150 h.p. and less	2.80					
Bulldozer, over 150 h.p.	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Crusher or screening plant operator	2.75					
Foundation drill operator (truck mounted)	4.25					
Foundation drill operator helper	3.25					
Front end loader (2½ cu. yd. and less)	2.60					
Front end loader (over 2½ cu. yd.)	3.00					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.20					
Roller, steel wheel (plant—mix pavements)	3.35					
Roller, steel wheel (other—flat wheel or tamping)	2.50					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yd. and less)	2.90					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) over 150 h.p.	3.00					
Tractor (pneumatic) over 80 h.p.	2.15					
Traveling mixer	2.50					
Wagon drill, boring machine or post hole driller operator	2.25					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.00					
Vibrator man (hand type)	2.25					
Welder	3.00					

SUPERSEDES DECISIONS—Continued

State: Texas; Counties: Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan, and Navarro.
Decision No. AM-11,395; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,565, dated Aug. 25, 1971, in 36 F.R. 16785.
Description of work: Highway construction.
22—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.65					
Asphalt raker	2.25					
Batching plant scaleman	3.00					
Carpenter	3.25					
Carpenter helper	2.25					
Concrete finisher (paving)	3.60					
Concrete finisher (structures)	3.25					
Concrete finisher helper (structures)	2.50					
Concrete rubber	2.25					
Electrician	5.00					
Form builder (structures)	3.25					
Form builder helper (structures)	3.00					
Form setter (structures)	3.50					
Form setter helper (structures)	2.75					
Laborer, common	2.00					
Laborer, utility man	2.10					
Mechanic	3.55					
Oiler	2.75					
Painter (structures)	4.50					
Pipelayer	3.00					
Pipelayer helper	2.25					
Powderman	3.00					
Reinforcing steel setter (structures)	2.35					
Reinforcing steel setter helper	2.00					
Steel worker (structural)	3.50					
Steel worker helper (structural)	2.60					
Sign erector	3.00					
Sign erector helper	2.50					
Power equipment operators:						
Asphalt distributor	3.10					
Asphalt paving machine	2.95					
Asphalt plant operator	3.25					
Bulldozer, 150 h.p. and less	3.00					
Bulldozer, over 150 h.p.	3.50					
Concrete paving saw	2.75					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Crusher or screening plant operator	2.75					
Foundation drill operator (crawler mounted)	4.75					
Foundation drill operator (truck mounted)	3.75					
Front end loader (2½ cu. yd. and less)	3.00					
Front end loader (over 2½ cu. yd.)	3.25					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.25					
Roller, steel wheel (plant—mix pavements)	2.35					
Roller, steel wheel (other—flat wheel or tamping)	2.50					
Roller, pneumatic (self-propelled)	2.50					
Scrapers (17 cu. yd. and less)	3.00					
Scrapers (over 17 cu. yd.)	3.25					
Tractor (crawler type) 150 h.p. and less	2.40					
Tractor (crawler type) over 150 h.p.	2.90					
Tractor (pneumatic) 80 h.p and less	2.25					
Tractor (pneumatic) over 80 h.p.	3.10					
Traveling mixer	2.75					
Wagon drill, boring machine or post hole driller operator	2.50					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.00					
Tandem axle or semitrailer	2.00					
Winch	2.75					
Weighman (truck scales)	2.25					
Welder	3.25					

State: Texas; Counties: Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant, and Wise.
Decision No. AM-11396; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,566, dated Aug. 25, 1971, in 36 F.R. 16786.
Description of work: Highway construction.
13—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.55					
Asphalt heaterman	2.65					
Asphalt raker	3.25					
Asphalt shoveler	2.50					
Batching plant scaleman	2.95					
Carpenter	3.25					
Carpenter helper	3.00					
Concrete finisher (paving)	3.50					
Concrete finisher helper (paving)	3.00					
Concrete finisher (structures)	3.25					
Concrete finisher helper (structures)	2.95					
Concrete rubber	2.75					
Electrician	5.00					
Form builder (structures)	3.50					
Form builder helper (structures)	2.50					
Form liner (paving and curb)	3.50					
Form setter (paving and curb)	3.25					
Form setter helper (paving and curb)	2.50					
Form setter (structures)	3.50					
Form setter helper (structures)	2.50					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Laborer, common	2.00					
Laborer, utility man	2.25					
Mechanic	3.50					
Mechanic helper	2.85					
Oiler	2.75					
Pipelayer	3.25					
Pipelayer helper	2.50					
Powderman	3.00					
Reinforcing steel setter (structures)	3.25					
Reinforcing steel setter helper	2.50					
Sign erector	3.00					
Sign erector helper	2.50					
Spreader box man	2.50					
Swamper	2.00					
Power equipment operators:						
Asphalt distributor	3.25					
Asphalt paving machine	3.25					
Bulldozer, 150 h.p. and less	3.15					
Bulldozer, over 150 h.p.	3.25					
Concrete paving curing machine	3.00					
Concrete paving finishing machine	3.50					
Concrete paving saw	2.75					
Concrete paving spreader	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.25					
Crane, clamshell, backhoe, derrick dragline, shovel (1½ cu. yd. and over)	3.50					
Foundation drill operator (truck mounted)	4.20					
Foundation drill operator helper	3.65					
Front end loader (2½ cu. yd. and less)	3.25					
Front end loader (over 2½ cu. yd.)	3.50					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.25					
Roller, steel wheel (plant—mix pavements)	3.25					
Roller, steel wheel (other—flat wheel or tamping)	2.60					
Roller pneumatic (self-propelled)	2.25					
Scrapers (17 cu. yd. and less)	3.15					
Scrapers (over 17 cu. yd.)	3.25					
Tractor (crawler type) 150 h.p. and less	2.75					
Tractor (crawler type) over 150 h.p.	3.00					
Tractor (pneumatic) 80 h.p. and less	2.20					
Tractor (pneumatic) over 80 h.p.	2.85					
Traveling mixer	2.70					
Wagon drill, boring machine or post hole driller operator	2.80					
Truck drivers:						
Single axle, light	2.50					
Single axle, heavy	2.55					
Tandem axle or semitrailer	2.50					
Lowboy-float	3.25					
Transit-mix	3.25					
Welder	3.55					

State: Texas; Counties: Collin, Dallas, Ellis, Grayson, and Rockwall.
Decision No. AM-11,397; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,567, dated Aug. 25, 1971, in 36 F.R. 16787.
Description of work: Heavy and highway construction.
11—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.60					
Asphalt heaterman	2.75					
Asphalt raker	3.25					
Batching plant scaleman	2.75					
Carpenter	3.50					
Carpenter helper	2.50					
Concrete finisher (paving)	3.50					
Concrete finisher helper (paving)	2.85					
Concrete finisher (structures)	3.25					
Concrete finisher helper (structures)	3.00					
Concrete rubber	2.25					
Fireman	3.00					
Form builder (structures)	3.50					
Form builder helper (structures)	2.50					
Form liner (paving and curb)	3.50					
Form setter (paving and curb)	3.50					
Form setter helper (paving and curb)	2.80					
Form setter (structures)	3.45					
Form setter helper (structures)	2.50					
Laborer, common	2.00					
Laborer, utility man	2.25					
Mechanic	3.50					
Mechanic helper	2.65					
Oiler	2.75					
Pipelayer	2.95					
Pipelayer helper	2.65					
Reinforcing steel setter (structures)	3.25					
Reinforcing steel setter helper	2.25					
Steel worker (structural)	3.50					
Steel worker helper (structural)	2.50					
Spreader box man	2.50					
Swamper	2.50					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Power equipment operators:						
Asphalt distributor	3.00					
Asphalt paving machine	3.25					
Bulldozer, 150 h.p.	3.25					
Bulldozer, over 150 h.p.	3.50					
Concrete paving finishing machine	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.75					
Form loader	3.15					
Foundation drill operator (truck mounted)	3.45					
Foundation drill operator helper	2.75					
Front end loader (2½ cu. yd. and less)	3.00					
Front end loader (over 2½ cu. yd.)	3.25					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.25					
Roller, steel wheel (plant—mix pavements)	3.25					
Roller, steel wheel (other—flat wheel or tamping)	2.85					
Roller, pneumatic (self-propelled)	2.25					
Scrapers (17 cu. yd. and less)	3.00					
Scrapers (over 17 cu. yd.)	3.50					
Tractor (crawler type) 150 h.p. and less	2.75					
Tractor (crawler type) over 150 h.p.	3.00					
Tractor (pneumatic) 80 h.p. and less	2.65					
Tractor (pneumatic) over 80 h.p.	3.25					
Traveling mixer	2.85					
Trenching machine, heavy	3.50					
Wagon drill, boring machine or post hole driller operator	3.00					
Truck drivers:						
Single axle, light	2.45					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.40					
Lowboy-float	3.25					
Transit-mix	2.50					
Weightman (truck scales)	2.25					
Welder	3.85					
Welder helper	3.15					

State: Texas; Counties: Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt, and Wood.
Decision No. AM-11,398; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,568, dated Aug. 25, 1971, in 36 F.R. 16788.
Description of work: Highway construction.
30—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.75					
Asphalt heaterman	2.40					
Asphalt raker	3.25					
Batching plant scaleman	2.75					
Carpenter	3.50					
Carpenter helper	2.90					
Concrete finisher (paving)	3.50					
Concrete finisher helper (paving)	2.85					
Concrete finisher (structures)	3.50					
Concrete finisher helper (structures)	2.50					
Electrician	5.65					
Form builder (structures)	3.50					
Form liner (paving and curb)	3.50					
Form setter (structures)	3.50					
Form setter helper (structures)	3.00					
Laborer, common	2.00					
Laborer, utility man	2.25					
Mechanic	3.50					
Mechanic helper	2.85					
Oiler	2.75					
Pipelayer	3.00					
Pipelayer helper	2.30					
Reinforcing steel setter (structures)	3.00					
Spreader box man	2.75					
Power equipment operators:						
Asphalt distributor	2.75					
Asphalt paving machine	3.25					
Bulldozer, 150 h.p. and less	3.00					
Bulldozer, over 150 h.p.	3.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel, (1½ cu. yds. and over)	3.65					
Front end loader (2½ cu. yds. and less)	2.85					
Front end loader (over 2½ cu. yds.)	3.00					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.25					
Roller, steel wheel (plant—mix pavements)	3.05					
Roller, steel wheel (other—flat wheel or tamping)	2.50					
Roller, pneumatic (self-propelled)	2.50					
Scrapers (17 cu. yds. and less)	3.00					
Scrapers (over 17 cu. yds.)	3.15					
Self-propelled hammer	2.50					
Tractor (crawler type) 150 h.p. and less	2.75					
Tractor (crawler type) over 150 h.p.	3.00					
Tractor (pneumatic) 80 h.p. and less	2.50					
Tractor (pneumatic) over 80 h.p.	3.25					
Truck drivers:						
Single axle, light	2.25					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.25					
Welder	3.25					

SUPERSEDES DECISIONS—Continued

State: Texas; Counties: Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, and Tyler.
Decision No. AM-11,399; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,569, dated Aug. 25, 1971, in 36 F.R. 16789.
Description of work: Highway construction.
111—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt heaterman	$2.75					
Asphalt raker	2.50					
Asphalt shoveler	2.35					
Batching plant scaleman	3.00					
Carpenter	3.25					
Carpenter helper	2.80					
Concrete finisher (paving)	3.85					
Concrete finisher helper (paving)	2.85					
Concrete finisher (structures)	3.25					
Concrete finisher helper (structures)	2.50					
Concrete rubber	3.00					
Electrician	5.25					
Fireman	3.00					
Form builder (structures)	3.50					
Form setter (structures)	3.25					
Form setter helper (structures)	2.50					
Laborer, common	2.00					
Laborer, utility man	2.50					
Mechanic	3.65					
Mechanic helper	2.70					
Oiler	2.50					
Painter (structures)	4.50					
Pipelayer	3.00					
Pipelayer helper	2.30					
Reinforcing steel setter (structures)	2.95					
Reinforcing steel setter helper	2.75					
Spreader box man	3.00					
Power equipment operators:						
Asphalt distributor	3.10					
Asphalt paving machine	3.00					
Bulldozer, 150 h.p. and less	3.00					
Bulldozer, over 150 h.p.	3.40					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Front end loader (2½ cu. yd. and less)	3.00					
Front end loader (over 2½ cu. yd.)	3.20					
Motor grader operator, fine grade	3.75					
Motor grader operator	3.50					
Roller, steel wheel (plant—mix pavements)	2.75					
Roller, steel wheel (other—flat wheel or tamping)	2.55					
Roller, pneumatic (self-propelled)	2.65					
Scrapers (17 cu. yd. and less)	2.75					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) 150 h.p. and less	2.85					
Tractor (crawler type) over 150 h.p.	3.00					
Tractor (pneumatic) 80 h.p. and less	2.35					
Tractor (pneumatic) over 80 h.p.	2.50					
Traveling mixer	2.75					
Trenching machine, light	3.00					
Truck drivers:						
Single axle, light	2.25					
Single axle, heavy	2.50					
Tandem axle or semitrailer	2.50					
Lowboy-float	3.00					

State: Texas; Counties: Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker, and Washington.
Decision No. AM-11,400; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,570, dated Aug. 25, 1971, in 36 F.R. 16790.
Description of work: Highway construction.
25—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt heaterman	$2.65					
Asphalt raker	2.50					
Batching plant scaleman	2.25					
Carpenter	3.00					
Carpenter helper	2.65					
Concrete finisher (paving)	3.50					
Concrete finisher helper (paving)	3.00					
Concrete finisher (structures)	3.20					
Concrete finisher helper (structures)	2.50					
Concrete rubber	3.00					
Electrician	5.00					
Form builder (structures)	3.25					
Form builder helper (structures)	2.25					
Form liner (paving and curb)	3.50					
Form setter (structures)	3.25					
Form setter helper (structures)	2.40					
Laborer, common	2.00					
Laborer, utility man	2.15					
Mechanic	3.00					
Mechanic helper	2.50					
Oiler	2.25					
Painter (structures)	2.50					
Reinforcing steel setter (structures)	2.95					
Reinforcing steel setter helper	2.45					
Power equipment operators:						
Asphalt distributor	2.75					
Asphalt paving machine	2.65					
Bulldozer, 150 h.p. and less	2.85					
Bulldozer, over 150 h.p.	3.00					
Concrete paving curing machine	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	3.25					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Power equipment operators—Continued						
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yds. and over)	3.50					
Crusher or screening plant operator	3.10					
Foundation drill operator (truck mounted)	4.75					
Foundation drill operator helper	2.75					
Front end loader (2½ cu. yds. and less)	2.80					
Front end loader (over 2½ cu. yds.)	3.00					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.25					
Roller, steel wheel (plant—mix pavements)	2.50					
Roller, steel wheel (other—flat wheel or tamping)	2.00					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yds. and less)	2.70					
Scrapers (over 17 cu. yds.)	3.00					
Slip form paving operator	3.50					
Tractor (crawler type) over 150 h.p.	3.25					
Tractor (pneumatic) 80 h.p. and less	2.50					
Tractor (pneumatic) over 80 h.p.	3.40					
Traveling mixer	2.50					
Wagon drill, boring machine or post hole driller operator	3.00					
Truck drivers:						
Single axle, light	2.25					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.25					

State: Texas; Counties; Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller, and Wharton.
Decision No. AM-11, 401; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,571, dated Aug. 25, 1971, in 36 F. R. 16791.
Description of work: Heavy and highway construction.
14—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.80					
Asphalt heaterman	2.85					
Asphalt raker	3.00					
Asphalt shoveler	2.50					
Batching plant scaleman	2.60					
Carpenter	4.00					
Carpenter helper	3.00					
Concrete finisher (paving)	3.75					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	3.45					
Concrete finisher helper (structures)	3.00					
Concrete rubber	3.00					
Electrician	5.50					
Form builder (structures)	3.50					
Form builder helper (structures)	2.55					
Form liner (paving and curb)	3.65					
Form setter (paving and curb)	3.45					
Form setter helper (paving and curb)	2.75					
Form setter (structures)	3.75					
Form setter helper (structures)	2.65					
Laborer, common	2.25					
Laborer, utility man	2.50					
Manhole builder, brick	3.75					
Mechanic	4.00					
Mechanic helper	3.10					
Oiler	2.95					
Serviceman	3.10					
Painter (structures)	3.90					
Painter helper (structures)	2.80					
Piledriverman	3.50					
Pipelayer	3.00					
Pipelayer helper	2.75					
Reinforcing steel setter (paving)	3.00					
Reinforcing steel setter (structures)	3.40					
Reinforcing steel setter helper	2.50					
Steel worker (structural)	3.90					
Steel worker helper (structural)	2.75					
Spreader box man	3.50					
Power equipment operators:						
Asphalt distributor	3.25					
Asphalt paving machine	3.20					
Bulldozer, 150 h.p. and less	3.25					
Bulldozer, over 150 h.p.	3.50					
Concrete paving curing machine	3.35					
Concrete paving finishing machine	3.35					
Concrete paving longitudinal float	3.25					
Concrete paving mixer	3.75					
Concrete paving spreader	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	4.00					
Crusher or screening plant operator	3.25					
Foundation drill operator (crawler mounted)	4.00					
Foundation drill operator (truck mounted)	3.85					
Front end loader (2½ cu. yd. and less)	3.25					
Front end loader (over 2½ cu. yd.)	3.50					
Mixer (16 cu. yd. and less)	3.55					
Motor grader operator, fine grade	3.75					
Motor grader operator	3.50					
Roller, steel wheel (plant—mix pavements)	2.75					
Roller, steel wheel (other—flat wheel or tamping)	2.75					
Roller, pneumatic (self-propelled)	2.50					
Scrapers (17 cu. yd. and less)	3.00					
Scrapers (over 17 cu. yd.)	3.25					
Tractor (crawler type) 150 h.p. and less	3.00					
Tractor (crawler type) over 150 h.p.	3.15					
Tractor (pneumatic) 80 h.p. and less	2.40					
Tractor (pneumatic) over 80 h.p.	2.55					
Trenching machine, heavy	4.00					
Wagon drill, boring machine or post hole driller operator	3.25					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Truck drivers:						
Single axle, light	$2.50					
Single axle, heavy	2.75					
Tandem axle or semitrailer	2.50					
Winch	2.50					
Welder	4.00					
Welder helper	3.00					

State: Texas; Counties: Chambers, Hardin, Jefferson, Liberty, and Orange.
Decision No. AM-11,402; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,572, dated Aug. 25, 1971, in 36 F.R. 16792.
Description of work; highway constructions.
17—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.75					
Asphalt raker	3.50					
Carpenter	3.75					
Carpenter helper	2.50					
Concrete finisher (paving)	3.55					
Concrete finisher helper (paving)	3.05					
Concrete finisher (structures)	4.00					
Concrete finisher helper (structures)	2.55					
Concrete rubber	3.25					
Electrician	5.25					
Form builder (structures)	3.90					
Form liner (paving and curb)	3.50					
Form setter (paving and curb)	3.00					
Form setter helper (paving and curb)	2.75					
Form setter (structures)	3.75					
Form setter helper (structures)	2.50					
Laborer, common	2.25					
Laborer, utility man	2.50					
Mechanic	3.75					
Oiler	3.00					
Painter (structures)	3.00					
Painter helper (structures)	2.90					
Piledriverman	4.10					
Reinforcing steel setter (structures)	3.30					
Reinforcing steel setter helper	2.25					
Steel worker (structural)	3.75					
Spreader box man	2.85					
Power equipment operators:						
Asphalt distributor	3.50					
Asphalt paving machine	3.00					
Bull dozer, 150 h.p. and less	3.50					
Bulldozer, over 150 h.p.	4.00					
Concrete paving finishing machine	3.60					
Concrete paving joint sealer	3.00					
Concrete paving mixer	3.50					
Concrete paving saw	2.75					
Concrete paving spreader	3.75					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.65					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	4.00					
Front end loader (2½ cu. yd. and less)	3.10					
Front end loader (over 2½ cu. yd.)	3.50					
Motor grader operater, fine grade	4.00					
Motor grader operator	3.75					
Roller, steel wheel (plant—mix pavements)	2.95					
Roller, steel wheel (other—flat wheel or tamping)	3.45					
Roller, pneumatic (self-propelled)	3.05					
Scrapers (over 17 cu. yd.)	3.75					
Tractor (crawler type) over 150 h.p.	3.75					
Tractor (pneumatic) 80 h.p. and less	2.25					
Tractor (pneumatic) over 80 h.p.	4.00					
Truck drivers:						
Single axle, light	2.25					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.50					
Lowboy float	3.75					
Welder	3.75					

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Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AND STUDENT WORKERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 621 (36 F.R. 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Anthracite Shirt Co., Shamokin, Pa.; 12-1-71 to 11-30-72 (men's and boys' dress shirts).

Blanchard Shirt Corp., Mountain View, Ark.; 11-26-71 to 11-25-72 (men's shirts).

Charles Meyers & Co., Belleville, Ill.; 11–28–71 to 11–27–72 (men's pants).

Connellsville Sportswear Co., Connellsville, Pa.; 12–5–71 to 12–4–72 (men's and boys' trousers).

Farmville Division of U.S. Industries, Inc., Farmville, N.C.; 11–26–71 to 11–25–72 (ladies' slacks, shorts, and jeans).

Frangle, Inc., Hazleton, Pa.; 12–6–71 to 12–5–72 (children's polo shirts).

Franklin Ferguson Co., Inc., Florala, Ala.; 12–19–71 to 12–18–72 (men's and boys' shirts).

Garan, Inc., Philadelphia, Miss.; 12–15–71 to 12–14–72 (boys' pants).

Gattman Sportswear, Inc., Gattman, Miss.; 12–8–71 to 12–7–72 (men's, boys', and ladies' dress and casual slacks).

The Hercules Trouser Co., Hillsboro, Ohio; 12–1–71 to 11–30–72 (men's and boys' pants).

The Hercules Trouser Co., Manchester, Ohio; 12–1–71 to 11–30–72 (men's and boys' pants).

Industrial Garment Manufacturing Co., Erwin, Tenn.; 12–12–71 to 12–11–72 (men's work pants and shirts).

Lismore Manufacturing Corp., Fall River, Mass.; 12–1–71 to 11–30–72; 10 percent of the total number of factory production workers engaged in the production of women's and children's woven underwear and sleepwear (women's and children's woven underwear and sleepwear).

McAdoo Manufacturing Co., McAdoo, Pa.; 12–6–71 to 12–5–72 (children's polo shirts).

McNair Clothing Manufacturing Co., Brownsville, Tex.; 12–10–71 to 12–9–72 (men's and boys' pants and shirts).

Mitchell Manufacturing, Inc., Corinth, Miss.; 10–20–71 to 10–19–72 (men's shirts).

Monroe Industries, Inc., Tellico Plains, Tenn.; 12–15–71 to 12–14–72 (men's and boys' sport shirts).

Quality Frocks Corp., New Bedford, Mass.; 12–15–71 to 12–14–72; 8 learners (ladies' dresses).

Reltoc Manufacturing Co., Forrest City, Ark.; 11–12–71 to 11–11–72 (men's pants).

Roxobel Garment Co., Roxobel, N.C.; 12–14–71 to 12–13–72; 10 learners (children's dresses).

Roydon Wear, Inc., McRae, Ga.; 11–10–71 to 11–9–72 (boys' trousers and outerwear shorts).

Salant & Salant, Inc., Lexington, Tenn.; 11–6–71 to 11–5–72 (men's and boys' pants).

Salant & Salant, Inc., Paris, Tenn.; 11–9–71 to 11–8–72 (men's and boys' shirts).

Samaria Garment Co., Inc., Middlesex, N.C.; 11–24–71 to 11–23–72; 10 learners (children's and juniors' dresses and pantsuits).

Scott Co., Inc., Anderson, S.C.; 11–26–71 to 11–25–72 (men's shirts).

Shane Manufacturing Co., Inc., Evansville, Ind.; 12–9–71 to 12–8–72; 10 learners (men's work clothes).

Shane Uniform Co., Inc., Evansville, Ind.; 11–6–71 to 11–5–72 (men's and women's service apparel).

The Shirtmaker Guild, Ltd., Easley, S.C.; 11–8–71 to 11–7–72 (men's and boys' shirts).

Spring City Manufacturing Corp., Spring City, Tenn.; 11–20–71 to 11–19–72 (ladies' blouses).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn.; 11–8–71 to 11–7–72; 10 learners (men's, boys', ladies', and girls' jeans).

Tri-County Shirt Co., Inc., Salem, Ark.; 12–17–71 to 12–16–72 (men's shirts).

Venus Industries, Inc., Batesville, Miss.; 12–2–71 to 12–1–72 (women's foundation garments and nightwear).

Walhalla Garment Co., Walhalla, S.C.; 11–15–71 to 11–14–72 (women's dresses).

Warner's, Barbourville, Ky.; 11–21–71 to 11–20–72 (women's corsets and brassieres).

Warsaw Manufacturing Co., Kingstree, S.C.; 11–29–71 to 11–28–72 (women's capris, shorts, and jamaicas).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Barad & Co., Rolla, Mo.; 11–22–71 to 5–21–72; 15 learners (women's sleepwear).

Kuda Corp., Wiggins, Miss.; 12–13–71 to 6–12–72; 10 learners (men's shirts).

Salant & Salant, Inc., Loretto, Tenn.; 12–9–71 to 6–8–72 (men's and boys' jeans and shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Metropolis, Ill.; 11–15–71 to 5–14–72; 20 learners for plant expansion purposes (work gloves).

Good Luck Glove Co., Rosiclare, Ill.; 11–8–71 to 5–7–72; 20 learners for plant expansion purposes (work gloves).

Lambert Manufacturing Co., Inc., Kirksville, Mo.; 11–7–71 to 11–6–72; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Broadway Hosiery Mills, Inc., Asheville, N.C.; 11–16–71 to 11–15–72; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' hosiery).

Wayne Knitting Mills, Humboldt, Tenn.; 11–11–71 to 11–10–72; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' nylon seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Athens Lingerie Corp., Athens, Ala.; 11–25–71 to 11–24–72; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie and sleepwear).

Lismore Manufacturing Corp., Fall River, Mass.; 12–1–71 to 11–30–72; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear and sleepwear for normal labor turnover purposes (women's and children's knitted underwear and sleepwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

C.T.P. Division-General Cigar Co., Inc., Caguas, P.R.; 10–23–71 to 10–22–72; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.32 an hour (tobacco).

R. B. Tobacco Corp., Caguas, P.R.; 10–27–71 to 10–26–72; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.32 an hour (Tobacco).

Rio Grande Manufacturing Corp., Rio Grande, P.R.; 11–22–71 to 11–21–72; 10 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 320 hours at the rate of $1.14 an hour (men's cotton shorts).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration date, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below.

Grand Ledge Academy, Grand Ledge, Mich.; 12–1–71 to 9–31–72; authorizing the employment of: (1) 40 student-workers in the woodworking industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.45 an hour for the first 200 hours, $1.50 an hour for the second 200 hours and $1.55 an hour for the remaining 200 hours; (2) 20 student-workers in the bakery industry in the occupation of baker trainee, for a learning period of 600 hours at the rates of $1.40 an hour for the first 150 hours, $1.45 an hour for the second 150 hours, $1.50 an hour for the third 150 hours and $1.55 an hour for the remaining 150 hours; and (3) 10-student-workers in the cafeteria industry in the occupations of chef and baker trainee, for a learning period of 400 hours at the rates of $1.40 an hour for the first 100 hours, $1.45 an hour for the second 100 hours, $1.50 an hour for the third 100 hours and $1.55 an hour for the remaining 100 hours.

The student-worker certificate was issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 21st day of January 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.72–1644 Filed 2–3–72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 1, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 134194 Sub 3, Norman C. Emerson, assigned February 7, 1972, will be held in Room 2211B, John Fitzgerald Kennedy Building, Government Center, Boston, Mass.

MC 107515 Sub 780, Refrigerated Transport Co., Inc., assigned February 2, 1972, at Atlanta, Ga., canceled and the application dismissed.

MC 127450 Sub 7, T. G. Garland, doing business as B & W Freight Lines, assigned February 7, 1972, at Amarillo, Tex., canceled and application dismissed.

MC 108297 Sub 21, Fox Transport System, assigned February 9, 1972, at Washington, D.C., canceled and transferred to Modified Procedure.

MC-C-7602, Eastern Bus Lines, Inc.—Investigation and Revocation of Certificates, now assigned February 7, 1972, at Hartford, Conn., postponed indefinitely.

MC 32882 Sub 50, Mitchell Bros. Truck Lines, MC 83539 Sub 282, C & H Transportation Co., Inc., now assigned February 14, 1972, at Seattle, Wash., canceled and reassigned to February 14, 1972, at 9:30 a.m. U.S. standard time, at the Thunderbird Motor Inn, 1401 North Hayden Island Drive, Portland, OR.

MC 119632 Sub 45, Reed Lines, Inc., assigned February 29, 1972, at Columbus, Ohio, postponed indefinitely.

MC-F-11094, Navajo Freight Lines, Inc.—Investigation of Control—Garrett Freight Lines, Inc., MC-F-11198, Navajo Freight Lines, Inc.—Control—Garrett Freight Lines, Inc., assigned February 8, 1972, at Denver, Colo., is postponed to February 29, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1694 Filed 2-3-72;8:51 am]

[Notice 17]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 31, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965. These rules provide that protests to the effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7228 (Sub-No. 42 TA), filed January 19, 1972. Applicant: COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, OR 97214. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points on the international boundary line between the United States and Canada, at or near Blaine, Sumas, and Oroville, Wash., to points in Oregon and Washington, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 35045 (Sub-No. 7 TA), filed January 19, 1972. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE., Atlanta, GA 30307. Applicant's representative: E. G. Horne (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles in truckload lots*, on joint rates and routes only in connection with a freight forwarder regulated under part IV of the Interstate Commerce Act, (a) from all points on the Tennessee River in North Alabama and east Tennessee, and from Nashville, Tenn., one the one hand, to all points in Florida, Georgia, South Carolina (points in note 1), and Tennessee (points in note 2), on the other; (b) between all points in Georgia, from points in Georgia, on the one hand, to all points in Alabama, Florida, Mississippi (points in note 3), South Carolina (points in note 1), and Tennessee (points in note 2), on the other; note 1—South Carolina, all points in that part of State in and southeast of the counties of Spartanburg, Union, Newberry, Richland, Calhoun, Orangeburg, Colleton, and Charleston; note 2—Tennessee, all points in that part of State in and south of the counties of Lawrence, Maury, Williamson, Davidson, Wilson, Smith, Putnam, Cumberland, Morgan, Anderson, Knox, and Blount; and note 3—Mississippi, all points in that part of State in and east of the counties of George, Perry, Forrest, Covington, Simpson, Hinds, Yazoo, Holmes, Leflore, Grenada, Yalobusha, Lafayette, and Marshall, for 180 days. Supporting shipper: Joe M. Hambrick, doing business as I & S Forwarding Co., 2265 Vistamont Drive, Decatur, GA 30033. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 111170 (Sub-No. 180 TA), filed January 21, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk, from Friars Point, Miss., to points in Arkansas, Missouri, and Tennessee, for 180 days. Supporting shipper: Coastal Chemical Corp., Post Office Box 388, Yazoo City, MS 39194. Send protests to: District Supervisor William L. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 112822 (Sub-No. 222 TA), filed January 20, 1972. Applicant: BRAY LINES INCORPORATED, 1401 North Little, Post Office Box 1191, Gushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar slats*, from Gold Beach, Oreg., to Pine Bluff, Ark., for 150 days. Supporting shipper: Oscar Matlock, Materials Manager, Ben Pearson Archery—Consumer Division, Brunswick Corp., 2912 West Second Street, Pine Bluff, AR. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 127524 (Sub-No. 9 TA), filed January 17, 1972. Applicant: QUADREL BROS. TRUCKING COMPANY, INC., 1603 Hart Street, Rahway, NJ 07065. Applicant's representatives: Werner & Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Palmerton, Pa., to Staten Island, N.Y., for 180 days. Supporting shipper: Merck Chemical Division, Merchk & Co., Inc., Rahway, N.J. 07065. T. F. Diamond, Chief Rate Analyst, General Traffic Department. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 128866 (Sub-No. 31 TA), filed January 20, 1972. Applicant: B & B TRUCKING, INC., Post Office Box 128, 9 Brade Lane, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, Federal Bar Building, Washington,

D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark., to the plantsite of Tennessee Foods, Inc., Rossville, Tenn., and the plantsite of Bama Pie Co., Tulsa, Okla., for 150 days. Supporting shipper: Penny Plate, Inc., Post Office Box 458, Haddon Field, NJ 08034. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 136347 (Sub-No. 1 TA), filed January 17, 1972. Applicant: CONTINENTAL AUTOMOTIVE CORP., 2500 83d Street, North Bergen, NJ 07047. Applicant's representative: M. R. Martinez (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Metal containers;* (2) *metal container ends;* and (3) *accessories* used in connection with the distribution of metal containers when moving with metal containers, from Danbury, Conn., to Brooklyn, N.Y.; and Orange, N.J. Restriction: The above requested authority is restricted to the performance of services under contract with National Can Corp., for 180 days. Supporting shipper: National Can Corp., 2200 East Adams Avenue, Philadelphia, PA 19124. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1693 Filed 2-3-72;8:51 am]

[Notice 10]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. 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-73406. By order of January 28, 1972, the Motor Carrier Board approved the transfer to J. J. Carter & Son Moving & Storage of Indiana, Inc., Jeffersonville, Ind., of the operating rights set forth in certificate No. MC-92275, issued May 4, 1942, to Clyde W. Same, doing business as William H. Same & Son, Jeffersonville, Ind., authorizing the transportation of household goods, between Jeffersonville, Ind., on the one hand, and, on the other, points and places in Ohio, Missouri, Georgia, Pennsylvania, Kentucky, Michigan, Illinois, and Tennessee. Leon Seidman, 310 West Liberty Street, Louisville, KY 40202, attorney for applicants.

No. MC-FC-73416. By order of January 28, 1972, the Motor Carrier Board approved the transfer to Malven Skjoldal, doing business as Skjoldal Trucking Co., Lemmon, S. Dak., of the operating rights in certificate No. MC-118997 issued December 29, 1959, to Melvin Stewart, doing business as Stewart Trucking, Morristown, S. Dak., authorizing the transportation of various commodities from and to specified points and areas in Iowa, South Dakota, North Dakota, Montana, and Kansas. Ronald R. Johnson, 310 Main Street, Lemmon, SD 57638, attorney for applicants.

No. MC-FC-73425. By order of January 28, 1972, the Motor Carrier Board approved the transfer to Patrick S. Rubino and Joanne H. Rubino, a partnership, doing business as Menlo Movers, Metuchen, N.J., of the operating rights in certificate No. MC-19141 issued June 9, 1941, to William Cohan, doing business as William Cohan Co., Newark, N.J., authorizing the transportation of household goods, between points in Essex County, N.J., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, and Connecticut. Robert B. Pepper, Registered Practitioner, 174 Brower Avenue, Edison, NJ 08817, representative for transferee, Herman B. J. Weckstein, 60 Park Place Newark, NJ 07102, attorney for transferor.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1692 Filed 2-3-72;8:50 am]

POSTAL RATE COMMISSION

[Docket No. R71-1; Order 27]

CHANGES IN RATES OF POSTAGE AND FEES FOR POSTAL SERVICES

Order Establishing Procedure Subsequent to Presiding Officer's Initial Decision

FEBRUARY 2, 1972.

Request of the U.S. Post Office Department for recommended decision on changes in rates of postage and fees for postal services, Docket No. R71-1.

Anticipating the issuance of the Presiding Officer's initial decision, the Commission hereby adopts certain procedures to facilitate the decisional process.

The Commission orders. (1) Within 15 days after the date of issuance of the Presiding Officer's initial decision, any participant in this proceeding may file with the Commission a brief on exceptions to that initial decision. Within 15 days after the final date for the filing of briefs on exceptions, any participant may file a response to briefs on exceptions. Notwithstanding any other provision of the Commission's rules of practice, participants shall file an original and 32 fully conformed copies of their briefs on exceptions and their responses to briefs on exceptions.

(2) Briefs on exceptions and responses to briefs on exceptions shall be governed by the Commission's rules of practice. The contents of such briefs shall conform particularly to the requirements of section 40(b) of the rules of practice, including the requirement that the discussion of evidence, reasons, and authorities shall be specifically directed to the findings, conclusions, and recommendations in the initial decision to which exception is taken. In addition, the briefs shall also be governed by the following rules:

(a) When exception is taken to a statement of fact contained in the initial decision, reference also must be made to the page, exhibit, or part of the record relied upon to support the exception;

(b) The Commission will disregard any portion of a brief on exceptions, or a response to briefs on exceptions, which fails to comply with section 34(c) of the rules of practice, requiring that briefs be completely self-contained and prohibiting incorporation by reference of any portion of any other brief, pleading, or document. This provision shall not be construed as a waiver of the Commission's right to disregard any portion of a brief for failure to comply with any other requirement of its rules of practice or of this order.

(c) The Cost of Living Council has indicated that this Commission should consider certain criteria under the Economic Stabilization Program in reviewing the rate increases which are pending before the Commission in the above docket and which have not heretofore been placed into effect.[1] Accordingly, in order to assist the Commission in reporting to the Cost of Living Council, the briefs may discuss whether these proposed increases satisfy the following criteria:

(i) That increases do not reflect or allow for future inflationary expectations, but that the increases take account of known changes;

(ii) That the increases reflect productivity gains;

(iii) That increases are necessary to assure continued adequate service and provide the necessary expansion to meet future needs;

(iv) That rate increases may be permitted for full recovery of cost.

(d) The number of pages for a brief on exceptions or a brief in response to briefs on exceptions is limited as follows:

(i) For the Postal Service, 75 pages;

(ii) For the Litigation Division, 75 pages;

(iii) For any other participant, 50 pages.

(3) Oral argument shall commence before the Commission at 9 a.m., March 15, 1972, in the Commission's hearing room. Any participant who wishes to present oral argument to the Commission shall notify the Secretary in writing on or before the final date for the filing of

[1] Appendix filed as part of the original document.

briefs on exceptions. In requesting oral argument, parties with substantially like interests are encouraged to group themselves for a single presentation.

(4) The Secretary shall allocate time for oral argument and promptly notify the participants of the allocation. For this purpose, the Secretary may group parties with substantially like interests so that oral argument will proceed expeditiously.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[FR Doc.72-1798 Filed 2-3-72;10:29 am]

COST OF LIVING COUNCIL

[Order No. 6]

CHAIRMAN, PAY BOARD

Delegation of Authority, Regarding Stabilization of Wages and Salaries

In view of the changes made in the Economic Stabilization Act of 1970, as amended (hereinafter the Act), by the enactment of the Economic Stabilization Act Amendments of 1971, the Cost of Living Council has determined that it would be appropriate to reaffirm and clarify the authority of the Pay Board with respect to the stabilization of wages and salaries. Pursuant to the authority vested in the Council by section 4 of Executive Order No. 11640, it is hereby ordered as follows:

1. The delegation of authority to the Pay Board (established by section 7 of Executive Order No. 11627) contained in Cost of Living Council Order No. 3 is hereby reaffirmed and continued, subject to the provisions of the Act.

2. Without limiting the general delegation of authority in Order No. 3, the Pay Board shall take the actions and make the determinations required or permitted by section 203(c) and section 203(g) of the Act and shall, to the extent necessary or appropriate, implement the exemptions provided by section 203(f) of the Act.

3. In addition to the authority delegated by Order No. 3, and continued by this order, the Chairman of the Pay Board, or his duly authorized agent, shall have the authority to sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Act, for any purpose related to the Act.

4. This order shall be effective as of December 22, 1971.

By direction of the Council.

JOHN B. CONNALLY,
Chairman.

[FR Doc.72-1800 Filed 2-3-72;11:15 am]

[Order No. 7]

CHAIRMAN, PRICE COMMISSION

Delegation of Authority Regarding Stabilization of Prices and Rents

In view of the changes made in the Economic Stabilization Act of 1970, as amended (hereinafter the Act), by the enactment of the Economic Stabilization Act Amendments of 1971, the Cost of Living Council has determined that it would be appropriate to reaffirm and clarify the authority of the Price Commission with respect to the stabilization of prices and rents. Pursuant to the authority vested in the Council by section 4 of Executive Order No. 11640, it is hereby ordered as follows:

1. The delegation of authority to the Price Commission (established by section 8 of Executive Order No. 11627) contained in Cost of Living Council Order No. 4 is hereby reaffirmed and continued.

2. In addition to the authority delegated by Order No. 4 and continued by this order, the Chairman of the Price Commission, or his duly authorized agent, shall have the authority to sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Act, for any purpose related to the Act.

3. This order shall be effective as of December 22, 1971.

By direction of the Council.

JOHN B. CONNALLY,
Chairman.

[FR Doc.72-1799 Filed 2-3-72;11:15 am]

[Order 8]

SECRETARY OF THE TREASURY

Delegation of Authority Regarding Implementation of Stabilization of Prices, Rents, Wages, and Salaries

In view of the changes made in the Economic Stabilization Act of 1970, as amended (hereinafter the Act), by the enactment of the Economic Stabilization Act Amendments of 1971, the Cost of Living Council has determined that it would be appropriate to reaffirm and clarify the authority of the Secretary of the Treasury with respect to implementation of stabilization of prices, rents, wages, and salaries. Pursuant to the authority vested in the Council by section 4 of Executive Order No. 11640, it is hereby ordered as follows:

1. The delegation of authority to the Secretary of the Treasury contained in Cost of Living Council Order No. 5 is hereby reaffirmed and continued.

2. In addition to the authority delegated by Order No. 5 and continued by this order, the Secretary of the Treasury, or his duly authorized agent, shall have the authority to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Act, for any purpose related to the Act.

3. This order shall be effective as of December 22, 1971.

By direction of the Council.

DONALD RUMSFELD,
Director.

[FR Doc.72-1801 Filed 2-3-72;11:15 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*
2411–2482	Feb. 1
2483–2557	2
2559–2636	3
2637–2737	4

federal register

FRIDAY, FEBRUARY 4, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 24

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

MOTOR VEHICLES

Federal Certification Test Results for 1972 Model Year

ENVIRONMENTAL PROTECTION AGENCY

MOTOR VEHICLES

Federal Certification Test Results for 1972 Model Year

Section 206(e) of the Clean Air Amendments of 1970 directs the Administrator of the Environmental Protection Agency to announce in the FEDERAL REGISTER the results of certification tests conducted on new motor vehicles to determine conformity with Federal standards for the control of air pollution caused by motor vehicles.

FEDERAL EMISSION STANDARDS

The standards that apply to the control of emissions from 1972 model year vehicles were prescribed as regulations on November 10, 1970. These regulations, appearing at 40 CFR Part 85, set maximum allowable emission levels for new gasoline fueled heavy-duty engines (for use in trucks and buses), diesel fueled heavy-duty engines (for use in trucks and buses), and gasoline fueled light-duty vehicles (automobiles). Heavy-duty gasoline fueled engines are required to meet emission standards of 275 parts per million (p.p.m.) for hydrocarbons (unburned gasoline) and 1.5 percent for carbon monoxide (a poisonous gas). Heavy-duty diesel engines must meet Federal smoke emission standards of 40 percent opacity during acceleration and 20 percent opacity during lugging. These opacity standards limit the darkness of the exhaust smoke to a light gray haze.

The standards for automobiles prohibit all crankcase emissions, and limit allowable exhaust emissions and evaporative emissions from the fuel system. The exhaust standards allow 1972 automobiles to emit no more than 3.4 grams per mile of hydrocarbons and 39.0 grams per mile of carbon monoxide from the tailpipe. To meet the evaporative emission standard, automobiles must be equipped with systems to limit the loss of gasoline by evaporation from the carburetor and the fuel tank to less than 2 grams per test.

FEDERAL CERTIFICATION PROCEDURES

Under the provisions of the Clean Air Act, it is unlawful to offer for sale new motor vehicles which are not in conformity with Federal regulations. Prior to the beginning of each model year, automobile manufacturers apply to the Administrator of the Environmental Protection Agency for a Certificate of Conformity for each model they wish to produce for that year. The Federal regulations prescribe a number of requirements which a manufacturer must meet before the Administrator will grant certification.

In advance of production, the manufacturers are required to provide the Administrator with extensive test data demonstrating the effectiveness of the vehicle's emission control and the ability of the emission control system to remain effective over the useful life of a vehicle (50,000 miles). In addition to the submission of test data on the prototype test vehicles the manufacturers are required to deliver the test vehicles to the Federal Testing Laboratory at Ann Arbor, Mich. At this facility the vehicles are retested by Federal engineers to assure conformity with the regulations.

The regulations require a manufacturer to test a selection of prototype vehicles which will represent the models to be sold to the public. These vehicles are grouped into two separate fleets. One fleet, known as the emission data fleet, is designed to reflect the emissions of relatively new vehicles. The vehicles in this fleet are driven for 4,000 miles, to break in the engine and stabilize emissions; they are then tested. The second fleet, known as the durability data fleet, is designed to determine the capability of the emission control system to keep emissions within the standards over the expected useful life of the vehicle. The vehicles in this fleet are driven for 50,000 miles and tested for compliance with the regulations every 4,000 miles. The test data from these two fleets are combined in accordance with formulae specified in the regulations, to determine compliance with the emission standards. If all the motor vehicles in an engine family so tested are found to conform with the regulations, the manufacturer is granted a Certificate of Conformity.

FEDERAL CERTIFICATION DATA

The average emission levels measured for each model certified as of November 9, 1971, for the 1972 model year are listed below. This data will be updated when the manufacturers whose certification is presently pending complete their test programs. This listing should not be construed as an endorsement by the Environmental Protection Agency of any manufacturer's vehicles or models.

The detailed test results are now available for public inspection at the Office of Air Programs, EPA, 2565 Plymouth Road, Ann Arbor, MI 48103, and may be obtained upon written request to the Administrative Officer at the same address. Requests should specify the vehicle of interest by make, model, model year, and engine displacement. Fees for supplying data will be charged according to the following schedule:

1. Search for records—$2.50 per one-half hour.
2. Reproduction, duplication, or copying of records—$0.20 per page.
3. Certification of authentication of records—$4 per certification.

The emission levels listed below summarize the test data developed in the certification program.

Dated: January 26, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

1972 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (models)	Engine family		Certification levels					
			Test vehicle			Exhaust emission (grams/mile)		Evaporative emissions (gms/test)
	Displacement (cubic inches)	Family designation	Model	Engine displacement (cubic inches)	Transmission	Hydrocarbons	Carbon monoxide	Hydrocarbons
Alfa Romeo:								
Berlina (115.00) GT Veloce (115.01) Spider (115.02).	119	Fuel Injection.	2000 GT VE	119.7	M5	2.37	17.14	0.06
			2000 GT VE	119.7	M5	2.16	20.85	0.01
American Motors Corp.:								
Hornet, Matador, Gremlin, Matador Wagon, Javelin, Ambassador.	232-258	I	Hornet	232	A3	2.40	24.71	0.01
			Gremlin	232	M3	2.44	21.36	0.01
			Matador	258	M3	2.62	18.39	0.03
			do	258	A3	2.49	29.43	0.08
Hornet, Matador, Gremlin, Ambassador, Javelin.	304	II	do	304	A3	2.65	29.93	0.51
			Ambassador	304	A3	2.84	34.23	0.27
			Javelin	304	M3	2.35	27.07	0.52
Hornet, Ambassador, Javelin, Ambassador Wagon, Matador.	360-401	III	Ambassador	360	A3	2.79	37.06	0.43
			Javelin	360	A3	2.47	17.90	0.47
			do	360	M4	3.26	34.27	0.90
British-Leyland:								
MG Midget	77.9	'A'	Midget	77.9	M4	2.74	24.75	0.0
			do	77.9	M4	1.59	18.23	0.05
Spitfire	79	Triumph TC	Spitfire	79	M4	2.04	21.66	0.04
			do	79	M4	1.69	30.34	0.30
MGB Sports, MGB GT	109.6	'B'	MGB Sports	109.6	M4	2.14	26.83	0.0
			do	109.6	M4	1.48	13.84	0.0
TR6, GT6	122-152	Triumph TB	TR6	152	M4	2.70	21.30	0.11
			TR6	152	M4	1.70	20.47	0.11
			GT6	122	M4	2.05	20.01	0.11
			GT6	122	M4	2.19	26.36	0.50
Stag	183	Triumph TA	Stag	183	M4	2.58	17.59	0.22
			do	183	Auto	2.55	32.64	1.89

1972 MODEL YEAR LIGHT DUTY VEHICLES—Continued

Manufacturer (models)	Engine family		Certification levels					
			Test vehicle			Exhaust emission (grams/mile)		Evaporative emissions (gms/test)
	Displacement (cubic inches)	Family designation	Model	Engine displacement (cubic inches)	Transmission	Hydrocarbons	Carbon monoxide	Hydrocarbons
British-Leyland—Continued								
Jaguar XJ6 Sedan, Jaguar XK-E Series III	258	4.2L	Jaguar XK-E	258	M4	0.38	32.39	0.00
			Jaguar XJ6	258	A3	1.03	27.47	0.00
Jaguar XJ12 Sedan, Jaguar XK-E Series III	326	V12	Jaguar XK-E	326	M4	2.43	24.47	0.00
			Jaguar XJ12	326	A3	2.68	30.80	0.01
BMW:								
2002, 2002 tii	121.3	121	2002	121.3	M4	2.22	32.43	0.50
			2002	121.3	M4	1.66	27.21	0.34
			2002	121.3	M4	1.91	31.23	0.32
			2002	121.3	A3	2.83	37.83	1.43
			2002 tii	121.3	M4	1.96	19.36	1.38
			2002 tii	121.3	M4	2.05	23.60	1.30
			2002 tii	121.3	M4	3.13	32.24	0.42
Chrysler Corp.:								
Valiant, Duster, Scamp, Dart, Demon, Swinger, Barracuda, Challenger, Satellite, Road Runner, Coronet, Charger, Fury, Polara, Dodge Truck (D-100, W-100, Sportsman, Sportsman Wagon, Van).	198-225	RG	Valiant	225	A3	2.61	20.81	0.06
			do	225	A3	2.47	20.85	1.57
			Dodge	198	M3	2.22	15.88	0.12
			B1-Van	225	M3	2.76	25.23	1.34
			Valiant	198	A3	2.39	22.44	0.18
			Coronet	225	M3	2.59	36.37	0.06
Valiant, Duster, Scamp, Dart, Demon, Swinger, Barracuda, 'Cuda, Challenger, Satellite, Road Runner, Coronet, Charger, Fury, Custom Suburban, Gran Coupe, Gran Sedan, Sport Suburban, Polara, Monaco, Dodge Truck (D-100, W-100, B-300, Wagon, Sportsman, Van, Sportsman, Wagon).	318-340-360	LA	Satellite	318	A3	2.92	20.25	0.09
			Plymouth	360	A3	2.38	16.76	0.93
			Satellite	318	A3	2.15	35.68	0.29
			do	340	A3	2.86	13.74	0.24
			Wagon	318	A3	2.58	17.82	0.11
			Charger	340	M4	2.33	12.27	0.21
			B-3 Sport Wagon	360	A3	2.76	28.45	0.11
Satellite, Road Runner, Coronet, Charger, Fury, Suburban, Gran Coupe, Gran Sedan, Polara, Monaco, Newport, Town & Country, Dodge Truck (D-100).	400	B	Chrysler	400	A3	2.70	17.56	0.58
			Coronet	400	A3	2.40	22.76	0.15
			Plymouth	400	A3	1.72	14.39	0.18
			Barracuda	400	M4	2.57	37.82	0.16
			Charger	400	M4	1.40	27.33	0.18
Satellite, Road Runner, Charger, Fury, Suburban, Gran Coupe, Gran Sedan, Polara, Monaco, Newport, New Yorker, Town and Country, Imperial.	440	RB	Chrysler	440	A3	2.47	14.47	0.31
			Imperial	440	A3	2.44	18.30	0.07
			Chrysler	440	A3	1.27	33.64	0.33
			Coronet	440	M4	1.94	23.31	0.12
			Charger	440	A3	2.30	29.85	0.07
			Chrysler	440	A3	1.44	19.98	0.12
Chrysler United Kingdom:								
Plymouth Cricket; Hi-Line, Lo-Line, Wagon.	91.41	91 CID	Cricket BE-1	91.41	A3	2.35	26.30	0.19
			Cricket BE-2	91.41	M4	1.55	11.74	0.19
Citroen:								
DS21 Sedan, DS21 Station Wagon, D Special Sedan.	121.0-132.5	D	DS21 Sedan	132.5	M4	2.14	27.97	0.0
			do	132.5	A3	2.40	31.25	0.0
			D Special Sedan	121.0	M4	2.95	36.10	0.0
SM Coupe	163	S	SM Coupe	163	A3	2.01	20.56	0.0
			do	163	M5	1.40	13.24	0.0
Daimler-Benz AG:								
220/8	134	I	220/8	134	M4	1.66	21.93	0.0
			220/8	134	A4	2.45	20.40	0.0
250/8, 250 C/8, 280 SE/8	169.5	II	250/8	169.5	A4	1.96	18.74	0.0
			250 C/8	169.5	A4	2.31	24.62	0.45
			280 SE/8	169.5	A4	3.08	38.39	0.80
			280 SE/8	169.5	A4	2.91	15.88	0.0
280 SE-4.5, 280 SEL-4.5, 300 SEL-4.5, 450 SL.	276	III	280 SEL-4.5	276	A3	2.58	29.29	0.21
			450 SL	276	A3	2.74	31.82	0.39
600	386.3	IV	300 SEL-6.3	386.3	A4	2.18	29.68	0.18
			600	386.3	A4	2.48	24.21	1.58
Ford Motor Co.:								
Pinto	98	1.6L	Pinto	98	M4	3.21	21.10	0.42
			do	98	M4	3.10	19.80	0.10
Pinto	122	2.0L	do	122	M4	3.06	29.38	0.18
			do	122	A3	2.56	23.86	0.20
			do	122	A3	2.15	24.34	0.20
Capri	159	2.6L	Capri	159	A3	2.72	18.19	0.56
			do	159	M4	2.78	13.74	0.22
Maverick, Comet, Bronco	170-200	170-200	Maverick	200	A3	2.69	29.04	0.43
			do	200	M3	2.35	29.33	0.27
			do	170	M3	2.40	20.55	0.59
			Bronco	170	M3	2.67	15.24	0.0
F-100, E-100 Van, E-200 Van, Club Wagon	240	240	F-100 Pickup	240	M3	2.31	30.94	1.02
			E-100 Van	240	M3	2.18	28.62	0.0
			F-100 Pickup	240	M4	1.72	21.72	0.35
			E-300 Van	240	M3	3.18	33.49	0.0
Torino, Maverick, Montego, Montego Station Wagon, Mustang, Grande, Comet.	250	250	Torino	250	A3	2.87	32.56	0.88
			Maverick	250	A3	2.82	19.18	0.83
			Torino	250	M3	2.25	36.28	0.84
			Torino Station Wagon	250	M3	2.13	31.84	1.05
			Torino	250	A3	2.35	35.88	0.17
Torino, Ranchero, Comet, Ford, LTD, Custom Ranch Wagon, Country Sedan, Country Squire, Mustang, Grande, Mach I, Montego, Montego Station Wagon, Maverick, E-100 Van, E-200 Van, Club Wagon, F-100, Bronco.	302	302	Torino	302	A3	2.20	18.52	1.63
			Mustang	302	A3	1.96	16.60	0.30
			E-300 C. W	302	A3	2.72	37.25	0.07
			F-100 Pickup	302	M3	2.64	25.36	1.90
			Torino S. W	302	A3	2.49	19.24	1.12
			Bronco	302	M4	2.53	23.69	0.05
Mustang, Grande, Mach I, Cougar, Torino, Ranchero, Montego, Montego Station Wagon, Ford, LTD, Custom Ranch Wagon, Country Sedan, Country Squire, Mercury Monterey.	351	351C-2V	Torino	351	A3	2.89	23.52	0.48
			Cougar	351	A3	2.41	26.74	0.26
			Ford Station Wagon	351	A3	2.49	18.27	0.48
			Torino	351	A3	1.92	29.57	0.0
Mustang, Grande, Mach I, Mustang HO, Cougar, Torino, Ranchero, Montego, Montego Station Wagon, Ford, LTD, Montego Station Wagon.	351	351C-4V	Torino	351	A3	2.63	27.75	1.19
			Mustang	351	M4	3.40	28.03	0.04
			Montego Station Wagon	351	M4	3.02	29.79	0.40
			Mustang HO	351	M4	3.30	13.06	1.17
Ford, LTD, Custom Ranch Wagon, Country Sedan, Country Squire, Mercury Monterey.	351	351-W	Ford	351	A3	1.32	20.70	0.0
			Mercury	351	A3	1.80	15.28	0.34
			Ford	351	A3	1.76	10.05	1.24

1972 MODEL YEAR LIGHT DUTY VEHICLES—Continued

Manufacturer (models)	Engine family		Certification levels					
			Test vehicle			Exhaust emission (grams/mile)		Evaporative emissions (gms/test)
	Displacement (cubic inches)	Family designation	Model	Engine displacement (cubic inches)	Transmission	Hydrocarbons	Carbon monoxide	Hydrocarbons
Ford Motor Co.—Continued								
F-100	360-390	360-390	F-100 Pickup	360	A3	2.30	17.76	1.34
			do	360	M3	2.83	29.68	0.56
			do	390	A3	2.87	22.14	1.13
			do	390	M4	2.57	27.55	0.01
Ford, LTD, Custom Ranch Wagon, Country Sedan, Country Squire, Torino, Ranchero, Mercury Monterey, Monterey Station Wagon, Marquis Station Wagon, Montego, Montego Station Wagon, Thunderbird.	400	400	Ford	400	A3	2.30	23.48	0.18
			Mercury	400	A3	1.34	30.15	0.61
			do	400	A3	1.92	19.32	0.36
			Torino Station Wagon	400	A3	2.34	16.74	0.22
			Ford	400	A3	1.36	27.05	1.31
Mercury Monterey, Marquis, Ford, LTD, Country Sedan, Country Squire, Torino, Ranchero, Montego, Montego Station Wagon, Lincoln Continental, Continental Mark IV.	429-460	429-460	Mercury	429	A3	2.91	24.68	0.11
			Ford	429	A3	2.84	23.73	0.08
			Thunderbird	429	A3	2.73	25.30	0.08
			Lincoln	460	A3	3.05	19.83	0.38
			Mark IV	460	A3	2.92	22.84	0.29
			Lincoln	460	A3	1.80	22.11	0.08
Ford Motor Co., Ltd.:								
Pinto	98	1.6	Capri	98	M4	2.89	23.45	0.37
			Cortina	98	M4	3.06	25.55	0.13
Pinto	122	2.0	Capri	122	A3	2.39	36.78	0.18
			do	122	M4	2.67	22.55	0.20
			Cortina	122	M4	2.84	32.75	0.18
			do	122	A3	2.32	20.05	0.18
General Motors Corp.:								
Opel, Opel 1900, Opel GT	115.8	GM-601	Opel 1900	115.8	M4	2.13	25.65	0.50
			do	115.8	M4	2.66	32.66	0.08
			do	115.8	A3	1.47	19.29	0.47
			do	115.8	M4	2.35	27.57	0.42
Vega 2300 Sedan, Vega Kammback Wagon, Vega Panel Express, Vega 2300 Coupe.	140	GM-101	Vega Sedan	140	M3	1.63	31.56	0.0
			do	140	A2	1.97	15.53	0.0
			Vega Coupe	140	M4	3.10	29.66	0.18
			do	140	A3	1.75	22.47	0.06
			do	140	M4	2.46	21.87	0.15
			Vega Kammback	140	A2	1.26	16.11	0.29
Lemans Wagon, Camaro, El Camino, Greenbriar, Bel Air, C-10 Blazer, P-10 Step Van, G-30 Sportvan, K-10 Convertible Truck, Chevrolet, Lemans, Ventura II, Chevelle, El Camino Custom, Concours, Impala Custom, K-10 Blazer, G-20 Van, C-10 Suburban, K-10 Suburban.	250	GM-102	Nova	250	A2	1.58	10.53	0.01
			C-10 Pickup	250	M3	2.31	29.13	0.07
			Chevelle	250	A2	1.44	9.21	0.32
			G-30 Van	250	M3	2.70	29.11	0.05
			do	250	M3	1.77	14.68	0.07
			K-20 Suburban	250	M4	1.42	23.36	0.0
K-20 Suburban, G-Van, Firebird, Nova, Malibu, Biscayne, G-10 Van, C-10 Conv., Truck, G-20 Sportvan, C-20 Suburban, C-Truck.	250	GM-102						
Nova, Malibu, Nomad, C-10 Blazer, K-10 Conv. Truck, K-10 Suburban, Ventura II, Camaro, El Camino, Greenbriar, K-10 Blazer, C-10 Suburban, K-20 Suburban, Chevelle, El Camino Custom, Concours, C-10 Conv. Truck, G-10 Van, C-20 Suburban.	307	GM-103	Chevelle	307	A3	2.77	16.24	0.0
			C-10 Pickup	307	A3	2.51	20.16	0.0
			K-10 Pickup	307	M3	2.34	21.21	0.09
			C-10 Suburban	307	M3	2.42	19.04	0.0
			Camaro	307	A3	1.96	11.38	0.15
			C-10 Pickup	307	M3	2.28	12.02	0.13
F-85. Cutlass Supreme, Delta 88 Royale, Cutlass, Vista Cruiser, Cutlass Cruiser, Cutlass S Coupe, Delta 88.	350	GM-301	Cutlass	350	A3	2.51	21.84	0.12
			Delta 88	350	A3	2.37	26.92	0.08
			Cutlass S	350	M4	2.40	24.67	0.24
			Vista Cruiser	350	A3	2.76	20.16	1.89
Skylark, LeSabre, LeSabre Custom, Sportwagon, GS-350.	350	GM-401	Skylark	350	A3	2.54	16.53	0.16
			GS-350	350	A3	2.21	21.65	0.31
			LeSabre Custom	350	A3	2.17	18.51	0.16
			LeSabre	350	A3	2.64	18.19	0.18
			GS-350	350	M4	2.08	11.48	0.0
			LeSabre	350	A3	1.83	20.10	0.08
Camaro, El Camino, Greenbriar, Monte Carlo, Impala, Townsman, Chevrolet, G-10 Van, K-10 Conv. Truck, K-20 Suburban, K-10 Suburban, G-10 Sportvan, Chevelle, El Camino Custom, Concours, Biscayne, Impala Custom, Kingswood, Corvette, G-20 Van, G-30 Van, C-10 Blazer, G-20 Sportvan, Kingswood Estate, Malibu, Nomad, Concours Estate, Bel Air, Brookwood, Nova, C-10 Conv. Truck, C-10 Suburban, C-20 Suburban, K-10 Blazer, Caprice.	350-400	GM-104	Chevrolet	350	A3	2.65	19.71	0.06
			Caprice	400	A3	2.43	13.95	0.11
			C-20 Suburban	350	M3	2.64	38.55	0.06
			Chevelle	350	M4	1.49	18.24	0.11
			Corvette	350	M4	2.00	34.00	1.81
			Kingswood	400	A3	1.56	19.10	0.0
Lemans, Firebird Esprit, Ventura II, Grand Safari, Lemans Luxury, Firebird Formula, Catalina, Bonneville, Lemans Sport, Lemans Wagon, Safari.	350-400-455	GM-201	Catalina	400	A3	2.44	26.75	0.0
			Lemans	350	A3	2.66	26.73	0.0
			do	350	M4	2.13	28.47	0.0
			Grand Safari	455	A3	2.20	19.89	0.13
			do	400	A3	1.93	20.44	0.0
Lemans, Firebird Formula, Grand Prix, Grand Safari, Firebird Trans AM, Lemans Sport, Lemans Wagon, GTO, Bonneville, Lemans Luxury, Catalina, Safari, Grandville.	400-455	GM-202	Grandville	455	A3	1.76	9.64	0.0
			GTO	400	A3	1.68	12.34	0.03
			GTO	400	M4	2.09	15.77	0.0
			Firebird	455	M4	1.51	12.79	0.0
			Safari	400	A3	2.67	14.66	0.0
Chevelle, El Camino Custom, Concours, C-10 Suburban, Monte Carlo, Bel Air, Brookwood, Kingswood Estate, Malibu, Nomad, Concours Estate, C-20 Suburban, Caprice, Impala, Townsman, Corvette, El Camino, Greenbrier, C-10 Convertible Truck, Camaro, Biscayne, Impala Custom, Kingswood.	402-454	GM-105	Biscayne	402	A3	1.49	13.00	0.14
			Chevelle	402	A3	1.26	8.57	0.14
			Corvette	454	M4	0.84	14.60	0.29
			Kingswood	454	A3	1.10	10.58	0.29
			C-20 Suburban	402	M4	2.15	15.01	0.14
			Monte Carlo	454	A3	1.46	7.68	0.14

1972 Model Year Light Duty Vehicles—Continued

Manufacturer (models)	Engine family		Certification levels					
			Test vehicle			Exhaust emission (grams/mile)		Evaporative emissions (gms/test)
	Displacement (cubic inches)	Family designation	Model	Engine displacement (cubic inches)	Transmission	Hydrocarbons	Carbon monoxide	Hydrocarbons
General Motor Corp.—Continued								
F-85, Cutlass Supreme, Delta 88 Royale, Toronado, Cutlass, Vista Cruiser, Ninety-Eight, Cutlass Cruiser, Cutlass S Coupe, Delta 88, Delta 88 Custom Cruiser.	455	GM-302	Ninety-Eight	455	A3	2.41	22.59	0.08
			Eighty-Eight	455	A3	1.88	27.12	0.04
			Cutlass Supreme	455	M4	2.61	27.20	0.12
			Eighty-Eight	455	A3	2.53	21.66	0.01
			Custom-Cruiser	455	A3	2.66	26.98	0.05
			Toronado	455	A3	2.13	32.05	0.27
Electra, Centurion, Stage 1, LeSabre, Riviera GS, Estate Wagon, Riviera, GS 455.	455	GM-402	GS 455	455	A3	2.01	21.52	0.80
			Centurion	455	A3	2.77	28.34	0.90
			Estate Wagon	455	A3	2.54	22.74	0.80
			Electra 225	455	A3	2.38	18.13	0.83
			GS 455	455	M4	1.27	21.76	0.08
			Riviera	455	A3	2.25	18.52	0.25
Cabais, Brougham, Eldorado, Deville, Seventy-Five, Fleetwood, Commercial Chassis.	472	GM-501	Sedan Deville	472	A3	0.85	25.44	0.14
			do	472	A3	1.22	25.39	0.15
			Coupe Deville	472	A3	1.02	12.21	0.0
			Eldorado	472	A3	1.26	33.54	0.0
International Harvester Co.:								
Scout II 4 x 4, Scout II 2 x 4	196	4-196	Scout II	196	M3	2.52	33.60	1.53
			do	196	M3	1.91	20.83	0.18
Scout II 4 x 2, Scout II 4 x 4, 1010, 1110(4 x 2), 1110(4 x 4), 1210(4 x 2), 1210(4 x 4).	258	6-258	do	258	M3	2.23	36.00	0.94
			do	258	M3	1.71	17.77	0.52
			T'All (1210)	258	M3	2.43	27.94	0.71
Scout II 4 x 2, Scout II 4 x 4, 1010 Pickup, 1110 Pickup 4 x 2, Scout II, 1010, 1110 (4 x 2), 1110 (4 x 4), 1210 (4 x 2), 1210 (4 x 4).	304	V-304	Scout II	304	M3	2.68	25.00	1.49
			do	304	M3	2.67	31.56	0.68
			1000 D Pickup	304	M3	2.36	29.31	1.00
			1110 D Pickup	304	M3	2.48	27.34	0
			1000 T'All	304	A3	1.71	20.22	0
Scout 4 x 2, Scout 4 x 4, 1010, 1110 (4 x 2), 1110 (4 x 4), 1210 (4 x 2), 1210 (4 x 4).	345	V-345	T'All 1010	345	A3	3.01	20.94	0.16
			1000 D Pickup	345	M3	2.40	29.13	0.0
			T'All 1010	345	A3	2.25	29.09	0.22
			1000 D Pickup	345	M3	2.66	30.01	0.40
1010, 1110 (4 x 2), 1110 (4 x 4), 1210 (4 x 2), 1210 (4 x 4).	392	V-392	T'All 1010	392	A3	1.90	35.88	0.30
			T'All 1010	392	A3	1.62	23.83	0
			1100 D Pickup	392	M4	1.64	33.06	0.06
Isuzu Motors Ltd.:								
KB30 Pickup Truck	110.8	G-180	KB30	110.8	M4	1.49	18.98	0.02
			KB30	110.8	M4	2.45	27.10	0.30
Jeep Corp.:								
Universal, Gladiator, Jeepster, Wagoneer	232-258	I	Universal	322	M3	1.94	26.82	0.04
			do	258	M3	2.01	25.92	0.15
			Gladiator	258	M3	2.83	31.69	0.01
Universal, Jeepster, Wagoneer, Gladiator	304	II	Universal	304	M3	2.71	23.11	0.07
			Jeepster	304	M3	2.40	28.42	0
			Wagoneer	304	A3	2.39	26.59	0.31
			Universal	304	M3	1.92	25.39	0.03
			Gladiator	304	M3	2.58	24.19	0
Wagoneer, Gladiator	360	III	Wagoneer	360	A3	2.68	28.32	0.82
			Gladiator	360	M3	2.64	31.60	0.25
			do	360	M3	2.46	23.84	0.10
Mitsubishi Motors Corp.:								
Dodge Colt	97.5	4G3SEM-01	Dodge Colt	97.5	M4	2.10	25.05	0.60
			do	97.5	A3	1.62	21.30	0.02
Nissan Motor Co., Ltd.:								
LB110TU, KLB110AU, LB110AI, KLB110TU.	71.5	Nissan-1 A12	LB110AU	71.5	A3	1.65	22.68	0.20
			LB110TU	71.5	M4	2.07	19.93	0.0
PL510TU, WPL510AU, PL510AU, PL521TU, WPL510TU.	97.4	Nissan-2 L16	PL510TU	97.4	M4	2.43	20.67	0.11
			PL521TU	97.4	M4	2.37	19.12	0.12
			WPL510AU	97.4	A3	1.78	19.35	0.42
			PL521TU	97.4	M4	2.03	19.60	0.20
HLS30U, HLS30UA	146	Nissan-3 L24	HLS30U	146	M4	2.50	25.00	0.01
			HLS30UA	146	A3	2.60	21.25	0.01
Peugeot:								
304 Sedan, 304 Station Wagon	78.6	XL3	304 Sedan	78.6	M4	2.44	23.04	0.10
			304 Station Wagon	78.6	M4	2.60	26.33	0.0
504 Sedan, 504 Station Wagon	120.3	XN1	504 Sedan	120.3	M4	2.50	25.72	0.0
			do	120.3	A3	2.68	29.63	0.0
			504 Station Wagon	120.3	M4	1.22	13.97	0.0
Porsche:								
911T, 911E, 911S, 914/6(T), 914/6(E), 914/6(S)	142.4	1	911T	142.4	M5	2.56	19.48	0.00
			911T	142.4	M5	2.88	15.10	0.40
			911T	142.4	Semi-auto	2.27	25.13	0.00
			911S	142.4	M5	2.55	21.77	0.00
Renault:								
R12, R15, R16	95.5	821	R16	95.5	M4	2.75	30.90	0.00
			R16	95.5	M4	3.14	27.30	0.00
			R16	95.5	A3	2.17	31.90	0.00
SAAB:								
95, 96, 97	103.5	P	95	103.5	M4	2.77	35.00	0.00
			96	103.5	M4	2.64	27.50	0.00
			97	103.5	M4	2.09	32.29	1.00
99	114.0	PE	99	114.0	M4	2.34	18.12	0.00
			99	114.0	A3	1.86	11.39	0.00
			99	114.0	A3	1.60	19.89	0.00
SS Automobiles, Inc.:								
Excalibur Roadster, Excalibur Phaeton	454	GM-105	Excalibur Phaeton	454	A3	1.60	9.89	0.14
Fuji Heavy Industries, Ltd.:								
Subaru 1300	77.32	A-6	1300	77.32	M4	3.10	16.84	0.21
			1300	77.32	M4	2.63	17.22	0.25
Toyo Kogyo Co., Ltd.:								
1200 Station Sedan, Station Coupe, BTAV Station Wagon, BTA65 Pickup.	71.30	Toyo 1	1200	71.30	M4	2.83	27.06	0.00
			1200	71.30	M4	2.33	20.68	0.10
Toyo Kogyo 2, 808 Station Wagon, SN3A Sedan, SN3A Coupe.	96.82	Toyo 2	808	96.82	A3	2.18	24.72	0.10
			808	96.82	M4	2.52	21.51	0.05
			808	96.82	A4	2.10	24.27	0.00
			808	96.82	M4	2.44	25.47	0.13
Toyo Kogyo 3, R100, M10A Coupe	60	Toyo 3	R100	60	M4	2.23	22.78	0.00
			R100	60	M4	2.58	17.56	1.41

1972 MODEL YEAR LIGHT DUTY VEHICLES—Continued

Manufacturer (models)	Engine family		Certification levels					
			Test vehicle			Exhaust emission (grams/mile)		Evaporative emissions (gms/test)
	Displacement (cubic inches)	Family designation	Model	Engine displacement (cubic inches)	Transmission	Hydrocarbons	Carbon monoxide	Hydrocarbons
Toyo Kogyo Co., Ltd.—Continued								
Toyo Kogyo 4, RX2, S122A Sedan, S122A Coupe.	70	Toyo 4	RX2	70	M4	2.50	25.18	0.01
			RX2	70	M4	2.78	18.01	1.45
Toyo Kogyo 5, 1800, SVA Sedan, SVAV Station Wagon, BVD61 Pickup.	109.6	Toyo 5	1800 Sedan	109.6	M4	3.17	31.23	0.05
			do	109.6	A3	1.81	27.51	0.08
			1800 Pickup	109.6	M4	1.21	26.77	0.09
618, SV2A Sedan, SV2A Coupe	109.6	Toyo 5	618	109.6	A3	1.17	24.60	0.12
Toyota Motor Co.:								
Corolla, Carina	96.9	2T-C	Corolla	96.9	M4	2.40	18.93	0.15
			Carina	96.9	A3	2.25	17.20	0.35
Celica, Corona, Corona Mk II, ½ Ton Pickup.	120	18R-C	Corona Sedan	120	A3	1.91	26.60	0.31
			Corona Wagon	120	M4	2.43	20.60	0.41
Corona Mk II	137.4	2M	Mk II Sedan	137.4	A3	2.45	21.80	0.35
			Mk II Wagon	137.4	M4	2.51	24.01	0.16
Crown	156.4	4M	Crown	156.4	M4	2.34	28.10	0.24
			do	156.4	A3	2.28	19.94	0.00
Land Cruiser	236.7	F	Land Cruiser	236.7	M3	2.04	30.30	0.35
			do	236.7	M3	2.18	28.70	0.02
Volkswagen of America:								
Sedan II, Squareback Sedan, Convertible, Fastback Sedan, Karmann Ghia.	96.6	1	Sedan II	96.6	M4	2.25	34.25	0.00
			do	96.6	M4	1.79	29.99	0.00
			do	96.6	Semi-automatic	1.68	29.88	0.00
			Squareback 36	96.6	M4	1.95	19.62	0.07
			do	96.6	A3	1.91	19.28	0.10
			Sedan II	96.6	Semi-automatic	2.25	36.94	0.21
			Squareback 36	96.6	A3	1.28	16.99	0.00
914/4, Combination and Campmobile, S.W. 22/24, Sedan 41/42, Panel Truck 21, Pickup and Pickup + Double Cabin 26, Squareback Sedan 46.	102.5	2	914/4	102.5	M5	2.47	19.88	0.00
			Sedan 42	102.5	M4	2.36	36.14	0.00
			Camper	102.5	M4	3.01	29.78	0.00
			S.W. 22/24	102.5	M4	2.36	32.58	0.00
			Sedan 42	102.5	A3	1.97	19.49	0.00
			do	102.5	M4	2.61	34.50	0.00
Volvo:								
142-334, 142-336, 142-634, 142-635, 142-636, 144-334, 144-336, 144-634, 144-636, 145-334, 145-336, 145-634, 145-636, 182-635, 182-636, 183-635, 183-636.	121	B20	142-635	121	M4	1.38	28.20	0
			142-334	121	M4	3.18	16.31	0
			142-336	121	A3	1.54	15.10	0
			142-636	121	A3	1.46	21.22	0.07
164-134, 164-136, 164-635, 164-636	183	B30	164-134	182	M4	2.56	21.26	0
			164-136	182	A3	1.64	33.37	0
			164-635	182	M4	1.98	22.25	0
			164-636	182	A3	1.62	15.75	0
Audi:								
Audi Super 90, Audi 100 LS	107.5	1	100 LS	114.5	A3	1.83	32.05	0.00
	114.5	1	100 LS	114.5	M4	1.57	30.64	0.00
			100 LS	114.5	A3	1.76	29.98	0.00
			100 LS	114.5	M4	1.84	26.97	0.00
			Super 90	107.5	M4	1.83	24.04	0.04
Honda:								
Honda AN-600	36.5	1	(Exempt from emission control requirements)					
Rolls-Royce:								
Rolls-Royce Silver Shadow, Rolls-Royce Corniche, Bentley "T" Series, Bentley Corniche.	412	1	Silver Shadow	412	A3	2.14	23.46	0.10
			do	412	A3	2.40	23.23	0.40
			do	412	A3	2.23	23.13	0.13
Fiat S. p. A.:								
850 Sport Spider	55.08	100	850 Sport Spider	55.08	M4	2.43	17.40	0.56
			do	55.08	M4	2.44	23.78	1.09
128 Sedan, 128 Station Wagon	68.10	128	128 Sedan	68.10	M4	2.98	27.18	0.14
			do	68.10	M4	2.35	26.68	0.92
124 Special Sedan, 124 Special Station Wagon	87.75	124	124 Special Station Wagon.	87.75	M4	1.53	18.61	0.45
			124 Special Sedan	87.75	A3	1.45	27.87	1.24
			do	87.75	M4	2.54	26.31	1.25
124 Sport Spider 1600, 124 Sport Coupe 1600	98.13	125	124 Sport Coupe 1600	98.13	M5	2.63	36.96	0.00
			do	98.13	M5	2.35	24.84	0.76
Ferrari S. p. A.:								
Dino 246 GT Berlinetta, Dino 246 GT Spyder.	147.55	135	Dino 246 GT Berlinetta	147.55	M5	3.25	22.68	0.79
			Dino 246 GT Spyder	147.55	M5	1.91	24.94	0.49
365 GTB.4 Berlinetta, 365 GTB.4 Spyder, 365 GTC.4.	268	365	365 GTB.4 Berlinetta	268	M5	2.17	28.30	0.25
			365 GTB.4 Spyder	268	M5	1.90	31.16	0.74

1972 Model Year Heavy Duty Diesel Engines

Manufacturer (models)	Engine family		Test engines			Smoke emissions	
	Engine air aspiration	Family designation	Model	Rated horsepower	Maximum torque	Acceleration mode (percent Opacity)	Lug-down mode (percent Opacity)
General Motors Corp.:							
3L-53N, 4L-53N	Natural	L-53-N	4L-53N	136	282	5.6	5.6
			4L-53N	136	282	5.0	3.5
6V-53N, 8V-53N	do	V-53N	8V-53N	275	577	12.2	8.3
			8V-53N	275	577	9.9	5.3
6V-71N (2 VLV) coach	do	V-71N (2 VLV) coach	6V-71N (2 VLV) coach	198	556	2.9	2.2
			6V-71N (2 VLV) coach	198	556	5.1	4.1
6V-71N (4 VLV) coach, 8V-71N (4 VLV) coach	do	V-71N (4 VLV) coach	8V-71N (4 VLV) coach	280	770	1.4	1.0
			8V-71N (4 VLV) coach	280	770	1.4	1.3
3L-71N (4 VLV), 4L-71N (4 VLV), 6L-71N (4 VLV).	do	L-71N (4 VLV)	6L-71N (4 VLV)	250	610	11.5	4.0
			6L-71N (4 VLV)	250	610	6.1	2.0
6V-71N(4 VLV), 8V-71N (4 VLN), 12V-71N (4 VLV).	do	V-71N (4VLV)	12V-71N (4 VLV) 12V-71N (4 VLV)	500	1220	8.5	3.8
				500	1220	3.0	1.5
6V-71T, 8V-71T, 12V-71T	Turbo-charged.	V-71T	12V-71T	525	1450	9.6	1.0
			12V-71T	525	1450	11.0	2.8
6L-71T	do	L-71T	6L-71T	262	725	8.9	2.0
			6L-71T	262	725	15.2	1.8
Perkins Engines, Ltd.:							
NA 80	Natural	NA 80	NA 80	79	185	7.6	6.3
			NA 80	79	185	7.6	8.0
NA 120	do	NA 120	NA 120	116	270	10.9	14.1
			NA 120	116	270	11.7	9.6

1972 Model Year Heavy Duty Gasoline Engines

Manufacturer	Engine family		Certification levels		
				Exhaust emissions	
	Displacements (cubic inches)	Family designation	Displacement (cubic inches)	Hydrocarbons (parts per million)	Carbon monoxide (percent)
Chrysler Corp	225	RG	225	178	0.83
			225	152	0.95
	318, 360	LA	318	145	0.98
			318	131	0.53
			360	171	0.53
	361	LB	361	126	0.36
			361	176	0.57
	400	B	400	126	0.41
	413	RB	413	85	0.74
			413	127	0.77
Ford Motor Co	240, 300	240-300	300	96	0.41
			300	161	0.48
	302	302	302	161	0.24
	330, 361, 391	330-361-391	330MD	199	1.06
			330HD	160	0.59
			361	120	0.25
			391	170	0.80
	360, 390	360-390	360	207	0.74
			390	239	0.44
	401, 477, 534	401-477-534	401	129	0.30
			477	102	0.29
			534	123	0.49
General Motors Corp	250	GM111	250	130	0.59
			250	88	0.30
	292	GM112	292	106	0.43
	307, 350	GM113	307	123	0.87
			350	128	0.86
			350	162	0.99
			350	166	0.99
	366, 427	GM114	366	191	0.68
			427	169	1.12
	402	GM115	402	155	0.96
	351, 401, 478	GM811	351	185	1.15
			401	155	1.02
			401	129	0.67
			478	136	1.23
	637	GM812	637	115	1.13
Jeep Corp	360	III-360	360	143	0.31

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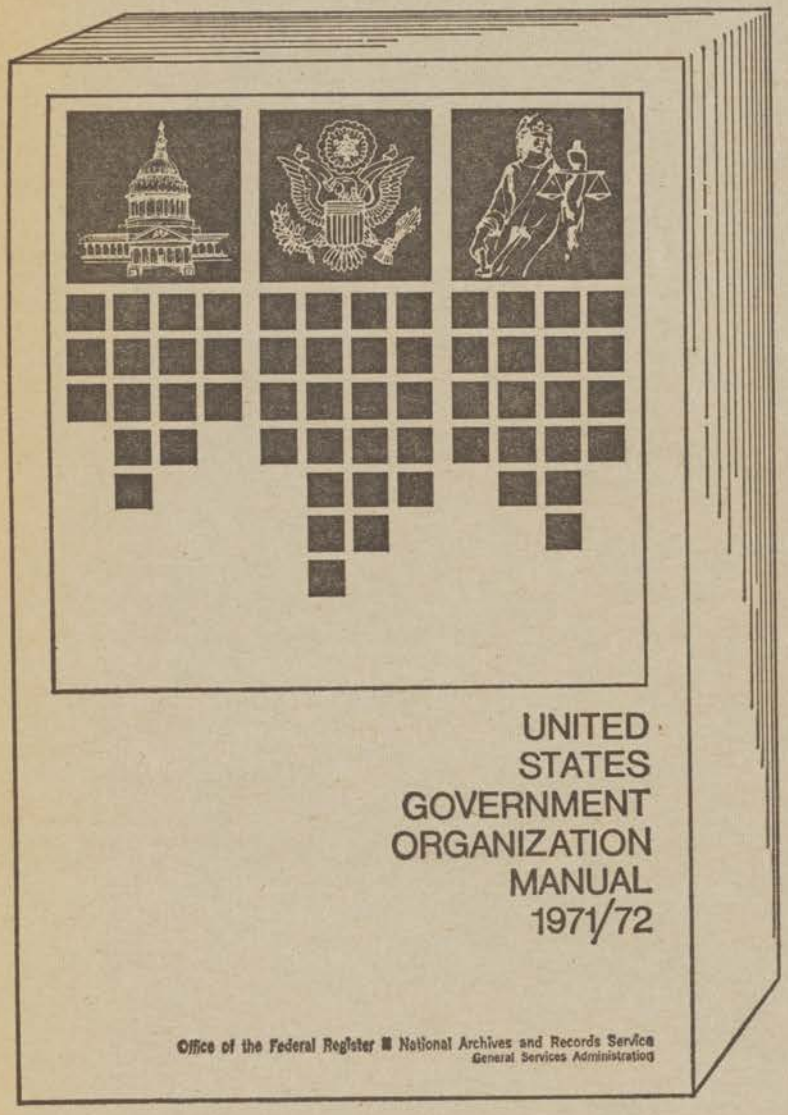

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